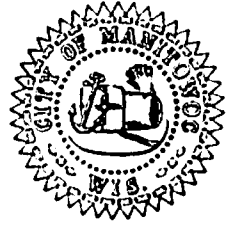




CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org



TO: Finance Committee
Aldersperson James Brey, Chair

FROM: City Clerk Deborah Neuser

DATE: September 24, 2019

RE: Municipal Code Section 11.160
Sale of Christmas Trees – License

On the October 1st Finance Committee agenda, there is discussion of possibly changing or removing sale dates for Christmas trees.

I received a call from Fleet Farm stating they would like to start selling Christmas trees on November 11th. Our ordinance doesn't allow their sale until November 20th. Copy of our ordinance is attached. Last year we issued nine of these licenses at \$25 each for a total of \$225.

I put a message out on the Clerk's network asking if any municipalities issue Christmas tree licenses and only two municipalities responded. Two Rivers does not have a Christmas Tree license. And, the City of Monona does issue a Christmas Tree license but does not have sales dates in their ordinance.

I did some further research and found that the City of Appleton has a Christmas Tree license at a cost of \$45. It does not have a start date but it expires December 31st. They also have an Outdoor Christmas Tree Sales Lot Temporary Use/Structure Permit with a fee of \$75. Application attached. It appears it is not required for an existing retail business.

The City of Sheboygan Municipal Code does not mention a Christmas Tree license.

City of Green Bay Code states "The seasonal outdoor sale of . . . Christmas trees, may be allowed as a temporary use." I do not find any mention of a Christmas Tree license.

Deborah Neuser, CMC, City Clerk
CITY HALL - 900 Quay Street - Manitowoc, WI 54220-4543
Phone (920) 686-6950 - Fax (920) 686-6959 - dneuser@manitowoc.org



11.160 Sale of Christmas Trees – License – Penalty.

(1) No person shall engage in the sale of any cut yuletide Christmas trees in the City of Manitowoc without first obtaining a license authorizing said person to do so from the twentieth day of November to the thirty-first day of December of any year.

(2) **Application for License.** Each applicant shall take out a license for each place of business conducted by said licensee from the City Clerk of Manitowoc. The license fee for each establishment shall be the sum of \$25.00.

(3) **Penalty.** Any person violating any of the provisions of this section, or who shall fail to exhibit his/her license when so requested by any officer, shall upon conviction in any court having jurisdiction be punished by a fine of not more than \$25.00.

[Prior code § 11.105]

The Manitowoc Municipal Code is current through Ordinance 19-903, passed August 20, 2019.

Disclaimer: The City Clerk's Office has the official version of the Manitowoc Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Code Renumbering: The City of Manitowoc reformatted their code in 2011. If you are looking for the text of an ordinance under the previous numbering system, please look to the cross-reference table (ManitowocOT/ManitowocOTA.html) .

City Website: <http://www.manitowoc.org/>
(<http://www.manitowoc.org/>)
City Telephone: (920) 686-6950
Code Publishing Company
(<https://www.codepublishing.com/>)

APPLICATION FOR SALE OF CHRISTMAS TREES

License # _____

License Fee: \$10.00 100-44-44120-600

Deposit Fee: \$100.00 100-219000
(To be refunded after inspection)

Name of Licensee: _____

Home/Business Address: _____

Telephone Number: _____

Address of lot where sales will take place: _____

Dates of sales: _____

City of Monona Code of Ordinances Section 7-11-1 Christmas Tree Sales:

(a) License Fee. Any person desiring to sell Christmas trees within the City shall first pay to the City Treasurer the required license fee for each calendar year during which such sales are or will be made. **The Treasurer's receipt constitutes the license.**

(b) Deposit. In addition to the license fee, prescribed in Section 7-15-1, the licensee shall deposit with the City Treasurer, at the same time the above license fee is paid, One Hundred Dollars (\$100.00) for each location in the City where such sales will be conducted by or in behalf of the licensee or at which location trees will be kept for sale purposes. Such deposit will be refunded on the licensee's discontinuance of such sales, and on the written approval of the City Building Inspector. Such deposit is required to insure the proper cleaning up of the location after sales have been discontinued and in order to prevent unsightliness and fire hazards. Upon termination of sales, the licensee must promptly clean up the sales location. Otherwise, the City will cause the necessary cleanup work to be done by the City, and will deduct the reasonable cost thereof from the deposit. If the cost exceeds the deposit, the excess will be charged to the licensee.

With my signature I affirm I have read and understand this Ordinance:

Signature of Applicant: _____

Signature of City Clerk _____ Date _____ Date issued _____

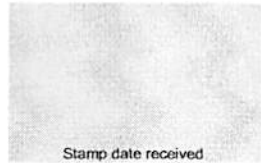
Date deposit refunded _____

Inspection Results: Date of Inspection _____ Refund deposit: _____ Yes _____ No

Signature of Building Inspector: _____



**OUTDOOR CHRISTMAS TREE SALES LOT
TEMPORARY USE/STRUCTURE PERMIT APPLICATION**
Community and Economic Development Department
100 N. Appleton St. PH: 920-832-6468
Appleton, WI 54911 FAX: 920-832-5994



TYPE OF TEMPORARY STRUCTURES USED WITH AN OUTDOOR CHRISTMAS TREE SALES LOT

Trailers/Warming Shelter: Y N If yes, number of trailers/Shelters _____ Sizes _____

Other Temporary Structures: Fencing Tree Stand Supports Other _____

Outdoor Christmas Tree Sales Area: _____ square feet.

OPERATION DETAILS (NOT TO EXCEED 120 Total DAYS PER CALENDAR YEAR)

Dates Requested From _____ to _____. Will you serve food/drink? Y N

Total Days _____ Hours of Operation _____ am/pm to _____ am/pm

Electrical hookups? Y N If yes, describe _____

PROPERTY OWNER		APPLICANT (owner's agent)	
Name		Name	
Mailing Address		Mailing Address	
Phone	Fax	Phone	Fax
E-mail		E-mail	

PROPERTY INFORMATION

Property Tax # (31-0-0000-00) _____

Site Address/Location _____

Legal Description of Land (may be attached as separate sheet) _____

Current Uses _____ Current Zoning _____

Date _____ Owner/Agent Signature (Agents must provide written proof of authorization)

OFFICE USE ONLY

PERMIT # _____ Application Complete _____ Date Submitted ____/____/____

Approved Approved with conditions Denied Community Development _____

Comments/Conditions: _____

Fee \$75.00 Acct # PWZNIG Receipt # _____ Date Paid ____/____/____

Outdoor Christmas Trees Sales Lot Temporary Use/Structure Permit Application Submittal Requirements

An Outdoor Christmas Tree Sales Lot, Temporary Use/Structure Permit Application (FORM #2) is required for an Outdoor Christmas Tree Sales Lot. *Outdoor Christmas Tree Sales Lot* means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant displays and sells Christmas trees and related holiday items such as wreaths and Christmas tree stands to the general public.

Christmas trees sold by an existing retail business. An Outdoor Christmas Tree Sales Lot, Temporary Use/Structure Permit Application (FORM #2) IS NOT REQUIRED.

** Prior to submitting your application, please contact the Community and Economic Development Department at 920-832-6466 for questions, requirements, eligibility, etc. The complete rules and regulations for all Temporary uses/structures can be found in Chapter 23, Zoning Ordinance Section 23-54.

- Completed and signed Temporary Use/Structure Permit Application
- A scaled site plan drawing, identifying the following:
 - ✓ Property lines and dimensions
 - ✓ Location of all existing structures/buildings
 - ✓ Location of on-street/off-street parking spaces
 - ✓ Location of off-street parking drive aisles
 - ✓ Location of parking lot landscaping areas
 - ✓ Location of driveways
 - ✓ Location, size and setback dimensions to property lines of the proposed temporary use
 - ✓ Location, size and setback dimensions to property lines of the proposed temporary structures (tents/canopies, trailers, portable storage units)
- Check made payable to the City of Appleton for the Temporary Use/Structure Permit Application fee.
- Owner's Letter of Authorization or owner's signature on the application authorizing the proposed temporary use and/or structure.

Administrative Reviews

Recommendations: A = Approved

CA = Conditionally Approved

D = Denied

A CA D Office of the City Clerk by: _____ Date: ___ / ___ / ___
Comments/Reason for denial: _____

A CA D Fire Department by: _____ Date: ___ / ___ / ___
Comments/Reason for denial: _____

A CA D Health Department by: _____ Date: ___ / ___ / ___
Comments/Reason for denial: _____

A CA D Police Department by: _____ Date: ___ / ___ / ___
Comments/Reason for denial: _____

A CA D Engineering Division by: _____ Date: ___ / ___ / ___
Comments/Reason for denial: _____

A CA D Inspections Division by: _____ Date: ___ / ___ / ___
Comments/Reason for denial: _____

A CA D Comm. Development by: _____ Date: ___ / ___ / ___
Comments/Reason for denial: _____

"EXHIBIT D-2"

(SAMPLE) AGENT AUTHORIZATION LETTER

DATE: _____

TO: City of Appleton
Community Development Department
100 N. Appleton Street, Appleton, WI 54911

RE: _____
Project name

The undersigned, _____, is the owner of property known as _____.
(Property Owner name) (Address, tax key number)

The undersigned authorizes _____ to sign and file an application on behalf of _____
(Agent name) (Property Owner name)

to _____ also authorizes _____ to execute any and all
(Describe Project) (Property Owner name) (Agent name)

other documentation and/or applications required by the City.

Executed as of the day and year first above set forth.

Signature of property owner