Sec. 74-272. - Definitions.

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:

*Primary pushcart vending area* means any of those streets and sidewalks, or portions thereof, within that area designated by the Legacy Plan as Growth Management Area 1, and all areas zoned pedestrian business adjacent thereto, as may be designated from time to time by the city council of the City of Winston-Salem.

*Mobile food unit* means any vehicle, other than a pushcart, from which is vended prepared food, drink and fresh fruit, but shall not include the sale from such vehicle of fresh meat, flowers, fruit and produce, the vending of which is regulated under section 74-287.

*Pushcart* means any rubber-wheeled vehicle or portable cart, the design and appearance of which is subject to review and approval by the city manager or his designee, used for displaying, keeping or storing any article by a vendor or peddler (other than a motor vehicle, bicycle or trailer) which may be moved without the assistance of a motor and which does not require registration by the state department of motor vehicles, and from which prepared food, fruit, merchandise, drink, and flowers may be sold.

*Special event* means an event, during which one or more streets may be closed to vehicular traffic within the event area, if applicable.

*Vendor* means a person who operates a mobile food unit or pushcart.

(Code 1975, § 21-161; Ord. No. 4476, § 2, 10-27-03; Ord. No. 4490, § 2, 3-22-04; Ord. No. 4532, § 1, 8-15-05; Ord. No. 4813, §§ 15, 16, 4-21-14, eff. 7-1-14)

Cross reference—Definitions generally, § 1-2.
Sec. 74-274. - Vendor's permit required.

It shall be unlawful to sell, or offer for sale, any food, beverage or merchandise on foot or from any pushcart or mobile food unit on any right-of-way, street, sidewalk or public park within the city without first obtaining a permit therefore, pursuant to the provisions contained in this article, from the community development department. All persons who sell or offer for sale any food, beverage or merchandise from any licensed pushcart or mobile food unit shall display a city-issued identification badge. In addition to complying with this article, the vendor shall also comply with all applicable time, manner and place restrictions set forth in chapters 34, 38, 46 and 74 of the city code.

(Code 1975, § 21-162; Ord. No. 4476, § 3, 10-27-03; Ord. No. 4490, § 3, 3-22-04; Ord. No. 4813, §§ 15, 18, 4-21-14, eff. 7-1-14; Ord. No. 2997, § 1, 6-18-18)

Sec. 74-275. - Application for vendor's permit; fee.

The application shall be accompanied by payment of a $75.00 permit application fee for each pushcart or mobile food unit for which the permit is sought, plus $10.00 for each identification badge in excess of two badges. The application for a pushcart or mobile food unit permit shall include:

1. The name and home and business address of the applicant, and the name and address of the owner of the vending business, or of the cart or motor vehicle to be used in the operation of the vending business if other than the applicant.

2. A description of the type of food, beverage or merchandise to be sold.

3. A description of the proposed locations of the vending business, except that vendors from motor vehicles shall describe the general area in which they propose to vend, if less than the entire city, or the primary pushcart vending area.

4. A description, including the size, and a photograph of any pushcart or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.

5.
Two prints of a full-face photograph, taken not more than 30 days prior to the date of the application, of any person who will sell or offer for sale any food, beverage or merchandise on any street or sidewalk within the city.

(6) A copy of any approval required by the county health department pursuant to the Rules Governing the Sanitation of Restaurants and other Food Handling Establishments, 10 N.C.A.C., chapter 10, subchapter 10A and any other applicable statutory provision.

(7) Proof of an insurance policy, issued by an insurance company licensed to do business in the state, protecting the permittee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city. Such insurance shall afford minimum limits of $100,000.00 per person bodily injury, $300,000.00 per occurrence bodily injury, and $25,000.00 per occurrence property damage.

Sec. 74-271. - Findings.

(a) It is found and declared that sidewalk vendors promote the public interest by:

1. Making the primary pushcart vending area and other areas of the city an active and attractive pedestrian environment.

2. Providing the opportunity for creative, colorful pedestrian-focused commercial activities on a day/night, year-round and seasonal basis.

3. Encouraging commercial activities which add excitement, charm, vitality and diversity.

4. Encouraging development within the primary pushcart vending area and other areas of the city.

5. Promoting land conservation, redevelopment, energy saving, and direct and indirect tax revenue.

(b) It is further found and declared that vehicular vendors promote the public interest by:

1. Making fresh fruits, meats, eggs and vegetables grown on nearby farms available to the citizens of the city.

2. Providing wholesome food to workers in the city.

3. Improving the quality of life in the city while promoting energy and time-saving and direct and indirect tax revenues.

(c) It is further found and declared that special events promote the public interest by bringing a variety of artists, craftsmen, musicians and events to the city for the benefit of its citizens, visitors and commercial enterprises.

(Code 1975, § 21-160; Crd. No. 4476, § 1, 10-27-03; Ord. No. 4490, § 1, 3-22-04; Ord. No. 4813, § 15, 4-21-14, eff. 7-1-14)

Sec. 74-277. - Vending of food from mobile food units and pushcarts.

(a) Vending of food and drink from licensed mobile food units is permitted throughout the city, with the following exceptions:

1. No mobile food unit shall vend food or drink within the public right-of-way of the primary pushcart vending area as defined in section 74-272, except that mobile food units may vend within the boundaries of construction sites.

2. No mobile food unit shall vend within any designated historic district as
defined in the city zoning ordinance.

(b) **Vending of foods, beverages and merchandise from pushcarts is permitted on any sidewalk in the primary pushcart vending area as defined in 74-272, and on that city property directly adjacent to the eastern boundary of that building known as the City Market, and at other locations throughout the city. Applications submitted for pushcarts outside the primary pushcart vending area must contain written permission from the adjacent property owner prior to consideration by the assistant city manager for public works. All pushcart locations, in or out of the primary pushcart vending area, must be approved by the assistant city manager for public works, per criteria defined in section 74-278; and shall be subject to the regulations contained in this article, as well as by applicable zoning regulations, except as otherwise provided in this Code. No pushcart shall vend in any area zoned "H" Historic District, or in that area on the south side of 1st Street between 4th and Broad Streets.**

(Code 1975, § 21-165; Crd. No. 4476, § 6, 10-27-03; Ord. No. 4490, § 5, 3-22-04)

**Cross reference**— Licenses and business regulations, ch. 34.