

**AGENDA
PRATTVILLE CITY COUNCIL
TUESDAY, JUNE 15, 2021**

A PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG:

INVOCATION:

ROLL CALL:

CALL TO ORDER:

THE CHARACTER TRAIT OF THE MONTH IS WISDOM: *Making practical applications of truth in daily decisions.*

APPROVAL OF MINUTES: Work Session and City Council Meeting June 1, 2021

COMMENTS FROM PERSONS PRESENT REGARDING TONIGHT'S AGENDA:

MAYOR'S REPORT:

REPORT FROM COUNCIL ON SPECIAL COMMITTEES:

REPORT ON THE STATUS OF CITY FINANCES:

CONSENT AGENDA:

- 1. RESOLUTION:** To Set a Public Hearing for a Lounge Retail Liquor - Class II (Package) License for PM MODI, Inc. d/b/a Premiere Bottle and Wine. (Sponsored By: Council President Starnes)
- 2. RESOLUTION:** To Declare Various Weeded Lots to be a Public Nuisance, Order Their Abatement and Set a Public Hearing per Title 11, Chapter 67 of the *Code of Alabama*, 1975, as Amended. (Sponsored By: Council President Starnes)
- 3. RESOLUTION:** To Surplus Three (3) Copy Machines from the Police Department. (Sponsored By: Council President Starnes)
- 4. RESOLUTION:** To Re-Appoint Jerry Crosby as a Member to the Board of Zoning Adjustment. (Sponsored By: Councilor Gornto)
- 5. RESOLUTION:** To Re-Appoint Sarah Johnson as a Member to the Board of Zoning Adjustment. (Sponsored By: Council President Pro Tempore Boone)
- 6. RESOLUTION:** To Re-Appoint Michael Whaley as a Supernumerary Member of the Board of Zoning Adjustment. (Sponsored By: Councilor Gornto)
- 7. RESOLUTION:** To Appoint Dan Andreadakis to the Airport Authority. (Sponsored By: Councilor Jackson)

AGENDA:

- 1. RESOLUTION:** To Authorize the Mayor to have Various Weeded Lots Abated per Title 11, Chapter 67 of the *Code of Alabama*, 1975, as Amended. (Sponsored By: Council President Starnes)
- 2. RESOLUTION:** To Authorize the Mayor to have Stagnant Water at 122 Lina Drive Abated Pursuant to Section 46-6, City of Prattville Code of Ordinances. (Sponsored By: Council President Starnes)
- 3. RESOLUTION:** To Appoint Joshua S. Johnson as the Economic Development Director of the City of Prattville. (Sponsored By: Council President Pro Tempore Boone)
- 4. RESOLUTION:** To Amend the FY2021 Budget and to Authorize the Release of Funds for

the Purchase of One (1) 2021 Chevrolet 4WD Tahoe through State Contract T191L from Donohoo Chevrolet, LLC for Economic Development in the Executive Department at a Cost Not to Exceed \$48,365.00. (Sponsored By: Council President Starnes)

5. RESOLUTION: To Set a Public Hearing to Amend Certain Sections of the City of Prattville Code of Ordinances, Appendix A-Zoning. (Sponsored By: Councilor Chambers)

6. RESOLUTION: To Release Funds for the Purchase of One (1) 2022 Ford F550 4x4 Diesel Truck with Auto Crane through the Sourcewell Purchasing Cooperative from Ingram Equipment Company, LLC for the Wastewater Division at a Cost Not to Exceed \$111,830.00. (Sponsored By: Councilor Striplin)

7. RESOLUTION: To Release Funds for the Purchase of One (1) Pipehunter Side-Trac Easement Machine with Trailer through the Sourcewell Purchasing Cooperative from Ingram Equipment Company, LLC for the Wastewater Division at a Cost Not to Exceed \$49,198.00. (Sponsored By: Councilor Striplin)

8. RESOLUTION: To Amend the Budget and Authorize the Planning Department to Execute a Property Acquisition through FEMA's Hazard Mitigation Assistance Grant Program at a Cost Not to Exceed \$39,200.00. (Sponsored By: Council President Starnes)

9. ORDINANCE: To Amend the City of Prattville Code of Ordinances by Replacing Section 38-301, Article V, Chapter 38, Definitions; Adding Sections 38-335 to 38-342, Article V, Chapter 38, Mobile Food Vendors Licenses; Amending Section 38-329, Article V, Chapter 38, Selling of Food Products, Goods, etc., from Parked Vehicles; and Amending Section 38-321, Article V, Chapter 38, License Classification Codes. (Sponsored By: Council President Pro Tempore Boone)

HELD FROM JUNE 1, 2021

10. ORDINANCE: To Amend City Code Division 2. Sales Tax, Section 38-92 Imposition of Certain Sales and Use Taxes. (Sponsored By: Council President Starnes)

11. ORDINANCE: To Amend City Code Division 2. Sales Tax, Section 38-92 Imposition Of Certain Sales and Use Taxes. (Sponsored By: Council President Starnes)

COMMENTS FROM PERSONS PRESENT:

CLOSING COMMENTS:

ADJOURN

The next City Council meeting is scheduled for Tuesday, July 06, 2021, at 6:00 p.m.

RESOLUTION

[To Set a Public Hearing for a Lounge Retail Liquor - Class II (Package) License for PM MODI, Inc. d/b/a Premiere Bottle and Wine.]

{Sponsored By: Council President Starnes}

WHEREAS, the City of Prattville adopted Ordinance Book 97, Page 002, for the purpose of setting Public Hearings to allow public comment for licenses, including Lounge Retail Liquor-Class II (Package) License; and

WHEREAS, PM MODI, Inc. d/b/a Premiere Bottle and Wine, to be located at 1947 Cobbs Ford Road, Prattville, Alabama 36066, has made application for said license.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Prattville hereby sets a Public Hearing for July 20, 2021, at 6:00 p.m. in the Council Chambers at City Hall for said license application.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Declare Various Weeded Lots to be a Public Nuisance, Order Their Abatement and Set a Public Hearing per Title 11, Chapter 67 of the *Code of Alabama*, 1975, as Amended.]

(Sponsored By: Council President Starnes)

WHEREAS, an abundance of overgrown grass or weeds:

1. is injurious to the public health, safety and general welfare by providing a breeding ground and shelter for rats, mice, snakes, mosquitoes, and other vermin;
2. may cause the further spread of weeds;
3. may hide debris, such as glass or metal, that could inflict injury on a person going to such property;
4. may also pose a fire hazard and respiratory hazard; and

WHEREAS, §11-67-1 et Seq., of the *Code of Alabama*, 1975, as amended,

permits the City Council of the City of Prattville to declare an abundance of overgrown grass and weeds to be a public nuisance; and

WHEREAS, the Prattville Police Department Code Enforcement Officer has

inspected the properties at the following addresses and determined the existence of an abundance of overgrown grass and weeds:

- **1212 Josephine Avenue** - Creekside Drive, LLC, 212 W Troy Street, Suite B, Dothan, AL 36303
(19 05 15 1 001 023.000)
- **112 Tew Street** - Joe Ushman, 112 Tew Street, Prattville, AL 36066,
(19 02 10 2 015 021.000)
- **1026 South Memorial Drive** - CMC Real Estate, 131 Poplar Street, Prattville, AL 36066
(19 05 15 2 021 001.000)
- **1105 Deramus Court** - Danny C & Kathy L Taylor, 1105 Deramus Court, Prattville, AL 36066
(19 05 15 2 013 027.000)

NOW, THEREFORE, BE IT RESOLVED that:

1. the City Council of the City of Prattville declares the abundance of overgrown grass and weeds at the above-listed addresses to be a public nuisance; and
2. the owners of said property, as they appear in the records of the Autauga County or Elmore County Revenue Commissioners, are ordered to abate the abundance of overgrown grass and weeds; and
3. the owners of said property are ordered to appear before the City Council of the City of Prattville at a public hearing at 6:00 p.m. on July 20, 2021, in Prattville City Hall; and
4. the notice as required by §11-67-62, *Code of Alabama*, 1975, as amended, will be provided in a publication of general circulation in compliance with the law, by certified mail, and by signage on the subject property.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

63 **AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.**

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By: Lisa Terrill

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70 **APPROVED:**

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By: Bill Gillespie, Jr.

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RESOLUTION

[To Surplus Three (3) Copy Machines from the Police Department.]

{Sponsored By: Council President Starnes}

WHEREAS, the City of Prattville, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, §11-43-56, *Code of Alabama*, 1975, as amended, authorizes the municipal governing body to dispose of unneeded personal property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that the following personal property owned by the City of Prattville, Alabama, is no longer needed for public or municipal purposes and said property shall be removed from the inventory of the Police Department:

- Konica Minolta Bizhub Serial # 31115729
- Konica 7020 Serial # 26NE27312
- Canon Image Runner Advance Serial # GPQ64818

BE IT FURTHER RESOLVED said surplus items are determined to be of no value, the Mayor is authorized to scrap or dispose of said items for and on behalf of the City of Prattville.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Re-Appoint Jerry Crosby as a Member to the Board of Zoning Adjustment.]

{Sponsored By: Councilor Gornto}

WHEREAS, a vacancy currently exists on the Board of Zoning Adjustment due to the term expiration of Jerry Crosby on June 15, 2021; and

WHEREAS, it is the desire of the Prattville City Council to fill said vacancy to ensure the continuity of the Board's operation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that Jerry Crosby is hereby re-appointed to fill said vacancy effective immediately and said term shall expire on June 15, 2024, or until his successor is duly qualified and appointed.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Re-Appoint Sarah Johnson as a Member to the Board of Zoning Adjustment.]

{Sponsored By: Council President Pro Tempore Boone}

WHEREAS, a vacancy currently exists on the Board of Zoning Adjustment due to the term expiration of Sarah Johnson on June 15, 2021; and

WHEREAS, it is the desire of the Prattville City Council to fill said vacancy to ensure the continuity of the Board's operation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that Sarah Johnson is hereby re-appointed to fill said vacancy effective immediately and said term shall expire on June 15, 2024, or until her successor is duly qualified and appointed.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Re-Appoint Michael Whaley as a Supernumerary Member of the Board of Zoning Adjustment.]

{Sponsored By: Councilor Gornto}

WHEREAS, a vacancy currently exists on the Board of Zoning Adjustment due to the term expiration of Michael Whaley, Supernumerary, on June 15, 2021; and

WHEREAS, it is the desire of the Prattville City Council to fill said vacancy to ensure the continuity of the Board’s operation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that Michael Whaley, Supernumerary, is hereby re-appointed to fill said vacancy effective immediately and said term shall expire on June 15, 2024, or until his successor is duly qualified and appointed.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald “Jerry” Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Appoint Dan Andreadakis to the Airport Authority.]

{Sponsored By: Councilor Jackson}

WHEREAS, a vacancy currently exists on the Airport Authority due to the term expiration of Connie Bainbridge; and

WHEREAS, it is the desire of the Prattville City Council to fill said vacancy to ensure the continuity of the Authority’s operation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that Dan Andreadakis is hereby appointed to fill said vacancy effective immediately and said term shall expire on June 16, 2022, or until his successor is duly qualified and appointed.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald “Jerry” Starnes, President
Prattville City Council

AUTHENTICATED 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

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RESOLUTION

[To Authorize the Mayor to have Various Weeded Lots Abated per Title 11, Chapter 67 of the Code of Alabama, 1975, as Amended.]

{Sponsored By: Council President Starnes}

WHEREAS, an abundance of overgrown grass or weeds:

1. is injurious to the public health, safety and general welfare by providing a breeding ground and shelter for rats, mice, snakes and mosquitoes and other vermin;
2. may cause the further spread of weeds;
3. may hide debris, such as glass or metal, that could inflict injury on a person going to such property;
4. may also pose a fire hazard and respiratory hazard; and

WHEREAS, the City Council of the City of Prattville declared in Resolution Book 2020-A, Page 192, that the abundance of overgrown grass and weeds at various addresses in the City of Prattville constituted a public nuisance and set a public hearing to discuss said nuisances; and

WHEREAS, notice, as required by §11-67-62, Code of Alabama, 1975, as amended, was provided in *The Prattville Progress*, by certified mail, and by signage on the subject property; and

WHEREAS, the Prattville Police Department Code Enforcement Officer has inspected said properties and determined that the public nuisance still exists; and

WHEREAS, the City Council held the required public hearing at 6:00 p.m. on June 15, 2021, permitting the owners of said properties to present evidence, objections, and protest regarding the proposed removal of weeds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Prattville declares that the abundance of overgrown grass and weeds on the properties continue to be a public nuisance:

- **502 Chambliss Street** - Martha Rouse, 502 Chambliss Street, Prattville, AL 36066 (19 02 10 3 022 004.000)
- **1761 Planters Hill Court** - Katherine Hargroves, 1761 Planters Hill Court, Prattville, AL 36066 (19 06 14 2 000 001.126)

BE IT FURTHER RESOLVED that the Mayor shall have the overgrown grass and weeds on the property listed above cut or removed using city forces or private contractors. Any property owner shall have the right to have any weeds removed at his or her own expense provided the removal is done prior to the commencement of work by employees or agents of the City of Prattville. The Mayor shall keep an accounting of all costs related to the removal of overgrown grass and weeds and report such cost to the City Council following

65 their removal.

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67 **ADOPTED THIS 15TH DAY OF JUNE, 2021.**

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71 _____
72 By: Gerald "Jerry" Starnes, President
73 Prattville City Council

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75 **AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.**

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79 By: Lisa Terrill
80 City Clerk

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82 **APPROVED:**

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86 By: Bill Gillespie, Jr.
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RESOLUTION

[To Authorize the Mayor to have Stagnant Water at 122 Lina Drive Abated Pursuant to Section 46-6, City of Prattville Code of Ordinances.]

{Sponsored By: Council President Starnes}

WHEREAS, stagnant water is a public nuisance that is injurious to the public health, safety, and general welfare of the community pursuant to Section 46-6, City of Prattville Code of Ordinances; and

WHEREAS, § 6-5-122 et Seq., of the *Code of Alabama*, 1975, as amended, permits the City Council of the City of Prattville to declare a public nuisance and abate the same; and

WHEREAS, the Prattville Police Department Code Enforcement Officer has inspected the property and determined the existence of stagnant water at 122 Lina Drive; and

WHEREAS, the Autauga County tax records list the property owner as Barbara Noyes Boldin, with an address of 27 NW 6th Avenue, Dania Beach, FL 33004 to parcel number 19 05 16 4 006 043.000; and

WHEREAS, in compliance with Section 46-31 of the City of Prattville Code of Ordinances, the Prattville Police Department Code Enforcement Officer sent notice to the owner of the above property in writing on April 14, 2021, to correct, remedy or remove the condition of stagnant water within 10 days; and

WHEREAS, the owner of 122 Lina Drive has failed and/or refused to correct, remedy or remove the condition of stagnant water after the expiration of said notice; and

WHEREAS, the City Council held the required public hearing at 6:00 p.m. on June 15, 2021, permitting the owners of said properties to present evidence, objections, and protest regarding the proposed removal of stagnant water; and

WHEREAS, Section 46-32 of the City of Prattville Code of Ordinances authorizes the City to do such work or make such improvements that are necessary to correct, remedy or remove such condition, and pay therefor and charge the expenses incurred to the owner of such lot.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Prattville declares that the stag water at 122 Lina Drive continue to be a nuisance.

BE IT FURTHER RESOLVED the Mayor shall have the stagnant water

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66 at 122 Lina Drive removed using city forces or private contractors. The property owner shall
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68 have the right to remove the stagnant water at his or her own expense provided the removal
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70 is done prior to the commencement of work by employees or agents of the City of Prattville.
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72 The Mayor shall keep an accounting of all costs related to this request and report such cost
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74 to the City Council following its removal.

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76 **ADOPTED THIS 15TH DAY OF JUNE, 2021.**

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80 By: Gerald "Jerry" Starnes, President
81 Prattville City Council

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83 **AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.**

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87 By: Lisa Terrill
88 City Clerk

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90 **APPROVED:**

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94 By: Bill Gillespie, Jr.
95 Mayor

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RESOLUTION

[To Appoint Joshua S. Johnson as the Economic Development Director of the City of Prattville]

{Sponsored By: Council President Pro Tempore Boone}

WHEREAS, the City of Prattville has a need for an Economic Development Director, and an Executive Search was conducted utilizing the services of The Chason Group, Inc.; and

WHEREAS, the Search Committee recommends Joshua S. Johnson be appointed as Economic Development Director of the City of Prattville; and

WHEREAS, this is a budgeted position in the Executive Department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that Joshua S. Johnson is hereby appointed as Economic Development Director of the City of Prattville effective July 12, 2021, and said appointment shall be for the remainder of the 2020-2024 Quadrennium (November 3, 2025) or until his successor is duly qualified and appointed at Pay Grade 26-H.

BE IT FURTHER RESOLVED, that the salary for said position is approved in accordance with the pay plans adopted by the Prattville City Council.

BE IT FURTHER RESOLVED, the City Council of the City of Prattville authorizes and approves a one-time moving expense allowance not to exceed \$4,000.00.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Amend the FY2021 Budget and to Authorize the Release of Funds for the Purchase of One (1) 2021 Chevrolet 4WD Tahoe through State Contract T191L from Donohoo Chevrolet, LLC for Economic Development in the Executive Department at a Cost Not to Exceed \$48,365.00.]

{Sponsored By: Council President Starnes}

WHEREAS, there is a need to purchase one (1) 2021 Chevrolet Tahoe 4WD vehicle for Economic Development in the Executive Department; and

WHEREAS, said vehicle is available through State Contract T191L, Master Agreement MA 999 200000000222, from Donohoo Chevrolet, LLC at a cost not to exceed \$48,365.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that the FY2021 Budget is hereby amended as follows:

Decrease	Executive/Economic Development/Operating	\$48,365.00
Increase	Executive/Capital Outlay	\$48,365.00

BE IT FURTHER RESOLVED that funds in an amount not to exceed \$48,365.00 for said vehicle are hereby authorized and approved to be paid to Donohoo Chevrolet, LLC, and said funds are hereby approved and appropriated from FY2021 Budget Line Item Executive/Capital Outlay.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Set a Public Hearing to Amend Certain Sections of the City of Prattville Code of Ordinances, Appendix A-Zoning.]

{Sponsored By: Councilor Chambers}

WHEREAS, the City Council of the City of Prattville desires to consider an amendment to the Prattville Code of Ordinances, Appendix A-Zoning:

- **Article 6, Section 67 – Multifamily Housing Projects**
- **Article 7, Section 71 – Residential District Requirements**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that a Public Hearing to consider amendments to the Zoning Ordinance is set for Tuesday, July 20, 2021 at 6:00 p.m. in the City Council Chambers at City Hall.

STOP AND VOTE TO ADOPT THE RESOLUTION, THEN READ THE ORDINANCE ON THE NEXT PAGE

PROPOSED ORDINANCE

Pursuant to the requirements of Title 11-52-77, Code of Alabama, 1975, as amended. Notice is hereby given by the City Council of the City of Prattville, Alabama, that at the regular meeting of said City Council on the 15th day of June, 2021, at Prattville City Hall, 101 West Main Street, Prattville, Alabama, the following proposed Ordinance was introduced.

Lisa Terrill
City Clerk

ORDINANCE

[To Adopt Proposed Amendments to the City of Prattville Code of Ordinances, Appendix A-Zoning, Article 6, Section 67 and Article 7, Section 71.]

BE IT ORDAINED by the City Council of the City of Prattville, Alabama, as

follows:

THAT the Zoning Ordinance of the City of Prattville, Alabama was adopted on

February 10, 1950, and subsequently amended from time to time;

THAT, the City Council of the City of Prattville at its Public Hearing on the 20th day of July, 2021 at 6:00 p.m., considered said proposed ordinance and that at such time and place all persons who desired had an opportunity to be heard in favor of or in opposition to such ordinance.

THAT the City of Prattville Code of Ordinances, Appendix A.-Zoning, Article 6, Section 67 and Article 7, Section 71 are hereby amended as follows:

APPENDIX A – ZONING

ARTICLE 6 – GENERAL PROVISIONS

Attachment A

The Zoning Ordinance of the City of Prattville is amended to read as follows:

Section 67. - Multifamily housing projects Development.

~~In the case of a multifamily housing project consisting of a group of two (2) or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and not to be so subdivided or where existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be done by the Board of Zoning Adjustment with the advice of the Planning Commission, in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located, and will provide layout design and public utilities in harmony with the general requirements and minimum standards of design of the subdivision regulations of the municipality.~~

~~In no case shall the Board of Zoning Adjustment authorize a use or a building height or building area prohibited in the district in which the housing project is to be located.~~

A. Multifamily developments with buildings containing five or more dwelling units are subject to the following standards and to administrative site plan review to assure that the layout of buildings, open spaces, circulation, drainage and infrastructure is in harmony with the equivalent standards of the City Subdivision Regulations.

B. Definitions. For the purposes of this Section, the following terms are defined as follows:

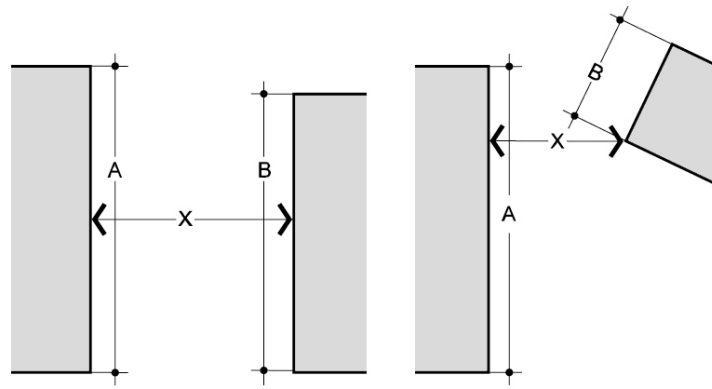
1. Articulation, articulated. Changes in the depth along the building façade such as attached columns, wall recesses, horizontal banding, cornices, etc. to provide depth and variety to the façade.

2. Fenestration, fenestrated. The pattern of window and door openings on a façade.

3. Low Impact Design. A site planning and engineering design approach to managing stormwater runoff that emphasizes conservation and use of natural

- 120 features, infiltration, and on-site storage and treatment involving landscape
 121 elements integrated into the design of the site. This approach uses engineered
 122 small- scale hydrologic controls to replicate predevelopment hydrology through
 123 infiltrating filtering, storing, evaporating, and detaining runoff close to its source.
- 124 4. Open Space, Improved. Open space that has been created or modified,
 125 including but not limited to parks, playgrounds, swimming pools, ball fields,
 126 plazas, landscaped green-spaces.
- 127 5. Pervious pavement. Paving materials that allow water to penetrate into the
 128 ground below, including concrete paving blocks, concrete grid pavers, perforated
 129 brick pavers and similar paving materials. This shall not include compacted gravel.
- 130 6. Rain garden. A planted depression or hole that allows stormwater runoff from
 131 impervious surfaces to be absorbed into the ground.
- 132 7. Swale. An open, grassed or vegetated channel used to partially treat
 133 stormwater, attenuate flooding potential and convey stormwater.
- 134 c. A Site Development Plan must provide for, at a minimum:
- 135 1. Convenient vehicular servicing of the buildings, satisfactory circulation of traffic
 136 in the parking areas and appropriate access management.
- 137 2. A preliminary plan or engineering report providing for the site grading, storm
 138 drainage, sanitary sewerage and water supply.
- 139 3. Suitable access points adjoining public streets serving the proposed
 140 development, which must be properly illuminated to reduce traffic hazards.
- 141 4. Waste collection facilities must be provided and must be the responsibility
 142 of the property owner or manager.
- 143 d. Site Development Standards
- 144 1. The arrangement of buildings, open spaces, parking areas and drives must be
 145 suitable to existing topography to avoid extensive grading.
- 146 2. Barracks formations, in which buildings and parking areas are arranged and
 147 concentrated in a dense, rectilinear pattern are discouraged. Where rectilinear
 148 arrangements are proposed, courtyards or similar improved open spaces must be
 149 integrated into the arrangement of buildings and parking areas. Multifamily buildings
 150 may not be surrounded on all sides by parking and driveways.
- 151 3. Multifamily buildings must be oriented toward streets, interior drives and improved
 152 open spaces, not adjacent properties. A multifamily building may be aligned along
 153 a parking area provided it is also oriented toward a street, interior drive or improved
 154 open-space.
- 155 (a) Building entrances must face and be clearly visible from streets, interior drives
 156 or interior open space. This does not apply to entrances to individual dwelling
 157 units.
- 158 4. Building entrances must be accessible from the street, interior drive or open space
 159 they face. Building spacing. Buildings must be spaced no less than the sum of their
 160 lengths divided by three $((A+B)/3)$, as shown in Figure 67-1. In no case may
 161 buildings be placed closer together than 20 ft. Required building spacing is
 162 measured perpendicularly from the longer of the two building walls at the closest
 163 point between the two buildings.

165 Figure 67-1: Minimum Building Spacing



Minimum Building Spacing by Length of Building Walls

$X = (A+B)/3$
 where X = min. building spacing,
 A = length of building wall, and
 B = length of opposing building wall

166

167 5. Parking and Driveways

168 (a) Off-street parking must be provided in the following amounts:

169 (i) 1.5 spaces per one-bedroom unit

170 (ii) 1 space per bedroom for each unit of two or more bedrooms

171 (iii) One visitor parking space per four units

172 (iv) For age-restricted senior units, 1.25 spaces per one-bedroom unit and 2
 173 spaces per unit of two or more bedrooms

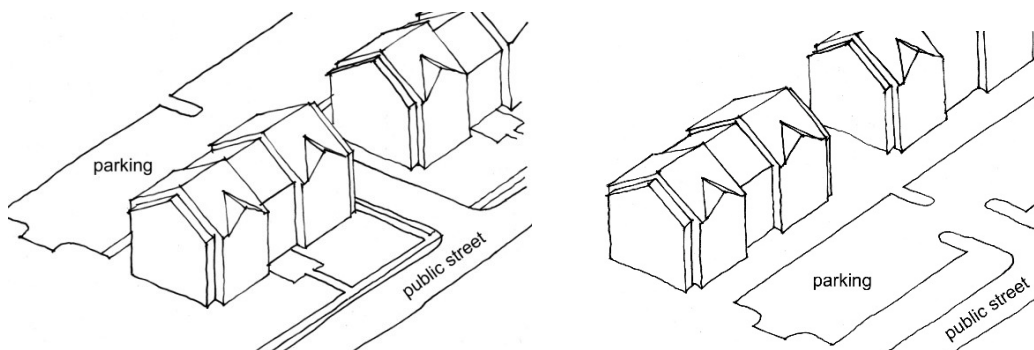
174 (b) Minimum parking stall size shall be 9.5' x 20'. The travel aisle or lane between
 175 rows of 90° stalls shall be a minimum of 24'. Single lanes or angled stalls with
 176 one-way aisles may be reduced a commensurate amount that will still provide
 177 adequate travel and maneuvering area.

178 (c) Visitor parking requirements may be reduced when approved on-street
 179 parking is available along the property frontage and by only the amount of
 180 approved on-street parking spaces contained within the frontage of the
 181 multifamily property.

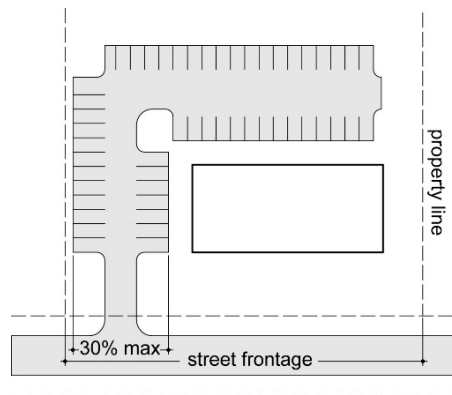
182 (d) Off-street parking must be located to the side or rear of buildings, and may
 183 not extend forward of the front building line. When located to the side of
 184 buildings and adjacent to a public street, off-street

185 parking areas may not occupy more than 30% of each perimeter public street
 186 frontage. The Director may waive these requirements when off-street parking
 187 is located forward of the front building line on adjoining properties on both
 188 sides of the multifamily site; however, these requirements may not be waived
 189 where the site fronts on a local street or on the same frontage as an adjoining
 190 detached single- family dwelling.

191



192 Figure 67-2: Left: Permissible location of off-street parking. Right: Parking between
 193 multifamily buildings and public street not permitted unless the same condition is present on
 194 adjoining properties on both sides of the multifamily site.



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Figure 67-3: Maximum width of parking area facing public street when located to side of building.

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(e) Where provided, common or individual garage parking areas must be located away from public street views.

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(f) If allowed to be kept on the premises by the owner, boats and recreational vehicles may not encroach into required parking and may not be kept forward of the front building line.

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(g) The number and location of access points to a public street must be as required by the City Building and Fire Codes and subject to review by the City Engineer.

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(h) Private drives that provide access from a public street to off-street parking areas must comply with the dimensional standards in Table 67-1 below. Where parallel parking is provided, each parking lane must be at least 7.5 ft wide measured from face of curb. Trees, in accordance with the species and size types in Section 149, Table 1, must be provided on both sides of the drive and installed at least three feet from the back of curb. Root barrier and other treatment may be required to prevent damage to utilities and sidewalks.

212

TABLE 67-1 DIMENSIONAL STANDARDS FOR PRIVATE			
Curb Type/Width	Allowable travel lane width	Allowable total width (face of curb to face of curb)	Tree spacing
Curb/gutter; 18 in	10-11 ft	22-24 ft	50 ft oc average

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214

6. Open Space.

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(a) At least 20% of the site must be permanently reserved as open space. All common open spaces and recreational areas must be well maintained in a safe and orderly condition. If any proposed structure has three residential stories, then at least 25% of the site must be permanently reserved as open space.

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(b) At least 50% of the required open space must be improved and maintained as open space for the use of residents and guests. Improved open spaces should be consolidated into one or a few central

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locations to assure accessibility and usability and must be oriented to receive adequate sunlight.

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(c) Improved open space must be graded and sodded, at a minimum, to accommodate use by residents, and must be adequately drained to prevent ponding.

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(d) Open space and recreational areas are counted toward the improved open space requirement as follows:

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(i) Required setback areas do not count unless they otherwise meet the standards of this Subsection. Spaces must be large enough to support leisure and recreational activity; no dimension may be less than 15 ft.

232

- 233 (ii) Gazebos, pavilions and similar open structures provided for the use of
 234 residents are permitted in improved open spaces.
- 235 (iii) Covered porches, decks, or patios may be counted toward no more than 25%
 236 of the required open space. To qualify, such spaces must be at least 35 sf in
 237 area with no dimension less than five feet. Such spaces may not be counted
 238 when they are completely inset into the building; they must project at least two
 239 feet beyond the wall plane.
- 240 (e) If one or more of the following amenities, or similar amenities as approved by the
 241 Director, are provided, then the minimum overall open space required in (a) above
 242 may be reduced by 4% (i.e. from 20% to 16% or 25% to 21%):
- 243 (i) Tennis, volleyball or basketball court
- 244 (ii) One or more areas improved for lawn bowling, shuffle board, pickle ball,
 245 bocce ball or similar activity with a combined area of at least 1,600 sf
- 246 (iii) Off-leash area for dogs of at least 1,600 sf, must be enclosed with fence or
 247 solid hedge and gate with one or more watering stations and waste
 248 receptacles
- 249 (iv) One or more pavilions, gazebos or similar open structures, each having a
 250 covered area of at least 150 sf with a total combined covered area of at least
 251 600 sf; each must be furnished with benches or other seating and at least
 252 one structure must be furnished suitably for outdoor dining
- 253 (v) Community garden of at least 1,600 sf
- 254 (vi) Children’s playground area of at least 1,600 sf outfitted with swings,
 255 slides and/or similar play equipment; seating must be provided in or
 256 adjacent to the playground
- 257 The combined area of the proposed amenities must total at least 50% of the
 258 improved open space requirement and must be maintained in accordance with
 259 the approved site plan.
- 260 (f) Developments containing 100 or more units must include one or more of the
 261 approved amenities listed in (f) above totaling at least 35% of the improved
 262 open space requirement.
- 263 (g) Amenities provided to meet the requirements of (e) or (f) above may be
 264 subsequently changed to another amenity type listed provided the total area
 265 of such amenities is not reduced below that in the approved site plan. Any
 266 subsequent change to an amenity type not listed must be approved by the
 267 Director.
- 268 7. Stormwater Management. Stormwater retention or detention facilities must be
 269 integrated, to the greatest extent practicable, into the design of parking areas and
 270 open spaces as landscape amenities and should include low impact design
 271 techniques such as swales and rain gardens. The use of cisterns to capture
 272 stormwater for on-site irrigation is also encouraged. Stormwater management
 273 facilities located within an open space may only be counted as improved open
 274 space if it is designed so that it need not be fenced and is landscaped and
 275 useable by residents.
- 276 8. Service, Loading and Waste Collection. Each development must be provided
 277 with a service area or areas for waste collection. Each such area must be located
 278 behind the front building line and away from public views but must be
 279 conveniently accessible to vehicles collecting such waste and to residents. The
 280 location of such areas must minimize negative visual, noise, odor and other
 281 impacts to adjoining streets, on-site dwellings and adjacent developments. Each
 282 such area must be paved with concrete and screened by an opaque fence or wall
 283 at least as tall as the waste container and as otherwise approved by the Director.
 284 The enclosure must have an opaque gate or closure that will be kept closed when
 285 not being accessed.

- 286 9. Fire Protection.
- 287 (a) No portion of any building may be located farther from a fire hydrant than may
288 be reached with 500 ft of hose.
- 289 (b) If the adopted fire prevention and protection codes are in conflict, then
290 the more restrictive requirements will prevail.
- 291 (c) Every multifamily building must be accessible to fire trucks equipment as
292 required and approved by the Fire Department. Provided adequate clearance,
293 such access may be located along an interior drive, within a parking lot or within
294 any open area adjacent to each building. The acceptable distance
295 between buildings and the fire truck access area must be determined by the Fire
296 Department based upon building height and design.
- 297 E. Pedestrian Access Standards. A pedestrian circulation system meeting the
298 following standards must be provided:
- 299 1. Walkways must connect the pedestrian circulation system to adjacent public streets.
- 300 2. If not already provided, a publicly accessible sidewalk at least five feet wide
301 must be provided along all public street frontages.
- 302 3. Walkways must connect the main entrances of all buildings. For buildings
303 fronting on a public street, a public sidewalk may be counted toward this
304 standard. Walkways must be provided that connect building entrances to
305 parking areas and common areas and facilities.
- 306 4. Walkways must be provided to connect to any public trails or similar bicycle-
307 pedestrian facilities adjoining the site.
- 308 5. Materials Standards for Pathways.
- 309 (a) Walkways must be of concrete or masonry pavers and at least five feet wide
310 except that walkways serving no more than four units may be four feet wide.
- 311 (b) Except as provided in Item c below, walkways must be clearly defined and
312 designed so as to be separated from vehicular use areas through the use
313 of raised curbs, elevation changes, bollards, landscaping, different paving
314 materials or similar methods. Striping alone does not meet this
315 requirement. If a raised path is used it must be at least four inches high. Bollard
316 spacing must be no further apart than five feet on center.
- 317 (c) A vehicular drive may be counted toward pedestrian access if the drive
318 provides access to 16 or fewer parking spaces and is surfaced with paving
319 blocks, bricks, or other special paving.
- 320 F. Privacy and Security Standards.
- 321 1. When a multifamily building is located adjacent to a public street, any stairway must
322 be enclosed within the building or otherwise screened from public street views. For
323 street-facing buildings, upper floor units must be accessed from within the building
324 interior or from an exterior walkway that overlooks an interior courtyard or similar
325 common area.
- 326 2. Separation must be provided between windows of ground floor dwelling units
327 and adjacent walkways, parking areas and common open spaces, including:
- 328 (a) A horizontal separation at least ten feet deep including a landscaped bed
329 containing at least one row of evergreen shrubs with a mature height of at
330 least three feet; and/or
- 331 (b) Vertical separation so that the bottom edge of a ground-floor window is at
332 least five feet above the grade of the adjacent walkway, parking area or
333 open space.
- 334 Developments are encouraged to raise the ground floor of residential buildings at least

335 30 inches above the adjoining sidewalk or parking area to enhance privacy. Wherever
 336 the ground floor is so raised, the minimum horizontal separation in (a) above is
 337 reduced to six feet.

338 3. Entrances and porches of individual units must be set back at least seven feet
 339 from walkways and at least twelve feet from the curb line of any driveway or
 340 parking area. If the entrance or porch level is at least 30 inches above the
 341 adjoining grade, the minimum setback from walkways is four feet and the
 342 minimum setback from the curb line of driveways and parking areas is nine feet.

343 G. Lighting Standards. Lighting should eliminate adverse impacts of light spillover;
 344 provide attractive lighting fixtures and layout patterns that contribute to a unified
 345 exterior lighting design; and provide exterior lighting for safe vehicular and
 346 pedestrian access to and within a development.

347 1. Pedestrian Lighting. Pedestrian-level, bollard lighting, ground-mounted
 348 lighting, or other low, glare- controlled fixtures mounted on building or
 349 landscape walls must be used to light walkways.

350 2. Lighting Height. Light poles and lighting structures may not be taller than 20 feet.

351 3. Building-Mounted Lighting. Building-mounted lighting must be limited to accent
 352 lighting used to illuminate architectural features and entrances, with a maximum
 353 height of 20 ft.

354 4. Illumination Areas. Exterior lighting must be designed to a minimum average level
 355 of one footcandle along all pedestrian areas and driveways and throughout
 356 parking areas. Exterior lighting must be maintained in accordance with the
 357 approved site plan.

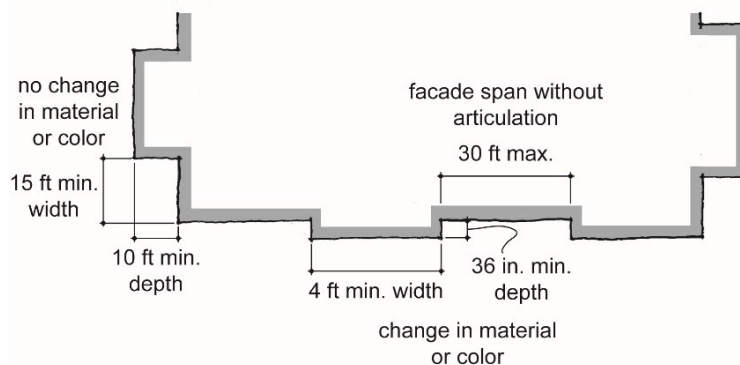
358 5. Spillover Glare. Light fixtures must use full cut-off lenses or hoods to prevent glare
 359 and light spillover onto adjacent properties, buildings, and roadways.

360 H. Architectural Standards.

361 1. Four-sided design. All building elevations must reflect consistent design, textures,
 362 colors, and features. All walls must be articulated and fenestrated to provide visual
 363 interest.

364 2. Building Articulation. All buildings must include the following architectural design
 365 features at intervals of no more than 30 ft along all facades facing a street, open
 366 space or parking area:

367 (a) Vertical building articulation. Minimum depth and width of articulation is 36
 368 inches and four feet, respectively, if corresponding with a change in color or
 369 building material and/or roofline. Otherwise, minimum depth and width of



370 articulation is ten feet and 15 ft, respectively. Porches and projecting balconies,
 371 including those that are partially recessed, count toward this requirement.

372 (b) Articulation of the “base, middle and top”. This typically includes a distinctive
 373 design for the portion of the elevation along the foundation and ground floor,
 374 consistent articulation of middle floors, and a distinctive roofline.

375 3. Diversity of Building Types. Multi-building developments must provide different
 376 architectural designs to achieve visual interest and variety, particularly where
 377 multiple buildings front on the same public street.

378 Changes in building colors or reversal of facade designs are not sufficient to comply
 379 with this standard. To meet this requirement, changes must include a combination of
 380 at least two of the following: vertical articulation (meeting the requirements of (a)
 381 above), fenestration, building materials, and roof design.

382 4. Accessory structures. Accessory structures must reflect the same design and finish
 383 as principal buildings.

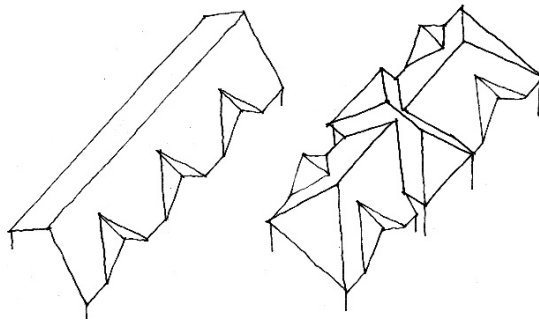
384 5. Roof Design.

385 (a) Multifamily buildings must have a minimum 5:12 roof pitch. Alternative roof
 386 designs will be considered provided design elements are included to help the
 387 building and its roofline fit into the site's context.

388 (b) Pitched-roof buildings must incorporate variations in the roofline. The maximum
 389 length of any

390 continuous roofline is 40 ft. The use, alone, of dormers and/or gables is not
 391 sufficient to comply with this requirement.

392



393

394 Left: Continuous roofline exceeds 40 ft. Right: Acceptable variation in roof design.

395 (c) Eaves must extend beyond the supporting wall at least 16 inches.

396 I. Building Details and Materials.

397 1. Changes in material should occur at the horizontal divisions between the base,
 398 middle and top and on inside corners. "Heavier" materials, such as masonry, should
 399 be used on the base.

400 2. Exterior Finishes. Building facades must incorporate a coordinated color scheme
 401 consisting of matte finishes. A "coordinated color scheme" includes a limited
 402 number of complementary colors that are used throughout the development; and
 403 in the case of developments with multiple buildings, primary facade colors may
 404 alternate from building to building provided trim colors, materials and/or other
 405 design features visually tie together individual buildings. Neutral or earth tone
 406 colors are recommended. Gloss finishes may be used for trim and accent.
 407 Fluorescent and metallic paints are prohibited.

408 3. Windows

409 (a) Transparent windows facing the street are required. At least 15% of each
 410 street-facing facade must be fenestration. All other facades must have a
 411 minimum fenestration area of 10%.

412 (b) Windows must be recessed or project at least two inches from the wall plane
 413 or window trim must be used at least four inches in width with color that
 414 contrasts with the base building color. Exceptions will

415 be considered where the design includes other distinctive window or facade
 416 treatment that adds visual interest to the building.

417 4. Preferred Building Materials. Building exteriors must be constructed from high
 418 quality, durable materials as follows:

419 (a) Brick or other masonry. When used for the facade of any building, concrete
 420 blocks must be split, rock- or ground-faced and may not exceed 25% of the
 421 masonry area of the facade. To add visual interest, the use of specialized

422 textures and/or colors used effectively with other building materials and details
 423 are encouraged. Plain concrete block or plain concrete may be used only as
 424 foundation material if the foundation material is not revealed more than three
 425 feet above finished grade at the foundation wall.

426 (b) Exterior insulation and finish system (EIFS) and similar troweled finishes
 427 (stucco) must be trimmed in wood, masonry, or other approved materials and
 428 may not be used adjacent to grade.

429 (c) Horizontal wood and cementitious siding. Composite boards manufactured
 430 from wood or other products, such as hardboard or plankboard, may only be
 431 used when the board product is less than nine inches wide.

432 5. Prohibited Materials. The following materials are prohibited in locations visible
 433 from the public right-of-way and adjoining properties:

434 (a) Plywood siding (including T-111 or similar plywood), except when used as a
 435 component in board and batten siding

436 (b) Highly tinted or mirrored glass (except stained glass) as more than 10 percent
 437 of the building facade

438 (c) Corrugated fiberglass

439 (d) Crushed colored rock/crushed tumbled glass

440 (e) Noncorrugated and highly reflective sheet metal

441 6. Vinyl may be used as a trim material. Vinyl siding is permissible as an accent
 442 material comprising no more than 30% of any building façade and only when the
 443 board size is less than six inches wide. However, vinyl siding it may not be used
 444 adjacent to grade. Vinyl siding cannot be painted, which limits opportunities for
 445 changing building colors as part of future renovations.

446 7. Corrugated metal siding is permissible as an accent material comprising no more
 447 than 30% of any building façade.

448 8. Chain link fencing must be vinyl coated and may not be used forward of the front
 449 building line.

450 J. Landscaping. Screening must be provided to conceal certain site elements,
 451 including but not limited to, mechanical equipment, loading and waste collection areas,
 452 from public view. In addition to any required parking lot landscaping, buffers and
 453 screening, landscaping must include the following:

454 1. Foundation Planting. All street-facing elevations must have landscaping
 455 along any exposed foundation. The landscaped area may be along the outer
 456 edge of a porch instead of the foundation. This landscaping requirement does
 457 not apply to portions of the building facade that provide access to the building.
 458 Foundation landscaping must meet the following standards:

459 (a) The landscaped area must be at least three feet wide.

460 (b) There must be at least one three-gallon shrub for every three lineal feet of
 461 foundation or the minimum spacing necessary for healthy growth as
 462 recommended by a landscape professional.

463 2. Landscaping techniques include the following:

464 (a) Preserve existing trees and native vegetation whenever possible.

465 (b) Use plants that require low amounts of water, including native drought-resistant
 466 species.

467 (c) Use low-impact design techniques, including pervious pavement, swales, and
 468 rain gardens, to manage stormwater in parking lots.

469 (d) Locate trees along street frontages at appropriate spacing so that, at maturity,
 470 ground floor entrances are clearly visible from the street and sidewalk.

- 471 (e) Plant a mix of evergreen and deciduous plants to maintain year-round color and
 472 interest.
- 473 (f) Install shrubs, grasses and other non-tree vegetation, as appropriate, for
 474 ground cover in landscaping beds, open spaces and other unpaved areas.
- 475 3. An irrigation method must be included in the landscaping plan. Underground
 476 irrigation systems should be used whenever possible to avoid drought loss.
- 477 K. Additional Standards
- 478 1. Traffic Impact Study and Plan. A traffic impact study and plan, prepared by a
 479 traffic engineer, must be furnished together with the Site Plan if required by the
 480 City Engineer. The study must be prepared in accordance with generally
 481 accepted standards for traffic studies. The traffic study must show, in detail
 482 reasonably satisfactory to the City Engineer, the effect that the proposed development
 483 will have on the area adjacent to and near the site. The study must make
 484 recommendations with respect to what additional traffic controls will be needed
 485 adjacent to or near the site as a result of the traffic generated by proposed
 486 development. The developer must pay the cost of any such signals and/or devices,
 487 if the City Engineer considers them necessary.
- 488 2. Drainage Study and Plan. For each development, a drainage study and plan must
 489 be furnished as part of the Site Plan. Such study must be prepared by a
 490 Professional Engineer. The plan must show, in detail, reasonably satisfactory to
 491 the City, the effect that the proposed development will have on the site and the
 492 land adjacent to and near the site. The plan must include drainage, grading,
 493 excavation, topography, erosion and sedimentation, stormwater detention and
 494 floodplain management controls. The plan must provide for such structures and
 495 devices as may be required by the City's stormwater rules and regulations.
- 496 L. Site Plan Requirements. In addition to the site plan requirements in Section 10, the
 497 following must be provided as necessary to determine compliance with the applicable
 498 standard:
- 499 1. Dimensions between buildings and calculations, Subsection D, Paragraph 4
 500 2. Parking calculations in table form, Subsection D, Paragraph 5
 501 3. Open space plan (as separate sheet or as part of landscaping plan), specifying
 502 all required improved and other open spaces with overall dimensions, area (sf) for
 503 each, proposed use and improvements, including a table with areas and
 504 percentages, Subsection D, Paragraph 6
 505 4. Location and amount of dedicated storage space, Subsection D, Paragraph 10
 506 5. Pedestrian circulation plan, with dimensions, materials in relation to open spaces,
 507 buildings and vehicular areas, Subsection E
 508 6. Dimensioned plan or illustration of privacy and security measures, including
 509 method of horizontal and/or vertical separation, Subsection F
 510 7. Lighting plan, prepared by a lighting designer documenting conformance with
 511 Subsection G.
 512 8. Dimensioned diagrams or illustrations of building and roof articulation for
 513 each unique building plan, Subsection H.
 514 9. Typical elevations for each unique building plan, including building details,
 515 materials and percentages of fenestration and materials used on facades,
 516 Subsection I.
 517 10. Traffic Impact Study and Plan, if required, Subsection K

ARTICLE 7 – DISTRICT REQUIREMENTS

Section 71. - Residential district requirements.

District	Use Regulations	Space and Height Regulations
All "R" Districts	<p>USES PERMITTED: Accessory structures: gardens, playgrounds and parks; public buildings, including public schools and libraries; satellite dishes or discs as herein defined by that ordinance, and no other; and parking of recreational vehicles, as herein defined subject to the following conditions: a) At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes. b) If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front of the building line of the lot. c) Notwithstanding the provisions of subparagraph (b), camping and recreational equipment may be parked anywhere on the premises for loading and unloading purposes. Home occupations only in accordance with the provisions specified in Article 6.</p> <p>USES PERMITTED ON APPEAL: Public utility structures, such as electric substations, gas metering stations, sewage pumping stations and similar structures; general hospitals for humans, except primarily for mental cases; churches; cemeteries; semi-public buildings; golf courses; municipal, county, state or federal use; kindergartens, nurseries, nursery schools, day care centers, private schools; and satellite dishes or discs, not defined herein.</p> <p>USES PROHIBITED: Mobile homes, house trailers, trailer courts or camps, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted.</p>	<p>MINIMUM YARD SIZE: For public and semi-public structures: Front Yard: 35 feet; Rear Yard: 35 feet; Side Yard: 35 feet. MINIMUM LOT SIZE: Width at building line: 45 feet. MAXIMUM HEIGHT: 50 feet 2 stories.</p>
R-1	<p>USES PERMITTED: Single-family dwellings. (See: regulations common to all "R" Districts, listed above.)</p>	<p>MINIMUM YARD SIZE: Front Yard: 40 feet; Rear Yard: 45 feet; Side Yard: 15 feet. MINIMUM LOT SIZE: Area in Square Feet: 15,000; Width at building line: 100. MAXIMUM HEIGHT: 35 Feet; 2½ stories. MAXIMUM BUILDING AREA PERCENT:</p>
		<p>25% OFF STREET PARKING CAR SPACES: One.</p>

R-2	USES PERMITTED: Single-family dwellings. (See: regulations common to all "R" Districts, listed above.)	<p>MINIMUM YARD SIZE: Front Yard: 35 feet; Rear Yard: 40 feet; Side Yard: 10 feet.</p> <p>MINIMUM LOT SIZE: Area in Square Feet: 10,500; Width at building line: 75 feet.</p> <p>MAXIMUM HEIGHT: 35 feet; 2½ stories.</p> <p>MAXIMUM BUILDING AREA PERCENT: 25% OFF STREET PARKING CAR SPACES: One.</p>
R-3	USES PERMITTED: Single-family dwellings. (See: regulations common to all "R" Districts, listed above.)	<p>MINIMUM YARD SIZE: Front Yard: 25 feet; Rear Yard: 30 feet; Side Yard: 8 feet one side; 6 feet the other side.</p> <p>MINIMUM LOT SIZE: Area in Square Feet: Single family dwellings: 7,500; Width at Building Line: Single dwellings 60 feet.</p> <p>MAXIMUM HEIGHT: 35 feet 3 stories.</p> <p>MAXIMUM BUILDING AREA PERCENT: 35%</p>
R-4	USES PERMITTED: Dwellings and apartments for any number of families. USES PERMITTED ON APPEAL: Clubs, not conducted for profit; rooming and boarding houses. (See: regulations common to all "R" Districts, listed above.)	<p>MINIMUM YARD SIZE: Front Yard: 25 feet; Rear Yard: 30 feet; Side Yard: 8 feet on one side; 6 feet on the other side.</p> <p>MINIMUM LOT SIZE: Area in Square Feet: One or two family dwellings 6,000; For each additional family unit, add: 5 feet.</p> <p>MAXIMUM HEIGHT: 35 feet; 3 stories.</p> <p>MAXIMUM BUILDING AREA PERCENT: 40%</p>

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Note "A": A carport, porte-cochere, porch or structure or part thereof as defined in Section 68 hereof, shall be considered as part of the main building and shall be subject to the setback and side yard requirements for the district in which it is located.

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THAT all other items and provisions of the Zoning Ordinance of the City of Prattville not herein specifically amended shall remain in full force and effect.

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THIS Ordinance shall become effective upon its passage and execution as provided by law.

536 **ADOPTED THIS 15TH DAY OF JUNE, 2021.**

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540 _____
By: Gerald "Jerry" Starnes, President
541 Prattville City Council

542

543 **AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.**

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547 _____
By: Lisa Terrill
548 City Clerk

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550 **APPROVED:**

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553 _____
By: Bill Gillespie, Jr.
554 Mayor

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RESOLUTION

[To Release Funds for the Purchase of One (1) 2022 Ford F550 4x4 Diesel Truck with Auto Crane through the Sourcewell Purchasing Cooperative from Ingram Equipment Company, LLC for the Wastewater Division at a Cost Not to Exceed \$111,830.00.]

{Sponsored By: Councilor Striplin}

WHEREAS, there is a need for one (1) 2022 Ford F550 4x4 Diesel Truck with Auto Crane in the Public Works/Wastewater Division; and

WHEREAS, said truck is available through the Sourcewell Purchasing Cooperative, Contract Number, 060920-NAF, from Ingram Equipment Company, LLC at a cost not to exceed \$111,830.00; and

WHEREAS, this is a budgeted expense for the Public Works/Wastewater Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that funds in an amount not to exceed \$111,830.00 for the purchase of said truck are hereby authorized and approved to be paid to Ingram Equipment Company, LLC and said funds are approved and appropriated from FY2021 Budget Line Item Wastewater Enterprise Fund/Capital Outlay.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Release Funds for the Purchase of One (1) Pipehunter Side-Trac Easement Machine with Trailer through the Sourcewell Purchasing Cooperative from Ingram Equipment Company, LLC for the Wastewater Division at a Cost Not to Exceed \$49,198.00.]

{Sponsored By: Councilor Striplin}

WHEREAS, there is a need for one (1) Pipehunter Side-Trac Easement Machine with Trailer in the Public Works/Wastewater Division; and

WHEREAS, said machine is available through the Sourcewell Purchasing Cooperative, Contract Number, 060920-NAF, from Ingram Equipment Company, LLC at a cost not to exceed \$49,198.00; and

WHEREAS, this is a budgeted expense for the Public Works/Wastewater Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Prattville that funds in an amount not to exceed \$49,198.00 for the purchase of said machine are hereby authorized and approved to be paid to Ingram Equipment Company, LLC and said funds are approved and appropriated from FY2021 Budget Line Item Wastewater Enterprise Fund/Capital Outlay.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald "Jerry" Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

RESOLUTION

[To Amend the Budget and Authorize the Planning Department to Execute a Property Acquisition through FEMA’s Hazard Mitigation Assistance Grant Program at a Cost Not to Exceed \$39,200.00.]

{Sponsored By: Council President Starnes}

WHEREAS, the City of Prattville Planning Department has a need to execute a property acquisition through FEMA’s Hazard Mitigation Assistance Grant Program; and

WHEREAS, said property is located at 230 Allenville Road, parcel number 19 03 08 3 002 018.000.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Prattville hereby amends the FY2021 Budget as follows:

Decrease	Capital Projects Fund/City Hall Annex Renovations	\$39,200.00
Increase	Capital Projects Fund/Hazard Mitigation Grant Project	\$39,200.00

BE IT FURTHER RESOLVED by the City Council of the City of Prattville funds not to exceed \$39,200.00 for the purchase of said property acquisition and related closing and demolition costs, and said funds are hereby approved and appropriated from FY2021 Budget Line Item Capital Projects Fund/Hazard Mitigation Grant Project.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to negotiate, accept and execute, an agreement, between Derek Righter and the City of Prattville for said property acquisition.

ADOPTED THIS 15th DAY OF JUNE, 2021.

By: Gerald “Jerry” Starnes, President
Prattville City Council

AUTHENTICATED THIS 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

**HELD FROM JUNE 1, 2021
ORDINANCE**

[To Amend the City of Prattville Code of Ordinances by Replacing Section 38-301, Article V, Chapter 38, Definitions; Adding Sections 38-335 to 38-342, Article V, Chapter 38, Mobile Food Vendors Licenses; Amending Section 38-329, Article V, Chapter 38, Selling of Food Products, Goods, etc., from Parked Vehicles; and Amending Section 38-321, Article V, Chapter 38, License Classification Codes.]

{Sponsored By: Council President Pro Tempore Boone}

WHEREAS, Alabama municipalities are authorized to regulate the use of public streets, sidewalks and rights-of-way for public health, safety, welfare and convenience; and

WHEREAS, no person, firm, association, or corporation is authorized or permitted to use the streets, avenues, alleys, or public rights-of-way of any municipality for the operation of any private enterprise, without first obtaining the consent of the property authorities of such municipality provided by §11-49-1, *Code of Alabama*, 1975, as amended; and

WHEREAS, mobile food vehicles are a national trend and provide the useful service of convenient and varied dining options; and

WHEREAS, the City Council of the City of Prattville finds it in the interest of the public health, safety, welfare and convenience to authorize the operation of mobile food vehicles within the City limits, subject to regulations to protect the safe and convenient use of public rights-of-way as well as to impose reasonable restrictions on such vendors operating on private property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Prattville, Alabama, that Chapter 38, "Business Licenses and Taxes" Article V is amended as follows:

**Chapter 38 – Business Licenses and Taxes
Article V.**

Section 38-301 is deleted in its entirety and replaced with the following Section 38-301.

SECTION 1. Sec. 38-301. - Definitions.

A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person or business that applies for a license or renews a license under the provisions of this article.

Business means any commercial or industrial activity or any enterprise, trade, profession, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within the city.

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Business license means an annual license issued by the city for the privilege of doing any kind of business, trade, profession, or any other activity in the city, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent the taxpayer's business license tax or other financial information is listed thereon.

Business license remittance form means any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

Department or department of revenue means the state department of revenue, as created under §40-2-1, *Code of Alabama*, 1975, as amended.

Designee means an agent or employee of the city authorized to administer or collect, or both, the municipality's business license taxes, which may include another taxing jurisdiction, the department of revenue, or a private auditing or collecting firm as defined in §40-2A-3, *Code of Alabama*, 1975, as amended.

Finance director means the treasurer/finance director of the city.

Gross receipts mean the measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

(1) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: all taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayer to the taxing authority, whether state, local or federal, including utility gross receipts levied pursuant to §40-21-80, *Code of Alabama*, 1975, as amended; license taxes levied pursuant to §40-21-50, *Code of Alabama*, 1975, as amended; or reimbursements to professional employer organizations of federal, state or local payroll taxes or unemployment insurance contributions; but no other deductions or exclusions from gross receipts shall be allowed except as provided in this article.

(2) A different basis for calculating the business license may be used by the city with respect to certain categories of taxpayers as prescribed in §11-51-90B, *Code of Alabama*, 1975, as amended.

(3) For a utility or other entity described in §11-51-129, *Code of Alabama*, 1975, as amended, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the city during the preceding year that are taxed under §40-21-80, *Code of Alabama*, 1975, as amended, except that nothing herein shall affect any existing contract or agreement between a municipality and a utility or other entity. The gross receipts derived from the furnishing of utility services shall not be subject to further business license taxation by the city.

(4) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowing, the sale of a capital asset, the repayment of the principal portion of a loan, the issuance of stock or other equity investments, or capital contributions, or the undistributed earnings of subsidiary entities.

Health Department shall mean the County Health Department. Such terms shall be construed to include the Elmore County Health Department or the Autauga County Health Department depending on which county the vendor is doing business, 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 ordinances.

License form means any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called.

License year means the calendar year.

Mobile food vehicle means a self-contained vehicle or trailer that serves prepared foods or prepares and serves foods in various locations of the City. Ice cream peddlers are not included in this definition; however, they must obtain the applicable city business license.

124 *Municipality* means any town or city in this state that levies a business license tax from time
 125 to time. The term shall also include the town's or city's police jurisdiction, where the business
 126 license tax is levied in the police jurisdiction.

127
 128 *Person* means any individual, association, estate, trust, partnership, limited liability company,
 129 corporation, or other entity of any kind, except for any nonprofit corporation formed under the
 130 laws of the state which is operated to enable municipalities that become members of such
 131 nonprofit corporation to finance or refinance capital projects and related undertakings, on a
 132 cooperative basis, and whose board of directors or other governing body consists primarily of
 133 elected officials of the municipality.

134
 135 “*Prattville City Council*”, “*Council*”, “*City Council*” shall mean the Council of the City of
 136 Prattville.

137
 138 *Pushcart* means a non-self-propelled mobile food unit that is lightweight enough, designed,
 139 and intended to be moved by one person.

140
 141 *Retailer* means a person who sells to the consumer or any other person for any purpose
 142 other than for resale in the form of tangible personal property. A person selling both at
 143 wholesale and retail shall keep such person's books so as to show separately the gross
 144 proceeds of wholesale sales and the gross proceeds of retail sales. The books, invoices,
 145 records, and accounts provided for in this section shall at all times be open to examination by
 146 the state department of revenue, by the finance director, revenue officer, and by any other
 147 person designated by the city.

148
 149 *Revenue officer* means the employee charged by the city with the primary responsibility of
 150 administering this business license tax article and related matters thereto.

151
 152 *Taxing jurisdiction* means the city, or the department of revenue acting as agent on behalf of
 153 the city pursuant to §11-51-180, *Code of Alabama*, 1975, as amended, as the context
 154 requires.

155
 156 *Taxpayer* means:

- 157
 158 (1) Any person subject to or liable under this article for any business license tax;
 159 (2) Any person required to file a return with respect to, or pay or remit the business
 160 license tax levied under this article or to report any information or value to the taxing
 161 jurisdiction;
 162 (3) Any person required to obtain, or who holds any interest in, any business license
 163 issued by the taxing jurisdiction;
 164 (4) Any person who may be affected by any act or refusal to act by the taxing jurisdiction
 165 under this article; or
 166 (5) Any person required to keep any records required by this article.

167
 168 *USC* means the applicable title and section of the United States Code, as amended from
 169 time to time.

170
 171 *Wholesale sale* means a sale by a wholesaler to a licensed retail merchant, jobber, dealer, or
 172 other wholesaler for resale. Included in this category are sales to schools, hospitals, nursing
 173 homes, counties, municipalities, the state, and contractors for use in their businesses.

174
 175 *Other terms.* Other capitalized or specialized terms used in this article, and not defined above,
 176 shall have the same meanings ascribed to them in §40-2A-3, *Code of Alabama*, 1975, as
 177 amended, unless the context therein otherwise specifies.

178
 179 *Restaurant* means a brick and mortar establishment where meals, food, and/or drink are
 180 generally prepared and served to customers for consumption either on or off premises in return
 181 for money, either paid before or after the meal.

182
 183 **B. Section 38-304 (a)** Add the following sentence:
 184

185 The foregoing does not apply to any business holding a mobile food vendor license.

186

187 **C. Section 38-321. License Classifications.**

188

189 Insert Code 7225399 “Mobile Food Vendor” between 7225398 “Ice Cream Peddler” and
 190 7225812 “Restaurants” in the table of License Classification Codes and a fee schedule of “A”.

191

192 **D. Add the following Sections:**

193

194 **Sec. 38-335. Mobile Food Vendors.**

195

196 The general purpose of this Section is to promote the health, safety, comfort, convenience,
 197 prosperity, and general welfare of the citizens of Prattville by establishing reasonable
 198 guidelines and regulations for mobile food vehicles, to regulate where they may be located for
 199 the protection of other businesses, and to provide for the safe and convenient use of the
 200 city’s public rights-of-way.

201

202 **Sec. 38-336. Pushcarts.**

203

204 Pushcarts are not allowed under this article, unless authorized as part of a special event or
 205 otherwise by the Finance Director and Planning Director.

206

207 **Sec. 38-337. Zoning Requirement.**

208

209 Mobile food vendors will not be permitted to operate within any residential zones of the city
 210 unless they are temporarily operated for specific events and have prior written approval from
 211 the city’s Finance Department and Planning Department.

212

213 **Sec. 38-338. Business License Types and Cost.**

214

- 215 (a) All mobile food vendors must obtain a business license to operate anywhere in the
- 216 city limits of Prattville, Alabama.
- 217 (b) The city Finance Department may waive the cost of a business license when it is
- 218 deemed to be in the best interest of the city to do so; such as large public
- 219 gatherings, parades, festivals and the like. The applicant shall apply for any such
- 220 waiver on the special events application form.

221

222 **Sec. 38-339. Approval Process.**

223

- 224 (a) Any person or company desiring a license to operate as a mobile food vendor
- 225 within the City of Prattville:

226

- 227 (1) Must make application on forms provided by the Finance Department.
- 228 (2) Must adhere to all restrictions in this article.
- 229 (3) Must comply with International Fire Code as it relates to the regulation of
- 230 mobile food preparation vehicles and have each unit inspected and
- 231 approved by the City Fire Marshal.
- 232 (4) Any power source must comply with all applicable electrical code standards.
- 233 (5) Must obtain a valid health certificate from the county health department for
- 234 any unit from which they shall be conducting business.
- 235 (6) Must have a valid copy of executed notarized lease(s) or letter(s) of consent
- 236 from property owner(s) for each private site.
- 237 (7) In addition to the requirements noted above, the applicant for a mobile food
- 238 vendor license must provide:
 - 239 a. The name, home and business address of the applicant.
 - 240 b. A description of the food and/or beverage to be sold.
 - 241 c. A description and photograph or drawing of the food truck for which a
 - 242 license is sought.
 - 243 d. A copy of the applicable insurance policy or binder.

- e. Such information as the applicant may choose or as may be requested by the city.

Sec. 38-340. Restrictions.

Persons conducting business from a mobile food vehicle shall operate under the following terms:

- 1) No vendor shall operate on more than two (2) individual sites per day.
- 2) No vendor shall operate within a city right-of-way, easement or any city property unless they have obtained the approval of the City department in primary control of such property, and in such other areas as may be permitted by the City's zoning ordinance.
- 3) Vending may not obstruct the use of any street intersection, pedestrian crosswalk or walkway.
- 4) Vending shall not impede the ingress or egress of any driveway.
- 5) Vending shall not obstruct public pedestrian space.
- 6) Mobile food vendors may not operate within twenty-five (25) feet of any fire hydrant, utility boxes, handicap ramps or building entrances.
- 7) Mobile food vendors shall not store, park or leave any mobile food vehicle overnight on any city right-of way, easement or city property.
- 8) One "sandwich board" style or similar portable, temporary sign that does not impede pedestrians or traffic, and does not exceed ten square feet, nor is taller than four feet, may be placed within 15 feet of the mobile food vendor.
- 9) Normal hours of operation are from 6:00 a.m. to 11:00 p.m. unless otherwise approved by the Finance Director and Planning Director.
- 10) All vendors are subject to the regulations and other requirements established by the Health Department.
- 11) Mobile food vendors shall be allotted thirty (30) minutes set-up and thirty (30) minutes breakdown before and after the stated operating hours in which no food sales may take place.
- 12) No mobile food vehicle shall operate within 150 feet from the entrance of an operational restaurant, unless a letter of consent is provided by the restaurant.
- 13) No mobile food vehicle shall operate within five hundred (500) feet of any fair, stadium, carnival, circus, festival, special event, civic event, entertainment district or other like sponsored event that is licensed or authorized by the city, unless they are authorized by the sponsor to be participants in such event.
- 14) No mobile food vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices to attract customers. They may use 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 Prattville Police Chief or shift supervisor.
- 15) No mobile food vendor operating within the city shall cause congestion that impedes pedestrian or vehicular traffic or interferes with the city or public's use of any public rights-of-way. This shall include but is not limited to activity of customer queues, accessory units or signage that in any way invades or impairs access to adjacent parking, pedestrian or vehicular traffic.
- 16) No mobile food vendor shall make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic.
- 17) Any mobile food vehicle shall be self-contained including any electrical, gas, water and disposal needs. However, electrical power may be supplied by use of approved power/extension cords with the permission of the electrical provider. Electrical connections must comply with applicable city codes. No power cable or equipment shall be extended at grade or overhead across any public street, alley or sidewalk.
- 18) No tables, chairs, tents, canopies, or vending machines shall be located around the unit, unless approved by the Finance Director and Planning Director.
- 19) The owner or operator shall dispose of all grease in accordance with health department requirements and city requirements.
- 20) Mobile food vendors shall be responsible for providing and maintaining their own trash receptacles. The licensee shall contain all refuse, trash and litter within the mobile food

unit; or, via a moveable receptacle maintained by the licensee that is placed adjacent to the mobile vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The licensee 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. The area around the unit shall be kept clean and free of litter, garbage and debris.

- 21) The mobile food vendor shall comply with all applicable laws including but not limited to the Americans with Disabilities Act.
- 22) Mobile food vending in the city rights-of-way (when approved by the Finance Department and Planning Department) shall only occur from the side of a food vehicle that is abutting and parallel to the curb and in an approved parking area.
- 23) No mobile food vendors shall have a drive-through service.
- 24) The sale of alcoholic beverages or tobacco products from a mobile food vendor is prohibited.
- 25) The sale of merchandise from a mobile food vendor is prohibited.
- 26) Any mobile food vehicle operating without a valid business license may be ticketed and impounded as prescribed and authorized in Section 38-341 of this Code.
- 27) A mobile food vehicle operating at any unauthorized location or beyond the hours for which the operation has been permitted shall be considered a public safety hazard and may be ticketed and impounded as prescribed and authorized in Section 38-341 of the Code.
- 28) A mobile food vehicle's business license shall not be assignable, in whole or in part, in any manner.

Sec. 38-341. Exemption for Ice Cream Peddlers.

- (a) Ice cream vendor owners/operators are exempt from mobile food vehicle licensing; however, such businesses must obtain a city business license as an ice cream peddler.
- (b) Except as herein provided, it shall be unlawful for any ice cream peddlers, 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 vendor be or remain upon any street longer than is reasonable to conduct a sale; such time not to exceed thirty (30) minutes.

Sec. 38-342. Enforcement and Fines.

- (a) Enforcement. The provisions of Sections 38-335 to 38-339 inclusive, or any rules and regulations applicable to mobile food vehicles shall be enforced jointly and severally by the Prattville Police Department, the Fire Marshal, the Finance Director, the Revenue Officer or the Code Enforcement division.
- (b) Fine for Violation. Any mobile food vendor in violation of any provision of Sections 38-335 to 38-339 shall be subject to a fine of up to five hundred (\$500.00) dollars per violation. Each violation shall constitute a separate and distinct offense. Each day shall be considered a separate offense.
- (c) A license holder found in violation of the provisions of Sections 38-335 to 38-339, inclusive, may be ticketed for the violation and the mobile food vehicle may be impounded.
- (d) All mobile food vehicle vendor licenses are subject to the provisions set out in Article V, Chapter 38, Sections 38-317 to 38-318 inclusive, for denial, suspension, revocation and appeal.

SECTION 2. All other sections or provisions of the Code of Ordinances of the City of Prattville, Alabama, not specifically herein remain in full force and effect.

SECTION 3. Should any section or provision of the Ordinance or the Code of Ordinances of the City of Prattville, Alabama be held invalid, such holding shall not affect the

364 validity of any section or provision thereof which are not themselves invalid.

365

366 **SECTION 4.** This Ordinance shall become effective upon its adoption and publication

367

368 as required by law.

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370 **ADOPTED THIS 15TH DAY OF JUNE, 2021.**

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374 _____
By: Gerald "Jerry" Starnes, President

375 Prattville City Council

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380 **AUTHENTICATED 15TH DAY OF JUNE, 2021.**

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384 _____
By: Lisa Terrill

385 City Clerk

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387 **APPROVED:**

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391 _____
By: Bill Gillespie, Jr.

392 Mayor

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ORDINANCE

[To Amend City Code Division 2. Sales Tax, Section 38-92 Imposition of Certain Sales and Use Taxes.]

{Sponsored By: Council President Starnes}

BE IT ORDAINED that City Code Division 2. Sales Tax, Section 38-92 is hereby

amended as follows:

Sec. 38-92. – Imposition of Additional Tax.

(a) In addition to the taxes set forth in Section 38-91, there shall be an additional one (1) percent (%) tax levied under Section 38-91(1), (2), and (6) commencing on July 1, 2021.

(b) The tax collected under this section herein, after deduction for expenses of collection, shall be expended in the following manner:

1. One hundred (100) percent (%) of each month’s collections of the one (1) percent (%) tax shall be deposited into a General Fund Reserves bank account maintained in accordance with the City’s General Fund Reserve Policy.
2. Reserved.

This Ordinance shall become effective upon its passage and execution as provided by law.
law.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald “Jerry” Starnes, President
Prattville City Council

AUTHENTICATED 15TH DAY OF JUNE, 2021.

By: Lisa Terrill
City Clerk

APPROVED:

By: Bill Gillespie, Jr.
Mayor

ORDINANCE

[To Amend City Code Division 2. Sales Tax, Section 38-92 Imposition of Certain Sales and Use Taxes.]

{Sponsored By: Council President Starnes}

BE IT ORDAINED that City Code Division 2. Sales Tax, Section 38-92 is hereby amended as follows:

Sec. 38-92. – Imposition of Additional Tax.

(a) In addition to the taxes set forth in Section 38-91, there shall be an additional one (1) percent (%) tax levied under Section 38-91(1), (2), and (6) commencing on July 1, 2021.

(b) The tax collected under this section herein, after deduction for expenses of collection, shall be expended in the following manner:

1. Ten (10) percent (%) of each month’s collections of the one (1) percent (%) tax shall be deposited into a General Fund Reserves bank account maintained in accordance with the City’s General Fund Reserve Policy.
 - a. Once the provisions of the City’s General Fund Reserve Policy have been satisfied, this ten (10) percent (%) of the one (1) percent (%) tax shall be deposited into an Economic Development Reserves bank account. Such funds may be expended only on economic development projects approved by the City Council of the City of Prattville.
 - b. If the provisions of the City’s General Fund Reserve Policy are not in compliance at the conclusion of any fiscal year ending September 30th following the effective date of this Ordinance, then the Finance Director shall move the necessary funds from the Economic Development Reserves bank account to the General Fund Reserves bank account to satisfy the City’s General Fund Reserve Policy.
2. The remaining ninety (90) percent (%) of each month’s collections of the one (1) percent (%) tax shall be committed as follows:
 - a. Fifty (50) percent (%) shall be deposited into an Education Reserves bank account and used only for education-related expenses within the corporate limits of the City of Prattville.
 - b. Twenty-five (25) percent (%) shall be deposited into a Parks and Recreation Reserves bank account and used only for Parks and Recreation facilities within the corporate limits of the City of Prattville.
 - c. Twenty-five (25) percent (%) shall be deposited into an Infrastructure Reserves bank account and used only for infrastructure-related expenses within the corporate limits of the City of Prattville.

This Ordinance shall become effective upon its passage and execution as provided by law.

ADOPTED THIS 15TH DAY OF JUNE, 2021.

By: Gerald “Jerry” Starnes, President
Prattville City Council

62 **AUTHENTICATED 15TH DAY OF JUNE, 2021.**

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66 _____
By: Lisa Terrill
67 City Clerk

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69 **APPROVED:**

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By: Bill Gillespie, Jr.
74 Mayor

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