



Community and Business
Development Department

City of Winston-Salem
P.O. Box 2511
Winston-Salem, NC 27102
City Link 336.727.8000
Fax 336.727.2878
www.cityofws.org

APPLICATION FOR PUSHCART/MOBILE FOOD UNIT PERMIT

PERMITS ARE NOT VALID DURING SPECIAL EVENTS

Application must be returned to Community and Business Development and shall be accompanied by a receipt from the City Revenue Office showing payment of **seventy-five dollar (\$75.00)** permit fee for each pushcart or mobile food unit.

1. Name of applicant: _____
Home Address: _____
Business Address: _____
Home Phone: _____ Business Phone: _____
Cellular Phone: _____ Pager: _____
2. This application is for: Pushcart _____ Mobile Food Unit _____
3. Describe the type of food, beverage, or merchandise to be sold:

4. If this application is for a pushcart permit, list below the desired location. (Be as specific as possible)

5. Describe the pushcart (including dimensions) or mobile food unit. If a motor vehicle, provide the license and registration number. Also attach a photograph of the pushcart or mobile food unit.

6. Attach 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.
7. Attach a copy of any approval required by the Forsyth County Health Department pursuant to 10 N.C.A.C. Ch. 10, Subch. 10A.
8. Attach certificate of insurance meeting the requirements contained in Section 74-275(7) of the Winston-Salem City Code.

Payment Address:

Revenue Department, Suite 121
 Bryce A. Stuart Municipal Bldg.
 100 E. First Street
 Winston-Salem, NC 27101

Application and Payment Receipt Returned to:

Community & Business Development, Suite 423
 Bryce A. Stuart Municipal Bldg.
 100 E. First Street
 Winston-Salem, NC 27101

Provide City license account number: _____

Signature of Applicant

This permit for _____ Pushcart _____ Mobile Food Unit is _____ Approved _____ Denied.

Permit Period _____ to _____

Approved Location: _____

CITY SEAL

Deputy City Manager

Date

This permit shall be available for inspection at all times that the pushcart or mobile food unit is in operation. This permit shall not be applicable during any exhibition show.

Winston-Salem Codes

ARTICLE IX. PUSHCART, PEDESTRIAN AND MOBILE VENDORS;

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 exhibition shows promote the public interest by bringing a variety of artists, craftsmen, musicians and exhibitions to the city for the benefit of its citizens, visitors and commercial enterprises. (Code 1975, § 21-160; Ord. No. 4476, § 1, 10-27-03; Ord. No. 4490, § 1, 3-22-04)

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.

Exhibition show means an event, during which streets are closed to vehicular traffic within the exhibition area.

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.

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)

Cross references: Definitions generally, § 1-2.

Sec. 74-273. Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed \$50.00, or by imprisonment for a period of not to exceed 30 days, or both. (Code 1975, § 21-180)

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 development office. 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.

(Code 1975, § 21-162; Ord. No. 4476, § 3, 10-27-03; Ord. No. 4490, § 3, 3-22-04)

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

The permit required by section 74-274 shall be issued only after the issuance of a license in accordance with section 34-12. 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, in addition to the information required in chapter 34:

(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 bA.

(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.

(Code 1975, § 21-163; Ord. No. 4476, § 4, 10-27-03; Ord. No. 4490, § 4, 3-22-04)

Sec. 74-276. Issuance and term of vendor's permit.

(a) Not later than 10 days after the filing of a completed application for a vendor's permit, the applicant shall be notified by the development office of the decision on the issuance or denial of the permit.

(b) The development office shall consider the standards set forth in chapter 34 and in sections 74-271, 74-272, 74-274, 74-276, 74-277, 74-278, 74-280, 74-282, 74-285, 74-286 and 74-287 in determining whether to grant a permit. If the issuance of the permit is approved, the city shall issue the permit and an identification badge for anyone who will sell or offer for sale any food, beverage or merchandise. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application, and the permit application fee, in excess of \$100.00, shall be refunded. A permit issued pursuant to this section is valid for a period of one year, from July to June 30.

(c) In the event the permit holder hires any new employees, an identification badge must be obtained for the new employee by the permit holder from the city within five days of hiring. Identification badges must be returned to the city upon leaving the employ of the permit holder.

(Code 1975, § 21-164; Ord. No. 4476, § 5, 10-27-03; Ord. No. 4490, § 5, 3-22-04)

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; Ord. No. 4476, § 6, 10-27-03; Ord. No. 4490, § 5, 3-22-04)

Cross references: Licenses and business regulations, ch. 34.

(15) Vend without the insurance coverage specified in section 74-275(7).

(b) No foot peddler or vendor selling from a pushcart on the sidewalk shall:

(1) Vend at any location where, following the installation of the pushcart, the remaining unobstructed width of the sidewalk is less than five feet.

(2) Vend within ten feet of an entranceway to any building.

(3) Vend within 50 feet of any driveway entrance to a police or fire station, or within ten feet of any other driveway or of any alley.

(4) Vend within ten feet of the crosswalk at any intersection.

(5) Vend within 20 feet of any bus stop sign.

(6) Vend within ten feet of any fire hydrant or fire escape.

(7) Allow the pushcart or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission.

(8) Vend within 50 feet of another foot peddler or pushcart.

The regulations enumerated in this subsection shall not apply to pushcart vendors on that city property directly adjacent to the eastern boundary of that building known as the City Market.

(c) it shall be unlawful for any foot peddler to sell or for any person to maintain any pushcart upon any street or sidewalk which impedes, endangers or interferes with the travel upon or use of the street or sidewalk. if it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any law enforcement officer of the city may direct vendors to temporarily remove to another location. No person may refuse to comply with a lawful order of a law enforcement officer when the order is given under the authority of this section.

(d) No vendor vending from a mobile food unit shall:

(1) Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property or an obstruction to adequate access for fire, police or sanitation vehicles.

(2) Stop, stand or park his vehicle upon any street, or permit it to remain there, except on the roadway at the curb for the purpose of vending therefrom.

(3) Stop, stand or park his vehicle upon any street for the purpose of selling, or sell on any street, under any circumstances, during hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.

(4) Stop, stand or park his vehicle within 50 feet of any intersection, except that vehicles vending products likely to attract children as customers shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

(5) Remain in any one block more than three hours during any 24-hour period.

(Code 1975, § 21-166; Ord. No. 4476, § 7, 10-27-03; Ord. No. 4490, § 5, 3-22-04)

Sec. 74-279. Size requirements for pushcarts.

No pushcart shall exceed 36 inches in width or 72 inches in length. No pushcart shall exceed 60 inches in height. Any covering for a pushcart shall be limited to a single mast umbrella, attached to the pushcart. The umbrella shall be at least 78 inches in height at its lowest point, and shall not exceed eight feet in diameter when fully opened. Tent-like structures or canopies supported by multiple posts are specifically prohibited.

(Code 1975, § 21-167; Ord. No. 4476, § 8, 10-27-03; Ord. No. 4490, § 5, 3-22-04)

Sec. 74-280. Safety requirements for mobile food units.

All mobile food units in or from which food is prepared or sold shall comply with the following requirements:

(1) All equipment installed in any part of the vehicle shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.

(2) All utensils shall be stored in a manner to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided to avoid loose storage of knives.

(3) Compressors, auxiliary engines, generators, batteries, battery chargers, gas-fueled water heaters and similar equipment used in the storage, preparation or vending of food shall be installed so as to be accessible from outside the vehicle.

(4) All health rules and regulations in 10 N.C.A.C. chapter 10, subchapter bA, as amended, shall be complied with.

(Code 1975, § 21-168; Ord. No. 4490, § 5, 3-22-04)

Sec. 74-281. Display of badges and permits by vendors.

All permits and badges shall be displayed at all times during the operation of the vending business.

(Code 1975, § 21-170; Ord. No. 4490, § 5, 3-22-04)

Please confirm that you have read and understand the Codes by signing below:

Signature of Applicant

Date



**DEVELOPMENT DIVISION
COMMUNITY AND BUSINESS DEVELOPMENT
Permit Payment Form**

Date: _____

Applicant Name: _____

- Exhibition Show Permit (\$50.00) Account Number: 0172-42401
- Foot Peddler Permit (\$25.00) Account Number: 0172-42402
- Pushcart/Mobile Food Unit Permit (\$75.00) Account Number: 0172-42403
- Sidewalk Dining Permit (\$35.00) Account Number: 0172-42404

Business License Yes No N/A (Expiration Date: _____)

NOTE: If vendors will be present at an Exhibit Show permit holder must obtain a blanket Business License to cover all vendors, or each vendor must have his/her own individual Business License. Contact the City's Business License Office at 747-6954 for more information.