

## AN ORDINANCE 08-191

DECLARING THE ADOPTION OF CERTAIN AMENDMENTS OF, AND ADDITIONS TO THE CHARTER OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; SECTION 2 OF THE CHARTER BEING AMENDED TO PERMIT THE ANNEXATION OF TERRITORY ADJACENT TO THE CITY, AND SECTION 19 BEING AMENDED BY ADDING THERE-TO SECTION 19-a TO MAKE PROVISION FOR A PENSION FUND FOR FIREMEN, POLICEMEN AND FIRE ALARM OPERATORS.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

1. WHEREAS, heretofore, to-wit, on the 4th day of September, A. D. 1928, a Resolution of the Commissioners of the City of San Antonio, was passed and approved as required by law, declaring the intention of said Commissioners, on their own motion to pass an Ordinance submitting to a vote of the qualified voters of said City, a certain amendment to, and in lieu of Section 2 of the Charter of the City of San Antonio, and a certain amendment to Section 19 of the Charter of the City of San Antonio by the addition of Section 19-a; all of which is more fully set out in said Resolution, to which reference is made for more particular description of said amendment; and,
2. WHEREAS, said Commissioners of the City of San Antonio caused notices of twenty days of such intention to be given as required by law, by the publication for ten days in the "San Antonio Evening News", a newspaper of general circulation published within the City of San Antonio, said twenty day notice being from the first day said notice was published, and said notice was published in every issue of said newspaper on the following days, to-wit:- September 6-7-8-10-11-12-13-14-15-17, A. D. 1928; and,
3. WHEREAS, thereafter on the 1st day of October, A. D. 1928, an ordinance was duly and finally passed by the Commissioners of the City of San Antonio and approved by the Mayor, which became effective immediately, whereby a Special Election was called and ordered to be held in the City of San Antonio on the 1st day of December, A. D. 1928, to submit to the qualified voters of the City the amendments and additions, proposed to be made to the Charter of the City of San Antonio; and,
4. WHEREAS, when said resolution and said ordinance were respectively passed and approved, as aforesaid, no petition for the submission of the question "Shall a Commission be chosen to frame a new charter?" has been presented, in accordance with law, and said Commissioners of the City of San Antonio therefore submitted said amendment on their own motion; and,
5. WHEREAS, said ordinance set forth verbatim the full text and substance of said proposed amendment, prepared as required by law, and also contained proper provisions lawfully regulating the manner of holding said election and making returns thereof; and,
6. WHEREAS, all proper notices and proclamations of said election were duly and lawfully given, and said ordinance including said proposed amendments was published, as required by law, on October 30, November 6, 13 and 20, A. D. 1928, in the "San Antonio Evening News", a newspaper published in said City of San Antonio; and the City Clerk did, as required by law, mail a copy of said proposed amendments to every qualified voter in said City, as same appear from the Tax Collectors rolls for the year ending January 31st, A. D. 1928, preceding said election;
7. WHEREAS, said election was lawfully and regularly held in said City on Saturday, December 1st, 1928, at which said proposed amendments were properly submitted to the qualified voters of said City, as and in the manner required by law, by the printed ballots used for said election, and the votes cast at said election were fully counted and proper and lawful

returns thereof made by the officers of said election; and,

8. WHEREAS, said returns were canvassed by the Commissioners of the City of San Antonio, and the result of said election declared at their meeting held in the Council Chamber at the City Hall in said City, on the 3rd day of December, A. D. 1928, from which it appears that said Amendments were approved by a majority of the qualified voters voting at said election, the respective vote cast in favor of and against said Amendments, as appears from said returns, and said canvass, being as follows, to-wit:-

"Yes" - -	For the amendment to Section 2 - - - - -	5844 votes;
"No" - -	Against the amendment to Section 2 - - -	361 votes;
"Yes" - -	For the amendment to Section 19 - - - - -	5437 votes;
"No" - -	Against the amendment to Section 19 - - -	742 votes;

9. And, WHEREAS, all proceedings for the purpose of making said amendments, have been duly and regularly had, in pursuance of law; and in order to give effect to said amendments, it now devolves upon the Commissioners of the City of San Antonio by this final order to declare said amendments to be fully and finally adopted and take effect as amendments to, and a part of the Charter of said City; THEREFORE:

BE IT FURTHER ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

10. That by virtue of the Constitution and Laws of the State of Texas, and of the powers and authority conferred on the Commissioners of said City, said amendments are now and hereby declared to be finally adopted, and hereafter shall have due force and effect as amendments to said Charter, in accordance with its terms and provisions, such amendments hereby ordained to be adopted being as follows, to-wit:-

11. "Section 2. -- Paragraph 1. -- The bounds and limits of the city of San Antonio shall include six miles square, of which the sides shall be equi-distant from what is known as the cupola of the cathedral of San Fernando, and three miles therefrom, with lines running east, west, north and south, which bounds shall be ascertained and established under the direction of the City Council.

Paragraph 2. -- The Commissioners of said City shall have power by ordinance to, from time to time, otherwise fix and change the bounds and limits of said City and provide for the extension thereof and the annexation of additional territory lying adjacent to said City with or without the consent of the territory and inhabitants annexed; upon the introduction of such an ordinance and after it has been amended as desired by said Commissioners for final passage it shall be published in some daily newspaper published in the City of San Antonio one time and shall not thereafter be finally passed until at least thirty days have elapsed after said publication, and when said ordinance is finally passed the said territory so annexed shall be within the bounds and limits of said City and a part thereof, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens of said City, and shall be bound by the acts, ordinances, resolutions and regulations thereof.

Paragraph 3. -- The City of San Antonio shall also have jurisdiction extending over all property that it may own or hereafter acquire for corporation purposes outside of the limits of said City."

12. "Section 19-a. -- The Board of Commissioners shall have authority, by ordinance, to make provision for the creation, operation and disbursement of a Firemen, Policemen and Fire Alarm Operators' Pension Fund, and make rules and regulations governing the same, not inconsistent with the Constitution and General Laws of the State."

13. That the City Clerk be and he is hereby directed to record the said amendments at length upon the records of the City of San Antonio, in a separate book to be kept in his

office for such purposes, and the Mayor shall, as soon as practicable, certify to the Secretary of State of the State of Texas, under seal of the City of San Antonio, an authenticated copy of said amendments, and showing the approval of the qualified voters of such amendments.

14. That the City of San Antonio, in its corporate capacity, shall hereafter have and enjoy all rights, powers and immunities held or conferred upon it by virtue of its Charter; as same existed prior to said amendments, and by the terms and provisions of the Constitutional amendment of 1912, adopted at the election held on November 5th of said year, and known as Section 5 of Article 11 of the Constitution of the State of Texas, and further by the terms and provisions of Chapter 147 of the General Laws of the Thirty-third Legislature of the State of Texas, known as the "Enabling Act", and by the terms and provisions of Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas, effective September 1, 1925; but, in accordance with the provisions of said "Enabling Act", the special Charter of said City, with all amendments thereto, as heretofore granted and made and as the same existed at the date hereof, shall be and remain in full force and effect, except as the same is altered by the lawful terms and effect of the said amendments to said Charter hereinbefore set forth.

15. PASSED AND APPROVED, this 10th day of December, A. D. 1928.

C. M. Chambers.  
Mayor, City of San Antonio.

ATTEST: Fred Fries.  
City Clerk.

AN ORDINANCE *02-192*

PROVIDING FOR LICENSING AND REGULATING THE SALE AT PUBLIC AUCTION OF JEWELRY, DIAMONDS, OR OTHER PRECIOUS OR SEMI-PRECIOUS STONES, WATCHES, CLOCKS, PICTURES, PAINTINGS, GOLD OR SILVER WARE OR PLATED WARE, RUGS, CARPETS, TRUNKS, SUIT CASES, SATCHELS, CURIOS, BED SPREADS, TABLE COVERS, TABLE CLOTHS, NAPKINS, DOILIES, SHAWLS, STATIONERY, GLASS WARE, PORCELAIN, AND BRIC-A-BRAC, AND PRESCRIBING PENALTIES AND PROVIDING FOR AN EMERGENCY.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

SECTION 1. That it shall hereafter be unlawful for any person, firm or corporation to sell, dispose of, or offer for sale in the City of San Antonio at public auction, or cause or permit to be sold, disposed of, or offered for sale at public auction within the City of San Antonio jewelry, diamonds or other precious or semi-precious stones, watches, clocks, pictures, paintings, gold or silver ware or plated ware, rugs, carpets, trunks, suit cases, satchels, curios, bed spreads, table covers, table cloths, napkins, doilies, shawls, stationery, glass ware, porcelain or bric-abrac, whether the same shall be his own property or whether the sale of the same shall be made by or through him as agent or employee of the owner thereof, or in any other capacity, without first complying with the provisions of this Ordinance and obtaining and having a license issued by the Mayor or Commissioner of Taxation of the City of San Antonio, Texas, provided, however, that this Ordinance shall not apply to judicial sale or sales made by executors or administrators or to sales by trustees, mortgagees, or assignees under the terms of any instrument given to secure a bona fide indebtedness under which he exercises the power of sale, nor to sales <sup>made</sup> by or in behalf of licensed pawn brokers of unredeemed pledges, nor to sales of unclaimed freight or express as provided by law, nor to sales by sheriffs, constables, or other officers as provided by law, nor to any other particular kind of auction sale expressly authorized by the laws of Texas or by the laws of the United States.

SECTION 11. That any person desiring to hold an auction sale or sales for the purpose

the sale of any of the goods hereinabove described, shall make application to the Mayor or Commissioner of Taxation of San Antonio as herein provided, for a license therefor and the said Mayor or Commissioner of Taxation may issue to any such person a license upon his complying with the terms of this Ordinance, such license to be made for a period of time to be designated therein, provided that no license shall be issued for a longer period than one year from date thereof.

SECTION III. Said application for a license shall be in writing, signed and sworn to before a notary public of Bexar County, Texas, stating the name of the applicant, his residence, the street and number of the proposed place of sale or sales, the length of time for which the license is desired, whether the applicant was previously engaged in a like or similar business, designating the place where such business or businesses were conducted, and the length of time conducted, and such applicant shall furnish the said Mayor or Commissioner of Taxation with such further evidence as may be required by such official.

SECTION IV. Said application for a license shall have attached to it a sworn description of such goods to be auctioned, showing the kind and character thereof. In case of an individual, any affidavit under this Ordinance shall be made by him as such; in the case of a firm, it shall be made by one of the partners; in the case of a corporation, it shall be made by the president, general manager, secretary, or treasurer. Such application and description when so made, shall be kept on file in the office of the Commissioner of Taxation as a part of the public record, and an index of the persons, firms and corporations to whom licenses have been issued shall be kept in the office of such Commissioner. No goods mentioned in this Ordinance shall be sold at such auction sale except that referred to and included in such description.

SECTION V. That any person desiring a license shall in addition to complying with the provisions of this Ordinance and before a license shall be issued, furnish a bond to the City of San Antonio, duly executed by such applicant as principal in the sum of \$5,000.00 which bond shall be payable to the City of San Antonio at San Antonio, Texas, to be approved by the Mayor of this City, and conditioned that the said principal shall pay all loss and damage which may lawfully be claimed against him on account of any material misrepresentation of fact or any material suppression of fact concerning the goods to be auctioned at any such sale or auctioned at any such sale, or which may grow out of violation of any of the provisions of this Ordinance. Such bond shall inure to the benefit of any and all persons who sustain any loss or damage on account of any such misrepresentation or violation of this Ordinance and any such person sustaining any such loss or damage may bring suit in any court of competent jurisdiction in Bexar County, Texas, to recover the same, and the provisions of said bond shall be construed liberally in favor of any such person sustaining such loss or damage. All remedies upon or under such bond herein provided, shall be in addition to and cumulative of all other remedies the parties may have at law or in equity for recovery of any such losses or damages.

The bond shall be executed by two or more good and solvent sureties, who shall be residents of Bexar County, Texas. Cumulative recoveries may be had on said bond to the full amount thereof.

SECTION VI. That the Mayor or Commissioner of Taxation of the City of San Antonio, may inspect and investigate any part or all of such goods coming within the purview of this Ordinance before issuing the license, or at any time thereafter while such license is in existence.

*Amended 4/24/52  
and OK'd By 530*  
SECTION VII. That before any license shall be issued, the applicant shall pay to the City of San Antonio a license fee of \$25.00.

SECTION VIII. It shall be unlawful for any person acting as auctioneer to make any

material misrepresentation of fact or any material suppression of fact concerning the goods to be auctioned at such sale or auctioned at such sale or any other material misrepresentation of fact whatsoever as to the quality, or quantity, or character or present condition or value or cost of general selling price of any goods within the purview of this Ordinance offered for disposal by auction sale or sold at auction sale.

SECTION IX. It shall be unlawful for any person to act as by-bidder or what is commonly known as "capper" or "booster" at any such auction or place where any such auction shall take place, or to offer or make any false bid or to offer any false bid to buy or pretend to buy any goods sold or offered for sale at any such auction.

SECTION X. It shall be the duty of the auctioneer to make reasonable description of the person making the bid at the time each bid is announced and to point to or otherwise designate the position of the bidder on the premises.

SECTION XI. It shall be the duty of the person, firm, or corporation whose goods are thus being sold at public auction to give each and every purchaser of any article, the selling price of which amounts to the sum of Two Dollars and Fifty Cents or more, an invoice containing a full description of the article, and the selling price thereof. Duplicate copies of said invoice shall be kept.

SECTION XII. The term "person" as used in this Ordinance shall include any person, firm or association of persons or any corporation or their agents, servants or employees.

SECTION XIII. That any person, firm, association of persons, or any corporation, their agents, servants or employees, violating any of the provisions of this Ordinance shall, upon conviction, in the corporation court of San Antonio, Texas, or any court to which such case is appealed, be fined in any sum not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200). Each and every sale in violation of this Ordinance shall be deemed to be a separate offense. In addition to the penalty above provided for, the court above referred to, in which such conviction is had, may revoke the license under which such person was acting and it shall thereafter be unlawful for any such person whose license is revoked to hold any auction in the City of San Antonio of goods covered by the provisions of this Ordinance; provided, however, that no revocation provided for in this Ordinance shall prohibit or disqualify the licensee from making application to the Mayor or Commissioners of Taxation for a new license.

SECTION XIV. No auction sale shall be held or conducted on any public vacant lot, public street, public sidewalk, public alley, or public square or public plaza in this City.

SECTION XV. In event the application provided for in this Ordinance is refused by the Mayor or Commissioner of Taxation, the applicant shall have the right to present said application to the Mayor and Commissioners of the City of San Antonio, whose action thereon, granting or refusing the same, shall be final and conclusive.

SECTION XVI. The Mayor and Commissioners of the City of San Antonio shall have the right at any time <sup>may</sup> see fit, to revoke any license theretofore granted under this Ordinance.

SECTION XVII. No auction sale shall be held or conducted between the hours of six P. M. one day and eight A. M. on the following day ~~unless the license granted expressly authorizes sales on such days.~~

SECTION XVIII. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION XIX. Should any portion or part of this Ordinance be held for any reason or unenforceable, the same shall not be construed to affect any other valid portion thereof.

all valid portions hereof shall remain in full force and effect.

SECTION XX. WHEREAS, on account of promiscuous auction sales made by traveling auctioneers, as well as on account of the many acts of fraud, extortion and oppression growing out of misrepresentations and deceit practiced at auction sales on the public by unregulated auctioneers, engaged in the selling of the goods above described, there is created an urgency and an emergency in behalf of the preservation of the public peace, health and safety and requires this Ordinance to become effective upon its passage. It is accordingly so ordained that this Ordinance shall become effective immediately upon its passage, as in the Charter of this City in such cases made and provided.

PASSED AND APPROVED this 10th day of December, A. D. 1928.

ATTEST: Fred Fries.  
City Clerk.

C. M. Chambers.  
Mayor.

THE STATE OF TEXAS,  
COUNTY OF BEXAR.  
CITY OF SAN ANTONIO.

Before me, the undersigned authority, on this day personally appeared

Thornton Hall

, who being duly sworn, says on oath that he is the proprietor and publisher of the San Antonio Evening News a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid and that the Ordinance hereto attached has been published in every issue of said newspaper on the following days, to-wit:

December 11th, 12th, 13th, 14th, 15th, 17th, 18th, 19th, 20th, 21st, 1928.

San Antonio Evening News.  
Thornton Hall

Sworn to and subscribed before me this December 26th. 1928.

Edna Brown.  
Notary Public in and for Bexar County,  
Texas.

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"SAN ANTONIO EGG LAW" *08-192-1*

An act to promote the development of the egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating the standardizing the grading classification, and labeling of all eggs displayed for sale providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith.

BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF SAN ANTONIO:

1. That the wholesale egg trade uses terms indicative of size, age, quality, manner of preparation, and condition of storage, which have definite meaning to such wholesale egg trade only, because retail dealers have access to expert knowledge and recourse to authoritative arbitration vested with effective penal powers; that such terms have been subject to extensive abuse in retail trading with no recourse excepting the food laws; and that it is unnecessary and generally undesirable for the technical terminology required by the wholesale trade to be carried through to the retail purchaser of eggs.

That in order to take proper advantage of guarantees as provided for the Pure Foods Act, it is incumbent upon the retail dealer to obtain accurate information concerning the true meaning of the descriptive terms used by wholesalers in their guarantees; of else insist on guarantees being written in terms which he can pass on to the retail purchaser without violat-