

ORDINANCE NO. 518

AN ORDINANCE REGULATING THE BUSINESS OF SELLING AND/OR DELIVERING COAL, COKE, AND CHARCOAL WITHIN THE CITY OF GRAND JUNCTION: REGULATING THE TIME AND METHOD OF DELIVERY AND THE WEIGHING THEREOF: DEFINING GRADES OF COAL: PROVIDING FOR A LICENSE FOR THOSE ENGAGED IN THE BUSINESS OF SELLING AND DELIVERING COAL, COKE AND CHARCOAL WITHIN THE CITY OF GRAND JUNCTION, AND FOR AN OCCUPATION TAX TO BE PAID FOR SUCH LICENSE, AND PROVIDING EXEMPTION 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.

Except as herein otherwise provided, no person, partnership, firm, corporation, association or agency shall engage in the sale and/or delivery of any coal, coke or charcoal within the city limits of the City of Grand Junction without first having obtained a license to carry on such business from the City Clerk of said City, and having paid to the City Treasurer of said City for such license the sum of Twenty-five (\$25.00) Dollars for each calendar year or fraction thereof for each motor truck or other vehicle used in such business; provided that this ordinance shall not apply to railroads making deliveries as common carriers to any regularly established place of business within said City, nor to any person who sells commodities manufactured by him.

SECTION II

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, and any subsequent amendments thereof.

SECTION III

Any person, partnership, firm, corporation, association or agency, after obtaining said license and receiving plates from the City Clerk of said City, is required to place such plates, and the name of the person, persons, partnership, firm, corporation or agency to whom such license is issued, on both sides of each motor truck or other vehicle used in such business in such a manner that the same will be plainly visible at all times.

SECTION IV

A. SCREENING AND GRADING OF COAL

Every person, firm or corporation hereafter selling or delivering coal at retail within the corporate limits of the City of Grand Junction shall plainly designate upon the weight certificate, hereinafter provided for, whether the same be screened or unscreened coal and

if screened, the correct grade thereof as hereinafter defined.

It shall be unlawful to sell or deliver any grade of screened coal within the corporate limits of the City of Grand Junction unless the same shall have been first properly screened so as to completely separate and remove therefrom any and all inferior grades of coal; provided, however, that a tolerance of five per cent (5%) by weight of inferior grades will be permitted as "breakage". Delivery or sale of any designated grade of screened coal containing more than five per cent (5%) by weight of inferior grade or grades of coal shall be prima facie evidence that same has not been properly screened.

Mixing of various grades of screened coal is hereby prohibited except upon special order and permission of the customer and in such case that fact shall plainly appear upon the weight certificate by the notation "Mixed Grades".

Screened and unsorted coal, hereafter sold or delivered at retail within the corporate limits of the City of Grand Junction shall be classified, graded and designated in accordance with the following definitions and standards:

B. SCREENED COAL

The openings hereinafter designated are minimum screen openings. Nothing herein contained shall be construed as prohibiting the use of larger openings which result in better or more selective grading or standards.

Lump coal is coal that has passed over either two inch (2") bar openings or three inch (3") perforated openings or the equivalent in area in diamond shaped or mesh openings.

Nut coal is coal that has passed through either two inch (2") bar openings or three inch (3") perforated openings or the equivalent in area in diamond shaped or mesh openings and over either three-quarters inch (3/4") bar openings or one and one-half inch (1 1/2") perforated openings or the equivalent area in mesh or diamond shaped openings.

Pea coal is coal that has passed through either three-quarters inch (") bar openings or one and one-half inch (1 1/2") perforated openings, or the equivalent area in mesh or diamond shaped openings and over either three-quarters inch (3/4") perforated openings or the equivalent area in bar, mesh or diamond shaped openings.

Slack coal is the remaining coal after the screening of lump, nut and pea coal as herein provided. If pea coal is not screened therefrom, all coal that has passed through either three-quarters inch (3/4") bar openings or one and one-half inch (1 1/2") perforated openings or the equivalent area in mesh or diamond shaped openings shall be graded as slack.

C. UNSCREENED COAL

Run of mine or mine run coal is coal just as it comes from the mine, unsorted, unsized

and without any preparation. If screened or hand sorted in any manner, it is screened coal and must be so designated and the grade determined according to its size as either lump, nut, pea, or slack coal.

D. COAL DELIVERIES

Delivery of coal at retail within the city limits of the City of Grand Junction between the hours of seven o'clock p. m. and seven o'clock a. m., and on Sundays and holidays is hereby prohibited except by and with the special consent of the Chief of Police of Grand Junction, who shall have power to permit such delivery only upon proof of accurate weighing and grading and that this ordinance has been complied with in all other respects.

SECTION V

CERTIFICATES

Certificates shall be issued by persons, firms, and corporations licensed under the provisions of this ordinance, to and left with the persons purchasing said commodity, which shall give upon their face the following information in detail. The net weight of the truck or other vehicle, exclusive of driver, on which the coal or other commodity is loaded; the total weight of the coal or other commodity and of the truck or vehicle, exclusive of driver; the net weight of the coal or the commodity on the truck or vehicle; the license number and the name of the driver delivering the coal or other commodity; the true grade and brand or trade name of the coal being delivered; the name of the dealer or owner; the street number or location of scales where the certificate is issued and the signature of the weighmaster; and the name and address of the purchaser.

SECTION VI

To facilitate the enforcement of this ordinance, the driver or person in charge of any truck or vehicle in which any coal, coke or charcoal is being delivered to any customer within the City of Grand Junction shall, at the request of such customer or of any police or other authorized officer of the said City of Grand Junction re-weigh any load of coal, coke, or charcoal before the delivery of same, over the official city scales of the City of Grand Junction, or at the request of said customer or officer, over any other certified and approved scales within the City of Grand Junction, in order to verify the weights that may appear upon any certificate held by such driver, and if found incorrect, the person, firm, or corporation delivering such coal, coke, or charcoal, shall be subject to a fine as hereinafter provided.

All coal, coke and charcoal sold in the City of Grand Junction must be weighed before delivery on either official city scales or scales that have been approved, stamped and sealed by the Inspector of Weights and Measures, under Ordinance No. 279 of the City of Grand Junction. The light or tare weight of the empty truck or vehicle shall in each instance be determined by actual weighing over the same scales used in weighing the load, either immediately prior to loading or immediately after unloading, and if after unloading the certificate shall be forthwith returned to and left with the customer.

SECTION VII

PROPERTY DAMAGE

All persons, firms, or corporations to whom licenses may be issued under the provisions of this ordinance, do bind themselves and themselves to be personally responsible to the owner, agent, custodians, or legal representative of such owner or persons to whom any coal, coke, or charcoal may be delivered, for any damage that may be done to property by the drivers while they are delivering or unloading any coal, coke, or charcoal on or to the premises of others.

SECTION VIII

KNOWLEDGE OF PRINCIPAL

It shall not be necessary in any prosecution under the provisions of this ordinance to show the knowledge of the principal to convict for the acts of an agent, clerk or employee and any shift or device to evade the provisions of this ordinance shall be held unlawful, and this ordinance shall be literally construed as remedial in its character.

SECTION IX

PENALTIES

Any person, firm or corporation who shall be convicted of giving less than the weight mentioned in the certificate provided for in this ordinance, shall be fined in the sum of not less than twenty (\$20.00) dollars and not more than one hundred (\$100.00) Dollars with costs of suit for each and every offense. Anyone giving false certificates or certificates which contain untrue statements or information of any character, shall be fined not less than twenty (\$20.00) dollars nor more than one hundred (\$100.00) dollars and costs of suit in each and every offense.

Any person who shall violate any provision of this ordinance where a definite penalty is not hereinbefore provided, shall upon conviction be fined in a sum not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

SECTION X

ORDINANCES RELATING TO INSPECTION, PEDDLING, OR WEIGHING NOT REPEALED.

Nothing in this ordinance shall be construed to supersede or repeal any ordinance now or hereafter in effect in the City of Grand Junction relating to peddlers or hucksters selling direct to consumers, or other places of business, or to the inspection of goods, wares, and merchandise sold or offered for sale in the City of Grand Junction.

SECTION XI

RENEWALS AND REVOCATIONS OF LICENSE

Any license issued hereunder may be revoked by the City Council for violations by the holder thereof, of the provisions of this ordinance or other ordinances of the City of Grand Junction, after a hearing, notice of which hearing shall be given to the holder of the license at least five (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 XII

CONSTITUTIONALITY

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.

Passed and adopted this 21st day of March, A. D. 1934.

/s/ Allen L. Holcombe
President of City Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 518, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular adjourned meeting of said body held on the 5th day of March, A. D. 1934, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 22nd day of March, A. D. 1934.

/s/ Helen C. Tomlinson
City Clerk

1st publication March 7th, 1934
Last publication March 23rd, 1934