

ORDINANCE NO. 1000

AN AMENDMENT OF ORDINANCE NO. 613, ALSO REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON, AMENDING SECTION 31 "DEFINITIONS" TO ESTABLISH NEW DEFINITIONS AS IT RELATES TO THE TOPICS OF MOBILE BUSINESSES, TEMPORARY USES, AND HOME OCCUPATIONS WITHIN THE CITY LIMITS AND THE EXTRA-TERRITORIAL JURISDICTION

BE IT ORDAINED, by the Board of Commissioners of the City of Williston, North Dakota, as follows:

SECTION 31: DEFINITIONS

- a. **Farmers Market-** An indoor or outdoor event for merchants or vendors who sell local agricultural products or crafts directly from the farmer to the consumer.
- b. **Flea Market or Swap Meet-** An indoor or outdoor event for a group of merchants or vendors organized and managed by the owner of the property or flea market association, who conducts the display, trade, and sale of used products or merchandise.
- c. **Merchant or Vendor-** A person, firm, or corporation, whether as owner agent, consignee or employee who is registered to conduct business in the State of North Dakota.
- d. **Mobile Business or Mobile Commercial Business-** a mobile motorized or non-motorized vehicle or trailer, not being operated as an accessory component to an existing permanent business establishment, whose business operation is conducted outside of a permanent building and entirely within the mobile unit, for the sales of merchandise or other professional services for public service only. Mobile business or mobile commercial business does not include mobile food vendors.
- e. **Political Subdivision-** a unit of government within a state, including a county, city, township, or village.
- f. **Service, Private-** the transaction of goods or other professional services rendered or made available to private clients, through previously arranged service transactions and not made available for the general public.
- g. **Service, Professional-** a business operation which provides services related to a specific occupational trade, which requires state certification or licensing.
- h. **Service, Public-** the transaction of goods or other professional services rendered or made available to the general public.
- i. **Transient Merchant, Itinerant Merchant, or Itinerant Vendor-** a person, firm, or corporation, whether as owner agent, consignee or employee, who temporarily sets up business on private property, or out of a vehicle, trailer, tent, other portable shelter, or

vacant store front for the purpose of exposing or displaying for sale, selling or attempting to sell, goods, wares, products, or merchandise.

- j. **Vehicle, Fleet-** More than two vehicles owned, leased, or operated by a business or government entity.
- k. **Vehicle, Heavy Commercial-** A vehicle with a gross vehicle weight greater than 10,000 lbs. Personal vehicles such as boats, RV's, and campers are exempt from this weight requirement.
- l. **Vehicle, Occupation or Trade-** A vehicle that is designed specifically to perform a type of function or service associated with an occupation or trade.
- m. **Vehicle, Personal-** A vehicle that is owned by an individual and used for commuting purposes.
- n. **Vehicle, Work-** A vehicle that is owned by a business entity, which is used by an affiliated employee for commuting purposes.

EFFECTIVE DATE:

The proposed effective date of this ordinance is September 24, 2014.

Commissioner Cymbaluk moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Brostuen. On roll call vote of the Commissioners, the following Commissioners voted "AYE": Bekkedahl, Piesik, Cymbaluk, Brostuen and Klug. The following Commissioners voted "NAY": none. Absent and not voting: none.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 9th day of September, 2014.

ATTEST:

APPROVED:

John Kautzman, City Auditor

Howard Klug, President
Board of City Commissioners

PASSED FIRST READING: August 26, 2014

PASSED SECOND READING: September 9, 2014

PUBLISHED: September 22, 2014

ADOPTED THIS 9th Day of September, 2014