CHRISTMAS TREE LOT PERMIT SYSTEM

ORDINANCE NO. 85-1

CERTIFIED COPY OF ORDER

STATE OF COLORADO)
) ss
COUNTY OF ARAPAHOE)

At a regular meeting of the Board of County Commissioners for Arapahoe County, Colorado, held at the Administration Building in Littleton, Colorado on Tuesday, the 19th day of November A.D. 1985, there were present:

Bob Brooks, Chairman	Present
Thomas R. Eggert, Chairman Pro-Tem	Present
Betty Ann Dittemore, Commissioner	Present
Al Thelen, County Manager	Present
Larry Vana, County Attorney	Present
Marjorie Page, Clerk & Recorder	Present

when the following proceedings, among others, were had and done to-wit:

Resolution No. 2540-85 It was moved by Commissioner Eggert and duly seconded by Commissioner Dittemore to authorize the following publication be made in the Independent Newspaper on November 27, 1985 in relation to Ordinance No. 85-1 adopted by the Board of County Commissioners on November 19, 1985.

ORDINANCE NO. 85-1
A COUNTY-WIDE CHRISTMAS TREE LOT PERMIT SYSTEM
PENALTY PROVISIONS FOR FAILURE TO OBTAIN PERMITS
AND ENFORCEMENT PROVISIONS PERTAINING THERETO FOR
UNINCORPORATED ARAPAHOE COUNTY

WHEREAS, pursuant to Colorado Revised Statutes 30-15-401 as amended, the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control or licensing of those matters of purely local concern; and

WHEREAS, pursuant to Colorado Revised Statutes 30-15-401 as amended, matters of purely local concern include the prevention and suppression of riots, routs, affrays, disturbances, and disorderly assemblies in any public or private place, to control and regulate the movement and parking of motor vehicles on public property; and to do all acts and make all regulations which may be necessary or expedient for the promotion of health; and

WHEREAS, it has come to the attention of the Board of County Commissioners of Arapahoe County that unregulated and unpermitted Christmas tree lots create health and safety problems and in certain unauthorized locations create traffic hazards; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County that in order to preserve the public peace, health, safety, and welfare of the citizens of Arapahoe County, they should take the following action.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

Section I. Violations Involving Failure to Obtain Necessary County Christmas Tree Lot Permits

It shall be unlawful for any person, business, organization, association or entity to establish, create or set up a Christmas tree lot to sell, attempt to sell or advertise for sale fresh cut Christmas trees without first having obtained necessary permits from the Arapahoe County Building Department unless and except:

1) Where said Christmas tree lot is enclosed entirely within an existing building and/or structure of an existing retail establishment currently licensed for retail sales other than solely for Christmas tree sales.

2) Where said Christmas tree lot does not require any temporary electrical hook-ups, framing structures, fencing, and/or a sales trailer, house, truck, tent, or canopy.

3) Licensed retail nurseries and/or greenhouses subject to paragraph two supra.

Section II. Penalty

Any violation of the provisions of this Ordinance by an individual shall be punishable by fine of not more than three hundred dollars ($300.00) for each violation or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment.

Section III. Enforcement

The provisions of this ordinance shall be enforced by the Arapahoe County Sheriff's Department.

Section IV. Disposition of Fines

All fines imposed and collected for the violation of this Ordinance shall be paid into the General Fund of Arapahoe County.

Section V. Severability Clause

If any of the various provisions of this Ordinance are determined by a court of law to be invalid, such determination shall not affect the remaining provisions of this Ordinance.

Section VI. Safety Clause

The Board of County Commissioners hereby finds, determines, and declares that this Ordinance shall become effective upon adoption as being necessary for the immediate preservation of the public health, peace, and safety. The reasons therefore are to immediately prohibit unsafe Christmas tree lots which create traffic and or health, safety, and welfare hazards to Arapahoe County citizens.

Date of initial publication: November 8, 1985

Ordinance is effective upon date
of final publication: November 27, 1985

Marjorie Page, Clerk to the Board

by Judith K. Loose, Deputy Clerk

STATE OF COLORADO,)
) ss.
COUNTY OF ARAPAHOE) I, Marjorie Page, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Order is truly copied from the Records of the proceedings of the Board of County Commissioners for said Arapahoe County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Littleton, Colorado this 19th day of November A.D. 1985.

Marjorie Page, County Clerk

by Judith K. Loose, Deputy