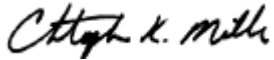


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/13
Item No.: 9.b

Department Approval



City Manager Approval



Item Description: Consider Ordinance Repealing City Code Chapter 305 - Regulating the Sale of Christmas Trees

1 **BACKGROUND**

2 City Code Chapter 305 which regulates the sale of Christmas trees was established in 1952 with the
3 passage of Ordinance #143 for the purposes of inspecting and examining the location where the sale
4 took place. Presumably the regulation was deemed necessary due to the increased traffic and other
5 impacts that were not normally present throughout the year.

6
7 The sale of seasonal products such as Christmas trees is more broadly regulated under City Code
8 Chapter 1011.12G subd. 2e, which deals with property performance standards. City Staff has
9 concluded that the sale of Christmas trees does not warrant a separate section of City Code especially
10 considering that is sufficiently addressed under Chapter 1011. As a result, City Staff recommends that
11 the Council remove Chapter 305.

12 **POLICY OBJECTIVE**

13 Promoting a clear and concise City Code is consistent with governmental best practices and ensures that
14 the City's regulatory functions are properly addressed.

15 **FINANCIAL IMPACTS**

16 Not applicable.

17 **STAFF RECOMMENDATION**

18 Staff recommends that the City Council repeal City Code Chapter 305.

19 **REQUESTED COUNCIL ACTION**

20 Approve the attached Ordinance repealing City Code Chapter 305, which shall go into effect upon
21 publication.

22
23

Prepared by: Chris Miller, Finance Director
Attachments: A: Ordinance repealing City Code Chapter 305
B: City Code Chapter 305
C: City Code Chapter 1011.12G subd. 2e

24

**CITY OF ROSEVILLE
ORDINANCE NO. ____**

**AN ORDINANCE REPEALIN CITY CODE CHAPTER 305 -
SALE OF CHRISTMAS TREES**

THE CITY OF ROSEVILLE HEREBY ORDAINS:

SECTION 1. Purpose: The City of Roseville established City Code Chapter 305 in 1952 to regulate the sale of Christmas trees for the purposes of inspecting and examining the location where the sale took place. The sale of seasonal products including Christmas trees is more broadly regulated under City Code Chapter 1011.

As a result, City Code Chapter 305 is no longer necessary and is hereby repealed.

SECTION 2. Effective Date: This ordinance shall be effective upon adoption and publication.

Passed this 21st day of October, 2013.

(Seal)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST: _____
Patrick Trudgeon, Interim City Manager

CHAPTER 305 CHRISTMAS TREE SALES

SECTION:

- 305.01: License Required
- 305.02: Application
- 305.03: Proration of License
- 305.04: Conditions of License

305.01: LICENSE REQUIRED:

No person shall, within the City, engage in the business of trading, bartering or selling any cut evergreen, fir, spruce or other tree of like kind for what is generally known and described as a Christmas tree without first having obtained a license. (Ord. 143, 10-7-52)

305.02: APPLICATION:

Every applicant for such license shall file an application with the City Manager stating applicant's name, address and address of the place of intended sale of such trees. (Ord. 143, 10-7-52)

305.03: PRORATION OF LICENSE:

No license shall be prorated for a period of less than one year and any such license must be applied for between January 1 and December 1 of such year. (Ord. 383, 12-10-62)

305.04: CONDITIONS OF LICENSE:

- A. The application for license shall include a site plan of the premises proposed for the sales lot, including temporary shelter structures, if any.
- B. The sales lot shall be maintained in a clean and orderly condition. Cleanup, including removal of all unsold trees, must be completed by the January 5 following issuance of the license. (1995 Code)

CHAPTER 1011

PROPERTY PERFORMANCE STANDARDS

SECTION:

- 1011.01: Statement of Purpose and Applicability
- 1011.02: Environmental Regulations in All Districts
- 1011.03: Landscaping and Screening in All Districts
- 1011.04: Tree Preservation and Restoration in All Districts
- 1011.05: Lot Controls in All Districts
- 1011.06: Visibility Triangles in All Districts
- 1011.07: Height Exemptions in All Districts
- 1011.08: Fences in All Districts
- 1011.09: Essential Services in All Districts
- 1011.10: Solar Energy Systems in All Districts
- 1011.11: Additional Standards in All Non-LDR Districts
- 1011.12: Additional Standards for Specific Uses in All Districts

1011.01: STATEMENT OF PURPOSE AND APPLICABILITY

- A. This Chapter establishes requirements pertaining to:
 - 1. Environmental regulations in all districts
 - 2. Landscaping and screening in all districts
 - 3. Tree preservation and restoration in all districts
 - 4. Lot controls in all districts
 - 5. Visibility triangles in all districts
 - 6. Height exemptions in all districts
 - 7. Fences in all districts
 - 8. Essential services in all districts
 - 9. Solar energy systems in all districts
 - 10. Additional standards in all non-LDR districts
 - 11. Additional standards for specific uses in all districts
- B. The purpose of this Chapter is to establish regulations of general applicability to property throughout the City, to establish regulations for certain specific uses that are allowed in multiple districts, to promote the orderly development and use of land, minimize conflicts between uses of land, and protect the public health, safety, and welfare. The regulations set forth in this Chapter shall apply to all structures and uses of land, except as otherwise provided in this Title.

{excerpt of chapter below}

1011.12 Additional Standards for Specific Uses in All Districts:

G. Accessory Uses and Structures:

2. Temporary Uses and Structures: The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this Title:
 - e. Seasonal Outdoor Sales: A seasonal outdoor sales permit shall be required from the Community Development Department to allow outdoor sales of merchandise such as produce, plants, garden supplies, and/or a farmer's market. The Community Development Department shall review a site plan and specifics of the proposed seasonal outdoor sales area/use and may issue the permit, subject to (but not limited to) the following requirements:
 - i. The outdoor sales area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
 - ii. The outdoor sales area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
 - iii. The outdoor sales area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
 - iv. Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
 - v. Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.
 - vi. Signage shall be regulated by Chapter 1010 of this Title.