

**ORDINANCE NO. 2019 - 5104**

**AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION OF THE PILOT PROGRAM FOR MOBILE FOOD VENDORS AND SEASONAL VENDORS IN THE CITY OF PELL CITY, ALABAMA**

**WHEREAS**, the City Council of the City of Pell City, Alabama, has the authority to regulate businesses that operate within the corporate limits of the City to protect the health, safety, and welfare of its citizens; and

**WHEREAS**, it is the desire of the City Council to promote the general welfare of the City, to protect the value of buildings, properties, and commercial enterprises in the City, to protect the image and character of the City, and to preserve and enhance property values in the City; and

**WHEREAS**, the City administration, in conjunction with the City's Planning and Zoning Commission, has studied the concept of authorizing the operation of mobile food vendors and seasonal vendors in certain zoning districts of the City; and,

**WHEREAS**, the City administration has recommended that the City authorize a one-year extension of the Pilot Program for mobile food vendors and seasonal vendors in accordance with the terms and conditions set forth in Exhibit A, which terms and conditions are incorporated herein by reference; and,

**WHEREAS**, said extension of the Pilot Program for mobile food vendors and seasonal vendors will allow the City administration to further study this issue more fully and to determine if these activities should be fully authorized within the City and, if so, under what regulations; and,

**WHEREAS**, the City Council has determined that it is wise, prudent, and in the best interests of the City to adopt an Ordinance authorizing a one-year extension of the Pilot Program for mobile food vendors and seasonal vendors in accordance with the terms and conditions set forth in Exhibit A, which terms and conditions are incorporated herein by reference.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:**

1. A one-year extension of the Pilot Program authorizing the temporary operation of mobile food vendors and seasonal vendors in certain zoning districts of the City is hereby established in accordance with the terms and conditions set forth in Exhibit A, which terms and conditions are incorporated herein by reference ("the Extended Pilot Program").

2. The one-year extension of the Pilot Program authorized hereunder shall expire on December 31, 2019, unless said Program is extended by the City Council.

3. The City Manager, or his designee, shall establish any administrative procedures needed to implement the Extended Pilot Program authorized hereunder in accordance with the terms and conditions set forth in Exhibit A, which terms and conditions are incorporated herein by reference.

4. Any mobile food vendor or seasonal vendor authorized to operate in accordance with the Extended Pilot Program authorized hereunder shall comply with all terms and conditions established for said Program. The City Manager, or his designee, shall have the authority to immediately suspend the privilege to operate provided to any vendor under the Extended Pilot Program if said vendor shall fail to comply with any of the terms and conditions of the Program. Prior to implementing any suspension, the City Manager, or his designee, shall provide a vendor with written notice of the vendor's noncompliance and three (3) days for the vendor to respond. Any vendor whose privileges to operate have been suspended under the Extended Pilot Program shall have the right to appeal the vendor's suspension to the City Council within three (3) days of the suspension by filing a written notice of appeal with the Office of the City Clerk stating the grounds for the appeal with particularity. The City Council shall decide any appeals within twenty-one (21) days of the filing of the written notice of appeal.

5. Severability. If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

6. Suspension of Conflicting Ordinances. Any Ordinance, Resolution, or previous Council authorization in conflict with this Ordinance shall be and is hereby suspended on the effective date of this Ordinance and continuing thereafter until the expiration of the Extended Pilot Program authorized hereunder as provided herein.

7. Effective Date. This Ordinance shall become effective upon approval and publication as required by law.

**ADOPTED AND APPROVED** this 21<sup>st</sup> day of March, 2019.

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James McGowan - Council President

ATTEST:

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Penny Isbell - City Clerk

**APPROVED** this 21<sup>st</sup> day of March, 2019.

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William T. Pruitt, IV - Mayor

ATTEST:

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Penny Isbell - City Clerk

**CERTIFICATION**

I, Penny Isbell, Clerk of the City of Pell City, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Pell City at a regular meeting held on the 21<sup>st</sup> day of March, 2019, and that same has been published in accordance with law in the *St. Clair News Aegis* on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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City Clerk