

Ordinance #25-0256
2025 Ordinance Book, Page 44

**ORDINANCE AMENDING CHAPTER 74, STREETS AND SIDEWALKS,
ARTICLE IX**

BE IT ORDAINED, by the Mayor and City Council of the City of Winston-Salem as follows:

Section 1: Chapter 74, Article IX, Section 74-284, is hereby amended to read as follows:

Sec. 74-284. Special events generally; permit.

(a) *[Hours permitted; exceptions.]* No person may conduct or otherwise participate in any special event except between the hours of 8:00 a.m. and 9:00 p.m., except for events taking place in the central business district area only as defined by Legacy wherein the hours shall be from 8:00 a.m. until 12:00 midnight.

(b) *Application for permit.* Application for a permit for a special event shall be filed with the office of ~~business inclusion and advancement~~ economic development on forms provided by the city and shall be accompanied by payment of a permit application fee in the amount set forth below, which amount is based upon the number of events permitted during a 12-month period:

~~Special event permit (one to two events) \$50.00~~

~~Special event permit (series — three to five events) \$100.00~~

~~Special event permit (series — over five events) \$200.00~~

Special event permit (one event) \$100.00

Special event permit (series — two to four events) \$200.00

Special event permit (series — five or more events) \$300.00

The above special event permit fee schedule shall apply to any event permit issued ~~on or after July 1, 2014~~ within the timeframe listed above. All permits issued before said date shall remain valid unless otherwise suspended, withdrawn or revoked. Any proposed increase in the number of events authorized by a previously issued special event permit for an event series will require a new permit and a separate permit fee. For example, during the fee schedule effective 01/01/2026, the applicant or permit holder already has a permit for a ~~three to five~~ two to four event series. The applicant or permit holder now wants to increase the number of events within the same footprint of the previously approved special event permit from a ~~three to five~~ two to four event series to an ~~ten~~ eight-event series. Provided the new application is approved, the fee for the additional special event permit will be \$100.00 instead of ~~\$200.00~~ \$300.00 based upon the increased number of events.

(1) *Filing period.* An application for a special event permit shall be filed with the office of ~~business inclusion and advancement~~ economic development not less than 45 days before the time when it is proposed to conduct the special event. The office of ~~business inclusion and advancement~~ economic development shall be in charge of processing the application which

process shall include soliciting input from the appropriate city personnel from other city departments including but not limited to the chief of police or his designee.

(2) *Contents.* The application for a special event permit shall set forth the following information:

- a. The name, address, email address and telephone number of the individual and organization applying for a permit.
- b. The name and addresses of persons who will be in direct charge of the special event and be present at the show.
- c. A description of the type of special event and the hours of operation.
- d. The names and portions of the streets to be closed for the purpose of displays and conducting the special event or the name and area of any city park or other public place in which the special event is to be conducted.
- e. An affidavit: (1) stating that every resident and business within the area of the special event was contacted; (2) identifying the specific manner in which contact was made; and (3) listing by name, address, and telephone number, if available, each resident and business contacted. For multi-tenant buildings, it is acceptable to provide information to the building manager or head of the tenant association, provided that person agrees to distribute the information to all tenants and signs an affidavit stating that said information has been distributed as required.
- f. Any additional information which the City of Winston-Salem shall find reasonable and necessary to a fair determination as to whether a permit should be issued.

(c) *Standards for issuance of permit.* The office of ~~business inclusion and advancement~~ economic development shall issue a permit for a special event upon a finding that the application meets the requirements in this section, that the event will not unduly inconvenience or interfere with the orderly movement of traffic in the area involved, that property owners in the area are not unduly deprived of access to their property, that the event will not unduly interfere with normal business activity within the area of the street occupied by the event, that emergency vehicles will not be denied access to any person or property, and that adequate cleanup arrangements have been made. In addition, if the special event is to be located in a city park or other public place, the office of ~~business inclusion and advancement~~ economic development shall be satisfied that adequate provisions and accommodations, including but not limited to scheduling accommodations, can be made for conducting such special event.

(d) *Denial or withdrawal of permit.* The office of ~~business inclusion and advancement~~ economic development shall act upon the application for a special event permit promptly. 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 shall not be refunded. A permit issued under this section may be withdrawn or revoked, if not withdrawn, in the event of any violation of conditions or misstatement of fact in the application, or in instances where the health or safety of the citizens will be adversely affected. The applicant of any permit so revoked shall be notified in writing of the revocation and the basis therefore. The denial or revocation of a permit may be appealed by the applicant to the city manager within 48 hours of notification of the denial or revocation. The appeal must be filed with the office of ~~business inclusion and advancement~~ economic development within the aforementioned time. A hearing

before the city manager or his designee shall be scheduled within 48 hours after receipt of the appeal. Within 48 hours after the hearing, the city manager or his designee shall notify the applicant of his decision in writing. The city manager's decision shall be final. No fees shall be refunded for any permit that is withdrawn, denied or revoked.

(e) *Duration of permit.* Where a special event is to be conducted pursuant to a permit issued under this section, such special event may not extend for more than seven successive days without an intervening lapse period of at least one week.

(f) *Vendors.* No sale of arts, crafts, food or other tangible items shall be permitted within the street or sidewalk area during the special event except under the auspices and control of the entity receiving the permit. Such entity shall be fully responsible for compliance with rules, regulations and ordinances of the city with respect to the special event being conducted pursuant to a permit issued thereunder. No vendor's permit shall be required for any exhibitor or vendor participating in a special event permitted by this section, nor, in order to avoid the interruption of the special event, shall any vendor's permit issued pursuant to this article be valid in the area of such special event while it is in operation.

(g) *Criteria required.* A special event permit may be provided for an event series, provided the series meets each of the following criteria:

(1) Each event in the series is conducted by the same entity.

(2) Each event in the series occurs in the same location or locations as specified in the application for a permit for a special event.

(3) The dates for each event in the series are predetermined and stated in the application for a special event permit, and such dates do not exceed 52 per year.

(4) The traffic control plan for each location remains the same, unless amended with the approval of department of transportation.

(5) The issuance of a special event permit for a series shall be valid for the duration of the series specified in the application for the permit, not to exceed 12 months.

(6) If the event fails to take place on two or more consecutive dates specified in the application, for reasons other than those beyond the control of the permit holder, i.e. weather, national disaster, etc., then the permit shall be canceled effective on the last date the event was held. No permit fees will be refunded.

(h) *Animals prohibited; exceptions.* Notwithstanding any other provision of this Code to the contrary, no animal, except for appropriately restrained seeing eye dogs, shall be permitted on any street or sidewalk area closed for a special event pursuant to this article unless the animal is part of a bona fide exhibit being operated at the special event or parade.

(i) *Sound amplifying equipment prohibited; exceptions.* Pursuant to city code section 46-33, an application must be filed with the office of ~~business inclusion and advancement~~ economic development and the same approved before any sound amplifying equipment or a sound truck or other conveyance may be used in conjunction with a special event. Otherwise, the use of such sound amplifying equipment, sound truck or other conveyance is prohibited unless the sound amplifying equipment is being operated so that the sound from said equipment may be heard only through earphones. If a sound amplification permit is issued in conjunction with a special

event permit, the sound application equipment may be used for the time period permitted for the special event.

(j) *Inspection/release/indemnity.* The applicant, as a condition to receiving a special event permit, must sign an agreement that contains the following:

- (1) A statement accepting "AS IS" the area where the special event is to be located;
- (2) A statement releasing and discharging the city, its officers, agents and employees, from any and all claims, demands, expenses, costs and liabilities of any kind or nature directly or indirectly related to any personal injury, including death, and/or property damage arising out of the special event, except those claims that were proximately caused by the negligence of the city or of a city employee acting within the scope of his employment with the city; and
- (3) A statement in which the applicant agree to indemnify, defend and hold harmless the city, its officers, agents and employees from and against any and all claims, demands expenses, costs and liabilities of any kind or nature directly or indirectly related to any personal injury, including death, and/or property damage to the extent proximately caused by the intentional, negligent or reckless acts or omissions of the applicant, and its agents, officers, employees or guests, in the performance of the special event.

(k) *Insurance.*

(1) If the special event is to take place in the central business district, as defined by legacy, the applicant shall secure commercial general liability insurance to protect the applicant against any and all claims, demands expenses, costs and liabilities of any kind or nature directly or indirectly related to any personal injury, including death, and/or property damage to the extent proximately caused by the negligent acts or omissions of the applicant, and its agents, employees or guests, in the performance of the special event. The insurance shall also include coverage for liquor liability, explosion, collapse, and underground hazards, where applicable. This insurance shall provide bodily injury and limits of not less than \$1,000,000.00 for each occurrence and property damage limits of not less than \$1,000,000.00 for each occurrence. All insurance required under this subsection shall be written with a company licensed to do business in North Carolina. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date except upon 30 days advance written notice to the city. Certificates of insurance for all of the insurance coverages described herein shall be submitted with the application for the permit.

(2) If the special event is to take place outside of the central business district, as defined by legacy, the applicant shall secure the insurance required by subsection (1) if the applicant intends to provide any commercial services within the city's right-of-way. Commercial services shall be any paid for service, or service normally offered in return for payment, and shall include, but shall not be limited to, services such as caterers, live entertainment or inflatable bounce houses or rooms. The applicant may have the provider of the commercial services join on the application and include the commercial services provider's certificate of insurance to satisfy this requirement.

(3) If the applicant is the State of North Carolina, or an agency thereof such as, but not limited to, Winston-Salem State University or the North Carolina School of the Arts, the City will accept a certificate of coverage issued by the North Carolina Department of Insurance

pursuant to the North Carolina State Tort Claims Act, in lieu of the commercial general liability insurance required in subsection (1) above.

(l) A violation of section 74-284, or any part thereof, shall constitute a class 3 misdemeanor, as provided by G.S. 14-4, and shall subject the offender to a fine of not more than \$500.00.

(Code 1975, § 21-173; Ord. No. 4292, § 1, 7-20-98; Ord. No. 4354, § 1, 3-27-00; Ord. No. 4490, § 7, 3-22-04; Ord. No. 4607, § I, 12-17-07; Ord. No. 4813, §§ 15, 24, 4-21-14; Ord. No. 4826, § 21, 8-18-14; Ord. No. 2997, § 1, 6-18-18; Ord. No. 2020-8, §§ 3, 6, 6-15-20; Ord. No. 2022-16, § 1, 8-2-22)

Section 2. This ordinance shall become effective January 1, 2026.