



City of Greensboro
City Council
Agenda Item

TITLE: Public Hearing Date to consider LDO Text Amendment amending existing regulations for mobile food vendors; Ordinance to revise Section 26-230 through 26-243, and Sections 13-49 and 13-105.

Department:	Planning & Community Development Legal, Economic Development	Meeting Date:	November 7, 2012
Contact 1:	Mike Kirkman	Public Hearing:	Yes
Phone:	373-4649	Advertising Date/ Advertised By:	October 26 and November 1, 2012/City Clerk
Contact 2:	Tom Carruthers	Council District:	All Districts
Phone:	373-4628	Authorized Signature:	
Attachments:	Attachment A: Chapter 30 Attachment B: Chapter 13-49; 13-105 Attachment C: Chapter 26-230 through 26-243		

PURPOSE:

City Council is requested to hold a public hearing for potential amendments to Table 8-1, Permitted Uses, and Section 30-8-10.4(T), related to regulations for mobile food vendors. At the November 7, 2012 hearing City Council will consider and take action on this request.

BACKGROUND:

Section 30-4-4.6, Waiver of Procedure, grants City Council the ability to hear an ordinance text amendment directly, bypassing Planning Board review and recommendation. As required under those provisions, City Council established this Nov. 7, 2012 public hearing date at their previous meeting on October 16.

During the City Council work session on August 28, staff was instructed to work on dual tracks related to motorized mobile food vendors in the city. This dual strategy included developing and implementing a “food trucks” pilot program for the months of October and November (confirmed by Council action at their September 4 meeting) and then concurrently to evaluate changes to existing City Codes.

The proposed amendment to Chapter 30 of the City Code of Ordinances (the Land Development Ordinance) is associated with other proposed changes to Chapters 13 and 26 of the City Code that will also be considered during the November 7, 2012 hearing.

At the Council work session on October 30, 2012 staff was given direction from Council on some specific items related to the proposed changes. Staff has incorporated some of the specific changes including a revised definition of ice cream vendors and number of mobile food trucks allowed per lot. Below is a summary of the proposed changes:

- Enabling units in the Central Business and Public and Institutional Zoned areas
 - Allowable zoning districts- CB, C-M, C-H, LI, HI, PI
- Permitted Food Truck Locations
 - 50 feet from main entrance of restaurant during business hours unless approval from restaurant

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- 5 feet from driveway, sidewalk, utility box, handicap ramp, building entrance or exit, or emergency call box
- Number of trucks per zoned lot:
 - One truck per ½ acre lot
 - Up to two trucks per zoned lot between ½ and 1 acre in size
 - Up to three trucks per zoned lot larger than 1 acre in size
- Clarifying further the definition of non-profit mobile food vendors that are exempt from health regulations- applicable to Central Business
 - Non-Profit on Premise- exempt from regulations
 - Non-Profit off Premise- file for Special Event Permit
- Ensuring adherence to the current standards for outdoor lighting and noise
- Correcting language in Chapter 26 related to mobile ice cream vendors

Staff researched increasing the license and permit fees for mobile food vendors. Based on initial data, Greensboro is in line or slightly higher than peer cities (Asheville, Durham, Carrboro and Charlotte). Greensboro's fees are over 400% less costly than those in the town of Chapel Hill where only one mobile food unit has applied for a permit since the town began accepting applications in March 2012. Staff is not recommending a fee increase at this time but will reevaluate it during the FY 13-14 budget process with the city's other fees and permits.

Staff also researched increasing the distance from open restaurants that a mobile food unit has to be from 50 feet to 100 feet. It was determined that an increase would only minimally address concerns about mobile food units operating in property zoned CB at the detriment of further limiting the use of private property suitable for mobile food unit operations.

BUDGET IMPACT:

No immediate budget impact. There is a potential increase in revenues for the City through fees and privilege licenses as more mobile food units develop.

RECOMMENDATION / ACTION REQUESTED:

The Planning and Community Development Department recommends **approval** of the proposed amendment revising LDO standards for motorized mobile food vendors.

AMENDING CHAPTER 30 (LDO)

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

(Editor's Note: Deleted text shown with strikethroughs. Added text shown in Bold and Underline)

Section 1. That Table 8-1, Permitted Uses, is hereby amended by amending the use labeled "Mobile Food Vendor, Motorized", within the subcategory Eating and Drinking Establishments, with a "U" in the **CB**, C-M, C-H, **PI**, LI and HI columns and amending the use labeled "Mobile Food Vendor, Pushcart", within the subcategory Eating and Drinking Establishments, with a "U" in the CB, C-M, C-H, **PI**, LI and HI columns

Section 2. That Section 30-8-10.4, Office, Retail, and Commercial Uses, is amended to as follows:

(T) Mobile Food Vendor, Motorized and Pushcart

- 1) Only one mobile food vendor is allowed per zoned lot **of up to 1/2 acre in size; up to two mobile food vendors are allowed per zoned lot between 1/2 and 1 acre in size; and up to three mobile food vendors are allowed per zoned lot larger than 1 acre in size.** ~~except for lots within the Downtown Business District as defined in the Greensboro Code of Ordinances, Section 26-231 and following (pushcart sales)~~ **Pushcart Mobile Food Vendors located on lots zoned Central Business (CB) are exempt from these limits.**
- 2) In addition to permitted zoning districts, Motorized Mobile Food Vendors may also be located to serve any active construction site.
- 3) No portion of the vendor sales area may occupy any required parking space(s) for the principal use of the lot
- 4) ~~Outside of the Downtown Business District, no~~ **No** portion of the vendor sales area may encroach on a public sidewalk, any portion of a clearly defined pedestrian walkway between the public sidewalk and the principal use of the lot, or any portion of direct vehicular access to the lot. **Pushcart Mobile Food Vendors on lots zoned Central Business (CB) are allowed to encroach on public sidewalks so long as they do not block pedestrian movement.**
- 5) **Non profit off premise** mobile food vendors ~~who are directly associated with not for profit organizations, as defined in the Greensboro Code of Ordinances Section 13-49~~ **26-232, are limited to the C-M, C-H, LI, HI and PI zoning districts. Non profit on premise mobile food vendors, as defined in the Greensboro Code of Ordinances Section 26-232, are allowed in all zoning districts.** ~~or for temporary events as defined in the Greensboro Code of Ordinances, Section 26-247, and following, shall be exempt from these requirements.~~
- 6) **Mobile food vendors operating in conjunction with special events as defined in the Greensboro Code of Ordinances, Section 26-247, and following, shall be exempt from these requirements**

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

AMENDING CHAPTER 13

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO PRIVILEGE LICENSES

(Editor's Note: Deleted text shown with strikethroughs. Added text shown in Bold and Underline)

Section 1. Section 13-49 is hereby amended as follows:

Sec. 13-49. - Exemptions.

- (a) (2) All not-for-profit religious, educational, civic, patriotic, charitable, or fraternal organizations who conduct sales to the general public are exempt from payment of a privilege license tax if the proceeds from this organization's sales are used exclusively for nonprofit purposes. No income **or other remuneration** shall be provided to any individual **or business** conducting these sales and no reimbursement shall be provided other than the **actual** cost of the merchandise sold, ~~and the actual cost to prepare and market these goods.~~ Persons vending under this article shall file with the tax collector a letter from the religious, educational, civic, patriotic, charitable, or fraternal organization stating:
- a. The name and address of the organization.
 - b. A list of its principal officers.
 - c. A brief statement of the religious, educational, civic, patriotic, charitable, or fraternal purpose for which the proceeds shall be used.
 - d. The names, addresses, locations of the vendors and the dates during which they will vend.
 - e. A statement of the estimated percentage of proceeds that shall be applied to those purposes after deducting the cost of the merchandise sold, ~~and the actual cost to prepare these goods.~~ A statement that no income **or other remuneration** shall be provided to any individual **or business** conducting these sales.

Such vendors shall comply with all provisions of this article but shall not be assessed a privilege license tax.

(Code 1961, § 11-17; Ord. No. 11-77, § 1, 5-3-11)

Section 2. Section 13-105 is hereby amended as follows:

Sec. 13-104. - Peddlers, itinerant merchants, and mobile food vendors, ~~motorized or mobile food vendor, pushcart.~~

(c)

Mobile food vendor, motorized or mobile food vendor, pushcart. Every person engaged in business or employed as a mobile food vendor, **as defined in section 26-232**, shall obtain a license for the privilege of preparing and selling food and/or beverages to the general public and shall pay a tax for the license in the amount of one hundred dollars (\$100.00). Mobile food vendors shall also obtain a permit as required in the Greensboro Code of Ordinances sections 26-230 through 26-243.

Mobile food vendor, motorized, is 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 or vehicle towed food service establishment designed to be readily moved. This shall include "mobile food unit" as defined in 15A NCAC 18A.2601.

Mobile food vendor, pushcart, is 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 food and/or beverages exempt from Health Department Regulations. This shall include "pushcart" as defined in 15A NCAC 18A.2601.

(h)

Permission of property owner. An itinerant merchant ~~or a~~, peddler **or mobile food vendor** who travels from place to place by vehicle, in addition to other requirements of this section, shall obtain a written statement, signed by the owner or lessee of any property upon which the itinerant merchant, ~~or peddler~~ **or mobile food vendor** offers goods for sale giving the owners or lessees permission to offer goods for sale upon the property of the owner or lessee, the location of the premises for which the permission is granted, and the dates during which the permission is valid. Further, such statements shall be conspicuously and prominently displayed, so as to be visible for inspection by patrons of the itinerant merchant or peddler, at the places or locations at which the goods are to be sold or offered for sale.

Ord. No. 11-77, § 2, adopted May 3, 2011, amended § 13-104 in its entirety as set out herein. Formerly, said section pertained to peddlers and itinerant merchants. See the Code Comparative Table.

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

(1)

That such sales shall not be made on:

Aycock Street.
Battleground Road.
Bellemeade Street.
Benbow Road.
Benjamin Parkway.
Bennett Street.
Bessemer Avenue.
Burlington Road.
Church Street.
Clifton Road.
College Road.
Cone Boulevard.
Cornwallis Drive.
Creek Ridge Road.
Davie Street.
Dolley Madison Road.
Dudley Street.
Edgeworth Street.
Edwardia Driver.
Elm Street.
Elm-Eugene Street.
English Street.
Eugene Street.
Fisher Avenue.
Fleming Road.
Florida Street.
Fordham Boulevard (I-40).
Franklin Boulevard.
Freeman Mill Road.
Friendly Avenue.
Greene Street.
Groometown Road.
High Point Road.
Hilltop Road.
Holden Road.
Industrial Avenue.
Lake Jeanette Road.
Lawndale Drive.
Lee Street.
Lindsay Street.
Lovett Street.
Market Street.
Martin Luther King Jr. Drive.
Meadowood Street.
Meadowview Road.
Merritt Drive.
McGee Street.
Muir's Chapel Road.
Murrow Boulevard.
N.C. 68.
New Garden Road.
O. Henry Boulevard (U.S. 29).
Old Battleground Road.

Patterson Street.
Patton Avenue.
Phillips Avenue.
Pinecroft Road.
Pisgah Church Road.
Pleasant Garden Road.
Preddy Boulevard (I-85).
Randleman Road.
Regional Road.
Smith Street.
Spring Street.
Spring Garden Street.
Sullivan Street.
Summit Avenue.
U.S. 220.
Vandalia Road.
Vanstory Street.
Washington Street.
Wendover Avenue.
Westridge Road.
Willoughby Road.
Yanceyville Road.

AMENDING CHAPTER 26

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES

+WITH RESPECT TO STREETS AND SIDEWALKS

(Editor's Note: Deleted text shown with strikethroughs. Added text shown in Bold and Underline)

Section 1. Chapter 25, Article III is hereby amended as follows:

ARTICLE VIII. - SELLING ON STREETS AND SIDEWALKS

DIVISION 1. - GENERALLY

DIVISION 2. - ~~PUSHCART SALES~~ **MOBILE FOOD VENDORS**

DIVISION 3. - SIDEWALK CAFES

DIVISION 1. - GENERALLY

Sec. 26-230. - Selling on streets or sidewalks prohibited; sale from vehicles.

(a) It shall be unlawful to display, store, sell or offer for sale any goods, wares, merchandise or any other tangible items on any street or sidewalk within the city. Sidewalks shall mean any portion of property maintained by the city for pedestrian traffic. **Except that pursuant to Division 2 of this Chapter, Pushcart Mobile Food Vendor sales shall be permitted on sidewalks adjacent to and upon property zoned Central Business,"CB", provided a permit is obtained as required.**

(b) Farm produce, dairy products, **ice cream (which shall include yogurt, gelato, and similar items)**, flowers, wood for fuel, printed matter, t-shirts, jewelry, clothing and pictures may be sold from vehicles lawfully parked on a street under the following conditions:

DIVISION 2. - ~~PUSHCART SALES~~ **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)

Editor's note— Ord. No. 11-78, § 1, adopted May 3, 2011, amended § 26-231 in its entirety 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.

~~*Downtown business district* shall mean that part of the City of Greensboro, which is bounded as follows:~~

~~Beginning at West Smith Street with its intersection with North Spring Street; then eastward with Smith Street to its intersection with Church Street; then southward with Church Street to its intersection with Washington Street; to include the J. Douglas Gaylon Depot parking lot; then westward with Washington Street to its intersection with Davie Street; then southward with Davie Street past the Southern Railway trestle to Davie Street's intersection with Elm Street; then southward with Elm Street to Lee Street; then westward with Lee Street to Eugene Street; then northward with Eugene Street to its intersection with Washington Street, then westward on Washington Street to its intersection with Spring Street; then northward on Spring to its intersection with Smith Street, the point of the beginning. The downtown business district shall include the sidewalks on both sides of the boundary streets.~~

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 Premise Mobile Food Vendor, or a Nonprofit off Premise Mobile Food Vendor.** mobile food vendor, motorized or a mobile food vendor, pusheart.~~

~~***Motorized Mobile Food Vendor*** ~~*Mobile food vendor, motorized*~~ 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 or vehicle towed food service establishment designed to be readily moved. This shall include "mobile food unit" as defined in 15A NCAC 18A.2601.~~

~~***Nonprofit on Premise Mobile Food Vendor* shall mean a nonprofit organization, as defined in the Greensboro Code of Ordinances section 13-49 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 Premise Mobile Food Vendor shall mean a nonprofit organization, as defined in the Greensboro Code of Ordinances section 13-49 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 Mobile Food Vendor ~~Mobile food vendor, pushcart~~ 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.

~~Pushcart shall mean any rubber wheeled mobile piece of equipment or vehicle from which a~~ **Pushcart Mobile Food Vendor conducts sales** ~~hot dogs or foods that are prepared, preportioned, and individually prewrapped at a restaurant or commissary, or foods and/or beverages exempt from health department regulations are served. This shall include "pusheart" as~~ **and is** defined in 15A NCAC 18A.2601.

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)

Sec. 26-233. - Permit required.

It shall be unlawful for any ~~person~~ **mobile food vendor** to sell, or offer for sale, any food or beverage ~~from any pushcart on any right of way or sidewalk within the downtown business district~~ without first obtaining a ~~downtown pushcart~~ permit pursuant to this section from the city manager, or his/**her** designee. ~~Sales by mobile food vendor, motorized shall be prohibited downtown.~~

~~It shall be unlawful for any mobile food vendor to sell, or offer for sale, any food or beverage outside the downtown business district without first obtaining a Greensboro mobile food vendor permit pursuant to this section from the city manager, or his designee. This permit shall be waived of mobile food vendors directly associated with special events as defined in the Greensboro Code of Ordinances section 26-247.~~

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)

Sec. 26-234. - Permit application.

The permit required shall be issued only after the issuance of an appropriate license 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. ~~This permit fee shall be waived for mobile food vendors which are not for profit organizations, as~~

~~defined in the Greensboro Code of Ordinances section 13-49.~~

The application for a 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 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)

Sec. 26-235. - Issuance of permit.

Not later than thirty (30) days after the filing of a completed application for a 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 permit fee, in excess of twenty-five dollars (\$25.00) shall be refunded. Permits issued pursuant to this section shall be for a twelve-month period and shall expire on June 30, except if the permit is issued after the expiration of seven (7) 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 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 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 locate ~~the pushcart~~ 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 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 section.

(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)

Sec. 26-237. - Size requirements.

No pushcart shall 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)

Sec. 26-238. - Safety requirements.

All mobile food vendors shall comply with the following requirements:

- (1) All equipment installed ~~in any part of the pusheart~~ 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 vehicle**.
- (4) All health rules and regulations in 10 NCAC ch. 10, subch. 10A as amended, or as otherwise required by law, ~~except for those mobile food vendors which are not for-profit organizations, as defined in the Greensboro Code of Ordinances section 13-49.~~
- (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)

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

Nonprofit on Premise 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 Premise Mobile Food Vendors shall be exempt from sections 26-233, 26-234 and 26-235 of Greensboro Code of Ordinances.

~~Mobile food vendors which are not for profit organizations, as defined in the Greensboro Code of Ordinances section 13-49 and which are located within the real estate owned by their not for profit organization shall be exempt from chapter 26 of the Greensboro Code of Ordinances.~~

(Ord. No. 11-78, § 9, 5-3-11)

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

~~No vendor's permit shall be required for any exhibitor or vendor participating in an exhibition show, nor, in order to avoid the interruption of the exhibition show, shall any vendor's permit issued pursuant to this article be valid in the area of such exhibition show while it is in operation.~~

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)

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. - Permit denial, suspension and revocation.

Any mobile food vendor's 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 30 days for the first offense and 12 months for the second offense.**

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

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)

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.