

1965
10-18-73

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 1965

AN ORDINANCE relating to the licensing of Christmas tree stands, defining considerations, and prescribing penalties.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter is hereby added to Title 5 of the Bellevue City Code to constitute Chapter 5.60 thereof, to provide as follows:

5.60.010 Definitions. "Christmas tree stand" means any place where the retail sale of Christmas trees is conducted:

- (1) Not as part of an existing retail business;
- (2) On premises owned by the seller or leased by the seller, or donated for the use of the seller;
- (3) For the profit of any individual, group or organization, or for charitable purposes.

"Clerk" means such City employee or agent as the City Manager shall designate.

5.60.020 License required. It is unlawful for any person, group or corporation to conduct, manage or operate a Christmas tree stand unless such person is the holder of a valid and subsisting license from the City of Bellevue, obtained in the manner provided in this chapter.

5.60.030 License fee. The annual license fee for a Christmas tree stand shall be TWENTY FIVE DOLLARS.

5.60.040 Application. Any person desiring such a license shall file a written application with the Clerk on forms provided by the Clerk for that purpose. In addition, any person desiring such a license shall attach a scale or dimensional drawing of the Christmas tree stand to the completed application form. The scale or dimensional drawing of the Christmas tree stand shall indicate the following:

- (1) Streets and alleys;
- (2) Existing structures;
- (3) Proposed parking area;
- (4) Proposed vehicular and pedestrian routes;
- (5) Proposed tree storage area;
- (6) Proposed tree display area;
- (7) Proposed tree sale area;
- (8) Temporary structures to be erected or used in the operation of the Christmas tree stand, whether such structures are buildings, trailers, mobile homes, tents, or other.

5.60.050 Considerations.

(1) Before issuing any license, the Clerk shall first make an investigation and prepare a written report including the following considerations:

- (a) Vehicular and pedestrian routes;
- (b) Provision for adequate parking;
- (c) Safe means of ingress and egress from the site;
- (d) Fire safety;
- (e) Conformity with the underlying zoning of the site.

(2) The Clerk shall have the power, in his discretion, to grant or deny the application, subject to reasonable conditions, if any, as he shall prescribe.

(3) Any person having been denied a license by the Clerk may appeal the action of the Clerk to the Board of Adjustment by giving notice of appeal on forms provided by the Clerk. The Board of Adjustment shall, upon at least 10 days notice to the applicant, hold a public hearing upon such application, at which time the applicant shall be given an opportunity to prove by competent evidence that applicant qualifies for a license. If after such hearing the Board of Adjustment shall find from a preponderance of the evidence that the applicant does qualify for a license, it shall direct the Clerk to issue the license applied for. If after such hearing the Board of Adjustment shall find that the applicant does not qualify for a license, the application shall be denied.

5.60.060 Term. The license shall be effective from the ^{1st (amended 11-26-73)} ~~10th~~ day of December to the 31st day of December of the year in which it was issued.

5.60.070 Sign. Each Christmas tree stand may have one sign not to exceed 20 square feet.

5.60.070 Condition. Licensee shall restore the location of the Christmas tree stand to its original condition and shall remove all unsold trees, structures, and other improvements no later than the end of the license period.

5.60.090 Enforcing Officer. The City Manager, or his duly authorized representative, is hereby designated as the enforcing officer of this chapter. Any failure or refusal on the part of a licensee to obey any rule, regulation or request of the enforcing officer concerning the operation of the Christmas tree stand shall be grounds for the revocation of a Christmas tree stand license.

5.60.100 Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

Section 2. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.

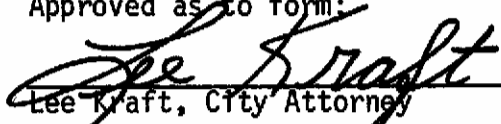
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PASSED by the City Council this 19 day of Nov., 1973, and
signed in authentication of its passage this 19 day of Nov.,
1973.


(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published November 29, 1973