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CULLMAN CITY COUNCIL MEETING MONDAY, NOVEMBER 7, 2022, AT 7:00 P.M. IN THE LUCILLE N. GALIN AUDITORIUM

Council President Jenny Folsom called the Cullman City Council Meeting to order at 7:00 p.m. on Monday, November 7, 2022. Police Chief Kenny Culpepper led the Pledge of Allegiance and presented the invocation.

A roll call by City Clerk Wesley Moore reflected the following: Present - Council President Jenny Folsom, Council President Pro Tem Johnny Cook, Council Member David Moss, Council Member Brad Smith, and Council Member Clint Hollingsworth. Also present were Mayor Woody Jacobs, City Attorney Roy Williams, and City Clerk Wesley Moore.

Council President Jenny Folsom asked the Council to consider the minutes from October 24, 2022. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Moss seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook, Council President Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye. Council President Pro Tem Cook made a motion to approve the minutes from October 24, 2022, as written. Council Member Hollingsworth seconded the motion to approve the minutes, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Cook, Council President Folsom: Aye. Council Member Moss: Aye. Council Member Brad Smith: Aye. Council Member Hollingsworth: Aye.

ADDITIONS/DELETIONS TO AGENDA – None.

REPORTS OF STANDING COMMITTEES

1. Public Safety (Fire, Police, etc.) – Chairman Brad Smith - No report.
2. Utilities (Water, Sewer, etc.) - Chairman David Moss - No report.
3. Public Works (Street, Sanitation, etc.) - Chairman Johnny Cook reported on the participation in the Hazardous Waste Day held on November 5th, 2022.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth reported the grand opening for the skate park will be held on November 12, 2022; and Christmas Open House will be November 11-13, 2022.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom - No report.

REPORT FROM THE MAYOR - Mayor Jacobs gave a report to the council regarding the City's operations.

COMMENTS FROM ANYONE NOT ON THE AGENDA - None.

PUBLIC HEARINGS

Council President Folsom set a public hearing on December 12, 2022 at 7:00 p.m. for Ordinance No. 2023-04 to adopt of the 2021 International Building Code including the companion codes.

Council President Folsom set a public hearing on December 12, 2022 at 7:00 p.m. for Ordinance No. 2023-05 to rezone the Apel property located at 1106 Second Avenue NW from M-1 Manufacturing to B-2 Business District.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS

Council President Pro Tem Cook made a motion to approve a request from Save More and Grill located at 1300 Mitchell Road NW Suite A for beer and wine off-premises alcohol license which received a favorable recommendation from the City of Cullman Alcohol Review Committee. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Hollingsworth made a motion to approve a request from Discount Package Store located at 1300 Mitchell Road NW Suite B for package store off-premises alcohol license which received a favorable recommendation from the City of Cullman Alcohol Review Committee. Council Member Moss seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

RESOLUTIONS, ORDINANCES, ORDERS, AND OTHER BUSINESS

Council President Jenny Folsom held the first readings for Ordinance No. 2023-03, Ordinance No. 2023-06 and Ordinance No. 2023-07. Council Member Smith made a motion to suspend the rules to consider Ordinance No. 2023-03, Ordinance No. 2023-06 and Ordinance No. 2023-07. Council Member Hollingsworth seconded the motion to suspend the rules, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Pro Tem Cook made a motion to adopt Ordinance No. 2023-03 to annex City of Cullman properties located at 485 Highway 69 North as M-1 Manufacturing District.

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ORDINANCE NO. 2023 - 03

TO ANNEX CERTAIN PROPERTIES INTO THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA

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

SECTION 1. The City Council of the City of Cullman finds that the following property owner, City of Cullman, has petitioned the City under the provisions of Section 11-42-21 of the Code of Alabama, 1975, as amended, that the following described property, owned by the petitioner, be annexed into the City of Cullman:

PPIN: 28628. Parcel No.16-03-07-0-001-005.001. Property Address: 485 Alabama Highway 69 N, Cullman, Alabama.

PPIN: 200243. Parcel No.: 16-03-07-0-001-011.000. Property Address: 485 Alabama Highway 69 N, Cullman, Alabama.

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND CONTAINING 30.67 ACRES OF LAND, MORE OR LESS AND BEING A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 10 SOUTH, RANGE 2 WEST, CULLMAN COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT A FOUND RAIL MARKING THE ACCEPTED SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, HAVING AN ALABAMA STATE PLANE, WEST ZONE NAD 83 COORDINATE VALUE OF N. 1524051.95', E. 2183014.97' AND RUN THENCE NORTH 89 DEGREES 30 MINUTES 55 SECONDS WEST (BEARING BASED ON AL. STATE PLANE, WEST ZONE, NAD 83, GRID), A DISTANCE OF 507.55 FEET TO A FOUND ¾ INCH REBAR MARKING THE ACCEPTED SOUTHWEST CORNER OF THE EAST 15 ACRE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 58 MINUTES 02 SECONDS EAST, A DISTANCE OF 445.40 FEET TO A FOUND REBAR; THENCE NORTH 00 DEGREES 02 MINUTES 38 SECONDS EAST, A DISTANCE OF 875.46 FEET TO A FOUND CAPPED CORNER (HARRIS-5742) MARKING THE NORTHWEST CORNER OF SAID EAST 15 ACRE TRACT; THENCE SOUTH 89 DEGREES 43 MINUTES 25 SECONDS EAST AND RUN ALONG THE ACCEPTED NORTH SECTION LINE, A DISTANCE OF 1,432.10 FEET TO A FOUND ½ INCH REBAR OF THE WEST RIGHT-OF-WAY LINE OF ALABAMA HIGHWAY NO. 69; THENCE SOUTH 30 DEGREES 53 MINUTES 44 SECONDS WEST AND RUN ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 54.51 FEET TO A; SET REBAR (CONN-17831) MARKING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 03 DEGREES 27 MINUTES 21 SECONDS, A RADIUS OF 5,809.60 FEET, A CHORD BEARING OF SOUTH 29 DEGREES 10 MINUTES 03 SECONDS WEST AND A CHORD LENGTH OF 350.37 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 350.42 FEET TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT; THENCE SOUTH 60 DEGREES 57 MINUTES 17 SECONDS EAST, A DISTANCE OF 39.82 FEET TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT; THENCE SOUTH 27 DEGREES 21 MINUTES 58 SECONDS WEST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 778.01 FEET; THENCE NORTH 67 DEGREES 21 MINUTES 42 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 390.00 FEET TO A SET REBAR (CONN-17831); THENCE SOUTH 28 DEGREES 04 MINUTES 22 SECONDS WEST, A DISTANCE OF 345.00 FEET TO A SET REBAR (CONN-17831); THENCE SOUTH 89 DEGREES 32 MINUTES 14 SECONDS EAST, A DISTANCE OF 112.61 FEET TO A SET REBAR ON THE ACCEPTED EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 50 MINUTES 40 SECONDS WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY RIGHTS-OF-WAYS AND/OR EASEMENTS OF RECORD.

SECTION 2. That the Council has before it a map showing the relationship of the property proposed to be annexed to the corporate limits of the City of Cullman, and that said map is on file in the office of the City Clerk along with an acknowledgment by the property owners that they want it to be annexed into the City of Cullman.

SECTION 3. That the City of Cullman does hereby annex as a part of its corporate limits the above described tracts or parcels of land as M-1 Manufacturing District.

SECTION 4. That a copy of this ordinance after its adoption, which ordinance includes a description of the properties annexed to the City of Cullman, be filed in the office of the Judge of Probate of Cullman County, Alabama, the county in which the municipality is located.

SECTION 5. That this ordinance shall take effect upon its passage and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 7th day of November, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 7th day of November, 2022.

/s/Mayor Woody Jacobs

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Council Member Moss seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Absent. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council Member Moss made a motion to adopt Ordinance No. 2023-06 to amend the street construction specifications and work within the City right-of-way.

ORDINANCE NO. 2023 - 06

TO AMEND THE CITY OF CULLMAN STREET CONSTRUCTION SPECIFICATIONS AND WORK WITHIN CITY RIGHT-OF-WAY

SECTION I. PURPOSE. The purpose of this Ordinance is to add, modify, amend, or delete portions of Section V, “Street Construction Specifications,” Chapter 48, “Streets, Sidewalks, and other Public Places,” of the City of Cullman Code of Ordinances.

SECTION II. Section V, Sections 48-102 thru 48-110 are hereby deleted in its entirety and replaced with the following:

Sec. 48-102. - Compliance required.

All street paving done within the jurisdiction of the City must conform to or exceed the specifications provided in this section.

Sec. 48-103. - Alternate methods of completing construction phases.

Types 1 and 2 under each construction phase are alternates, either one of which may be used at the discretion of either the City or the property developer.

Sec. 48-104. - Phase I—Subgrade preparation.

Phase I, subgrade preparation, may be completed in either of the following methods:

- 1) Type 1. Remove topsoil and other unsuitable material; grade existing soil or imported engineered fill to conform with grade and cross section of new street; compact top six inches of subgrade to 98 percent of standard (AASHTO T-99) density.

- 2) Type 2. Remove topsoil and other unsuitable material; grade existing soil to conform with grade and cross section of new street; stabilize the subgrade by incorporating a stabilizing material into the top six inches of the existing soil; compact the top six inches of subgrade to 98 percent of standard (AASHTO T-99) density. The stabilizing material shall be one of the following and conform to the requirements of Alabama Department of Transportation’s (“ALDOT”) Standard Specifications for Highway Construction, latest edition:
 - a. For clay soil, dehydrated lime;
 - b. For sandy clay soil, Portland cement; or
 - c. For sandy soil, coarse aggregate, state highway department size no. 2 or 3.

Sec. 48-105. - Phase II—Base courses.

Phase II, base courses, must be completed in the following method:

- 1) Plant mix, crushed aggregate base course, meeting the requirements of ALDOT’s *Standard Specifications for Highway Construction*, latest edition or as amended hereafter:

GENERAL COMPOSITON

Sieve Requirements	Percentage Passing by Weight (Mass)	Percentage Passing by Weight (Mass)
	TYPE A*	TYPE B**
2 inches {50 mm}		100
1.5 inches {37.5 mm}		90-100
1 inch {25.0 mm}	100	75-98
3/4 inch {19.0 mm}	86-100	-
1/2 inch {12.5 mm}	-	55-80
No. 4 {4.75 mm}	26-55	40-70
No. 8 {2.36 mm}	15-41	28-54
No. 16 {1.18 mm}	-	19-42
No. 50 {300 mm}	3-18	9-32
No. 200 {75 mm}	5-15	7-18

* The fraction passing the No. 40 {425 mm} sieve shall not have a liquid limit in excess of 25.

** The fraction passing the No. 40 {425 mm} sieve shall not have a P.I. in excess of 6 nor a L.L. in excess of 25, and contain no more than 2/3 by weight {mass} passing the No. 200 {75 mm} sieve.

Sec. 48-106. - Phase III—Pavement.

Phase III, pavement, may be completed in either of the following methods, but must conform to the requirements of the ALDOT’s Standard Specifications for Highway Construction, latest edition:

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- 1) Type 1, overlay of existing road: Bituminous surface treatment (state highway department section 401) with bituminous concrete wearing surface (state highway department section 424, mix "A"):
 - a. Prime coat "A": Apply 0.22 to 0.25 gallon of refined tar emulsion, emulsified petroleum resin, or emulsified asphalt per square yard.
 - b. Surface treatment, meeting the requirements in the Bituminous Treatment Table of ALDOT's Standard Specifications for Highway Construction; roll with a tandem roller.
 - c. Wearing surface: Spread approximately 135 – 150 pounds per square yard of bituminous concrete wearing surface (state highway department section 424 mix "A") over the previously constructed surface treatment; thoroughly roll the hot bituminous mixture with a tandem roller.
- 2) Type 2, New Road Buildup:
 - a. Prime Coat "A" Apply 0.22 to 0.25 gallon of refined tar emulsion, emulsified petroleum resin, or emulsified asphalt per square yard.
 - b. Superpave Bituminous Concrete Binder layer (state highway department section 424 mix A), approximately 250 pounds per square yard; thoroughly roll the hot bituminous mixture with a tandem roller.
 - c. Tack Coat, must conform to the requirements of ALDOT's Standard Specifications for Highway Construction, latest edition.
 - d. Superpave Bituminous Concrete Wearing Surface Layer (state highway department section 424 mix A), approximately 135 – 150 pounds per square yard; thoroughly roll the hot bituminous mixture with a tandem roller.

Sec. 48-107. – Inspections.

Modified

- 1) *Required.* After completion of each phase of street construction, an inspection must be made and approval in writing
- 2) Preliminary inspection; corrections. After all work has been completed, a preliminary inspection shall be made before any official acceptance. If the preliminary inspection reveals any deviation from the requirements of this section, it must be corrected before final approval through a letter of satisfactory completion of the street may be given.
- 3) *Bond.* Following a satisfactory preliminary inspection by the City, the owner/developer shall then post with the City Clerk a maintenance bond in an amount equal to ten percent of the total street and utility improvement cost for the street for a period of not less than one year.
- 4) *Final inspection and letter of satisfactory completion.* The developer/owner shall thereafter a period of not less than one year from the issuance of the bond, request a final inspection by the City. If the City finds the work to be in satisfactory condition, the City shall issue a letter of satisfactory completion to the owner/developer and Building Department for the records of the City.
- 5) *Made by Street Superintendent or Engineering Department.* All inspections shall be made by either the City Street Superintendent, or the Engineering Department or such other person as may be designated and authorized by the City Council.

Sec. 48-108. - Specifications for auxiliary related structures.

Specifications regarding size and makeup of all storm sewer, catch basin, inlet and manholes shall be furnished by the engineer of record and approved by the City street or engineering department. Auxiliary drain structures shall be prohibited from attaching to a City drain (pipe) structure. No pipes, drain boxes, sump pump hoses from basements, etc., may attach to a City drain unless a contract can be agreed upon that would relieve the City of any obligation should a flooding problem occur as a result of being attached to a City drain. This contract would be valid for all future homeowners of this particular property.

Sec. 48-109. - Curb and gutter or valley gutter required.

No streets shall be paved until a curb and gutter or valley gutter (if approved) is constructed along each side, conforming to subsection (1) or (2) of this section:

- 1) Valley gutters (where approved) shall be 30 inches wide and six inches thick, with the center being two inches to 2½ inches lower than the outer edges.
- 2) Ordinary curb and gutter must be 24 inches wide, six inches thick, and the curb portion must have an elevation of at least six inches above the gutter portions.
- 3) Concrete, 3,000 pounds per square inch, minimum, compressive strength at 28 days, shall be used for all curbs and gutters.
- 4) After installation of either valley gutter or curb and gutter, the adjacent soil shall be backfilled level with the top of the concrete, and neatly graded.

Sec. 48-110. - Width of paving.

The width of pavement shall be as contained in the City of Cullman Subdivision Regulations. The Street Superintendent, City Engineer, or such other person as may be designated and authorized by the City Council shall also specify the width of paving to be done on each street.

Sec. 48-111. – Permit for Cutting upon Street and/or within Right-of-Way.

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- 1) Any work performed in the City of Cullman right-of-way must be reported to the City of Cullman and the entity performing said work must obtain a right-of-way work permit signed by the City Engineer or his/her designee, prior to any work commencing. Work performed includes but is not limited to excavation, blasting, boring, trenching, saw-cutting, and any additional work that will cause a disturbance to the right-of-way. This notification to the City will be in addition to proper line locates that are required. Notifications can be made to either the City of Cullman's Street Department, Building Department, or Engineering Department and the permit can be obtained online or through the Building Department.
- 2) Before any paving commences that is not conducted by the Street Department or directed by the City, the Street Department or Engineering Department must be notified so that they may send a representative to the site to inspect the base material and provide approval to move forward with the paving process and either department shall re-inspect once the paving is complete.
- 3) *Backfill and Patching of Approved Open Cuts.*
 - a. Streets and rights-of-way that are within the jurisdiction of the City of Cullman, Alabama are to be inspected and maintained by the City Street Department.
 - b. For any work performed in the right-of-way that will require an open cut into a City street, the Street Department shall be notified immediately.
 - c. The Street Department shall be notified prior to any cutting taking place and then again once any required backfill is in place for proper inspection.
 - d. If the entity has the capabilities to patch the opening to the standards of the City then they may do so; if not, the Street Department will perform the work and the entity who performed the work shall be responsible for all costs associated with patching the opening.
 - e. Cold-patch is not an acceptable means of patching.
- 4) An opening shall include but is not limited to saw cutting, jack hammering, pickaxe, excavation, and any additional activities that will require any asphalt to be patched as part of work completion.
- 5) All openings must be saw cut with straight, vertical edges prior to the Street Department patching the opening. All fill material must be Dense Grade Base, placed in not more than six (6) inch thick lifts and must be compacted to at least ninety-eight (98%) percent proctor.
 - a. Any other fill materials must be pre-approved by the Street Department or Engineering Department before use.
 - b. All street openings must be filled with approved fill material no matter if the responsible entity will perform the patching or not.
- 6) *Enforcement and Penalties.*
 - a. The City finds that a violation of this Section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.
 - b. Each violation of this Section shall constitute a separate, civil infraction, punishable by a civil penalty in the amount specified below unless a different amount is specified in accordance with the laws of Alabama.
 - i. First violation of this Section: \$250, plus costs of repairs.
 - ii. Second violation of this Section: \$400, plus costs of repairs.
 - iii. Third and all subsequent violations of this Section: \$500, costs of repairs.
 - c. This Section may be enforced by the issuance of a citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any part of this Section.
 - d. A citation issued under any Section of this Section may be contested in the municipal court for the City of Cullman, Alabama. In addition to the penalties specified in this Section, a person voluntarily paying a citation or convicted of a citation shall be required to bear all costs and fees imposed by the Municipal Court of the City of Cullman.
 - e. The civil penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the City of Cullman Code of Ordinances or State law, including the criminal penalties set forth in City Code, Chapter 34.
 - f. Each day (any 24 consecutive hour period) that a continuing violation of this Section occurs or continues shall constitute a separate, civil infraction punishable by a penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

SECTION IV. SEVERABILITY CLAUSE. Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and

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it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

SECTION V. EFFECTIVE DATE. This ordinance shall be effective following its passage, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 7TH day of November, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 7th day of November, 2022.

/s/Mayor Woody Jacobs

Council President Pro Tem Cook seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council Member Hollingsworth made a motion to adopt Ordinance No. 2023-07 to regulate parking of recreational vehicles.

ORDINANCE NO. 2023 – 07

TO REGULATE THE PARKING OF RECREATIONAL VEHICLES WITHIN THE CITY OF CULLMAN

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

SECTION I. PURPOSE. The purpose of this Ordinance is to add restrictions to the parking and storage of recreational vehicles within the jurisdictional boundaries of the City of Cullman.

SECTION II. RECREATIONAL VEHICLES.

The following regulations apply to recreational vehicles parked or stored within the City of Cullman:

- 1) Recreational vehicles may not be parked or stored on public streets for a period longer than twenty-four (24) hours.
- 2) Recreational vehicles may not be parked or stored on City right-of-way for a period longer than twenty-four (24) hours.
- 3) Recreational vehicles shall not be parked or stored in such a manner as to obstruct/block and/or restrict automobile, any emergency vehicle access or pedestrian traffic.
- 4) Recreational vehicles stored on private property shall be parked or stored within the driveway, side-yard or rear yard, within the building setback lines as defined by the City of Cullman Zoning Ordinance.
- 5) Recreational vehicles shall not be parked or stored in any front yard, excluding the driveway.
- 6) Individual recreational vehicles may be stored on private property so long as they are not used as living and sleeping quarters, commercial purposes and are in compliance with the above requirements.

SECTION III. DEFINITIONS. For the purpose of this Ordinance words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Words and terms are defined as follows:

- 1) *Recreational Vehicle*: For the purposes of this Ordinance, a recreational vehicle shall consist of any of the following as herein defined:
 - a. A travel trailer is a vehicular portable structure mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use.
 - b. A camping trailer is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic, or other pliable material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location, providing temporary living quarters; and whose primary design is for recreation, camping, or travel use.
 - c. A utility trailer is any trailer small non-motorized vehicle which is generally pulled by a motorized vehicle and features an open-top rear cargo area (bed) and is used for the hauling of light loads.
 - d. A truck camper is a portable structure designed to be loaded onto, or affixed to, the bed/or chassis of a truck, constructed to provide temporary living quarters for recreation, camping, or travel use.
 - e. A motor home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car, primarily designed to provide temporary living quarters for recreation, camping and travel.
 - f. A boat is any recreational vehicle designed or intended for operation on water. Boats and trailers to transport the same shall be considered a recreational vehicle, and subject to the same requirements and restrictions applying to other recreational vehicles.
 - g. An all-terrain vehicle (ATV) is every motor vehicle 60 inches or less in width, having a dry weight of 1,500 pounds or less, designed to travel on three or more non-highway tires, and manufactured for off-road use by a single operator or by an operator and not more than one passenger as provided by the manufacturer, and shall be considered a recreational vehicle for the purposes of this Article.

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SECTION IV. ENFORCEMENT. Written notice of a violation of this section shall be issued from the City via registered or certified mail to the owner and occupant, if applicable. Violators shall have seven (7) days after receipt of official notice from the City in which to come into compliance with the requirements of this section. A failure to comply, beginning with the eighth day after receipt of official notice, will result in a fine of \$100.00, plus all costs and fees imposed by the Municipal Court of the City of Cullman to be assessed against the owner or occupant of the property on which the vehicle is located for each day that the vehicle remains parked in violation of this section, each day constituting a separate violation hereof.

SECTION V. AUTOMOBILES. Nothing contained in this Article shall be construed as prohibiting a person from parking his or her vehicle in the street adjacent to the curb in front of his or her premises, when such parking is not otherwise prohibited, provided the vehicle is moved from time to time as convenience directs, the purpose of this Section being to prohibit the abandoning of a vehicle on a public right of way, alley, municipally owned parking lot, sidewalk, or other public place within the City as defined in the City of Cullman Nuisance Ordinance.

SECTION VI. SEVERABILITY CLAUSE. Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

SECTION VII. EFFECTIVE DATE. This ordinance shall be effective following its passage, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 7th day of November, 2022.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 7th day of November, 2022.

/s/Mayor Woody Jacobs

Council Member Smith seconded the motion to approve the Ordinance, and the motion was approved by a roll call vote. Mr. Wesley Moore polled the Council Members: Council President Pro Tem Johnny Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

BOARD APPOINTMENTS - None.

Council President Folsom asked for a motion to adjourn. Council Member Hollingsworth made the motion to adjourn. Council President Pro Tem Cook seconded the motion, and the meeting was adjourned at 7:21 p.m. by a voice vote. Ayes: All. Nays: None.