

ORDINANCE NO. 974

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM TO THE WILLISTON CODE OF ORDINANCES TO PROHIBIT THE USE OF ALL FUTURE MOBILE COMMERCIAL BUSINESSES FOR A PERIOD OF SIX MONTHS OPERATING WITHIN THE CITY LIMITS AND THE UNINCORPORATED TERRITORY LOCATED WITHIN ONE MILE OF THE CITY LIMITS.

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

PART 1: BACKGROUND

The City of Williston Zoning Ordinance was adopted in June 1983 under Ordinance No. 352. The Zoning Ordinance was written as a permissible code and uses not specifically listed in the expressed Zoning Districts are presumed not permitted. The Planning and Zoning Department has received numerous inquiries in the past for similar mobile businesses and have consistently denied requests. Section 8 thru 24 of the Zoning Ordinance describes the permitted uses, permitted accessory uses and structures, special permitted uses, and temporary uses allowed with respect to its designated Zoning District.

Given the progression of the mobile business industry and certain nuances, the City is now experiencing a need to consider and further discuss guidelines for various mobile commercial businesses.

PART 2: PURPOSE

The purpose of this Moratorium is to prohibit all future operations of mobile commercial businesses until proper guidelines have been established to properly address this issue. Furthermore, this allows the City of Williston to ensure the public safety, health, and general welfare is protected during this transitional period.

PART 3: MORATORIUM

The Board of Commissioners of the City of Williston, North Dakota, hereby prohibits all future operations of mobile commercial businesses during the remainder of this six month moratorium period.

PART 4: VIOLATION, ENFORCEMENT, AND PENALTIES

A. Violation; Penalties

1. Any person found in violation of any provisions of this Ordinance shall be assessed a criminal fine of \$500/day.
2. Each day's continuing violation of this Ordinance, where applicable, shall constitute a separate and distinct violation.

B. Cumulative Remedies

1. The remedies and penalties for violation of this Ordinance shall be cumulative, and the election of a remedy or enforcement of a penalty by a court or other appropriate enforcement body hereunder shall not preclude the election of any

other remedy of enforcement of any other penalty of fine by which the City of Williston may provide under this Ordinance or other law.

C. Administrative; Enforcement

1. Any action or proceeding for a violation of this Ordinance is governed by Ordinance No. 613, Section 26.

Commissioner Cymbaluk moved the adoption of the foregoing Ordinance.

The motion was seconded by Commissioner Bekkedahl. On roll call vote of Commissioners, the following Commissioners voted "AYE": Cymbaluk, Brostuen, Bekkedahl, Klug and Koeser, and The following Commissioners voted "NAY": None. Absent and not voting: None.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 24th day of September, 2013.

ATTEST:

APPROVED:

John Kautzman, City Auditor

Ward Koeser, President
Board of City Commissioners

FIRST READING: September 10, 2013

SECOND READING: September 24, 2013

PUBLISHED: _____

ADOPTED THIS 24th Day of September, 2013