



Office of the City Clerk



SO2012-4489

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date: 6/27/2012

Sponsor(s): Emanuel, Rahm (Mayor)
Tunney, Thomas (44)
Moreno, Proco Joe (1)
Reilly, Brendan (42)
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Smith, Michele (43)
Waguespack, Scott (32)
Mitts, Emma (37)

Type: Ordinance

Title: Amendment of Titles 2, 4, 7, 9, 10 and 17 of Municipal Code regarding mobile food vehicles

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

7/19/12
10

02012-4489

SUBSTITUTE
ORDINANCE

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

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

4-8-010 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter and chapters 7-38, 7-40 and 7-42 unless the context clearly indicates that another meaning is intended. The listing of items as examples in any definition is intended to be illustrative and not exhaustive.

(Omitted text is not affected by this ordinance)

"Cold storage establishment" means a house or room used for the storage or preservation of food for a period of 30 days or more in which ice, refrigerating machinery or other artificial means of cooling are used.

"Commissary" means any duly licensed food establishment in which food, containers or supplies are stored, kept, handled, prepared, packaged and directly from which vending machines, or other mobile food dispensing or vehicles or other food dispensing operations are serviced, and where mobile food vehicles are cleaned.

"Commissioner" means the commissioner of the department of health.

(Omitted text is not affected by this ordinance)

"Mobile food dispenser" means any person who, by traveling from place to place upon the public ways, serves previously prepared food or drink that is enclosed or wrapped for sale in individual portions, coffee, other beverages or whole and uncooked fruits or vegetables from a wheeled vehicle.

"Mobile desserts vendor" means any person who, by traveling from place to place upon the public ways, serves from a two-wheeled or three-wheeled motorized or non-motorized vehicle, pushcart, or handcart individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other frozen desserts that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a licensed food establishment.

"Mobile food vendor" means a mobile food dispenser, mobile food preparer, produce merchant or mobile desserts vendor.

"Mobile food preparer" means any person who, by traveling from place to place upon the public ways, prepares and serves food from a mobile food truck.

"Mobile food truck" means a motorized vehicle used to conduct a mobile food preparer business.

"Mobile food vehicle" means a motorized vehicle used to conduct a mobile food dispenser, mobile food preparer or mobile desserts vendor business.

(Omitted text is not affected by this ordinance)

"Produce merchant" means any person who sells produce outdoors from a produce stand, and who conducts at least 50 percent of his operations in areas underserved by grocery stores, as defined herein, and whose stand is (1) located on a private or public property with the written permission of the property owner, or located on the public way in connection with a valid public way use permit issued pursuant to chapter section 10-28-060 of this Code; (2) removed in its entirety from such private property or public way at the end of each business day, and (3) in compliance with all applicable requirements of the Chicago Zoning Ordinance, including, but not limited to, any requirement prohibiting commercial sales within residential districts.

(Omitted text is not affected by this ordinance)

4-8-020 Licensing requirements– Exceptions.

(Omitted text is not affected by this ordinance)

(c) (1) No person shall engage in the business of a mobile food dispenser without first having obtained a mobile food dispenser vendor license to engage in a mobile food dispenser business.

(2) No person shall engage in the business of a produce merchant without first having obtained a mobile food dispenser vendor license to engage in a produce merchant business.

(3) No person shall engage in the business of a mobile food preparer without first having obtained a mobile food vendor license to engage in a mobile food preparer business.

(4) No person shall engage in the business of a mobile desserts vendor without first having obtained a mobile food vendor license to engage in a mobile desserts vendor business.

(Omitted text is not affected by this ordinance)

(i) Nothing in this chapter shall be construed to prohibit the sale of whole and uncooked fruits and vegetables from a mobile food vehicle used to conduct a mobile food dispenser or mobile food preparer business, or otherwise as permitted in accordance with Sections 4-244-010 and 4-244-020 of the Municipal Code pertaining to peddlers.

(j) All charitable food dispensing establishments shall be exempt from the retail food establishment license.

4-8-036 License – Application and category – Mobile food dispensers vendors.

- (a) In addition to the general application requirements,
- (1) an applicant for a mobile food dispenser vendor license to engage in a mobile food dispenser, mobile food preparer or mobile desserts vendor business shall supply the name and address of the owner of the mobile food-dispensing vehicle, and if the operator of the vehicle is other than the owner, the name of the operator shall also appear on the application. The applicant shall also state the commissary where the vehicle is or cart will be cleaned and stored serviced, and if the vehicle or cart is not stored at the commissary, the name and address of the place where such vehicle or cart will be stored when not in use, and the The department of health shall verify the information provided approve such locations;
 - (2) an applicant for a mobile food vendor license to engage in a mobile food dispenser or mobile food preparer business shall complete a consultation with the department of health to review the proposed business practices, the vehicle and equipment to be used, and food safety operations prior to obtaining a mobile food vendor license. As part of this consultation, the applicant shall provide a proposed menu including a list of all food items the applicant intends to serve. At the time of consultation, an applicant for a mobile food vendor license to engage in a mobile food preparer business shall provide a City of Chicago Food Sanitation Manager Certificate issued to the applicant or the applicant's employee who will operate the mobile food truck;
 - (3) an applicant for a mobile food vendor license to engage in a mobile food dispenser or mobile food preparer business shall make the applicant's mobile food vehicle available for inspection by the department of health at a location determined by the department of health;
 - (4) an applicant for a mobile food vendor license who will use a propane tank or natural gas in the mobile food vehicle shall produce proof to the commissioner of business affairs and consumer protection that he has obtained general commercial liability insurance with limits of not less than \$350,000.00 per occurrence, combined single limit, for bodily injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The insurance policy required under this subsection shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured; and (3) include a provision requiring 30 days' advance notice to the commissioner of business affairs and consumer protection prior to cancellation or lapse of the policy. If a mobile food vendor license is issued to such applicant, such licensee shall maintain the insurance required under this subsection in full force and effect for the duration of the license period. The licensee shall also keep proof of the required insurance in the mobile food vehicle at all times when the vehicle is in use and, upon demand, shall produce such proof for inspection by an authorized city official. Failure to comply with the requirements of this section shall be grounds for the suspension or revocation of the license.

(b) ~~Except as otherwise provided in Section 7-38-140 of this Code, a mobile desserts vendor shall comply with all the licensing requirements applicable to the mobile food dispenser license provided in this chapter.~~

(e) Except as otherwise provided in this subsection, in addition to the general application requirements, an applicant for a mobile food dispenser vendor license to engage in a produce merchant business shall provide the commissioner of business affairs and consumer protection with the following information: (1) the applicant's Illinois Retailers' Occupation Tax number; (2) the type(s) of produce that the applicant proposes to sell; and (3) any other information that the commissioner may reasonably require. The inspection and approval requirements provided in section 4-8-030(b) shall not apply to an applicant for a mobile food dispenser vendor license to engage in a produce merchant business.

(c) The commissioner of business affairs and consumer protection is authorized to issue color-coded emblems for the following mobile food vendor business categories:

1. A mobile food vendor license to engage in a mobile food preparer business.
2. A mobile food vendor license to engage in a mobile food dispenser business.
3. A mobile food vendor license to engage in a mobile desserts vendor business.
4. A mobile food vendor license to engage in a produce merchant business.

(d) The commissioner of business affairs and consumer protection, in consultation with the department of transportation, department of police and the office of emergency management and communications, in the interest of preserving public safety or avoiding traffic congestion, may from time to time, by rule, set a limit on the number of total mobile food vendor licenses, in one or more categories, that may be issued at any given time; provided, however, no more than 10 percent of the total licenses in any mobile food vendor business category shall be issued to any one person. If the commissioner of business affairs and consumer protection determines that there are more qualified applicants for mobile food vendor licenses than the maximum number of licenses that the commissioner has set to issue at any given time, the commissioner shall conduct a lottery or other neutral process for allocating licenses among qualified applicants as set forth by rules promulgated by the commissioner.

4-8-037 Restrictions on mobile food dispensers vendors.

The city council may from time to time define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no mobile food dispenser vendor may prepare or dispense food from a wheeled vehicle. The city clerk shall maintain for public inspection and copying a file of all ordinances defining such areas.

Dispensing or preparing food from a wheeled vehicle within the following designated areas is hereby prohibited:

- (1) Beginning at the intersection of Laflin Street and Monroe Street; thence south on Laflin Street to Jackson Boulevard, thence west on Jackson Boulevard to Paulina Street; thence north on Paulina Street to Monroe Street; thence east on Monroe Street to Laflin Street.

4-8-040 License fees.

(Omitted text is unaffected by this ordinance)

(c) Mobile food dispenser 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 vendor 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.

4-8-045 License – Posting.

Every license shall be posted in a conspicuous place in that part of a licensed establishment to which the public has access, but every mobile food dispenser and coffee cart vendor shall post each license or emblem in a conspicuous place in that part of the vehicle, cart or produce stand to which the public has access by sight, and every automatic food-vending machine operator shall post evidence of its license on the exterior surface of all automatic food- vending machines in a conspicuous location to which the public has access.

4-8-048 Applicants – Operating under supervision of outside health department.

(a) A license applicant who is located outside the jurisdiction of the department of health may obtain a retail food establishment license from the City of Chicago which authorizes the applicant to engage in the business of an automatic food-vending machine operator provided that the applicant is conducting his business under supervision of a state or local health authority and provided the ordinance regulating same is substantially equivalent to this chapter. The applicant shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results from the aforementioned health authority in the jurisdiction where the commissary or commissaries are located, indicating satisfactory compliance with such provision. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

(b) Applicants for a mobile food dispenser vendor license to engage in a mobile food dispenser or mobile food preparer business who are located outside of the jurisdiction of the department of health may obtain a license from the City of Chicago; provided, that the vehicle does comply with the applicable requirements of ~~Section 7-38-040~~ of this Code and (i) the mobile food dispenser applicant does dispense foods which are prepared and wrapped in a commissary which conducts its operations under the supervision of a state or local health authority; or (ii) the mobile food preparer applicant prepares food in compliance with rules and regulations adopted by the board of health and the applicant conducts its operations under the supervision of a state or local health authority; providing provided that the ordinances regulating same is mobile food dispensers and mobile food preparers are substantially equivalent to this chapter. The applicant shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results from the state or local health authority in the jurisdiction where the food source or commissary is located, indicating compliance with such provisions. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

SECTION II. Chapter 7-38 of the Municipal Code of Chicago is hereby amended by adding new sections 7-38-075, 7-38-117, 7-38-120, 7-38-126 to 7-38-138, inclusive, by deleting the language struck through, and by inserting the language underscored, as follows:

7-38-020 Control of vermin and insects.

In accordance with this section and the rules and regulations of the board of health, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the ~~premisses~~ premises of all food establishments, in food-transporting ~~or mobile food~~ vehicles and vending machines. All garbage and rubbish shall be stored, removed and disposed of as prescribed in this section and the rules and regulations.

Every food establishment shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the premises ~~or mobile food vehicle~~ of the food establishment and receipts and reports prepared by the exterminators or other pest control businesses for the control services. The log shall be open to inspection by city health and sanitation inspectors.

(Omitted text is not affected by this ordinance)

7-38-040 Vehicle sanitation requirements.

(Omitted text is unaffected by this ordinance)

~~(c) In addition to the requirements contained in paragraph (a) of this section, every vehicle used by a mobile food dispenser in the conduct of said business shall comply with the following requirements:~~

- ~~(1) the vehicle shall be enclosed with top and sides;~~
- ~~(2) the interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color;~~
- ~~(3) the vehicle shall not be used for any purpose other than a mobile food dispenser, and~~
- ~~(4) all food service equipment utilized in the mobile food dispenser shall be of easily cleanable construction and shall be maintained in good repair and shall be clean;~~

ARTICLE II. MOBILE FOOD DISPENSERS VENDORS

Part A. General provisions.

7-38-075 Mobile food vehicles.

(a) In addition to the requirements contained in subsection (a) of section 7-38-040, every vehicle used by a mobile food dispenser or mobile food preparer in the conduct of such business shall comply with the following requirements:

- (1) the vehicle shall be enclosed with top and sides;
- (2) the interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color;
- (3) the vehicle shall not be used for any purpose other than a mobile food dispenser or as a mobile food preparer business;
- (4) all food service equipment utilized by the mobile food dispenser or mobile food preparer shall be of easily cleanable construction and shall be maintained in good repair and a clean condition;
- (5) the vehicle shall be registered as a commercial vehicle and any person who operates such vehicle must have a valid driver's license issued by the state of Illinois or another state, district or territory of the United States;
- (6) the vehicle shall be inspected and maintained by a licensed professional, including mechanics and, if applicable, by professionals who install and maintain fire prevention equipment, and propane tanks on mobile food vehicles, as often as necessary but not less than every 90 days, and copies of the last four maintenance reports must be kept in the vehicle at all times while the vehicle is in use; and
- (7) there shall be no more than 40 pounds of propane in the vehicle.

(b) Prior to the construction, remodeling, purchase or use of any mobile food truck or the addition of any new equipment for the storage or preparation of food, plans for such vehicle must be submitted to the department of health, and, if the mobile food vehicle uses propane, natural gas, or has a fire suppression hood, the fire department for approval.

7-38-090 Refrigeration and heating equipment.

~~Adequate mechanical refrigeration equipment or its equivalent as approved by the department of health shall be provided and all meat, milk, dairy products, fish, poultry and other perishable products, including meat sandwiches and cream-filled pies, shall be stored in the vehicle at a temperature not in excess of 40 degrees Fahrenheit, except that perishable food products commonly served as a hot food shall be stored in a heating appliance or oven that shall be equipped with a thermometer showing the internal temperature of such heating appliance, oven or device.~~

~~Heating appliance or oven temperatures shall be kept at a minimum temperature of 180 degrees Fahrenheit during the period that the foods are being heated. Heated foods shall have an interval temperature of at least 145 degrees Fahrenheit until served.~~

All mobile food vehicles shall have adequate mechanical refrigeration equipment as approved by the department of health, and such equipment shall be capable of maintaining food or drink at a temperature of 40 degrees Fahrenheit or less, if any food or drink is required to be kept cold.

All mobile food vehicles shall have adequate mechanical heating equipment as approved by the department of health, and such equipment shall be capable of maintaining food or drink at a temperature of 140 degrees Fahrenheit or more, if any food or drink is required to be kept hot, or capable of heating food or drink to a temperature of 165 degrees Fahrenheit or more, if any food or drink is required to be heated.

All mechanical refrigeration and heating equipment shall be equipped with a thermometer.

7-38-095 Milk and milk products.

A mobile food vendor shall serve all All milk and milk products shall be served only in the individual containers or approved dispensers in which the product was filled in a Grade A milk plant holding a Chicago board of health permit or authorized number.

7-38-100 Single-service food utensils.

A mobile food vendor shall use only Only single-service food utensils shall be used. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or flies.

7-38-105 Information required on wrapper.

~~All individually wrapped portions of perishable food products, including sandwiches, pies and other similar portions, shall be plainly marked by the manufacturer on the wrapper or container in such a manner as to plainly identify the day and the month of which such individual portion was prepared and wrapped in an establishment approved by the department of health as hereinbefore provided. The name and address of the establishment processing or manufacturing and wrapping portions of perishable food products shall appear on each individual portion.~~

All pre-packaged food must be individually wrapped and must comply with the labeling requirements provided in 21 CFR Part 101, as amended.

No person shall keep or offer for sale individual portions of perishable food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

7-38-110 Storage provisions.

A mobile food vendor shall store all All perishable food products shall be stored as provided in this chapter or as provided by the rules and regulations established by the board of health until served to the customer.

7-38-115 Operational requirements.

(a) Mobile food dispenser vehicles shall move from place to place upon the public ways and shall not be operated at a fixed location except as otherwise provided herein.

(b) Stops shall be made only to service customers and shall not exceed (i) a total of two hours or (ii) the maximum permitted period for parking, whichever is lesser, in any one block. ~~Mobile food vendors may stop to service customers for a period of up to two hours notwithstanding the provisions of the second paragraph of Section 9-64-190(a) of this Code.~~

(c) No mobile food dispenser vehicle shall be equipped with any electronic sound-amplifying device. Permitted advertising devices shall be limited to bells, whistles, horns or other musical or noise-making devices which do not employ any electronic sound-amplifying device. Mobile food dispenser vehicles employing musical or noise-making devices shall only sound said devices when traversing the public way and shall be prohibited from sounding said devices while standing or parked.

(c-5) No mobile food dispenser vehicle equipped with a musical or noise-making device shall sound any such device at any location between the hours of 7:00 p.m. and 9:00 a.m., or at

any time within 200 feet of a hospital, nursing home or while traversing any zone of quiet established under Chapter 10-8 of the Municipal Code.

(d) Unless specifically allowed in a mobile food vehicle stand, No no sales from such vehicle shall be made between the hours of 10:00 p.m. 2:00 a.m and 10:00 5:00 a.m.

(e) No operator of such a mobile food vehicle shall park or stand such vehicle within 200 feet of a church, a school or school playground while school is in session:

(i) within 20 feet of a crosswalk;

(ii) within 30 feet of a stop light or stop sign; or

(iii) adjacent to a protected bike lane.

(f) No operator of such a mobile food vehicle shall park or stand such vehicle within 200 feet of any principal customer entrance to a restaurant which is located on the street level; provided, however, the restriction in this subsection shall not apply between 12 a.m. and 2 a.m.

Restaurant, for purposes of this section, means any public place at a fixed location kept, used, maintained, advertised and held out to the public as a place where food and drink is prepared and served for the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, coffee shops, cafeterias, dining rooms, eating houses, short order cafes, luncheonettes, grills, tearooms and sandwich shops.

(g) Except as otherwise provided herein, No no sale shall be made from such a mobile food vehicle except from the curb side thereof, and then only when such vehicle is legally standing or parked in a legal parking spot.

(h) Mobile food dispenser vehicles that are being used to provide food and drink to persons engaged in construction in the City of Chicago and which are not equipped with noise-making devices are exempt from the provisions of (b), (d) and (f) above, provided such vehicles are standing or parked in a legal parking spot.

(i) Any person who violates or resists the enforcement of subsection (c-5) of this section shall be fined \$500 as provided in section 7-38-128 of this Code for each violation. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the department of health shall not constitute separate offenses if the violation was found to be corrected upon reinspection. A motor vehicle that is used in a second or subsequent violation of subsection (c-5) of this section shall be subject to seizure and impoundment under this subsection (i). The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$750.00 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section. A violation of any provision of this section other than subsection (c-5) shall be punishable under Section 7-38-575.

(j) Mobile food vehicles shall be operated only by the mobile food vehicle licensee or by an authorized employee of such licensee.

(k) (1) No operation of a mobile food vehicle is allowed on any private property unless all of the following requirements are met:

(i) The mobile food vendor has obtained the express written consent of the owner or lessee of such property and such written consent is kept in the mobile food vehicle at all times when the vehicle is on the property;

(ii) The mobile food vendor is in compliance with all applicable requirements of the Chicago Zoning Ordinance; and

(iii) The mobile food vendor is in compliance with subsection (b)(i) and, except for the private property that allows the operation of the mobile food vehicle, subsection (f) of this section.

(2) Notwithstanding any other provision in subsection (k)(1), no operation of a mobile food vehicle is allowed on a privately-owned (i) vacant lot, or (ii) lot in a vacant building. For purposes of this subsection, the term "vacant" has the meaning ascribed to the term in section 13-12-125(e) of this Code.

(l) Each mobile food vehicle shall be equipped with a permanently installed functioning Global-Positioning-System (GPS) device which sends real-time data to any service that has a publicly-accessible application programming interface (API). For purposes of enforcing this chapter, a rebuttable presumption shall be created that a mobile food vehicle is parked at places and times as shown in the data tracked from the vehicle's GPS device.

7-38-117 Mobile food vehicle stands program

(a) A mobile food vehicle stands program ("program") is hereby created as provided in this section.

(b) The following definitions shall apply for purposes of this section:

(1) "Commissioner" means the city's commissioner of transportation.

(2) "Block" means both sides of the part of a street that lies between two intersecting streets, as the term "street" is defined in section 9-4-010 of this Code.

(3) "Stand" means a mobile food vehicle stand established by the commissioner pursuant to this section.

(c) The commissioner is authorized, subject to the approval of the city council, to establish stands where mobile food vehicles may be operated at all times or during certain specified periods, if, after consulting with the alderman of the ward in which a proposed stand will be located and the department of police, the commissioner determines that establishing such a stand (1) will not create undue safety hazards in the use of the street by vehicular or pedestrian traffic, (2) will not impede the safe and efficient flow of traffic upon the street on which the mobile food vehicle stand is proposed; and (3) establishing such a stand provides benefit and convenience to the public. A minimum of 5 such stands shall be established in each community area, as such areas are designated in section 1-14-010 of this Code, that has 300 or more retail food establishments.

(d) The commissioner shall designate mobile food vehicle stands by appropriate signs or curb markings or both. It shall be unlawful to stand or park a vehicle, other than mobile food vehicles, in violation of signs posted, in any mobile food vehicle stands that the commissioner has designated by appropriate signs or markings; provided, however, that this provision shall not apply

to a vehicle engaged in the expeditious loading or unloading of passengers when such standing does not interfere with a mobile food vehicle waiting to enter or about to enter into such a stand.

(e) Notwithstanding any other provision of this Code, in a block where a mobile food stand is established pursuant to this section, no person shall operate a mobile food vehicle from any other place on the public way in such block face except from the designated mobile food stand.

(f) Operators of mobile food vehicles that operate from a mobile food stand shall be subject to the provisions of this section and all applicable requirements of this chapter, including section 7-38-115(b)(i) except for the requirement in section 7-38-115(f).

(g) The commissioner and the commissioner of business affairs and consumer protection shall have power to adopt rules as may be necessary or useful for the proper administration and enforcement of this program, including rules pertaining to the operation of mobile food vehicles from a designated mobile food stand.

(h) The commissioner and the commissioner of business affairs and consumer protection shall evaluate the effectiveness of the program and may recommend changes as may be adopted by ordinance.

7-38-120 Name and license number.

Every mobile food vehicle licensee shall have the business name and license number legibly painted in letters and figures at least two inches in height in a conspicuous place on each lateral side of the vehicle.

7-38-125 7-38-124 Refuse receptacles.

The operator of a mobile food vehicle shall maintain a suitable, tight, non- absorbent washable receptacle for refuse. He The operator shall be responsible for sanitation of the environs of the place of operation, including the mobile food vehicle stand area used by the operator. Said refuse receptacle shall be adjacent to, but not an integral part of, the mobile food dispenser-unit vehicle. The operator of a mobile food vehicle shall dispose refuse collected from the mobile food vehicle and the environs of the place of operation at a commissary approved by the department of health.

7-38-126 Inspections.

Mobile food vehicle licensees shall make their vehicles available for inspection at the commissary approved or at a location determined by the department of health on a schedule determined pursuant to rules and regulations adopted by the board of health.

Nothing provided in this section shall be construed to prohibit the department of health from conducting periodic inspection of mobile food vehicles as provided in this Code.

7-38-128 Enforcement.

(a) Except as otherwise provided in this chapter, the board of health shall have authority to enact rules and regulations for the effective implementation of Article II of this Chapter, including regulations pertaining to construction and size requirements for mobile food vehicles, and, with

input from the fire department, regulations pertaining to the installation, use, safety, and maintenance of propane tanks and natural gas apparatus in a mobile food vehicle.

(b) Except as otherwise specified in this chapter, any person who violates Article II of this Chapter shall be fined as provided in Section 7-38-575 of this Code.

(c) In addition to any other city department that has enforcement authority, the department of business affairs and consumer protection and the department of transportation shall have authority to enforce sections 7-38-115 and 7-38-117 of this Chapter.

(d) Any person who violates sections 7-38-115 and 7-38-117 of this chapter shall be fined not less than \$1,000.00 and not more than \$2,000.00 for each offense. Each day that the violation occurs shall be considered a separate and distinct offense.

Part B. Mobile Food Dispensers

7-38-130 Preparation and service of food and drink.

(a) No food shall be sold or served by a mobile food dispenser, except the following:

(1) Individual portions of food that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a food establishment licensed by the city or a food establishment which is operating under the state or local health authority if the statute or ordinance regulating such food establishment is substantially equivalent to this chapter. Such food may undergo a final preparation step immediately prior to service to a consumer, provided such final preparation steps conform with the rules and regulations of the board of health.

(2) Coffee which is prepared in a duly licensed food establishment, refrigerated cream which is kept in a covered single-service container or an approved cream dispenser, and sugar which is served only in wrapped individual packages or in a covered closed pouring- spout type container, or in any other manner approved by the department of health, which is effective in preventing contamination;

(3) Other bulk soft drinks or beverages which are dispensed from an approved dispenser only. These approved bulk soft drink dispensers shall be serviced and filled only at a duly licensed food establishment which serves as a commissary for the mobile food dispenser. The drink outlet on all bulk liquid dispensers shall be protected from flies, dust and contamination;

(4) Individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other frozen desserts that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a licensed food establishment; and

(5) Whole and uncooked fruits or vegetables.

(b) No mobile food dispenser licensee shall operate as a mobile food preparer without complying with all the requirements to operate as a mobile food preparer.

7-38-132 Sinks, water storage tanks and other plumbing requirements.

All mobile food dispenser vehicles shall be equipped with a handwashing sink and an adequate supply of running hot and cold water. The water storage tank shall be self-draining and

cleaned and flushed not less than twice in each six-month period. Liquid waste from the handwashing sink shall be piped in fixed piping to a liquid waste retention tank 50 percent larger than the water storage tank. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The connection between the piping from the sink and the liquid waste retention container shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste retention tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health.

Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion.

PART C. Mobile Food Preparers.

7-38-134 Mobile food preparers – Operational requirements.

(a) Any food sold or served by a mobile food preparer shall be prepared or wrapped in the mobile food vehicle or a or in a duly licensed food establishment.

(b) All perishable food products shall be stored as provided in this chapter and rules and regulations adopted by the board of health until served to a customer. No food that is sold or served from a mobile food preparer's vehicle shall be stored or prepared in a residential home.

(c) During transportation and storage, food equipment, supplies and food contact surfaces shall be protected from contamination.

(d) Mobile food preparers shall list the food purveyor establishments from where they purchase articles of food on a daily basis. Mobile food preparers shall also keep in the vehicle copies of invoices from the foods' point of origin for 30 days for all food items except that invoices for shellfish must be kept for 90 days.

(e) Mobile food preparers shall also comply with the following food and equipment handling requirements:

- (1) no food shall be stored, displayed, or served from any place other than the mobile food vehicle. The use of tables, benches, and other such devices to display or serve food is prohibited;
- (2) food condiments shall be protected from contamination. Food condiments provided for customer self-service shall be prepackaged or contained in approved dispensing devices;
- (3) food products remaining after each day's operation shall be stored only in a licensed food establishment. Potentially hazardous foods held at or above 140 degrees Fahrenheit on a mobile food vehicle shall be discarded at the end of the day;
- (4) utensils and equipment shall be handled and stored so as to be protected from contamination. Single-service utensils shall be obtained from sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once;
- (5) wiping cloths must be stored in a clean solution containing 100 parts per million of available chlorine as a hypochlorite. Other approved sanitizing

compounds at appropriate concentrations may be used. A testing strips kit shall be provided to check the concentration of the sanitizing solution;

- (6) customer self-service of unpackaged foods is prohibited;
- (7) thermometers shall be provided for all warming units and refrigeration units. A probe-type thermometer shall also be available for use on a mobile food vehicle that handles potentially hazardous foods;
- (8) all potentially hazardous foods shall be maintained at or below 40 degrees Fahrenheit or at or above 140 degrees Fahrenheit at all times; and
- (9) all mobile food trucks must have a certified food service manager present when food is being prepared or served.

(f) The board of health shall have authority to provide by rules and regulations additional sanitation requirements and procedures for the operation of mobile food trucks.

7-38-136 Mobile food trucks.

(a) All mobile food trucks shall be equipped with a handwashing sink and a three-compartment sink with a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of the department of health. The water storage tank shall be self-draining and cleaned and flushed once every 24 hours. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of the plumbing sections of this Code.

(b) A mobile food truck shall be equipped with a permanently installed liquid waste retention tank that is of at least 50 percent larger capacity than the water supply tank. Liquid waste shall be piped in a fixed piping to the liquid waste retention tank. Additionally, all connections on the vehicle for servicing shall be of different size or type than those used for supplying potable water. Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion. The connection between the piping from the sink and the liquid waste tank shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The liquid waste retention tank connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

7-38-138 Servicing a mobile food truck.

(a) The commissary linked to a mobile food preparer must have a servicing area approved by the department of health. The servicing area shall comply with the following requirements:

- (1) the servicing area shall include at least an overhead protection for any supplying, cleaning, or servicing operation. The servicing area must have a location for the flushing and drainage of liquid waste which is separate from the location for water servicing and for the loading and unloading of food and related supplies;

- (2) the surface of the servicing area shall be a smooth non-absorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and graded to drain.
- (b) The mobile food truck's liquid waste retention tank must be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal.
- (c) The mobile food truck's grease, where used, shall be drained into a storage bin approved by the department of health. No grease shall be discharged to the sanitary sewage disposal.
- (d) Garbage disposals shall be installed in compliance with the plumbing sections of this Code.
- (e) A commissary must keep a log of all mobile food trucks serviced by the commissary as well as the date and time the trucks were serviced.
- (f) Mobile food trucks must report to a commissary at least once per day for servicing.

PART D. Mobile Desserts Vendors.

7-38-140 Mobile desserts vendor.

Except as otherwise provided in this section, a mobile desserts vendor shall comply with all applicable requirements of this Code, including the requirements set forth in Article II, Parts A and B of this Chapter, and the rules and regulations of the department of health pertaining to mobile units handling frozen desserts. A mobile desserts vendor is not required to comply with the following requirements:

- (1) the hot food storage and heating appliance requirements set forth in Section 7-38-090;
- (2) the sinks, water storage tanks and plumbing requirements set forth in Section ~~7-38-120~~ 7-38-132;
- (3) the refuse receptacle requirements set forth in Section ~~7-38-125~~ 7-38-124;
- (4) the mobile food vehicle requirement set forth in Section ~~7-38-040(c)(1)~~ 7-38-075(a)(1); and
- (5) the additional vehicle requirements set forth in Section 4-8-293.

Part E. Produce Merchants.

7-38-142 Produce merchants - Operational requirements - Unlawful acts.

It shall be unlawful for any produce merchant to engage in any of the following activities at any produce stand operated by such produce merchant

(Omitted text is not affected by this ordinance)

- (9) To combine any activity authorized under a mobile food dispenser vendor license to engage in a produce merchant business with any activity for which a different or separate license or permit is required under this Code, other than a public way use permit issued under chapter 10-28 of this code, including, but not limited to, any permit required in connection with participation

in any farmers' market, as defined in Section 4-12-010, or any outdoor special event, as defined in Section 10-8-335;

(10) To display produce items at such produce stand on the ground or in any area other than the designated produce stand;

(11) To fail to affix and display in a conspicuous location at such produce stand a copy of a valid mobile food ~~dispenser~~ vendor license to engage in a produce merchant business, and, if the produce stand is on the public way, a valid public way use permit issued by the department of business affairs and consumer protection;

(Omitted text is not affected by this ordinance)

SECTION III. Sections 2-100-110, 4-5-010, 9-64-180, 9-80-190, 10-28-060 and 17-3-0304 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-100-110 Police powers for designated employees.

Each ward superintendent, and such other employees of the department of streets and sanitation as the commissioner of streets and sanitation shall designate, shall have the powers of members of the police force to serve process or notice within the city for the violation of Sections 4-4-310, 4-260-020, 4-260-040, 4-260-060, 4-260-080, 4-260-085, 4-260-090, 4-260-100, 7-12-387, 7-12-420, 7-28-060, 7-28-065 through 7-28-090, 7-28-120, 7-28-130, 7-28-150, 7-28-180 through 7-28-240, 7-28-260 through 7-28-310, 7-28-331, 7-28-360 through 7-28-410, 7-28-430 through 7-28-470, 7-28-490 through 7-28-510, 7-28-660 through 7-28-680, 7-28-710 through 7-28-720, 7-28-735 through 7-28-750, ~~7-28-780~~, 7-28-785, ~~7-38-080~~, 7-38-115, 7-38-117, 7-38-124, 8-4-135, ~~8-4-160~~, 9-64-100(c), 10-8-180, 10-8-220 through 10-8-230, 10-8-250 through 10-8-271, 10-8-310, 10-8-320, 10-8-380, 10-8-402 through 10-8-405, 10-8-470, 10-8-480, 10-28-030, 10-28-340, 10-28-792, 10-32-050, 10-32-060, 10-32-110 through 10-32-150, 10-32-170, 10-32-180, 10-32-200 and 13-32-235 of the Municipal Code of Chicago. A copy of such designation, and any amendments thereto, shall be kept by the deputy commissioner of streets and sanitation for the bureau of sanitation and shall be available to the public upon request. The powers granted hereunder are expressly limited to the service of such process or notice, and this section shall not be construed as granting additional law enforcement powers.

4-5-010 Establishment of license fees.

(Omitted text is not affected by this ordinance)

(15) Food – Retail Food Establishment (4-8)

(Omitted text is not affected by this ordinance)

<u>Food — Mobile Food Dispenser Vendor — Produce Merchant</u>	\$275.00
<u>Food — Mobile Food Vendor — Mobile Desserts Vendor</u>	\$275.00
<u>Food — Mobile Food Vendor — Mobile Food Dispenser</u>	\$700.00
<u>Food - Mobile Food Vendor - Mobile Food Preparer</u>	\$1,000.00

(Omitted text is not affected by this ordinance)

9-64-180 Restricted parking – Area bounded by Chicago River, Michigan Avenue and Harrison Street.

(a) Except as provided in subsection (b), it is unlawful to park any vehicle at any time on the following streets: Garvey Court, from Lake Street to Wacker Drive; State Street and Michigan Avenue, from Wacker Drive to Congress Parkway. Except as provided in subsection (b), it is unlawful to park any vehicle during the hours of 6:00 a.m. to 6:00 p.m., Monday through Friday, except for days established as holidays in Section 9-4-010 on any of the following streets: Washington Street, Madison Street and Monroe Street, between State Street and Michigan Avenue; Adams Street and Jackson Boulevard, between Canal Street and Michigan Avenue; Dearborn Street, Clark Street and LaSalle Street, between Washington Street and Jackson Boulevard; and Wacker Drive, from Franklin Street to Van Buren Street.

(b) The restrictions in this section shall not apply to any designated handicapped parking area or to any ambulance, any emergency vehicle owned by a governmental agency, any vehicle owned by a public utility while the operator of the vehicle is engaged in the performance of emergency duties, any mobile food vehicle legally operating at any officially designated mobile food vehicle stand, any taxicab at an officially designated taxicab stand and/or engaged in the expeditious loading or unloading of passengers with disabilities, any passenger vehicle engaged for not more than three minutes in the loading or unloading of passengers, or to the parking of any commercial vehicle engaged in the expeditious loading, unloading, pick-up or delivery of materials in a designated loading zone, or to any bus at a designated bus stop or bus stand. Nothing in this section prohibits or prevents more restrictive regulation of parking on any street designated in subsection (a). Where the provisions of subsection (a) conflict with more restrictive regulations contained in another ordinance and appropriate signs indicating those regulations have been erected, the more restrictive regulations shall apply.

(c) No parking meters shall be installed on those portions of streets listed in subsection (a) where parking is prohibited at all times.

9-80-190 Mobile food dispensers vendors and peddlers prohibited in medical center district.

No person shall conduct the business of a mobile food dispenser vendor or peddler as defined in this Code, on any portion of the public way within the boundaries of the medical center district and no person shall operate, stop or park any vehicle on any portion of the public way within the medical center district for the purposes of conducting any such businesses.

(Omitted text is not affected by this ordinance)

10-28-060 A produce stand on the public way pilot program.

(a) A produce stand on the public way pilot program (“pilot program”) is hereby created as provided in this section.

(b) The following definitions shall apply for purposes of this section:

(1) "Area underserved by grocery stores" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(12) "Commissioner" means the commissioner of business affairs and consumer protection.

(23) "Department" means the department of business affairs and consumer protection.

(34) "Produce" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(45) "Produce stand" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(Omitted text is not affected by this ordinance)

(e) An application for a public way use permit for a produce stand shall be made to the department and shall include the following:

(i) the name and address of the applicant;

(ii) verification that the applicant is licensed as a mobile food dispenser vendor to engage in a produce merchant business or has applied for such license;

(Omitted text is not affected by this ordinance)

(f) The commissioner shall forward a copy of an application for a public way use permit for a produce stand to the commissioner of transportation and the commissioner of housing and economic development within three business days after receipt of the application. The commissioner shall not issue a public way use permit for a produce stand unless the commissioner of transportation and the commissioner of housing and economic development approve the application. In addition, the issuance of a public way use permit for the operation of a produce stand shall be dependent on the issuance of a valid mobile food dispenser vendor license to engage in a produce merchant business.

(Omitted text is not affected by this ordinance)

17-3-0304 Indoor/Outdoor Operations.

17-3-0304-A B1, B2, B3, and C1 Districts. 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. 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, and 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 IV . The Municipal Code of Chicago is hereby amended by repealing Sections 7-38-080, 7-38-085 and 7-38-120, in their entirety.

Chicago, July 25, 2012

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Mayor Emanuel, the Commissioner of Business Affairs and Consumer Protection and Aldermen Tunney, Moreno, Reilly, Burnett, Smith, Waguespack, Mitts and Cochran (which was referred on June 27, 2012), to amend the Municipal Code of Chicago regarding Mobile Food Vehicles, begs leave to recommend that Your Honorable Body *p a s s* the substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on July 19, 2012, Alderman Arena opposed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts". The signature is written in a cursive style with a large initial "E".

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION

SECTION V. The commissioner of business affairs and consumer protection is authorized to implement this ordinance to existing mobile food dispenser licensees pursuant to a schedule that conforms to the operational and administrative needs of the department of business affairs and consumer protection. The commissioner (1) shall conclude any such implementation within 90 days from the effective date of this Section V of this ordinance, and (2) shall provide during any such period of implementation, in written or electronic form available to the general public and affected businesses, information regarding the requirements that are being implemented, and the timing of such implementation.

SECTION VI. Except for subsection (d) of section 7-38-128 created in Section II of this ordinance, this ordinance shall take effect upon passage and approval. Subsection (d) of section 7-38-128 shall take effect 10 days after passage and publication.

APPROVED

Stephen R. Patton

CORPORATION COUNSEL

APPROVED

Rabim Emmanuel, RP

August 1, 2012 Mayor