

ORDINANCE NO. 234

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES OF THE CITY OF OKOBOJI, IOWA, 2013 BY AMENDING CHAPTER 122 – PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS–, BY ADDING 122.20 – MORATORIUM

BE IT ENACTED by the City Council of Okoboji, Iowa:

Section 1. Purpose. The purpose of this ordinance is to add a provision to the 2013 Okoboji City Code Chapter 122.

Section 2. Section 122.20. “Moratorium” is hereby added as follows.
122.20 “Moratorium”

1. Preamble.

The City has had recent concerns raised about the current Chapter 122, including the fee structure, the potential for fireworks sales in the City in light of recent legislative changes, the use of mobile food trucks and parking.

There is a need to study this issue to determine what, if any, additional regulatory controls need to be adopted to protect the public health, safety and welfare, of the current citizens and property owners in the City.

The Council finds, therefore, that a moratorium is required. At the present time, it is expected that the necessary study and implementation of any potential amendments can be completed within ninety (90) days.

2 Applicability.

A. There is hereby established a moratorium on the issuance of Peddlers, Solicitors, and Transient Merchant permits within the City for ninety (90) days from the adoption of this amendment.

B. During the period of the moratorium, applications for permits shall not be accepted and permits shall not be issued.

Section 3. Repealer. All or ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Section 6. Publication. The City Clerk/Administrator is hereby authorized and directed to publish this Ordinance in a newspaper of general circulation in Dickinson County, Iowa in conformance with the Iowa law.

WHEREAS, a motion was made by Councilmember Julie Andres and seconded by Councilmember Walter Mendenhall to consider approval of this Ordinance (first consideration) and upon roll call the following roll call vote was recorded: AYES: Julie Andres, Jim Delperdang, Walter Mendenhall, Jerry Robinson; NAYS: NONE. Said motion to consider approval of this Ordinance (first consideration) was approved by the City Council;

WHEREAS, a motion was made by Councilmember Julie Andres and seconded by Councilmember Jerry Robinson to waive the second and third considerations of this Ordinance and upon roll call the following roll call vote was recorded: AYES: Julie Andres, Jim Delperdang, Walter Mendenhall, Jerry Robinson; NAYS: NONE. Said motion to waive the second and third considerations of this Ordinance was approved by the City Council, and therefore, the second and third considerations of this Ordinance were waived;

WHEREAS, a motion was made by Councilmember Jerry Robinson and seconded by Julie Andres to adopt this Ordinance and upon roll call the following roll call vote was recorded: AYES: Julie Andres, Jim Delperdang, Walter Mendenhall, Jerry Robinson; NAYS: NONE. Said motion to adopt this Ordinance was approved by the City Council. Thereupon, the Mayor declared this Ordinance, passed and approved on the date shown below.

Passed and approved by the City Council on this 26th day of April, 2107.


Mary VanderWoude, Mayor

ATTEST:


Jason Peters, City Clerk/Administrator

I, the undersigned, hereby certify that I am the duly appointed, qualified and acting City Administrator/Clerk for the City of Okoboji, Iowa, and the foregoing Ordinance was duly adopted

by the City Council of the City of Okoboji, on the 26th day of April, 2017 and thereafter on the 3rd day of May, 2017, the same was published in the Dickinson County News, a weekly newspaper published in Dickinson County, Iowa.

Dated this 3rd day of May, 2017.



Jason Peters, City Clerk/Administrator