

## ORDINANCE NO. 982

AN AMENDMENT OF ORDINANCE NO. 613, ALSO REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON, ADDING PROVISION (T) "MOBILE BUSINESSES" TO SECTION 25 SUPPLEMENTARY DISTRICT REGULATIONS, PROHIBITING MOBILE BUSINESSES WITHIN THE CITY LIMITS AND THE EXTRA-TERRITORY JURISDICTION

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

### **SUPPLEMENTARY DISTRICT REGULATIONS**

#### **SECTION 25(T): MOBILE BUSINESSES**

##### **1. DEFINITIONS:**

- a. **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.
- b. **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.
- c. **Service, Professional-** a business operation which provides services related to a specific occupational trade, which requires state certification or licensing.
- d. **Service, Public-** the transaction of goods or other professional services rendered or made available to the general public.

##### **2. PURPOSE:**

The intent of this ordinance is to preserve and improve the quality of life within the City of Williston by providing permanent infrastructure developments as prescribed in the City's Comprehensive Plan. Furthermore this ordinance seeks to prohibit those mobile businesses that do not have a permanent site and physical address to base their business operation out of and who intend to operate beyond the parameters of the allowable uses, home occupations, or temporary uses as identified in the City of Williston's Zoning Code.

##### **3. VIOLATIONS:**

- a. It shall be unlawful for any person, firm, corporation, partnership, or similar entity to operate a mobile commercial business/mobile business within the City limits and the extra-territorial jurisdiction.

- b. Any person, firm, corporation, partnership, or similar entity who disobeys, neglects, omits, tries willfully to circumvent the intent of this ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be guilty of a Class B Misdemeanor.
- c. Class B Misdemeanors shall consist of a fine not exceeding one thousand five hundred dollars (\$1,500.00) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment. Each day in violation shall constitute a separate offense.

4. **EXEMPTIONS:**

- a. Mobile businesses operating under the provisions of an approved Temporary Use Permit.
- b. Mobile businesses operations participating in events organized and managed by a fair association, convention bureau, or other political subdivision approved by the City of Williston in which mobile businesses are invited such as but not limited to the Chokecherry Festival, Band Day, Holiday Lights, and Clean City.
- c. Mobile business operations recognized by the City to have been operating and in existence at the time of the City's adoption of Ordinance 974 and 990, an ordinance establishing a temporary moratorium prohibiting the use of future mobile commercial businesses, which was approved by the City Commission on September 24, 2013 and up until the adoption of this ordinance, shall be exempt from Ordinance 982 until January 1, 2016, at which time the exemption described herein shall sunset.
  - i. After January 1, 2016, all mobile commercial businesses, whether previously exempt in accordance with Subsection 4(C) shall be brought into compliance by January 1, 2016.
  - ii. Any mobile commercial business not in compliance with Ordinance 982 by January 1, 2016 shall be deemed to have violated Ordinance 982 and subject to enforcement described in Section 3 "Violations"

5. **EFFECTIVE DATE:**

The 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 9<sup>th</sup> day of September, 2014.

ATTEST:

APPROVED:

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**John Kautzman**, City Auditor

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**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 9<sup>th</sup> Day of September, 2014