

**CULLMAN CITY COUNCIL MEETING
MONDAY, FEBRUARY 12, 2024 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, February 12, 2024. Fire Chief Brian Bradberry led the Pledge of Allegiance and presented the invocation.

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

Council President Jenny Folsom asked the Council to consider the minutes from January 22, 2024. Council President Pro Tem Cook made a motion to suspend the rules to consider the minutes. Council Member Smith 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: Aye. 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 January 22, 2024, as written. Council Member Moss 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: Aye. 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 – No report.
4. Tourism (Parks & Recreation, Airport, etc.) Chairman Clint Hollingsworth – No report.
5. General Government (Finance, Economic Development, etc.) - Chairwoman Jenny Folsom – No report.

REPORT FROM THE MAYOR – No report.

COMMENTS FROM ANYONE NOT ON THE AGENDA – None.

PUBLIC HEARINGS – None.

REQUESTS, PETITIONS, APPLICATIONS, COMPLAINTS, APPEALS, AND OTHER

Council President Pro Tem Cook made a motion to approve a special event request from Juliane Phillips for the annual Kaleb’s 5k run/walk on April 20, 2024. 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 Member Hollingsworth made a motion to adopt the following resolution:

RESOLUTION NO. 2024 – 33

APPROVING CHANGE ORDER NO. 3 FOR JIM COOPER CONSTRUCTION COMPANY, INC.

WHEREAS, the Cullman City Council awarded the bid for the new Civic Center Complex recently named “OmniPlex” to Jim Cooper Construction Company, Inc. in the amount of \$19,583,687.00;

WHEREAS, the Cullman City Council has also approved Change Orders No. 1 and No. 2 to increase the project cost by \$4,511.99 for upgrading interior doors and adding floor electrical boxes to \$19,589,586.78; and

WHEREAS, the City of Cullman wishes to approve Change Order No. 3 to increase the project cost by \$703.76 to upgrade a transformer; and

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is authorized to execute Change Order No. 3 which will increase the total cost of the contract with Jim Cooper Construction Company, Inc. to \$19,590,290.54.

ADOPTED BY THE CITY COUNCIL this the 12th day of February 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of February 2024.

/s/Mayor Woody Jacobs

Council Member Smith seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council Member Smith made a motion to adopt the following resolution:

RESOLUTION NO. 2024 - 34
AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT
BETWEEN THE CITY OF CULLMAN, ALABAMA AND J & R FEEDS

WHEREAS, the Lease Agreement between the City of Cullman and J & R Feeds for 602 Second Avenue NE will be for one calendar month beginning on the 1st day of March, 2024; and

WHEREAS, the City of Cullman wishes to renew the Lease Agreement with J & R Feeds for 602 Second Avenue NE on a month to month basis until terminated;

WHEREAS, the Cullman City Council has determined that renewing the Lease Agreement with J & R Feeds would serve a public purpose;

THEREFORE, BE IT RESOLVED by the Cullman City Council that the Mayor is hereby authorized to execute a lease agreement with J & R Feeds for 602 Second Avenue NE beginning on the 1st day of March, 2024.

ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of February, 2024.

/s/Mayor Woody Jacobs

Council President Pro Tem Cook seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Pro Tem Cook made a motion to adopt the following resolution:

RESOLUTION NO. 2024 – 35
TO AMEND THE POSITION CONTROL FOR THE CITY OF CULLMAN

THEREFORE, BE IT RESOLVED by the City Council of the City of Cullman, in the State of Alabama, that the position control detail is hereby amended, as approved and deemed necessary by the Mayor, and is incorporated into the Fiscal Year 2024 City Budget.

ADOPTED BY THE CITY COUNCIL this the 12th day of February, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR this the 12th day of February, 2024.

/s/Mayor Woody Jacobs

Council Member Hollingsworth seconded the motion, and the motion was approved by a voice vote. Ayes: All. Nays: None.

Council President Jenny Folsom held the second reading of Ordinance No. 2024-08 to rezone Blue Hole, LLC property located on Hwy 278 from AG-2 to AG-1 which received a favorable recommendation from the Planning Commission. Council Member Smith made a motion to approve Ordinance No. 2024-08.

ORDINANCE NO. 2024 – 08

AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA,
TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN

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

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, the petitioner, the following describe the tracts or parcels of land, to-wit:

Property Owner: Blue Hole, LLC.

Property Address: Vacant land located on Highway 278 West.

Legal Description: Lot 2 – A TRACT OR PARCEL OF LAND CONTAINING 11.14 ACRES OF LAND, MORE OR LESS, AND BEING A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 18, TOWNSHIP 10 SOUTH, RANGE 3 WEST, CULLMAN COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 18 AND RUN THENCE NORTH 87 DEGREES 38 MINUTES 22 SECONDS WEST (BEARING BASED ON AL. STATE PLANE, WEST ZONE, NAD 83, GRID) AND RUN ALONG THE ACCEPTED SOUTH LINE, A DISTANCE OF 657.92 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 52 SECONDS WEST, A DISTANCE OF 159.45 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 31 AND BEING IN A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 04

DEGREES 14 MINUTES 34 SECONDS, A RADIUS OF 1,979.85 FEET, A CHORD BEARING OF NORTH 76 DEGREES 54 MINUTES 31 SECONDS WEST AND A CHORD LENGTH OF 146.58 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 146.61 FEET TO A SET REBAR (CONN-17831); THENCE NORTH 16 DEGREES 17 MINUTES 20 SECONDS WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 412.09 FEET TO A SET REBAR; THENCE NORTH 49 DEGREES 09 MINUTES 40 SECONDS EAST, A DISTANCE OF 437.20 FEET TO A SET REBAR; THENCE SOUTH 82 DEGREES 05 MINUTES 26 SECONDS EAST, A DISTANCE OF 269.56 FEET TO A SET REBAR; THENCE NORTH 48 DEGREES 11 MINUTES 10 SECONDS EAST, A DISTANCE OF 146.94 FEET TO A SET REBAR; THENCE NORTH 65 DEGREES 55 MINUTES 43 SECONDS EAST, A DISTANCE OF 40.24 FEET TO A SET REBAR; THENCE NORTH 86 DEGREES 23 MINUTES 30 SECONDS EAST, A DISTANCE OF 162.40 FEET TO A POINT ON THE WEST BANK OF RYAN'S CREEK; THENCE RUN IN A SOUTHERLY DIRECTION FOLLOWING SAID WEST BANK THE FOLLOWING 3 COURSES: SOUTH 22 DEGREES 30 MINUTES 15 SECONDS WEST, A DISTANCE OF 115.36 FEET; SOUTH 09 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 190.67 FEET; SOUTH 26 DEGREES 23 MINUTES 33 SECONDS EAST, A DISTANCE OF 64.96 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 38 MINUTES 35 SECONDS WEST, A DISTANCE OF 316.90 FEET TO THE POINT OF BEGINNING.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as Agriculture District AG-2 on the Zoning Map of the City of Cullman, Alabama under Ordinance No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from AG-2 Agricultural District to AG-1 Agricultural District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsis, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 22nd day of January, 2024 at 7:00 p.m., at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE COUNCIL this the 12th day of February, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2024.

/s/Mayor Woody Jacobs

Council Member Hollingsworth 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 Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the second reading of Ordinance No. 2024-13 to regulate mobile food businesses in the city limits of Cullman. Council Member Moss made a motion to approve Ordinance No. 2024-13.

ORDINANCE NO. 2024 - 13
AMENDING REGULATING THE SALE AND DISTRIBUTION OF MOBILE VENDORS
(FOOD TRUCKS), PUSHCARTS, ICE CREAM TRUCKS AND MOBILE BUSINESS UNITS
WITHIN THE CITY LIMITS OF THE CITY OF CULLMAN, ALABAMA,
PROVIDING LICENSING PROCEDURES AND ESTABLISHING PUNISHMENT FOR VIOLATIONS

BE IT ORDAINED by the City Council of the City of Cullman, Alabama as follows:

Section 1. Short Title. This Ordinance shall be known and may be cited as the "Cullman Mobile Vendors Ordinance".

Section 2. All locations are subject to the regulations and other requirements established by the Health Department. It shall be unlawful for any person to prepare, sell, offer or expose for sale, exchange, deliver, dispose of or have in possession, custody of control, in the City, with intent to sell, offer or expose for sale, exchange, or delivery, any meat, prepared food, vegetable, beverage, liquid or other article used or intended for use as food for human beings, without valid, unsuspended and unrevoked permit issued by the health officer, pursuant to regulations of the State Board of Public Health, a City license and permit in accordance with this Ordinance.

Section 3. This Ordinance shall only allow for mobile food vehicles, pushcarts, ice cream trucks, mobile carwashes/detail units, mobile auto-glass repair, mobile barbershops, hair salons, nail salons/cosmetology and mobile pet grooming. Nothing in this Ordinance shall be construed to allow for any other mobile operations of any businesses within any zones which the Zoning Ordinance may allow as a permitted or conditional use, permanent, “brick-and-mortar” structures/establishments.

Section 4. This Ordinance is enacted for the purposes, among others of promoting the health and general welfare of the community, of establishing reasonable standards for regulation and control of the licensing and sale of food from mobile vendors and goods and services of mobile business units, by preserving certain areas through reasonable consideration among others, to the character of the areas and their peculiar suitability for particular uses, to the congestion in roads and streets, to promoting a general view of desirable living conditions, sustaining stability of neighborhoods, property and prevention of unqualified persons from engaging in or having an interest in said business. This Ordinance shall be construed as an exercise by the City of the Police Powers of the State delegated to the City in the regulation of health and welfare. Nothing in this Ordinance shall be construed to restrict charitable dispensing of free food to the poor, homeless, or persons in need.

Section 5. Definitions.

1. “Business licenses” are the licenses required of any business to operate within the City pursuant to the City license code.
2. “Building Department” shall mean the City of Cullman Building Department and its Officers, Inspectors, and Employees.
3. “City Building Inspection Department” shall mean the City of Cullman Building Department. Such terms shall be construed to include the City of Cullman Building Department and any officer or agent of the department authorized to act for and on behalf of the department with respect to the enforcement and administration of this code and other city, county, state ordinances or laws.
4. “Commissary” shall mean a permitted food establishment to which a mobile food establishment, pushcart, or transportation vehicle returns daily for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
5. “Cullman Fire and Rescue” shall mean the Cullman Fire Department. Such terms shall be construed to include the Cullman Fire Department and any officer or agent of the department authorized to act for and on behalf of the department with respect to the enforcement and administration of this code and other city, county, state ordinances or laws.
6. “Cullman Police Department” shall mean the City of Cullman Police Department. Such terms shall be construed to include the City of Cullman Police Department and any officer or agent of the department authorized to act for and on behalf of the department with respect to the enforcement and administration of this code and other city, county, state ordinances or laws.
7. “Food Zone” shall mean an area approved by the City of Cullman for the specific operation of a mobile food vehicle or pushcarts as described in Zoning Ordinance and as amended from time to time by the City Council.
8. “Mobile Business Units Zone” shall mean an area approved by the City of Cullman for the specific operation of a mobile business unit as described in Zoning Ordinance and as amended from time to time by the City Council.
9. “Health Department” shall mean the state and county health department. Such terms shall be construed to include the County Health Department and any officer or agent of the department authorized to act for and on behalf of the department with respect to the enforcement and administration of this code and other city, county, or state ordinances.
10. “Ice Cream Trucks” shall mean vendors who only sell frozen, yogurt, dairy, or iced refreshments that are sold in single servings and whose product is not prepared on site.

11. "Lunch Wagon" shall mean a small bus, truck, or other vehicle outfitted for selling or for serving light meals and snacks to the public.

12. "Mobile food vehicle" shall mean, except for pushcarts but including ice cream trucks and lunch wagons, a unit mounted on or pulled by a self-propelled vehicle where food including prepackaged foods, for individual portion service is prepared or dispensed; is a self-contained with its own drinking water tank and wastewater tank; is designed to be readily movable; and is moved daily to return to its commissary.

13. "Mobile business unit" shall mean any commercial business without a fixed location or which is operating in the from a self-propelled vehicle or which can be pushed or pulled on a sidewalk, street, or highway on which licensed (permitted) personal or professional services or goods, are then provided, sold or dispensed to the public, in which the point of sale is located within the interior of the unit or the immediate exterior. Uses include barbershop, hair salon, nail salon, cosmetology, pet grooming, and mobile car detailing and washing. This shall not include businesses that provide services directly to a customer's home and/or business and perform some sort of service like landscaping, cleaning, HVAC, mobile auto-glass repair etc.

14. "Operator" shall mean the individual or the entity that is legally responsible for the operation of the mobile vehicle such as the permittee, the permittee's agent, or other person; and possesses a valid permit to operate a mobile vehicle.

15. "Pushcart" shall mean a non-self-propelled mobile food unit that is light weight enough, designed, and intended to be moved by a single person on foot. A pushcart shall be used to prepare and serve only:

- a. potentially non-hazardous food such as popcorn, lemonade, hotdogs, flavored ice or ice cream;
- b. foods pre-wrapped at a commissary and maintained at the required temperatures per the County Health Department regulations.

16. "Restaurant" shall mean a brick-and-mortar establishment where meals are generally prepared, served, and eaten on the premises or prepared and serves food and/or drink to customers for consumption on premises in return for money, with permanent bathroom, electrical power, plumbing permanently affixed to land. A restaurant does not mean a food vending truck, ice cream truck, lunch wagon or a pushcart.

Section 6. Requirements

1. The permitted mobile food vending and mobile business operation in which the vendor proposes to operate are allowed in all zoning districts except residential as limited herein. Ice cream trucks may operate in residential areas.

2. All permitted mobile food vendors, including ice cream trucks, and mobile businesses are required to purchase a business license.

3. Except as herein provided, it shall be unlawful for any ice cream truck, while engaged in the business of selling, to stop or stand or permit or suffer any vehicle to do so upon any street of the City except during the actual sale of its ice cream product. In no event shall an ice cream truck be or remain upon any street or sidewalk longer than is reasonable to conduct a sale (such time not to exceed 30 minutes). Special events locations excepted if the ice cream truck is authorized as a participant by the event organizer and located with the permitted area of the special event or private property.

4. All mobile food vehicle units and mobile businesses units locations must meet the zoning district setbacks.

5. Mobile food vehicle units and mobile business units are not permitted to operate in loading zones, on street parking spaces, public rights-of-way, public off-street parking without a permit issued by the City not to exceed five (5) consecutive business days, nor may they obstruct or impede the flow of traffic for neighboring businesses. Exceptions may be made by the City for permitted special events in the appropriate zoning district(s).

6. (a) No mobile food vehicle shall operate within three hundred (300) feet of the front door of any restaurant or like business in current operation. Distance shall be measured to the nearest public entrance for any brick and mortar restaurant. (b) No mobile business unit may operate within three hundred (300) feet of the front door of any like business in current operation. Exception may be made with a waiver signed by the restaurant or business owner. (c) No pushcarts shall operate within one hundred (100) feet of the front door of any restaurant or business in current operation. Distance shall be measured from any exterior door leading into a dining area to the closest point of the pushcart. Exceptions may be made by the City for permitted special events in appropriate zoning district(s).

7. No mobile food vehicle, mobile business unit and/or pushcart shall make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic.
8. No mobile food vehicle or mobile business unit shall have a drive-through service.
9. No mobile food vehicle shall have any indoor or covered seating, and in no case shall a mobile food vehicle or mobile business unit have more than one temporary picnic table or equivalent seating for more than six (6) patrons. All tables and chairs shall be removed at the close of business each day at the location in which the mobile food vehicle or mobile business unit operated said day and shall be located within the approved space for permitted area.
10. No mobile food vehicle or mobile business unit shall have any generator with a decibel level over seventy (70) decibels from a distance measured from twenty-five (25) feet from the generator. All generators shall comply with fire codes and in no case shall a generator be located further than twelve (12) feet from the mobile unit.
11. Private property owner approval. Mobile food vending units and mobile business units shall not be allowed to consume otherwise necessary parking spaces of existing tenant within the same property without the approval of the property owner, all tenants and the Building Department.
12. The proposed mobile food vehicle, mobile business operation and/or pushcart vending activity shall comply with all applicable federal, state and local laws and ordinances including, but not limited to, the Alabama Department of Environmental Management and Americans with Disabilities Act.
13. All signage and advertisement, whether on private or public property, must be attached to the mobile food vending unit and mobile business unit, not located within the right-of-way and in no way may it impede or interfere with foot and/or vehicular traffic and/or create hazard for foot and/or vehicular traffic.
14. Attached. Mobile food vehicles, mobile business units and/or pushcarts shall be responsible to provide and maintain their own trash receptacles. Permittee shall contain all refuse, trash, and litter within the mobile food vehicle or a small moveable trash can maintained by the permittee, and located adjacent to the mobile food vehicle and/or pushcart in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The permittee of the mobile food vehicle, mobile business unit and/or pushcarts shall be responsible for properly disposing of such refuse, trash, and litter as would any business, and shall not place it in any public trash container, or in any private container without proper permission.
15. (a) No mobile food vehicle, mobile business unit and/or pushcart shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers. A mobile food vehicle and/or pushcart may use battery-operated lights with appropriate protective shields for the purpose of illuminating merchandise, so long as it is not a distraction to passing motorists. The decision of such distractions shall be determined by the Cullman Police Department or the Building Inspection Department of the City of Cullman. (b) Ice cream trucks may use amplified outside single tune music. "A" weighted tune not to create a noise nuisance.
16. No person or business entity, including religious or charitable organization, shall operate a mobile food vehicle, mobile business unit and/or pushcart selling food or beverages within the City without a permit.
17. All mobile food vendors, ice cream trucks, pushcarts, lunch wagons and mobile business units must have a valid City business license.
18. All mobile food vendors, ice cream trucks, pushcarts, lunch wagons and mobile business units must provide a signed statement that the applicant shall hold harmless the City and its officers and employees, and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit with an active liability insurance policy as set out herein insuring the vehicle and its operators.
19. Each permit issued under this Ordinance shall be displayed at all times on the rear of the mobile food vehicle or mobile business unit and conspicuously on the pushcart.

20. The permit shall be subject to additional limitations on hours and days of operation that the City determines are appropriate to prevent conflict with special events. Examples of special events include, but are not limited to, construction, parades, outdoor concerts, sponsored marathons and blocked streets to allow licensed events.

21. No mobile food vehicle, ice cream truck, lunch wagon and/or pushcart vending within the City shall operate within five hundred (500) feet of any fair, stadium, carnival, circus, festival, special event, civic event, sports complex, water park, ball fields, entertainment district or other like sponsored event that is licensed or authorized by the City, unless they are authorized by the organizer to be participants in such event.

22. Persons conducting business from a mobile food vehicle and mobile business unit on private property shall not be permitted to operate in the following manner:

- a. Vending may not obstruct the use of any street intersection or pedestrian crosswalk.
- b. Vending shall not impede the ingress or egress of any driveway.
- c. Vending shall not obstruct pedestrian space.
- d. Vending shall not impede or obstruct the ingress or egress of any building.
- e. Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- f. Any and all signage must be contained on the vehicle and not on the private property. At no time shall any signage be placed within the public right-of-way.

23. Any power required for the mobile food vehicle, mobile business unit and/or pushcart located on a public way shall be self-contained or immediately adjacent to the mobile food vehicle and/or mobile business unit. The mobile food vehicle, mobile business unit and pushcart shall not draw its power from the public rights-of-way or other businesses without a written waiver from the property owner granting permission. No power cable or equipment shall be extended at grade or overhead across any public street, alley, or sidewalk. Special events sites excepted.

24. For any location where the mobile food vending unit or mobile business unit is proposed to stay for two (2) or more hours, vendors shall provide toilet facilities for persons operating the unit, including employees, in accordance with the requirements of the Cullman County Health Department. Special Events sites excepted if toilet facilities are provided by organizer. An exception may be made if an adjacent business owner allows for restroom usage within his/her place of business for the mobile food vehicle or mobile business unit while on site.

25. Food preparation will be regulated by the Cullman County Health Department. The business license application must be accompanied by a food permit issued by the Cullman County Health Department.

26. Any on-site preparation of food shall be performed inside the primary vending unit only. Special Events sites are excepted on approval of preparation or serving area by the Cullman County Health Department.

27. A fire inspection of the vehicle, trailer, or concession apparatus shall be at least annually inspected by Cullman Fire Rescue prior to issuance of business license, inspection form or permit. All business licenses, inspection forms and/or permits shall be renewed annually. Nothing herein shall preclude inspection more often than once a year.

28. The vehicle, trailer, or concession apparatus shall meet all requirements for safety including, but not limited to the following or as hereafter amended:

- a. *International Fire Code*, 2021 Edition;
- b. *International Mechanical Code*, 2021 Edition
- c. *International Fuel Gas Code*, 2021 Edition
- d. NFPA 96 – *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2021 Edition
- e. NFPA 10 – *Standard for Portable Fire Extinguishers*, 2018 Edition
- f. NFPA 17A – *Standard for Wet Chemical Extinguishing Systems*, 2021 Edition
- g. NFPA 58 – *Liquefied Petroleum Gas Code*, 2021 Edition

29. A list of requirements and scheduling of inspections, including but not limited to fire extinguishers, fire extinguishing systems, compressed gas/LPG, generators, electrical/extension cords and vehicle/trailer location can be coordinated through Cullman Fire Rescue.

Section 7. Food Zones. Food trucks, pushcarts, and ice cream truck zones Monday through Saturday except during special events, festivals, tournaments, games or private functions without approval of Cullman Parks, Recreation and Sports Tourism (for those properties managed by it) and the City in the form of a permit issued by the Clerk's office which shall be displayed at all times when in operation located in 1-5 below. Mobile food units and mobile businesses must remain within the permitted area when permitted by the City.

1. City Park south of the Police Station, known as Depot Park;
2. The Old Farmers Market, the lot directly across from the Police Station (PIN 44702);
3. Art Park
4. Nesmith Park;
5. Heritage Park parking areas (as designated by special marking);
6. Private property which does not lie within the restrictive areas as set out in this Ordinance.

Section 8. Required by Financial Responsibility of Operator. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the City from all claims for damage to property or bodily injury, including death, which may arise from the operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred thousand Dollars (\$300,000.00) per accident or occurrence or more if necessary to meet state or federal minimums. The policy shall further provide that it shall not be canceled except upon thirty (30) days written notice served upon the City of Cullman, Office of the City Clerk, 204 2nd Avenue, NE, Cullman, AL 35055. A permit issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City Clerk. Proof of insurance must be shown on each mobile food vehicle and pushcart in operation.

Section 9. Denial, Revocation, Suspension of Permit. An application or approved permit may be denied, revoked, suspended, or not renewed for any of the following reasons:

1. Revocation, Suspension, Modification. A permit may be revoked, suspended, modified, or not renewed by the City for failure to comply with the provisions of this Ordinance, or any provision of this Code or other ordinance of the City enacted in the exercise of its police power. A permit may also be revoked whenever, in the judgment of the City, it deems it necessary for the protection of the public good or for the prevention of disorders, provided however, that the City shall first give reasonable notice to the permittee of a public hearing, time and date on the matter of such revocation. The hearing shall be held before the City Council and shall be governed by all laws and ordinances as to any other licensee or permit issued by the City of Cullman.
2. The permittee or any of its principals fails to satisfy any qualification or requirement imposed by this Ordinance, or other local, state or federal laws or regulations that pertain to the particular license or use.
3. The mobile food vehicle, ice cream truck, pushcart, and/or mobile business unit on which the business is conducted does not satisfy all local, state or federal laws or regulations which relate to the activity that is to be licensed after a notice and opportunity to cure; or
4. The permittee or any of its agents is in default on any payments owed to the City; or
5. The application contains material omissions or false, fraudulent, or deceptive statements; or
6. The mobile food vehicle and/or pushcart is operated in such a manner as constituting a public nuisance per the Cullman City Code or state statutes; or
7. The proposed operation is in violation of any federal, state or local laws including, but not limited to, the provisions of the Ordinance pertaining to public health or safety.
8. The permittee or his agents or employees interfere with an inspection of the mobile food vehicle and/or pushcart by a Health Department inspector; City official or
9. The permittee or his agents have repeatedly violated applicable portions of this Article; or
10. There are repeated violations of City, federal or state food laws regulating mobile food vehicles and/or pushcarts' or
11. The County Health Department denies, revokes or suspends the license of the mobile food vehicle and/or pushcart.
12. Any mobile food vehicle and/or pushcart being operated without a valid permit issued by the City Council shall be deemed a public safety hazard and may be ticketed and impounded.
13. No mobile food vehicle and/or pushcart shall be parked on the street overnight or left unattended and unsecured at any time. Any mobile food vehicle and/or pushcart which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded. Exceptions may be made for authorized vendors at special events.
14. A mobile food vehicle and/or pushcart operating at any unauthorized location or beyond the hours for which the operation has been permitted shall be deemed operating without a permit in violation of this section and may be subject to enforcement.

Section 10. The severability provisions of any section of the Code of Ordinances of the City of Cullman, Alabama are specifically included herein by reference as if fully set forth, which is not in direct conflict with this Ordinance.

Section 11. This Ordinance shall become effective upon its adoption and approval.

ADOPTED BY THE COUNCIL this the 12th day of February, 2024.

/s/ Jenny Folsom, President of the City Council

ATTEST:

/s/ Wesley Moore, City Clerk

APPROVED BY THE MAYOR, this the 12th day of February, 2024.

/s/Mayor Woody Jacobs

Council Member Hollingsworth 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 Cook: Aye. Council President Folsom: Aye. Council Member Moss: Aye. Council Member Smith: Aye. Council Member Hollingsworth: Aye.

Council President Jenny Folsom held the first reading of Ordinance No. 2024-14 to approve the Back-to-School Sales Tax Holiday every third full weekend in July.

Council President Folsom held the first reading of Ordinance No. 2024-15 to state the penalties and interest for delinquent tax filings in the Code of Ordinances.

BOARD APPOINTMENTS

Council Member Smith made a motion to reappoint Ronnie Easterwood to the Alcohol Review Committee. Council Member Moss seconded the motion, and the motion was approved by a voice vote.

Council Member Hollingsworth made a motion to reappoint Allen Green to the Alcohol Review Committee. Council Member Moss seconded the motion, and the motion was approved by a voice vote.

Mayor Jacobs reappointed Tommy Waldrop to the Alcohol Review Committee.

Council President Folsom asked for a motion to adjourn. Council Member Smith made the motion to adjourn. Council Member Hollingsworth seconded the motion, and the meeting was adjourned at 7:10 p.m. by a voice vote. Ayes: All. Nays: None.