



City of Chicago



SO2015-1403

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 3/18/2015

Sponsor(s): Emanuel (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Titles 2, 4, 10 and 17
regarding special event food and itinerant merchant licenses

Committee(s) Assignment: Committee on License and Consumer Protection

SUBSTITUTE
ORDINANCE
AS AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

4-5-010 Establishment of license fees.

This chapter shall establish fees for various licenses created by this title unless otherwise provided. The following fees shall apply for the specified licenses. The chapter in which each fee requirement is created is also provided. Unless otherwise stated, fees shall be assessed every two years. For every license application which includes fingerprinting of the applicant as part of the application process, a fingerprint fee sufficient to cover the cost of processing fingerprints will be assessed in addition to the below fees. The fingerprint fee will be assessed regardless of whether the license applied for is issued or denied. The amount of the fee will be set forth by regulation promulgated by the commissioner of business affairs and consumer protection.

(Omitted text is not affected by this ordinance)

(15) Food – Retail Food Establishment (4-8)	
0 – 4,500 square feet	\$660.00
4,500 – 10,000 square feet	\$880.00
10,000 plus square feet	\$1,100.00
Special Retail Food Establishment (4-8)	
<u>Food – Seasonal Lakefront Food Establishment</u>	\$125.00/season
<u>Food – Special Event Food Licenses</u>	\$125.00/event
<u>5-day single special event food license</u>	<u>\$75.00</u>
<u>10-day multiple special events food license</u>	<u>\$125.00</u>
<u>180-day multiple special events food license</u>	<u>\$250.00</u>
<u>1-year multiple special events food license</u>	<u>\$500.00</u>
Food – Wholesale Food Establishment (4-8)	\$660.00

Food – Shared Kitchen	\$660.00
Food – Shared Kitchen-Supplemental	\$330.00
Food – Shared Kitchen Long-Term User	\$330.00
Food – Shared Kitchen Short-Term User	\$75.00
Food – Mobile Food Vendor – Produce Merchant (4-8)	\$275.00
Food – Mobile Food Vendor – Mobile Desserts Vendor	\$275.00
Food – Mobile Food Vendor – Mobile Food Dispenser	\$700.00
Food – Mobile Food Vendor – Mobile Food Preparer	\$1,000.00

(Omitted text is not affected by this ordinance)

(20) Itinerant merchant (4-212)

Per participating merchant, ~~for two weeks of show or exhibition or fraction thereof,~~ payable at the time of application;

<u>For a 14-day license</u>	\$25.00
<u>For a 30-day license</u>	\$50.00
<u>For a 90-day license</u>	\$150.00

(Omitted text is not affected by this ordinance)

SECTION 2. Chapter 4-8 of the Municipal Code of Chicago is hereby amended by renumbering current section 4-8-040 as section 4-8-041, by adding a new section 4-8-040, by deleting the language struck through and by inserting the language underscored, as follows:

~~4-8-040~~ 4-8-041 License fees.

The license fees shall be as set forth in Section 4-5-010 of this Code and shall be paid before any license may be issued. All licenses shall expire on the date indicated on the face of the license.

(a) Retail food establishment license. The fee for a retail food establishment license shall be as set forth in Section 4-5-010. A charitable, religious or educational institution not carried on for private gain or profit, which only operates an eating facility or an automatic- food vending machine in connection with the immediate carrying out of its charitable, religious or educational activities, shall be exempt from the retail food establishment license fee.

At the time of payment of the retail food license renewal fee, a place for eating shall also pay the inspection fees set forth in Section 4-8-042.

~~The mayor shall have the authority to issue a special retail food establishment license for any event for a period not to exceed 11 days. The mayor shall notify the alderman of the ward in which the event is to be located at least five days before issuing the license.~~

(b) Wholesale food establishment license. The fee shall be as set forth in Section 4-5-010.

(c) Mobile food vendor license. A separate mobile food vendor license is required for each mobile food vehicle, cart or produce stand used by the mobile food dispenser or a produce merchant in the conduct of his business. The fee for such license shall be as set forth in Section 4-5-010.

(d) Shared kitchen and shared kitchen user licenses. The fees shall be as set forth in Section 4-5-010.

(e) Special event food licenses. The fees shall be as set forth in Section 4-5-010.

4-8-040 Special event food licenses.

(a) Definitions. For purposes of this section, the following definitions shall apply:

"Chicago Riverwalk" has the meaning ascribed to the term in section 2-32-1300(a).

"Commissioner" means the city's commissioner of business affairs and consumer protection.

"Department" means the city's department of health.

"Food safety requirements" means all practices involving sanitation, food storage, food preparation, use of potentially hazardous foods, food service, food handling, storage of garbage and rubbish, cleaning operations, and any other subject matter determined by the department or board of health to be relevant to food safety.

"Multiple special events" means one or more special events that occur within a 10-day, 180-day or one-year period, depending on which period is applicable.

"Potentially hazardous food" shall have the meaning ascribed to the term in Section 4-8-038.

“Serve food” or “serve” means to prepare, taste, handle, package, prepare for storage, or dispense food for human consumption.

“Single special event” means a special event that lasts for a period not longer than ten days.

“Special event” has the meaning ascribed to the term in Section 10-8-335. The term “special event” also includes any event that lasts for a period not longer than ten days.

“Summer festival food vendor certificate” means a summer festival food sanitation certificate that the department issues in collaboration with third parties.

(b) *License required.* No person shall serve food at a special event without a special event food license.

(c) *Classification of special event food licenses.* The commissioner is authorized to issue the following two classes of special events food license: (i) A single special event food license shall be issued for serving food, subject to this section and, if applicable, Section 10-8-335, at a single special event; (ii) A multiple special events food license shall be issued for a 10-day, 180-day or one-year period. Subject to this section and, if applicable, Section 10-8-335, a multiple special events food licensee may serve food at multiple special events that occur within the duration of the license. In addition, subject to this section and Section 4-60-074, a multiple special events food licensee may serve food at any Chicago Riverwalk venue for the duration of any concession agreement executed pursuant to Section 2-51-050(l).

(d) *License application.* In addition to the requirements of Section 4-8-030, an applicant for a special event food license shall submit:

(1) a menu of the food items that the applicant intends to serve at the special event or at a Chicago Riverwalk venue; and

(2) the classification of the special event food license that the applicant is applying for, and, in case of application for a single special event food license, the dates and place of the event and a written statement, signed by the event organizer or sponsor of the event, stating that the applicant is authorized to serve food at the event.

It is a condition of the license that all information in the license application shall be kept current. Any change in required information shall be reported in writing to the commissioner within 14 business days of such change.

(e) *License issuance prohibited when.* In addition to the prohibitions set forth in Section 4-8-025, no special event food license shall be issued under this section, if the department does not approve as safe the contents of the applicant's menu submitted as part of the license application as required under subsection (d)(1) of this section.

(f) *Duties.* A special event food licensee shall have the following duties:

(1) Conformity to approved menu required – Notification and approval of changes to approved menu required. A special event food licensee shall conform to the menu approved by the department. Prior to adding any new item of food to such menu, or any new and potentially hazardous ingredient to any approved item of food on such menu, a special event food licensee shall first obtain written permission to do so from the department;

(2) Conformity to food safety requirements and approved operational practices required. A special event food licensee shall (i) comply with all food safety requirements set forth in the Municipal Code of Chicago and any rules and regulations promulgated thereunder; and (ii) conform to any operational practice required or approved by the department in connection with the issuance of a license under this section;

(3) Potentially hazardous food – Summer festival food vendor certificate required. At all times when a special event food licensee serves potentially hazardous food, such licensee shall have on site a person who holds a current summer festival food vendor certificate. Upon request by any authorized city official, the special event food licensee shall make such certificate immediately available for inspection by such authorized city official; and

(4) License – Required on site. A special event food licensee shall have his city-issued license or a copy thereof on site at all times when the licensee is serving food at a special event. Upon request by any authorized city official, the licensee shall make such license or a copy thereof immediately available for inspection by such authorized city official.

(5) Recordkeeping– Required. A special event food licensee shall keep and maintain on file the following records: (i) a list identifying the date(s) and time(s) such licensee served food at the event or at a Chicago Riverwalk venue; (ii) a copy of the written statement, signed by the organizer or sponsor of the event, or by a Riverwalk Venue liquor licensee, as applicable, stating that the special event food licensee is authorized to serve food at the event or at a Chicago Riverwalk venue, and identifying the start date and the end date to which such authorization applies; (iii) the copy of the menu approved by the department for use by the licensee; and (iv) the name of the person holding a valid sanitation certificate, who was present each time potentially hazardous food was served by the licensee. The records required under this subsection shall be maintained by the licensee for a period of at least two years after the date of entry of such record. Upon request by any authorized city official, the licensee shall make such records immediately available for inspection by such authorized city official.

(g) Special event food licenses – Aldermanic notification. When issuing a single special event food license that is not subject to Section 10-8-335, the commissioner shall notify the alderman of the ward in which the event is to be located at least five days before issuing the license.

(h) Violation– Penalty. In addition to any other penalty provided by law, any person who violates this section shall be subject to the fine set forth in Section 4-8-068.

(i) License suspension or revocation. Any violation of this section may result in license suspension or revocation in accordance with Section 4-4-280 of this Code.

SECTION 3. Sections 2-32-1300 and 4-60-074 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-32-1300 Riverwalk Fund.

(Omitted text is not affected by this ordinance)

(b) All revenues received by the city from the following sources shall be placed in a single appropriate fund designated by the budget director, in consultation with the comptroller, for the purposes set forth in the 2013 Series Ordinance and/or the General Ordinance:

(1) all revenues received by the city from any license agreement, regardless of nomenclature, executed pursuant to section 4-250-080(a) for the licensing of docks for tour boat operations at the following two locations on the main branch of the Chicago River at Michigan Avenue:

(Omitted text is not affected by this ordinance)

4-60-074 Riverwalk Venue liquor licenses – Special conditions.

(Omitted text is not affected by this ordinance)

(h) No Riverwalk Venue licensee shall sell or offer for sale any food other than prepackaged and non-perishable foods as defined in Section 4-8-010, unless (1) such food is prepared at a venue holding a valid retail food establishment license under Chapter 4-8 and the venue at which such food is prepared meets the requirements of Article I of Chapter 7-28 of this code, including all rules and regulations promulgated thereunder by the board of health; or (2) the location identified in the liquor license application has adequate plumbing facilities within the meaning of Section 7-38-030 and otherwise complies with all requirements of this code applicable to retail food establishments under Article I of Chapter 7-38 of this code, including all rules and regulations promulgated thereunder by the board of health. Foods prepared at a venue meeting the requirements of item (1) of this subsection may be refrigerated or heated, as applicable, and sold or offered for sale at a venue licensed under this section, if the applicable food handling and sanitation requirements set forth in Sections 7-38-005 through 7-38-025 are met. In addition, unless a Riverwalk licensee has a valid retail food establishment license for a Riverwalk venue, no Riverwalk Venue licensee shall sell or offer for sale any food at a Chicago Riverwalk venue without obtaining a multiple special events food license and, otherwise complying with Section 4-8-040 and applicable rules and regulations.

(Omitted text is not affected by this ordinance)

SECTION 4. Section 10-8-520 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

10-8-520 Street vendors.

Except as otherwise provided in this Code, ~~no~~ ~~person,~~ ~~other than a licensed peddler,~~ ~~as permitted by the provisions of Chapter 4-244 of this Code,~~ shall sell, offer or expose for sale, or solicit any person to purchase any article or service whatsoever, except newspapers, on any public way.

No person shall sell, offer or expose for sale, or solicit any person to purchase any newspaper from any vehicular traffic lane on any public way in the city.

SECTION 5. Section 17-3-0304-A of the Chicago Zoning Ordinance is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

17-3-0304-A B1, B2, B3, and C1 Districts. Except as otherwise provided in this Code, ~~All~~ ~~all~~ allowed business, service and commercial activities in the B1, B2, B3, and C1 districts must be conducted within *completely enclosed buildings unless otherwise expressly stated.* In addition to other exceptions provided in this code, this ~~This~~ requirement does not apply to off-street parking or loading areas, *automated teller machines*, outdoor seating areas or drive-through facilities that are allowed in such districts as a special use, produce merchants as defined in Section 4-8-010 of this Code, and mobile food vehicles operating on private property as provided in section 7-38-115(k).

SECTION 6. This ordinance shall take effect upon passage and approval.

Chicago, April 15, 2015

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration an amended substitute ordinance introduced by Mayor Rahm Emanuel (which was referred on March 18, 2015), to amend the Municipal Code of Chicago regarding special event food and itinerant merchant licenses, begs leave to recommend that Your Honorable Body *p a s s* the amended substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on April 14, 2015.

Respectfully submitted,

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION

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