

MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA HELD
August 17, 2020

The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:00 o'clock p.m. on the 17th day of August 2020, being the regularly scheduled time and place for said meetings. The meeting was called to order by Allen Noles, President of the Council. On roll call the following were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, TERRY McMINN, MIKE LOCKHART, KEN SOCKWELL,
and ALLEN NOLES,

ABSENT: NONE

Richard L. Williams, City Clerk of the City, was present and kept the minutes of the meeting.

Allen Noles, President of the Council, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business.

Council Member McMinn introduced the following Ordinance in writing which was read at length and presented to the meeting.

1523 - 20

AN ORDINANCE TO ESTABLISH OPERATING STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA, FOR THE PURPOSE OF ESTABLISHING DEFINITIONS AND STANDARDS FOR MOBILE FOOD UNITS AS FOLLOWS:

Section 1. Definitions.

a. Mobile Food Unit - A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food, beverages or any item to be consumed by a person in various locations of the City.

b. City - Inside the city limits of The City of Muscle Shoals, Alabama, Alabama.

c. Code Official - The License or Building Inspector for the City of Muscle Shoals, Alabama.

Section 2. Standards and Requirements for Operation.

a. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Muscle Shoals prior to commencing any food sales in the City. Said license shall be assigned an NAICS Code as determined by the City Revenue Officer and the City's Business License Ordinance. Said license shall be provided for both the Mobile Food Unit as well as the commissary from which the food is obtained.

b. In addition to an annual business license all Mobile Food Unit operators shall obtain an annual operating permit for each unit to be issued by Clerk of the City of Muscle Shoals, unless otherwise exempted in this Chapter. Permits shall be issued for the period beginning January 1 and ending December 31 of each year. All required permits shall be posted in a visible location on the Mobile Food Unit at all times while in operation. In order to obtain said permit, operators

shall submit copies of all required and current health department approvals for both commissary and each Mobile Food Unit and current City business license. Applicants shall be responsible for having each unit inspected and approved by the City's Fire Marshal prior to issuance of a permit.

c.All Mobile Food Units must be located off the public rights-of-way.

d.Location and/or operation of all Mobile Food Units shall be only in areas and/or districts zoned B-1, B-2, M-1 and M-2.

e.Mobile Food Unit operators shall have approval of the property owner for each location at which the Mobile Food Unit operates. This approval shall be in writing, signed by the property owner and must be displayed at all times during the operation of the Mobile Food Unit.

f.No Mobile Food Unit shall be allowed to operate in excess of eight (8) hours per day; operational meaning food sales (excluding food prep).

g.During hours and days of non-operation, the Mobile Food Unit and all associated vehicles and equipment, etc., must be removed from the premises.

h.Hours of operation for all Mobile Food Units shall be limited to 6:00 AM to 9:00 PM, local time.

i.No Mobile Food Unit shall operate on city owned property except during specially approved festivals, celebrations, etc., or with the written consent of the Mayor. All such Mobile Food Units shall be subject to the same regulations as set forth herein.

j.Mobile Food Units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation.

k. Mobile Food Units shall be located a minimum of five (5) feet away from any fire hydrant, sidewalk, utility boxes, handicap ramps and/or building entrances.

l. Mobile Food Unit operators are responsible for the proper disposal of waste and trash associated with the operation of the unit. Operators shall remove all waste and trash every 24 hours to maintain the health and safety of the public and to prevent any adverse or noxious odors. City trash receptacles shall not be used for this purpose.

m. All associated equipment, including trash receptacles, must be located within three (3) feet of the Mobile Food Unit.

n. No fire lanes, vehicular access ways or pedestrian walkways may be obstructed or encroached upon by the Mobile Food Unit.

o. No amplified microphones or bull horns, no flashing lights or any other distraction shall be permitted as a part of the Mobile Food Unit operation.

p. Mobile Food Units shall not occupy parking spaces required to fulfill the minimum requirements of a principal use, unless the hours of operation of the principal use do not coincide with those of the Mobile Food Unit except at the approval of the Code Official.

q. Signage is limited to signage located on the Mobile Food Unit. No portable signage is allowed.

r. Licensed operators of mobile food trucks within the City of Muscle Shoals, Alabama shall be exempt from the requirements imposed by Section 22-65 of the Code of Muscle Shoals, Alabama.

Section 3. Penalties.

Any person who violates any provision of this ordinance by failing, neglecting or refusing to comply with the provisions hereof, after one written warning to cease such violation, may be issued a citation by the Muscle Shoals Police Department or at the request of the Code Official or his designee be issued

a summons or civil citation and shall be required to appear in the Muscle Shoals Municipal Court. Upon conviction of any violation hereof, a person shall be subject to any fines and other applicable court costs which may be assessed by the Muscle Shoals Municipal Court, which fines may be in an amount not less than One Hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars and such person may be imprisoned in the municipal jail for a term not to exceed one hundred eighty days or by both fine and imprisonment.

Section 4. Exceptions.

The Mayor shall, at his discretion, be authorized to issue an exemption to any Mobile Food Unit which is operating in an organized civic event, festival, celebration, non-profit event or any other event where it is deemed as being in the public's interest in order to exempt the operator of the Mobile Food Unit from business license fees and permitting requirements; however, all operators are still responsible for the collection and remittance of sales taxes associated with the sale of their inventory, as well as inspection of food preparation facilities by the Fire Marshal and Health Department.

Section 5. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 6. Effective Date.

This Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member McMinn moved that unanimous consent be given for the immediate consideration of and adoption of said Ordinance, which motion was seconded by Council Member Hall, and, upon said motion being put to a vote, a roll call was had and the vote was recorded as follows:

Ayes: Mr. Hall, Mr. McMinn, Mr. Lockhart, Mr. Sockwell and Mr. Noles
Nays: None

The President announced the vote and declared that the motion for unanimous consent for immediate consideration of and adoption of the Ordinance had been carried unanimously. Council Member McMinn then moved that the said Ordinance be finally adopted, which motion was seconded by Council Member Hall, and, upon said motion being put to a vote, a roll call on final adoption was had and the vote was recorded as follows:

Ayes: Mr. Hall, Mr. McMinn, Mr. Lockhart, Mr. Sockwell and Mr. Noles.
Nays: None

There being no further business to come before the meeting, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

CERTIFICATE

I, Richard L. Williams, City Clerk for the City of Muscle Shoals, Alabama, do hereby certify that the attached and foregoing pages constitute a true, correct, verbatim and complete copy of the excerpts from all those portions of the minutes of a regular meeting of the Council of Muscle Shoals, Alabama held on the 17th day of August, 2020 at 6:00 pm in said City and pertaining to the matters set out therein and as the same appears in the records in the Office of the City Clerk of Muscle Shoals, Alabama.

WITNESS my signature as said City Clerk this the 18th day of August, 2020.



CITY CLERK

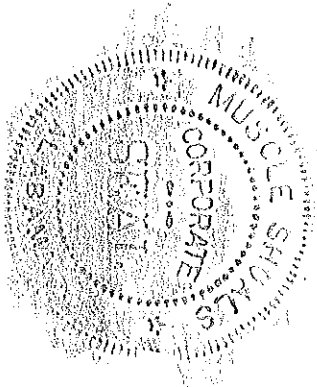
CERTIFICATE

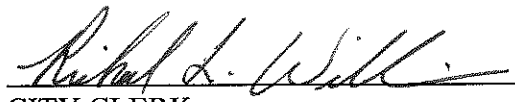
I, Richard L. Williams, City Clerk for the City of Muscle Shoals, Alabama, hereby certify that the above and foregoing Resolution was duly and properly adopted by the Council of the City of Muscle Shoals, Alabama at a regular meeting of the said Council held on the 17th day of August, 2020 at 6:00 pm in said City and that said Resolution has been duly and properly published on the 19th day of August, 2020 and pursuant to law, by posting a copy of said Resolution at the Office of the Mayor at City Hall in the City of Muscle Shoals, Alabama; Muscle Shoals Public Library; Gattman Park Recreation Center; and First Metro Bank, Muscle Shoals Branch; being four conspicuous places lying and being within the City of Muscle Shoals, Alabama, there being no newspaper published and of general circulation in the City of Muscle Shoals, Alabama.

I certify that a copy of the said Resolution has been posted to the City's website which can be found at www.cityofmuscleshoals.com.

Reasonable steps will be undertaken to maintain the postings for not less than thirty (30) days.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19th day of August, 2020.




CITY CLERK