

# **ATTACHMENT D**

Chapter 26 - STREETS AND SIDEWALKS

ARTICLE III. - SIDEWALK OR DRIVEWAY CONSTRUCTION OR REPAIRS

DIVISION 2. - PERMIT

Sec. 26-86. - Required.

No sidewalk or driveway shall be laid, except under contract with the city, without a permit therefor.

(Code 1961, § 18-31)

Sec. 26-87. - Application.

Before any sidewalk or driveway on any street is laid by any property owner, the contractor therefor shall file with the permit clerk a written application for the construction of such sidewalk or driveway. Such application shall show the name of the owner of the property abutting such proposed sidewalk or driveway, the location and extent thereof, and the name of the contractor who proposes to construct it.

(Code 1961, § 18-33)

Sec. 26-88. - Persons eligible.

No permit for the construction of any sidewalk or driveway shall be issued except to a person licensed under the provisions of chapter 13 and bonded as required by ordinance.

(Code 1961, § 18-32)

Sec. 26-89. - Fee.

Before the permit required by this division is issued, there shall be paid by the contractor a fee therefore as follows:

- (1) For each driveway, seventy-five dollars (\$75.00).
- (2) For a sidewalk:
  - a. The minimum charge is three dollars (\$3.00).
  - b. If the sidewalk has an area of over forty (40) but not over one hundred (100) square yards, the fee is ten cents (\$0.10) per square yard.
  - c. If the sidewalk has an area of over one hundred (100) square yards, the fee is five cents (\$0.05) per square yard.

(Code 1961, § 18-34; Ord. No. 94-18, § 1, 4-18-94; Ord. No. 13-91, § 1, 6-18-13; Ord. No. 14-084, § 1, 6-17-14)

Secs. 26-90—26-105. - Reserved.

ARTICLE VII. - STREET SHOWS, EXHIBITIONS, ETC.

FOOTNOTE(S):

~~(4)~~

~~Charter reference~~—~~Exhibition show privilege license, § 13-88.~~ [\(Back\)](#)

## DIVISION 1. - GENERALLY

### Sec. 26-196. - Definition.

In this article "exhibition show" ~~has the meaning assigned to it in section 13-88.~~ means an exhibition or show where merchandise, wares or other tangible items are displayed for show and/or sale either out-of-doors or in a building occupied in whole or part for a period not to exceed one (1) week.

(Code 1961, § 12-90.1(A))

### Sec. 26-197. - Sponsor of the show to be nonprofit organization.

No permit shall be issued under this article unless the exhibition show is totally sponsored by a nonprofit organization conducting the exhibition show for charitable, cultural, religious or civic purposes. No sale of arts, crafts or other tangible items shall be permitted within the street or sidewalk area except under the auspices and control of the organization receiving the permit. Such organization shall be fully responsible for compliance with rules, regulations and ordinances of the city with respect to the exhibition show being conducted pursuant to a permit issued.

(Code 1961, § 12-90.1(B))

### Sec. 26-198. - Times allowed.

No person may conduct or otherwise participate in an exhibition show except between 7:00 a.m. and 11:00 p.m.:

- (1) Provided however, that set-up and/or break-down activities may occur outside these hours subject to the restrictions concerning unnecessary loud, and disturbing noises as set forth in section 18-41
- (2) Provided further that the city manager may extend the times allowed by this section pursuant to the following criteria:
  - a. The proximity of the show to residential structures;
  - b. The nature of the use and zoning of the area;
  - c. Nature of any noise or traffic to be produced;
  - d. The need of city streets or property for other uses;
  - e. Availability or fire and police protection;
  - f. Availability of sanitation and clean-up for the extended hours;
  - g. Other activities or events in the vicinity.
- (3) The extension of hours may be upon such reasonable terms and conditions as determined by the manager.

(Code 1961, § 12-90.1(A); Ord. No. 04-25, § 1, 2-17-04; Ord. No. 05-178, § 1, 8-16-05)

### Sec. 26-199. - Duration.

Where the exhibition show is to be conducted pursuant to a permit issued under this division, such exhibition show may not extend for more than seven (7) successive days without an intervening period of at least one (1) week.

(Code 1961, § 12-90.1(F))

Sec. 26-200. - Traffic regulations.

It shall be unlawful to operate or leave parked any motorized vehicle of any type, including motorcycles and minicycles, upon any street or public vehicular area wherein an exhibition show is conducted pursuant to permit issued under this article without the express permission of the person in direct charge of the exhibition show.

(Code 1961, § 12-90.1(G))

Secs. 26-201—26-210. - Reserved.

## ARTICLE VIII. - SELLING ON STREETS AND SIDEWALKS

### DIVISION 2. - MOBILE FOOD VENDORS

#### FOOTNOTE(S):

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**Editor's note—** Ord. No. 12-131, § 1, adopted Nov. 7, 2012, changed the title of Div. 2 from "Pushcart sales" to "Mobile food vendors".

Sec. 26-231. - Mobile food vendor sales.

It shall be lawful for mobile food vendors to sell or offer for sale food or beverages only under the conditions set forth herein.

(Ord. No. 11-78, § 1, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

#### **Editor's note—**

Ord. No. 11-78, § 1, adopted May 3, 2011, amended § 26-231 in its entirety to read as set out herein.

Formerly, said section pertained to pushcart sales in the downtown business district. See the Code Comparative Table.

Sec. 26-232. - Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the content clearly indicates another meaning:

*Beverages* shall mean drinkable, nonalcoholic liquids prepared for immediate human consumption and may be served only in cans, Styrofoam or plastic cups.

*Canopy* shall mean an umbrella that is attached to the pushcart.

*Food* shall mean food prepared for immediate human consumption, including condiments and prepackaged foods, all as allowed by the North Carolina Department of Human Resources, Division of Health Services.

*Mobile food unit* shall mean a vehicle-mounted, vehicle-towed, or vehicle-carried, food service establishment designed to be readily moved and which is defined in 15A NCAC 18A.2601.

*Mobile food vendor* shall mean a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment designed to be readily moved and shall be either a motorized mobile food vendor, pushcart mobile food vendor, nonprofit on-premises mobile food vendor, or a nonprofit off-premises mobile food vendor.

*Motorized mobile food vendor* shall mean a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a "mobile food unit" as defined in 15A NCAC 18A.2601.

*Nonprofit on-premises mobile food vendor* shall mean a nonprofit organization, as defined in the Greensboro Code of Ordinances section 13-49194, which conducts or permits mobile food vendor sales within the real estate owned by their not-for-profit organization or conducts or permits sales within the principal place of business of their nonprofit organization.

*Nonprofit off-premises mobile food vendor* shall mean a nonprofit organization, as defined in the Greensboro Code of Ordinances section 13-49194, which conducts or permits mobile food vendor sales outside the real estate owned by their not-for-profit organization or conducts or permits sales outside the principal place of business of their nonprofit organization.

*Pushcart* shall mean any mobile piece of equipment or vehicle from which a pushcart mobile food vendor conducts sales and is defined in 15A NCAC 18A.2601.

*Pushcart mobile food vendor* shall mean a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a mobile piece of equipment or vehicle which serves hot dogs or foods which have been prepared, preportioned, and individually prewrapped at a restaurant or commissary, or which serve foods and/or beverages exempt from health department regulations.

*Vendor* shall mean a person who hawks, peddles, sells or offers for sale food.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 1, 6-17-08; Ord. No. 11-78, § 2, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-233. – Mobile Food Vendor Permit required.

It shall be unlawful for any mobile food vendor to sell, or offer for sale, any food or beverage without first obtaining a mobile food vendor permit pursuant to this section from the city manager, or his/her designee.

All mobile food vendors shall maintain permits required by the Guilford County Health Department or the applicable health department of the resident county of the mobile food vendor, and comply with all North Carolina Department of Human Resources, Division of Health Services regulations.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 2, 6-17-08; Ord. No. 11-78, § 3, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-234. – Mobile Food Vendor Permit application.

The mobile food vendor permit required shall be issued only after the issuance of an appropriate ~~license-business permit~~ in accordance with chapter 13 of this Code. Application shall be accompanied by payment of a fifty-dollar (\$50.00) permit fee annually for each mobile food vendor, motorized or mobile food vendor, pushcart for which the permit is sought.

The application for a mobile food vendor permit shall include:

- (1) The name, home and business address of the applicant, the name and address of the owner of the vending business, or of the pushcart to be used in the operation of the vending business if other than the applicant;
- (2) A description of the types of food and beverages to be sold;
- (3) A description (including the size) and a photograph of any pushcart, trailer, or vehicle to be used in the operation of the business, including, if applicable, the license and registration number of any vehicle used in the operation of the business to restock or transport a pushcart;
- (4) Two (2) prints of a full-face photograph, taken not more than thirty (30) days prior to the date of the application of any person who will sell or offer for sale any food or beverage within the city;

- (5) A copy of any approval required by the Guilford County Health Department pursuant to the rules governing the sanitation of restaurants and other food handling establishments, 10 NCAC ch. 10, subch. 10A, and any other approval required by a governmental unit for the preparation and service of food;
- (6) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, 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 thirty (30) days' advance written notice to the city. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) per person bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence bodily injury, and twenty-five thousand dollars (\$25,000.00) per occurrence property damage.

All items listed in the mobile food vendor permit application are required annually for renewal of permit.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 3, 6-17-08; Ord. No. 11-78, § 4, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-235. - Issuance of mobile food vendor permit.

Not later than thirty (30) days after the filing of a completed application for a mobile food vendor permit, the applicant shall be notified by the city manager, or his designee, of the decision on the issuance or denial of the permit. The manager, or his designee, shall consider the standards set forth in this chapter in determining whether to grant a permit. 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 mobile food vendor permit fee, in excess of twenty-five dollars (\$25.00) shall be refunded. Mobile food vendor ~~P~~permits issued pursuant to this section shall be for a twelve-month period and shall expire on June 30, except if the mobile food vendor permit is issued after the expiration of ~~seven (7)~~ eight (8) months of the current fiscal year, the permittee shall be required to pay one-half the fee prescribed. No permit fee shall be abated, nor shall a refund of any part thereof be made, in any case where the permittee discontinues his business before the end of the period for which the permit was issued. The original ~~license~~ business permit and decal shall be displayed at all times during the operation of the vending business where it can be inspected at any time by any proper city official. ~~Licenses~~ Business permits and decals are non-transferable.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 90-110, § 1, 8-16-90; Ord. No. 08-179, § 4, 6-17-08)

Sec. 26-236. - Prohibited conduct.

No mobile food vendor shall:

- (1) Vend within three hundred (300) feet of any church, while such church is holding a religious service.
- (2) Vend on any paved or traveled portion of a street or on any sidewalk where vending is otherwise prohibited or located in any city-owned parking space, or any handicapped space, fire lane, or loading area; or any grass or landscaped area, except that pushcart mobile food vendors shall be permitted on sidewalks adjacent to and upon property zoned central business, "CB".
- (3) Vend between the hours of 3:00 a.m. and 7:00 a.m. ~~of the following day.~~
- (4) Leave any pushcart or mobile food unit unattended on a city right-of-way or street.
- (5) Store, park or leave any pushcart or mobile food unit overnight on any right-of-way or sidewalk.

- (6) Sell food or beverages for immediate consumption unless the vendor has available for public use their own, or a public, litter receptacle which is adequate and available for the vendor's patron's use and being no more than ten (10) feet distant from the pushcart or mobile food unit.
- (7) Leave any location without first picking up, removing and disposing of all trash or refuse including products spilled on the sidewalk within twenty (20) feet of the push cart location.
- (8) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the pushcart except that pushcart mobile food vendors may place hand-squeezed lemonade/orangeade manufacture and sales on the top surface of a single cooler.
- (9) Set up, maintain or permit the use of any table, crate, carton, rack, or any other device to increase the selling or display capacity of the pushcart.
- (10) Solicit or conduct business with persons other than pedestrians.
- (11) Sell anything other than that which the vendor is ~~licensed~~ permitted to vend.
- (12) Sound or permit the sounding of any device which produces noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public. All mobile food vendors shall be subject to and comply with the standards of the City of Greensboro Noise Ordinance, "Offenses of Unreasonable or Disturbing Sound", the City of Greensboro Outdoor Lighting Ordinance and other applicable City of Greensboro rules and regulations.
- (13) Vend without the insurance coverage specified in this article.
- (14) Violate any federal, state, county or city law or regulation that pertains to food, beverages or the preparation or selling thereof.
- (15) No vendor selling from a pushcart shall:
  - a. Vend within ten (10) feet of an entranceway to any building or fifty (50) feet from an open business.
  - b. Vend within fifty (50) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway or of any alley.
  - c. Vend within ten (10) feet of the crosswalk at any intersection.
  - d. Vend within twenty (20) feet of any bus stop sign.
  - e. Vend within ten (10) feet of any fire hydrant or fire escape.
  - f. Allow the pushcart or any other item to rest upon, against or hang from any building or structure lawfully placed on public property, without the owner's permission.
  - g. Vend within one hundred (100) feet of any other pushcart.
  - h. Vend within fifty (50) feet of a sidewalk café that is open.
  - i. Pour waste products, (including hot water and drainage from coolers) down a storm drain.
- (16) Provided further, it shall be unlawful for any person to maintain any pushcart upon any right-of-way or sidewalk which impedes, endangers, or interferes with the travel upon or use of the right-of-way or sidewalk. In the event 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 move 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.
- (17) No vendor selling from a mobile food unit shall:
  - a. Vend within fifty (50) feet of the main entrance of a restaurant during the restaurant's business hours, unless the restaurant gives written permission to the vendor.

- b. Vend within five (5) feet from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit or emergency call box.
- c. Vend within ten (10) feet of any fire hydrant or fire escape.
- d. Pour waste products, (including hot water and drainage from coolers) down a storm drain.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 93-30, 4-1-93; Ord. No. 97-189, § 2, 11-18-97; Ord. No. 04-230, § 1, 11-22-04; Ord. No. 08-179, § 5, 6-17-08; Ord. No. 11-78, § 5, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-237. - Size requirements.

Pushcarts that operate on sidewalks or pedestrian walkways shall not exceed forty two (42) inches in width and seventy-seven (77) inches in length (hitch is included in length). No pushcart, exclusive of the canopy, shall exceed sixty (60) inches in height, nor shall any canopy be less than seventy-eight (78) inches in height at its lowest point nor ninety (90) inches in height at its highest point.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 6, 6-17-08; Ord. No. 13-35, § 1, 2-5-13)

Sec. 26-238. - Safety requirements.

All mobile food vendors shall comply with the following requirements:

- (1) All equipment installed 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 by the vendor to avoid loose storage of knives and other sharp or bladed instruments.
- (3) Compressors, engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment installed on a pushcart and used in the storage, preparation or vending of food shall be installed so as to be accessible from outside the pushcart.
- (4) All health rules and regulations in 10 NCAC ch. 10, subch. 10A as amended, or as otherwise required by law.
- (5) Leave five (5) feet of unobstructed sidewalk for pedestrian passage. All applicable regulations pursuant to the Americans with Disabilities Act must be met.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 7, 6-17-08; Ord. No. 11-78, § 7, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-239. - Not-for-profit exemption.

Nonprofit on-premises mobile food vendors shall be exempt from sections 26-233, 26-234 and 26-235 of Greensboro Code of Ordinances and those vendors permitted by these nonprofits shall be exempt as well at the premises of the nonprofit.

Nonprofit off-premises mobile food vendors shall be exempt only from the fee in section 26-234 ~~sections 26-233, 26-234 and 26-235~~ of Greensboro Code of Ordinances.

(Ord. No. 11-78, § 9, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-240. - Vendor's permit not required.

Mobile food vendors who sell within a special event venue as defined in the Greensboro Code of Ordinances section 26-247 are exempt from the requirements of this division.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-241. - Wholesale delivery.



The provisions of this division shall not be construed to prohibit the wholesale or delivery of products to stores or markets.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 11-78, § 10, 5-3-11)

Sec. 26-242. – Mobile Food Vendor Permit denial, suspension and revocation.

Any mobile food vendor's mobile food vendor permit may be denied, suspended or revoked for fraud or misrepresentation in the application for the permit or in the conduct of the business, for conduct of the business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare, or morals, or for conduct which is contrary to the provisions of this division. Any mobile food vendor whose permit is denied, suspended or revoked pursuant to this section shall not be granted a new permit for a period of thirty (30) days for the first offense and twelve (12) months for the second offense.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 11-78, § 11, 5-3-11; Ord. No. 12-131, § 1, 11-7-12)

Sec. 26-243. - 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 two hundred dollars (\$200.00), or by imprisonment for a period not to exceed thirty (30) days, or a combination of any of the penalties listed.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 8, 6-17-08)

DIVISION 3. - SIDEWALK CAFES

Sec. 26-244. - Downtown sidewalk cafes.

- (a) *Permit generally.* Notwithstanding any other provision of this Code, the city manager or his designee may issue permits to restaurants as defined herein for the serving of food and beverages on city sidewalks and pedestrian ways in the area of the city known as the Downtown Sidewalk Cafe District as herein described.
- (b) *Definitions.* The following definitions shall apply in this division:
  - (1) *Restaurant.* An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as restaurants, cafeterias, cafes, lunch stands, grills, snack bars, fast food businesses, and other establishments, such as drug stores, which have a lunch counter or other section where food is sold to be eaten on the premises. This definition does not include pushcart sales covered under Division 2, Pushcart Sales, of this chapter.
  - (2) *Sidewalk.* That improved portion of a public street between the curb line, or the lateral lines of a roadway if there is no curb, and the adjacent property line that is intended for the use of pedestrians.
  - (3) *Pedestrian way.* An improved walk or passageway intended for use by pedestrians, but not adjacent to any city street.
  - (4) *Restaurant operator.* The person, partnership, limited liability company, firm, or corporation operating a restaurant and associated sidewalk cafe. As used in this section, this definition includes the owner, and manager if different from the owner, of the restaurant and associated sidewalk cafe.
  - (5) *Downtown sidewalk cafe district.* The downtown sidewalk cafe district shall mean that part of the City of Greensboro, which is included within and bounded as follows: Fisher Avenue on the north; Lee Street on the south; Murrow Boulevard on the east; and Spring Street on the west.

The Downtown Sidewalk Cafe District shall include the sidewalks on both sides of the boundary streets and an area extending therefrom for a distance of one hundred fifty (150) feet to form the exterior boundary of the district.

- (c) *Application.* Any restaurant desiring to operate a sidewalk cafe shall prepare and file an application with the city manager or his designee which shall contain the following information.
- (1) The name, address, and telephone number of the restaurant desiring to operate a sidewalk cafe.
  - (2) The name, address, and telephone number of the restaurant operator.
  - (3) The type of food, beverage, or food product to be sold and served at the sidewalk cafe.
  - (4) The hours of operation of the restaurant and the proposed hours of operation of the sidewalk cafe.
  - (5) A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk cafe, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed placement of tables, chairs, barricades, umbrellas, trash receptacles, and other furnishings on the sidewalk or pedestrian way.
  - (6) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, 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 thirty (30) days advance written notice to the city. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) combined for property and bodily injury and three hundred thousand dollars (\$300,000.00) aggregate annually.
  - (7) A copy of all permits and licenses issued by the county, state or the city, including health and ABC permits and business licenses and permits, necessary for the operation of the restaurant business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city, or other governmental authority, for exterior alterations or improvements to the restaurant.
  - (8) A sworn statement describing any violation by the restaurant operator of any laws, regulations, or ordinances relating to the possession, sale, consumption, or transportation of intoxicating beverages or controlled substances during the five (5) years immediately preceding the date of the permit application.
  - (9) Such additional information as may be requested by the city manager or his designee to determine the compliance with this section.
- (d) *Issuance of permit.* No permit for the operation of a sidewalk cafe may be issued unless the application is complete and unless the following requirements are met:
- (1) The sidewalk cafe must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, rest room facilities and other customer convenience facilities as the restaurant. The sidewalk cafe must be operated under the same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business. Sidewalk cafes may operate at any time between the hours of 7:00 a.m. and 1:00 a.m. All sidewalk cafe improvements (including, but not limited to, tables, chairs and other furnishings) shall be set up no sooner than fifteen (15) minutes prior to opening a restaurant for business. All sidewalk cafe improvements shall be removed no later than thirty (30) minutes after a restaurant's close of business. In no case shall sidewalk cafe improvements be located on city sidewalks or pedestrian ways between the hours of 1:30 a.m. and 6:45 a.m.

- (2) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk cafe may not be more than fifty (50) percent of the interior seating capacity of the associated restaurant.
  - (3) The placement of tables, chairs, and other furnishings as shown in the drawing submitted with the site plan must be done in such manner that at least five (5) feet of unobstructed space (as measured from the street-side edge of the sidewalk) remains on the sidewalk or pedestrian way for the passage of pedestrians. No fire exits or lanes may be blocked and such must remain clear at all times. All applicable regulations pursuant to the Americans with Disabilities Act must be met.
  - (4) The restaurant seeking to operate the sidewalk cafe must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk cafe. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant. With the written permission of the adjoining property owners and tenants the sidewalk cafe may extend onto the abutting property but may not extend beyond alleyways or vehicular entrances.
  - (5) The area designated for the sidewalk cafe shall be physically separated from the remaining sidewalk by visible barricades with a height of at least thirty six (36) inches and no more than forty-two (42) inches. The barricades must be constructed of materials of a finished quality, including but not limited to wrought iron, planters, picket fences or velvet ropes.
  - (6) The barricades, tables, chairs and other furnishings used in the sidewalk cafe shall not be anchored and shall be of a type of street furniture that is easily movable.
  - (7) Except as elsewhere permitted by the Code, the operation or furnishing of the sidewalk cafe shall involve no permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant.
  - (8) The operation of the sidewalk cafe shall at all times be in accordance with the requirements of this subsection (d). At the direction of the city manager or his designee, any improperly placed or improperly sized furniture or barricade shall be removed.
  - (9) Each sidewalk cafe shall provide adequate trash receptacles for its patrons within the perimeters of the barricades. At the end of each business day and during operating hours the operator shall remove all trash and debris of any sort from the area within the barricade and between it and the curb, and in addition shall remove from the sidewalk alongside and abutting properties any trash or debris originating as a result of the operation of the sidewalk cafe.
- (e) *Alcoholic beverages.* Notwithstanding any other provisions of the city code, alcoholic beverages may be served at sidewalk cafes provided the following requirements are met:
- (1) The sidewalk cafe shall be part of a restaurant and shall otherwise be authorized, permitted, or licensed under the state law and City Code to serve and sell alcoholic beverages for on-premises consumption.
  - (2) The portion of the sidewalk cafe where alcohol is or may be served shall be enclosed by clearly visible barricades and shall have not more than two (2) points of ingress and egress.
  - (3) The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to G.S. 18B-1001, or other state law, for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.
  - (4) Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages from the premises.
  - (5) The restaurant operator shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation, or consumption of intoxicating beverages or controlled substances for the three (3) years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.

- (6) No outdoor bars or alcoholic beverage preparation is allowed within the sidewalk cafe except that unfortified wine may be decanted at a table as part of a meal.
- (f) *Denial.* A permit may not be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the city council within fifteen (15) working days after the date of the written denial and the city council may take such action as it shall find necessary. The findings and determination of the city council shall be final.
- (g) *Permit revocation.* The city manager may revoke a permit issued pursuant to this section, if he finds that the restaurant operator has:
- (1) Deliberately misrepresented or provided false information in the permit application.
  - (2) Violated any law, regulation, or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.
  - (3) Operated the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare; including failure to keep the sidewalk cafe area clean and free of refuse and trash.
  - (4) Failed to maintain any health, business, ABC, or other permit or license required by law.
  - (5) Operated the restaurant or sidewalk cafe in violation of this ordinance or of any city, county, state, or federal law, ordinance, or regulation.

Before the revocation of a permit, the city manager or his designee shall notify the permit holder of the intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the city manager or his designee shall notify the permit holder in writing of this decision and the reasons therefor. A decision to revoke a permit may be appealed to the city council within fifteen (15) working days in accordance with the provisions of subsection (f).

- (h) *Reservation of rights.* The city reserves the right to require any sidewalk cafe established pursuant to this article to cease part or all of its operation in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building by the city, its agents, or employees, or by any other governmental entity or public utility.
- (i) *Exhibition shows.* The permit shall not authorize the use of pedestrian walkways or sidewalks during street shows, exhibition shows, civic festivals, or other similar events of a temporary nature as permitted by the city which include the area of the sidewalk cafe. The sidewalk cafe must remove all furniture and fixtures from the walkways and sidewalks during such events. The sidewalk cafe may continue to operate during such events as a part thereof if so permitted by the sponsor.
- (j) *Term transfer, renewal, etc.* Permits issued in accordance with the provisions of this section shall:
- (1) Be issued for a period of one (1) year beginning July 1 and expiring June 30 of each year.
  - (2) Be in addition to any other privilege license or permit required pursuant to this Code.
  - (3) Not be transferable or assignable.

(Ord. No. 97-189, § 1, 11-18-97; Ord. No. 08-234, § 1, 8-19-08)

Sec. 26-245. - Reserved.

## ARTICLE IX. - SPECIAL EVENTS

Sec. 26-270. - Authorized special event vendors.

- (a) The issuance of a special event permit does not confer upon the permit holder or event organizer the right to control and regulate the sale of goods, food and beverages within the special event venue, such sales must comply with the terms and conditions of the special event permit and city and county rules and regulations.
- (b) Vendors authorized to sell goods, food, or beverages in the special event venue shall display their authorization in the manner required by applicable law. Only vendors displaying the required authorization shall be allowed to sell goods, food, or beverages in the special event venue.
- (c) The issuance of a special event permit does not relieve any person from the obligation to obtain any other permit or license required pursuant to the Greensboro Code, or other laws, including but not limited to health codes.
- (d) The issuance of any other permit or license issued pursuant to this Code does not relieve any person from the obligation to obtain a special event permit pursuant to this article. ~~Specifically, existing exhibition show licenses issued under section 13-88 of the Greensboro Code of Ordinances and existing peddler and itinerant merchant licenses~~ business permits issued under section 13-104204 of the Greensboro Code of Ordinances are not transferable for use in the special event.
- (e) It is unlawful for any person to sell, resell, or offer to sell or resell, any goods, food or beverages within the special event venue, except in the manner as set forth in the application approved by the special events coordinator.

(Ord. No. 05-110, § 1, 5-17-05)