



Office of the Chicago City
Clerk



SO2011-4348

Office of the City Clerk

Tracking Sheet

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| Meeting Date: | 5/18/2011 |
| Sponsor(s): | Moreno, Proco Joe (1) |
| Type: | Ordinance |
| Title: | Amendment of Titles 4 and 7 of Municipal Code regarding mobile food and frozen desserts dispensers |
| Committee(s) Assignment: | Committee on License and Consumer Protection |

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 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 unaffected by this ordinance)

“Mobile food dispenser” means any person who, by traveling from place to place upon the public ways, serves food or drink from a wheeled vehicle.

“Mobile frozen desserts dispenser” 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.

(Omitted text is unaffected by this ordinance)

4-8-036 License – Application – Mobile food dispenser and mobile frozen desserts dispenser.

(a) In addition to the general application requirements, an applicant for a mobile food dispenser license 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 where the vehicle is cleaned and stored when not in use, and the department of health shall verify the information provided.

(b) Except as otherwise provided in section 7-38-040 of this Code, an applicant for a mobile frozen desserts dispenser license shall comply with all requirements applicable to the mobile food dispenser license provided in this Chapter.

4-8-293 Mobile food dispensers of-frozen-desserts – Additional vehicle requirements for selling frozen desserts from commercial motor vehicles.

In addition to the requirements of Section ~~4-8-290~~ 4-8-037 of this Code, every motor vehicle used by a mobile food dispenser for the sale, offering or display of frozen desserts shall be equipped with a signal arm. The arm shall be six (6) inches high and eighteen (18) inches long, and shall be affixed to the driver’s side of the vehicle, no farther than eighteen (18) inches from the back wall of the vehicle and no lower than three (3) inches from the roof of the vehicle. The arm shall be mounted on a hinge, so as to lie flat against the vehicle when the vehicle is moving. When

the vehicle is stopped in order to sell or offer frozen desserts, the arm shall be activated, either manually or mechanically, to extend perpendicularly to the side wall of the vehicle. The arm shall be fluorescent yellow and shall have the legend "Caution – Pass With Care" written on both sides in clearly contrasting color. No letter on the arm shall be less than two (2) and one-half (1/2) inches in height. Any person who violates any provision of this section shall be subject to a fine fo not less than two hundred and no/100 dollars (\$200.00) and not more than five hundred and no /100 dollars (\$500.00) for each offense.

SECTION II. Chapter 7-38 of the Municipal Code of Chicago is hereby amended by adding a new section 7-38-040, as follows:

7-38-040 Mobile frozen desserts dispenser.

Except as otherwise provided in this section, a mobile frozen desserts dispenser shall comply with all applicable requirements of this Code, including the requirements set forth in Article II of this Chapter, and the rules and regulations of the department of health pertaining to mobile units handling frozen desserts. A mobile frozen desserts dispenser 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;
- (3) the refuse receptacle requirements set forth in section 7-38-125;
- (4) the mobile food vehicle requirement set forth in section 7-38-040(c)(1);
and
- (5) the additional vehicle requirements set forth in section 4-8-293.

SECTION III. This ordinance shall take effect 30 days after passage and approval.



Proco "Joe" Moreno
Alderman, 1st Ward

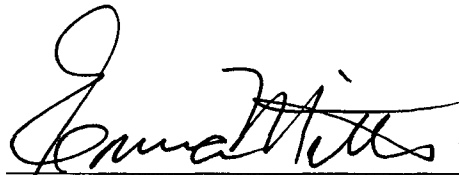
Chicago, July 6, 2011

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Alderman Proco "Joe" Moreno (which was referred on May 18, 2011), to amend Titles 4 and 7 of the Municipal Code of Chicago regarding mobile frozen dessert dispensers, 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 June 29, 2011.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts", written over a horizontal line.

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION