

Chapter 70

CHRISTMAS TREE SALES

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[HISTORY: Adopted by the Town Board of the Town of Patterson 10-24-1990 as L.L. No. 6-1990. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting - See Ch. 121

Zoning - See Ch. 154

¹ Editor's Note: This local law was originally adopted as Chapter 122 but renumbered to Chapter 70 to fit the alphabetical sequence of the Code.

§ 70-1. Intent.

The intent of this chapter is to establish regulations and procedures for the outdoor seasonal sale of Christmas trees and related holiday items and decorations in the Town of Patterson, State of New York.

§ 70-2. License required.

A. It shall be a violation of this chapter for any person to sell Christmas trees and related holiday items and decorations in the Town of Patterson without having a license therefor.

B. It shall be a violation of this chapter for any owner to allow his property to be used for the sale of Christmas trees and related holiday items and decorations by any person or persons who do not have a license therefor.

§ 70-3. Application; approval; appeal

A. All applications for a license that allows the sale of Christmas trees and related holiday items and decorations shall be made to the Town Code Enforcement Officer on a form prescribed by the Town Board.

B. With respect to the subject property, the application shall be accompanied by:

(1) A plan, drawn to scale, reflecting the general location of the property and the area upon which the storage and sale of Christmas trees and related holiday items and decorations are to take place;

(2) The provision for site access and parking; and

(3) The written consent of the owner of the property.

C. Within ten (10) days after the completed application and accompanying documents have been submitted, the Town Code Enforcement Officer shall approve, disapprove or approve with conditions the application and issue a license. In the event that the application is disapproved, the Town Code Enforcement Officer shall state his reasons for such disapproval in writing and forward the same to the applicant.

D. Any applicant may appeal the decision of the Town Code Enforcement Officer to disapprove such application within seven (7) days of such determination to the Town Board, which shall either affirm the decision of the Town Code Enforcement Officer or approve the application with or without conditions.

§ 70-4. Fees; deposit

The application shall be accompanied by a nonrefundable processing fee and a site restoration deposit as set from time to time by resolution of the Town Board. The site restoration fee shall be refunded to the applicant in full if the applicant is disapproved or within seven (7) days after the termination of the license on the condition that the property is restored to its prior existing condition and is free of all debris from the storage and sale of Christmas trees and related items as determined by the Town Code Enforcement Officer. In the event that the site is not restored to its prior condition within seven (7) days after the termination of the license, the site restoration fee shall be forfeited to the Town of Patterson.

§ 70-5. Locations permitted for sales.

The outdoor seasonal sale of Christmas trees and related holiday items and decorations may be permitted on any lot in the GB General Business, C-1 Commercial and I Industrial Zoning Districts in the Town of Patterson, State of New York. No more than five (5) locations shall be approved.

§ 70-6. Issuance; revocation of license.

A. The Town Code Enforcement Officer shall approve an application for the sale of Christmas trees and related holiday items and decorations at permissible locations and issue a license for the period designated in this chapter if such application complies with the provisions and requirements of this chapter and provides adequate and safe vehicular access, parking and pedestrian safety, taking into consideration other uses, activities and sales conducted on such property.

B. The license may be revoked at any time if the licensee deviates from the plan as submitted or violates a condition of the license or if the sale is deemed to create a public health or safety hazard. If the license is revoked, all sales shall be terminated immediately and shall not be permitted until the licensee complies with the plan and the Code Enforcement Officer is satisfied that all violations, safety and/or health hazards are eliminated. If the licensee fails to comply within five (5) days of notice of revocation, the license shall be considered terminated.

§ 70-7. Duration of license.

All licenses shall commence on November 15 and shall terminate on December 30.

§ 70-8. Penalties for offenses.

Any person committing an offense against any provisions of this chapter shall be guilty of a violation and shall be punished by a fine of not less than one hundred fifty dollars (\$150.) nor

greater than two hundred fifty dollars (\$250.) in addition to the loss of such applicants site restoration deposit

§ 70-9. Applicability.

This chapter shall not apply to sales of Christmas trees and related items and decorations at garden shops, nurseries or other commercial businesses which are open for business during other parts of the year or to residential property.

§ 70-10. Severability; when effective.

- A. The invalidity of any provision of this chapter shall not invalidate any other part.
- B. This law shall take effect immediately upon approval of the same by the Town Board.