

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.

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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.

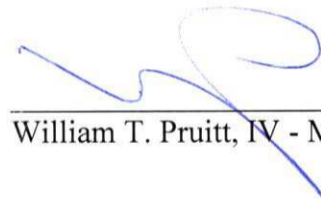
ADOPTED AND APPROVED this 21st day of March, 2019.


James McGowan - Council President

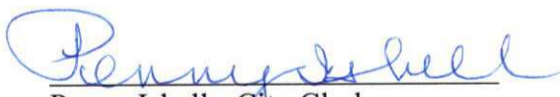
ATTEST:


Penny Isbell - City Clerk

APPROVED this 21st day of March, 2019.


William T. Pruitt, IV - Mayor

ATTEST:


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 21st day of March, 2019, and that same has been published in accordance with law in the *St. Clair News Aegis* on the 28th day of March, 2019.


City Clerk

Mobile Food Vendor & Seasonal Vendor Pilot Program

Mobile Vendor Requirements:

1. All mobile food vendors shall obtain an annual business license from the City of Pell City. Licenses shall be issued for the period on one (1) year beginning January 1 and ending December 31 of each year. This license shall be posted in a visible location on the mobile food unit.
2. Written permission from the property owner for each location must be obtained and posted along with the business license on the mobile food unit.
3. Mobile food units shall not operate within any public right-of-way. Mobile food units shall not operate on City owned property, including any City park, without explicit approval from the City of Pell City. This excludes authorized special events.
4. The mobile food vendor must be in compliance with all local, state and federal regulations including any required permits from the City of Pell City, the Alabama Department of Public Health and the St. Clair County Health Department.
5. Mobile food units are limited to the following zoning districts: B-2 (General Business District), B-3 (Heavy Business District), M-1 (Light Manufacturing District) and M-2 (Heavy Manufacturing District).
6. Mobile food units shall not operate within one hundred fifty (150) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation.
7. Mobile food units shall not operate within one hundred fifty (150) feet of one another, unless specifically authorized for a special event.
8. Mobile food units are limited to a maximum of three (3) days of consecutive operation at a single location, and may not operate for more than three (3) total days within any seven (7) day period at a single location. Only one mobile food unit is allowed per parcel unless authorized for a special event.
9. Mobile food units shall not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the hours of operation of the principal use do not coincide with those of the mobile food unit.
10. Food may be served for on-site consumption. However, all seating must be located within fifteen (15) feet of the mobile unit.
11. All mobile food units shall be removed daily to their designated commissary.
12. All mobile food unit operators are responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.
13. All associated equipment, including trash receptacles and signage, must be within three (3) feet of the mobile food unit. Trash receptacles must be located to the rear of the unit. Signage will be limited to the sign on the unit (maximum size of 5' x 4') and one (1) portable sign (maximum size of 3' x 2' of display area per side).

Seasonal Vendor Requirements:

1. All seasonal vendors shall obtain a business license from the City of Pell City. Licenses shall be issued for a period not to exceed five (5) months in a calendar year beginning January 1 and ending December 31 of each year. This license shall be posted in a visible location on the structure.
2. Written permission from the property owner for each location must be obtained and posted along with the business license on the structure.
3. Seasonal vendors shall not operate within any public right-of-way. Seasonal vendors shall not operate on City owned property, including any City park, without explicit approval from the City of Pell City. This excludes authorized special events.
4. Seasonal vendors must be in compliance with all local, state and federal regulations including any required permits from the City of Pell City, the Alabama Department of Public Health and the St. Clair County Health Department.
5. Seasonal vendors are limited to the following zoning districts: B-2 (General Business District), B-3 (Heavy Business District), M-1 (Light Manufacturing District) and M-2 (Heavy Manufacturing District).
6. Seasonal vendors shall not operate within one hundred fifty (150) feet of one another, unless specifically authorized for a special event. Only one seasonal vendor is allowed per parcel unless authorized for a special event.
7. Seasonal vendors shall not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the hours of operation of the principal use do not coincide with those of the seasonal vendor.
8. All seasonal vendors are responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Vendors shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.
9. All associated equipment, including trash receptacles, must be within three (3) feet of the structure. Trash receptacles must be located to the rear of the structure.
10. Each vendor shall be allowed one (1) sign with a maximum size of 5' x 4'. Sign must be attached to structure.

Required Application Documents & Fee Schedule

MOBILE FOOD TRUCK VENDORS

Forms required:

- Mobile Food Vendor Application
- Declaration of Citizenship
- Current food permit
- Valid driver's license or other approved photo identification
- Written permission from the property owner

SEASONAL VENDORS

Forms required:

- Seasonal Vendor Application
- Declaration of Citizenship
- Current food permit (if required by the ADPH)
- Valid driver's license or other approved photo identification
- Written permission from the property owner

Sales Tax:

- Must post a sales tax bond in the amount of \$300.00
- Must file monthly sales tax reports and remit taxes due by the 20th of each month, penalties will apply for late filing or late remittance
- May use paper filing or ONESPOT
- Non-compliance with tax regulations will result in immediate cease and desist order
- When permanently ceasing business, the tax bond will be refunded if all taxes have been remitted appropriately

License Schedule:

Minimum = \$150.00

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| \$15,000 or less | \$150.00 |
| \$15,001.00 to \$30,000 | \$150.00 plus 1/4 of 1% of gross receipts in excess of \$15,000 |
| \$30,001 to \$50,000 | \$162.50 plus 1/5 of 1% of gross receipts in excess of \$30,000 |
| \$50,001 to \$75,000 | \$237.50 plus 1/6 of 1% of gross receipts in excess of \$50,000 |
| \$75,001 to \$100,000 | \$362.50 plus 1/7 of 1% of gross receipts in excess of \$75,000 |
| All over \$100,000 | \$495.83 plus 1/8 of 1% of gross receipts in excess of \$100,000 |