



City of Chicago



O2016-7740

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 10/5/2016

Sponsor(s): Sadlowski Garza (10)
Villegas (36)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 4-5, 4-8 and 7-38
to regulate nutrient centers

Committee(s) Assignment: Committee on Health and Environmental Protection

COMMITTEE ON HEALTH AND ENVIRONMENTAL PROTECTION

ORDINANCE

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

SECTION 1. Section 4-8 of the Municipal Code is hereby amended by adding the language underscored and deleting the language struck through, as follows:

(omitted text is unaffected by this ordinance)

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.

“Nutrient Center” means a business at which non-alcoholic, pre-packaged food that has been prepared in a food-processing establishment approved by the food sanitation authorities of the local point of origin is combined with water or ice by brewing, mixing, or blending and is served.

“Retail food establishment” means any building, room, stand, enclosure, place or establishment occupied and used as a place of business for the purpose of serving, storing, selling, offering for sale or keeping with the intention of selling or distributing at retail any article of food, drink, confection or condiment, ultimately used for or intended to be used for human consumption. The term shall include, but not be limited to: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, nutrient centers sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, industrial feeding establishments, take-out establishments, private institutions or organizations routinely serving food, catering kitchens, commissaries or any other eating or drinking establishment or operation, the automatic food-vending machine business, coffee cart vendors, candy manufacturers, confectioneries, fish markets, fruit and vegetable markets, grocery stores, meat markets, nut stores, dressed poultry markets or retail bakeries, bakery outlets or any similar place.

SECTION 2. Section 4-5-010 of the Municipal Code is hereby amended by adding the language underscored and deleting the language struck through, as follows:

(omitted text is unaffected by this ordinance)

4-5-010 Establishment of license fees.

(15)	Food – Retail Food Establishment (4-8)	
	<u>Food – Nutrient Center</u>	<u>\$275</u>

SECTION 3. Section 7-38-001 of the Municipal Code is hereby amended by adding the language underscored and deleting the language struck through, as follows:

(omitted text is unaffected by this ordinance)

ARTICLE ###. NUTRIENT CENTER (7-38-### et seq.)

7-38-### Nutrient Center – Required features.

Every nutrient center business facility shall not be required to conform to the requirements for a retail food establishment but shall provide the following minimum features:

- (a) an electrical system of sufficient capacity to maintain safe operation of the refrigeration and water heating units required under this section;
- (b) a sink capable of dispensing hot and cold running water, for handwashing use;
- (c) a sink, separate from the handwashing sink, of sufficient capacity to furnish enough hot and cold water for utensil cleaning and sanitizing;
- (d) all exterior and interior surfaces of the refrigeration unit, water heater, sink and wastewater tank shall be constructed of durable, waterproof and scrubbable materials; and
- (e) such additional features related to the safe dispensing of blended beverages as the department of health may require through administrative rule, provided that such rule shall have no force and effect unless it is first submitted to the Committee on Health and Environmental Protection of the City Council and approved by said Committee by way of Resolution..

7-38-### Sale of certain products from nutrient centers are prohibited.

No person shall prepare or serve any food product out of its packaging other than blended beverages from a nutrient center. Nothing in this provision shall be construed to prevent the sale or distribution to consumers of pre-packaged food items in their original packaging.

7-38-### Refrigeration and heating equipment.

All nutrient centers shall have adequate mechanical or other 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 nutrient centers shall have adequate mechanical or other 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.

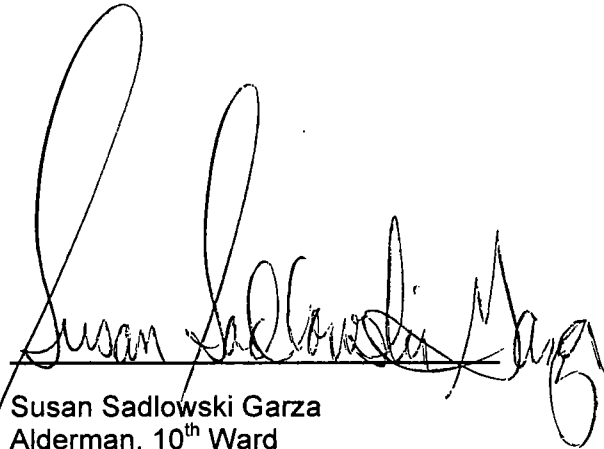
7-38-### Single-service food utensils.

A nutrient center room shall use only single-service food utensils packaged for commercial use by vendors other than the operator of the Nutrient Center. All single-service food utensils such as cups, straws, spoons and stirrers shall be individually wrapped or bundled in single-service wrappings for use by consumers, kept in a clean place, properly handled and shall be used only once.

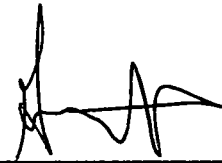
7-38-### Information required on wrapper.

All pre-packaged food to be used in a blender beverage must comply with the labeling requirements provided in 21 CFR Part 101, as amended, and such labeling shall be displayed and visible to persons within the blended beverage room.

No person shall keep or offer for sale individual portions of pre-packaged food which have been repackaged.

A large, stylized handwritten signature in black ink, appearing to read "Susan Sadlowski Garza".

Susan Sadlowski Garza
Alderman, 10th Ward

A smaller, stylized handwritten signature in black ink, appearing to read "Gilbert Villegas".

Gilbert Villegas
Alderman, 36th Ward