

Mr. Conrad Zieget, Jr., Engineer of Tests (cont'd)

Fuel Dealer's License under Ordinance No. 541. Your inquiry relates to contract haulers who accept occasional contracts for the transportation of coal for carload buyers from the railroad siding to the storage bin of such buyers.

Section 24(b) of said Ordinance^D provides that:

"Solid Fuel Dealer' shall mean and include any person engaged in the business of selling or transporting solid fuel".

Section 29 of said Ordinance provides, in part, as follows:

"APPLICATION FOR PERMIT. A person before engaging in the business of selling solid fuel, or representing himself as doing so, shall file a written application for a permit with the Bureau of Receipts. Such application shall be in the form prescribed by such Bureau and shall be verified by the applicant under oath."

Although the definition of a Solid Fuel Dealer includes any person engaged in the business of selling and transporting solid fuel, it should be noted that under Section 29 of said Ordinance it appears that this Ordinance relates to the business of selling rather than transporting solid fuel.

Further, as pointed out in your communication, these contract haulers do not haul coal regularly for a living but haul other commodities as well, do not sell coal, and neither weigh coal nor have any opportunity to defraud any person in that respect. It is the opinion of this office that it is not the intent of this Ordinance to include such contract haulers under its provisions.

It is, therefore, recommended that the present and established policy of your Department, as indicated in your letter of January 22nd with respect to such haulers, be continued, and that such persons should not be required to take out a Solid Fuel Dealer's Permit under Ordinance No. 541.

Very truly yours,

/s/ THOMAS H. BIDDISON
City Solicitor

/s/ BASIL A. THOMAS
Assistant City Solicitor

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