

ORDINANCE NO. 505

AN ORDINANCE RELATING TO THE ENGAGING IN THE BUSINESS OF BRINGING USED OR SECOND-HAND FURNITURE, MERCHANDISE, OR HOUSEHOLD GOODS FROM POINTS OUTSIDE MESA COUNTY, COLORADO, FOR SALE AT AUCTION WITHIN THE CITY OF GRAND JUNCTION, AND PROVIDING FOR A LICENSE THEREFOR, AND FOR AN OCCUPATION TAX TO BE PAID FOR SUCH LICENSE: REGULATING THE CONDUCT OF SUCH BUSINESS, AND FOR GIVING OF BOND BY SUCH LICENSEE AND PROVIDING EXEMPTIONS FROM THE PROVISIONS HEREOF, AND PENALTIES FOR THE VIOLATION HEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

SECTION 1

License

Except as herein otherwise provided, no person, partnership, firm, corporation, association or agency shall engage in bringing used or second-hand furniture, household goods, or other merchandise from points outside Mesa County, Colorado, for sale at auction within the corporate limits of the City of Grand Junction, without first obtaining a license to carry on such business from the City Clerk of said City of Grand Junction and having paid to the City Treasurer of said City for such license the sum of \$500.00 for each calendar year or fraction thereof; provided that if such business shall be conducted by motor truck or other vehicle, the aforesaid license fees shall cover the right to use in such business one such vehicle only, and any person, partnership, firm, corporation, association or agency using more than one such vehicle in such business shall pay for the privilege of so conducting such business, an additional \$100.00 per calendar year or fraction thereof for each additional vehicle used in such business; provided, further, however that this ordinance shall not apply to any person, merchant or manufacturer within the scope of the provisions of Section 74, Article IX, of the Charter of the City of Grand Junction.

SECTION 2

Books, Records, and Reports

Every person, partnership, firm, corporation, association, or agency licensed under this ordinance shall keep books and records in the form prescribed by the Chief of Police of the City of Grand Junction, in which shall be plainly written in English at the time such licensee acquired such used or second-hand furniture, merchandise, and household goods, an accurate description of the goods, articles or things acquired, the date of the receipt of the same, and the name, residence and description of the person selling or transferring the same to such licensee, which book and record as well as the article purchased shall at all times be open to the inspection of any member of the Police Department of the

City of Grand Junction. Every person, partnership, firm, corporation, association or agency licensed under this ordinance shall, before conducting any auction sale or otherwise disposing of such property, make a report in writing in the form prescribed by the Chief of Police of the City of Grand Junction, to the Chief of Police of said City, giving an accurate description of the goods, articles and things brought into said City for sale at auction and the date of the receipt of the same and the name, residence and description of the person selling or transferring the same to the licensee.

### SECTION 3

#### PENALTY

Any person, partnership, firm, corporation, association or agency violating any of the provisions of this ordinance shall, upon conviction, be fined in the sum not more than \$300.00.

### SECTION 4

#### Issuance of License

(a) All licenses required by this ordinance shall be issued in the manner and form, and subject to the conditions and regulations prescribed by Sections 1 to 6 inclusive, of Ordinance No. 238, as amended by Ordinance No. 397, of the City of Grand Junction, and any subsequent amendments thereof.

(b) Before any license shall be issued under Section 1 hereof, the applicant therefor shall file with the City Clerk of the City of Grand Junction, a bond in the penal sum of \$1,000.00 in favor of the City of Grand Junction, and executed by an incorporated Surety Company operating in said City of Grand Junction, conditioned that said licensee shall fully comply with all ordinances of the City of Grand Junction, relating to the conduct of the business thereby authorized, and will pay all judgments rendered against such licensee for any violation of any such ordinance, or for any damage arising out of any misrepresentation or deceit practiced by such licensee in the conduct of the business licensed thereunder. The bond herein provided for may be sued upon in the name of the City of Grand Junction by and for the use of any person or persons or organization injured by the breach of any condition thereof.

### SECTION 5

#### Auctioneers and Second-hand Dealers

#### Ordinance Not Repealed

Nothing in this ordinance shall be construed to supersede or repeal any ordinances now or hereafter in effect in the City of Grand Junction, relating to auctioneers or dealers in used or

second-hand furniture and merchandise or to the inspection of goods, wares and merchandise sold or offered for sale in the City of Grand Junction.

#### SECTION 6

##### Renewals and Revocations of License

Any license issued hereunder may be revoked by the City Council for violation of the provisions of this ordinance by the holder thereof, after a hearing, notice of which hearing shall be given to the holder of the license at least 5 days prior to the date of such hearing, such notice to be served by registered mail, addressed to the holder of the license at the last address given by such holder to the City Clerk, and proof of mailing such notice shall constitute sufficient evidence of service thereof; any license not revoked may be renewed from year to year by paying the fees herein provided; no part of the fees paid for a license shall be refunded in case of revocation or surrender of such license.

#### SECTION 7

##### Repeal

All ordinances or parts of ordinances of the City of Grand Junction in conflict herewith are hereby repealed.

#### SECTION 8

##### Constitutionality

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or void for any reason, such decision shall not affect the validity of the remaining provisions of this ordinance. It is hereby declared the intention of the City Council that no part of this ordinance is an inducement to the enactment of any other part hereof, and that this ordinance would have been adopted by the City Council had the part declared to be unconstitutional or void not been included herein.

#### SECTION 9

##### Safety Clause

The City Council is of the opinion and finds, determines and declares that this ordinance is necessary for the preservation of the public health and safety, and that a special emergency exists therefore; and this ordinance shall therefore be effective and in force from and after its adoption and passage.

Passed and adopted this 6th day of October, A. D. 1933.

/s/ Allen C. Holcombe  
President of the Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance entitled, "AN ORDINANCE RELATING TO THE ENGAGING IN THE BUSINESS OF BRINGING USED OR SECOND-HAND FURNITURE, MERCHANDISE, OR HOUSEHOLD GOODS FROM POINTS OUTSIDE MESA COUNTY, COLORADO, FOR SALE AT AUCTION WITHIN THE CITY OF GRAND JUNCTION, AND PROVIDING FOR A LICENSE THEREFOR, AND FOR AN OCCUPATION TAX TO BE PAID FOR SUCH LICENSE: REGULATING THE CONDUCT OF SUCH BUSINESS, AND FOR GIVING OF BOND BY SUCH LICENSEE AND PROVIDING EXEMPTIONS FROM THE PROVISIONS HEREOF, AND PENALTIES FOR THE VIOLATION HEREOF", was introduced, read, passed, numbered 505, and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular adjourned meeting of said Council held October 6th, 1933.

IN WITNESS WHEREOF I have set my hand and affixed the official seal of said City this 6th day of October, A. D. 1933.

/s/ Helen C. Tomlinson  
City Clerk

Published October 6, 1933