

Very truly yours,

ORDINANCE

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

SECTION 1. Section 2-28-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-28-030 Commissioner - Powers and duties.

The duties and powers of the commissioner shall be as follows:

(Omitted text is unaffected by this ordinance)

(j) To issue licenses ~~or~~ permits, ~~set~~ rules, and promulgate ~~regulations~~ rules for the New Maxwell Street Market as provided in Chapter 4-11 of this Code and for ~~farmers'~~ farmers markets as provided in Chapter 4-12 of this Code.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-244-146 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

4-244-146 Peddling in vicinity of New Maxwell Street Market.

No person shall peddle merchandise of any type on any portion of the public way within 1,000 feet of any portion of the New Maxwell Street Market, as set forth in Section 4-11-010.

SECTION 3. The header of Chapter 4-11 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

**CHAPTER 4-11 NEW MAXWELL STREET
MARKET**

SECTION 4. Section 4-11 -005 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-005 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

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"Department" means the Department of Cultural Affairs and Special Events.

"Commissioner" means the ~~commissioner of cultural affairs and special events~~ Commissioner of Cultural Affairs and Special Events or the Commissioner's designee.

"Featured vendor" mean any person who has been a regular Market vendor for fewer than five consecutive years.

"Food" means any raw, cooked or processed edible substance or ingredient that is used or intended for use, in whole or in part, for human consumption.

"Legacy vendor" means any person who has been a regular Market vendor for five or more consecutive years.

"Maxwell Street Market" or "Market" has the meaning ascribed to the term "Maxwell Street Market" in Section 4-11-010.

"Passenger vehicle" means a car, van, or pick-up truck. The term "passenger vehicle" does not include mobile food trucks or box trucks.

"Regular Market vendor" means any person who is properly permitted to occupy space in the Market at all time during each and every month of the applicable calendar year that the Market is open for operation, as evidenced by such person having obtained monthly permits for each of those months.

SECTION 5. Section 4-11-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11 -010 Establishment of New Maxwell Street Market.

The Maxwell Street Office and adjacent parking lot at 800 S. Desplaines Street, and the public ways set forth in this section and no other,, shall be set apart and used as a public market, t© which shall be known as the New Maxwell Street Market. ~~Such~~ Except as otherwise provided in rules promulgated pursuant to paragraph (g) of Section 4-11-090, such public ways shall be the roadways from curblineline to curblineline and the sidewalks adjacent to the following streets: South Desplaines Street from the northern boundary of West Roosevelt Road north to the southern boundary of West Taylor Street; South Desplaines Street from the northern boundary of West Taylor Street north to a point approximately 330 feet south of the centerline of West Harrison Street; the northern half of West Cabrini Street from the eastern boundary of South Desplaines Street east to the western boundary of South Jefferson Street; West Polk Street from the eastern boundary of South Desplaines Street east to the western boundary of South Jefferson Street; and West Polk Street from the western boundary of South Desplaines Street west to the eastern boundary of the Dan Ryan Expressway.

SECTION 6. Section 4-11-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-020 Market schedule.

The New Maxwell Street Market shall be open to the general public each Sunday on Sundays throughout the year from 7:00 a.m. to 3:00 p.m. in accordance with a schedule determined by the Commissioner.

SECTION 7. Section 4-11 -030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-030 License Permit requirements.

a) ~~Permit required - "One permit per person" limit. No person shall occupy a space in the market Market or sell merchandise or food at the market Market without first having obtained an appropriate license a permit under this chapter from the Department. Each person may apply shall be eligible for one license permit only per market date. Only individuals may apply for licenses. No corporate, partnership, limited partnership, or other such application shall be accepted. Licenses may be obtained from the department of cultural affairs and special events. The commissioner may promulgate regulations establishing lottery procedures and requirements for market spaces that may become available; the regulations may grant preference to alternate licensee s based on the record of use of the market by such licensees. Licenses shall be issued for annual periods be ginning on a date to be set forth by regulation promulgated by the commissioner, and no such license shall be issued except for the full license period and for the full license fee. The commissioner may promulgate regul ations to restrict the number of licenses issued to individuals who reside in the same household. For purposes of this chapter, a household refers to one or more related individuals who occupy the same residence.~~

b) ~~Permit application. The commissioner Commissioner shall also promulgate by regulation a specification of specify the form and manner in which licenses permits under this chapter shall be issued.~~

c) ~~Nontransferability. Licenses may Permits issued under this chapter shall be used only by the person to whom issuance is made the permit is issued, and may shall not be transferred to any other person. L icense applicants who do not receive a license due to the unavailability of space may obtain an alternate lice nse which shall entitle such persons to obtain a permit, for use on a specific market date, as set forth in Secti on 4-11-070. The commissioner shall issue rules and regulations governing the alternate licensing process.~~

d) Permit issuance - Prohibited when. No permit under this chapter shall be issued to the following persons:

1) Any person who has, within the five years immediately preceding his or her of the date of application for such permit, has been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any forcible felony or crime involving moral turpitude of whatever degree involving theft, fraud, forgery, dishonesty, or deceit; shall not be eligible for a license; or

2) Any person who has any debt, as defined in Section 2-32-094(a), unless such debt has been satisfied or otherwise resolved within the meaning of Section 2-32-094(a); or

3) Any person whose permit under this chapter has been revoked for cause within the past three years.

(e) Continuing eligibility - Required. Eligibility for a permit under this chapter shall be a continuing requirement for maintaining such permit.

SECTION 8. Section 4-11-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-040 License Permit classification.

The license permit required by Section 4-11-030 herein under this chapter shall be divided into four classes as determined by regulations promulgated by the commissioner., as follows:

Monthly food permit: The holder of a monthly food permit shall be entitled to occupy a space in the Maxwell Street Market during the month(s) indicated on the face of the permit for the purpose of selling food at the Market during such month(s) in accordance with this chapter.

Monthly general merchandise permit. The holder of a monthly general merchandise permit shall be entitled to occupy a space in the Maxwell Street Market during the month(s) indicated on the face of the permit for the purpose of selling general merchandise at the Market during such month(s) in accordance with this chapter.

Single-day food permit. The holder of a single-day food permit shall be entitled to occupy a space in the Maxwell Street Market on the date indicated on the face of the permit for the purpose of selling food at the Market on such date in accordance with this chapter.

Single-day general merchandise permit. The holder of a single-day general merchandise permit shall be entitled to occupy a space in the Maxwell Street Market on the date indicated on the face of the permit for the purpose of selling general merchandise at the Market on such date in accordance with this chapter.

SECTION 9. Section 4-11-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-050 License application.

Application for a ~~New Maxwell Street Market~~ license as required by ~~Section 4-11-030~~ permit under this chapter shall be made in writing on a form provided by the ~~commissioner~~ Commissioner and shall be signed by the applicant. Each application shall include:

- a. The applicant's full name, business or residential address, e-mail address, and telephone number of the applicant;
- b. The class or classes of license permit for which application is being made;
- c. A brief description of the type of item or items to be sold at the Market (e.g. prepackaged and non-perishable food, cooked food, raw food or produce, beverages, general merchandise);
- d. If food will be sold, the identity of the food supplier;
- de. If applicable, the name and address of at least one individual possessing a valid certificate of registration in food handling and sanitation, issued by the Chicago Department of Public Health, who will supervise the sale' of food by the applicant;
- ef. An The applicant's Illinois business tax Business Tax (IBT) number issued to the individual who will be holding the license or proof of application for the same;
- (f) Any other information as may be required by the commissioner by regulation promulgated hereunder; and
- g. If applicable, the identity of the food supplier. A statement as to whether, within five years of the date of application, the applicant has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a forcible felony, or crime of whatever degree involving theft, fraud, forgery, dishonesty, or deceit;
- h. A statement as to whether the applicant owes any debt, as defined in Section 2-32-094(a), and, if so, whether such debt has been has been satisfied or otherwise resolved within the meaning of Section 2-32-094(a);
- i. Whether the applicant is requesting a reserved location in the Market, and, if-so, whether the applicant is currently a legacy vendor or featured vendor at the Market as defined in Section 4-11-005;
- j. An indemnification agreement, as required under Section 4-11-089; and

Any other information that the Commissioner may reasonably require.

SECTION 10. Section 4-11 -060 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11 -060 Permit and license fees.

a) ~~Commissioner's authority. The annual fee for application for a New Maxwell Street Market vendor's license shall be \$75.00. The annual fee for application for an alternate license shall be \$50.00. No license application fee shall be payable until the lottery referred to in Section 4-11-030 has been conducted. The fee for a daily permit shall be \$32.00 for market dates from December through March and \$65.00 for dates from April through November. For any licensee with a license category authorizing the sale of fruit or other food items, an additional daily permit fee of $\text{jj}>25.00$ shall apply. The annual and daily fees set forth herein shall be maximum fees. The fee for a permit under this chapter shall be as set forth in subsection (b) of this section: provided, however, that the commissioner Commissioner may establish lower single-day permit fees based on vending space size, but in no case may shall the daik/ single-day permit fee be established at a rate less than \$20.00 per day. Such lower daily fees shall be established by regulation rule in accordance with Section 4-11-100.~~

b) Permit fees. Except as otherwise provided in subsection (a) of this section, the fee for a permit under this chapter shall be as follows:

(1) Legacy Vendor permits:

FOOD

<u>10' by 30' space or food truck</u>	<u>\$315.00 per month, or</u>
<u>10' by 30' space or food truck</u>	<u>\$90.00 per week</u>
<u>10' by 10' space or food cart</u>	<u>\$125.00 per month, or</u>
<u>10' by 10' space or food cart</u>	<u>\$35.00 per week</u>

GENERAL MERCHANDISE

<u>10' by 10' space</u>	<u>\$70.00 per month, or</u>
<u>10' by 10' space</u>	<u>\$20.00 per week</u>
<u>14' by 24'-30' space (space and vehicle)</u>	<u>\$175.00 per month, or</u>
<u>14' by 24'-30' space (space and vehicle)</u>	<u>\$50.00 per week</u>

(2) Featured Vendor permits: FOOD

<u>10' by 30' space or food truck</u>	<u>\$370.00 per month, or</u>
<u>10' by 30' space or food truck</u>	<u>\$150.00 per week</u>

10' by 10' space or food cart \$140.00 per month, or
10' by 10" space or food cart \$40.00 per week

GENERAL MERCHANDISE

10' by 10' space \$85.00 per month, or
10' by 10' space \$25.00 per week
14' by 24'-30' space (space and vehicle) \$210.00 per month, or
14' by 24'-30'space (space and vehicle) \$60.00 per week

(3) Single Day Vendor permits: FOOD

10' by 30' space or food truck \$125.00 per week
10' by 10' space or food truck \$50.00 per week

GENERAL MERCHANDISE

10' by 10' space \$30.00 per week

(c) Payment of permit fee. The permit fee required under this section shall be paid at the time the Department issues the permit.

SECTION 11. Section 4-11-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-070 Permit allocation requirement.

~~(a) No person shall occupy any New Maxwell Street Market space unless such person shall possess an appropriate permit issued by the City of Chicago. Persons possessing valid licenses issued pursuant to Section 4-11-030 herein shall, subject to fulfillment of any other applicable requirement, be granted a permit for any market date requested. Persons who possess alternate licenses pursuant to Section 4-11-030 may apply at the site of the market for a permit at the New Maxwell Street Market prior to the opening of such market each Sunday. If market space for vendors is available at the Market, and except as otherwise provided in Section 4-11-085, permits to occupy such available space within designated areas shall be issued on a random basis upon payment of the required permit fee on a first come, nondiscriminatory basis. Provided, however, that if a person holding an otherwise valid permit under this chapter fails to arrive at the Market within one hour prior to the time the Market is scheduled to open to the public, such person's reserved space at the Market for that day may be reassigned by the Commissioner to another properly permitted vendor for use on that day. The commissioner Commissioner may promulgate regulations rules relating to the issuance of permits, including but not limited to the timing of permit issuance of permits.~~

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(b) The Commissioner may promulgate rules in accordance with Section 4-11-100 to: (1) establish procedures and requirements for allocating available space at the Market; and (2) restrict the number of

permits issued to individuals who reside in the same household. For purposes of this subsection (b), the term "household" means one or more related individuals who occupy the same residence.

SECTION 12. Section 4-11-080 of the Municipal Code of Chicago is hereby deleted in its entirety.

SECTION 13. Chapter 4-11 of the Municipal Code of Chicago is hereby amended/by inserting a new Section 4-11-085, as follows:

4-11-085 Reservation of permanent space.

a) Eligibility requirements. Any permittee who is a regular Market vendor may request a permanent location in the Market. To the extent that the Commissioner determines that it is logistically and operationally feasible to accommodate such requests, the Commissioner is authorized to assign permanent locations in the Market to regular Market vendors. Such assignments shall be made on a first-come, nondiscriminatory basis based on the order in which permit applications requesting a permanent location at the Market are received from regular Market vendors, with preference given first to legacy vendors and secondarily to featured vendors who make such a request pursuant to Section 4-11-050(i). Holders of single-day permits are not eligible to request a permanent location in the Market.

b) Retention requirements. If a permittee is assigned a permanent location in the Market during any calendar year pursuant to subsection (a) of this section, such permittee shall be allowed to retain that permanent space during the next calendar year and each consecutive calendar year thereafter so long as the permittee continues, without lapse, to hold a valid permit under this chapter and to be a regular Market vendor. Provided, however, that the Commissioner, in his or her discretion, may relocate or reassign any permanent vendor space in the event of operational necessity or special circumstances. Provided further, that the Commissioner may also relocate or reassign permanent vendor spaces during the Market's low season, from December to March, for operational purposes. In such case, the affected vendor may be permitted to return to their permanent vendor space in April.

c) Permanent location reservation fee - Payment. Any permittee who requests and is assigned a permanent location in the Market shall be assessed the permanent location reservation fee set forth in subsection (e) of this section. Such fee shall be: (1) in addition to the permit fee required under Section 4-11-060(b); (2) payable to the Department upon notification from the Department that the permanent location has been approved; and (3) non-refundable.

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d) Failure to arrive in a timely manner. If a person who has been assigned a permanent space in the Market fails to arrive at the Market within one hour prior to the time the Market is scheduled to open to the public, such person's permanent space at the Market for that day may be reassigned by the Commissioner to another properly permitted vendor for use on that day in accordance with Section 4-11-070(a).

e) Permanent location reservation fee. The fee to reserve a permanent location in the Market shall

be as follows:

- | | | |
|----|-----------------|---------------------------|
| 1) | Legacy vendor | \$50.00 per calendar year |
| 2) | Featured vendor | \$75.00 per calendar year |

SECTION 14. Chapter 4-11 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-11-089, as follows:

4-11-089 Indemnification agreement - Required.

The applicant for a permit under this chapter shall agree in writing to indemnify, defend and hold the City of Chicago and its assignees and employees harmless from all losses, damages, injuries, claims, demands and expenses arising out of the operation of the permitted event.

SECTION 15. Section 4-11-090 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11 -090 Duties and powers of ~~commissioner of cultural affairs and special events~~ the Commissioner.

The ~~duties of the commissioner~~ Commissioner shall have the following duties and powers with respect to the New Maxwell Street Market ~~shall be as follows~~:

a. Determining the total number of vendor spaces and ~~licenses and permits~~ that will be made available at the Market:

b. Promulgating ~~regulations~~ rules to effectuate the purposes of this chapter, including ~~but not limited to, regulations~~ rules pertaining to license, permit and ~~lottery~~ requirements and procedures, vending stand sizes, display restrictions, space allotment, sanitation, security, conduct of vendors, hours of operation and early closures, obstructions, vendor vehicles, storage, proof of origin of inventory sold at the Market, designation of common areas within the Market, ingress and egress routes, Market performers, and ~~'regulations~~ rules that otherwise safeguard the public interest;

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c. Ensuring that the New Maxwell Street Market is safe and secure during hours of operation, and that garbage and refuse is removed from the ~~market~~ Market site at the end of each day of operation;

d. Promulgating ~~regulations~~ necessary or appropriate rules establishing a system of administrative adjudication with respect to alleged violations of this chapter;

e. Entering into contracts necessary or appropriate to effectuate the purposes of this chapter;

f. Promulgating ~~regulations~~ rules to promote the proper coordination of the New Maxwell Street Market with any market located in an area within, or adjacent to, the boundaries of the New Maxwell Street Market;

§r ~~With respect to regulations pertaining to lottery requirements and procedures, establishing benchmarks to ensure that each type of license category is represented, at a minimum threshold level to be determined by regulation, among licenses that are granted pursuant to Section 4-11-030;~~

ng. To make such Making minor adjustments to the boundaries of the New Maxwell Street Market, as established pursuant to set forth in Section 4-11-010 hereof, as may be necessary or appropriate to minimize inconvenience and disruption^ and to ensure the continued successful operation of the New Maxwell Street Market. Any such time frame or boundary adjustments shall be made by regulations rule which follow in accordance with the promulgation procedure set forth in Section 4-11 -100 hereof; and

ih. ~~To enter into and execute Entering into and executing agreements for up to three years, and to extend extending such agreements for up to two years, with persons participating in the sponsorship of the New Maxwell Street Market or with their agents, including, without limitation, commercial or business sponsors and media sponsors., which Such agreements shall contain sube terms and conditions as the commissioner Commissioner deems appropriate, and which may include, without limitation, terms and conditions allowing sponsors and their representatives to promote, distribute samples of, or sell, goods and services at the New Maxwell Street Market. In those sponsorship agreements entered into directly with a sponsor, in which the sponsor's limitation participation is limited solely to providing money to the city City and where the sponsor is only represented at the New Maxwell Street Market by signage, the commissioner Commissioner may elect not to require the sponsor to indemnify the city City. All sponsorship agreements shall provide the city City the right to terminate such agreements early. The commissioner Commissioner may execute such other documents ancillary to such sponsorship agreements, including but not limited to certifications and assurances, as may be reasonably necessary or appropriate, including certifications and assurances, in connection with the sponsorship of the New Maxwell Street Market.~~

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SECTION 16. Section 4-11 -100 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-100 Procedures relating to promulgation of rules.

The ~~commissioner~~ Commissioner shall cause to be published in a newspaper of general circulation in the City of Chicago any proposed ~~regulation~~ rule no fewer than ten days and no more than 20 days prior to the effective date thereof. The effective date of the ~~regulations~~ applicable rule shall be set forth in the publication. Upon request, the ~~commissioner~~ Commissioner shall also provide written notice, by first class mail, of any proposed ~~regulation~~ rule or amended ~~regulation~~ rule, to each person holding a current license permit under this chapter. During the time period between the publication and effective ~~dates~~ date of any proposed ~~regulations~~ rule, the ~~commissioner~~ Commissioner shall accept and consider comments, and may hold one or more public hearings, with respect to the proposed ~~regulations~~ rule.'Upon finding that exigent circumstances exist, the ~~commissioner~~ Commissioner may amend the any proposed ~~regulations~~ rule during such period without further publication. On the published effective date, the proposed rules and ~~regulations~~, as amended, shall be published in final form and shall take effect. ~~Regulations~~ A copy of the rules promulgated under this chapter

shall be maintained by the ~~department of cultural affairs and special events~~ Department for public inspection during the Department's normal business hours of the department and shall be posted on-line by the Department on the City of Chicago's Rules and Regulations Portal. The ~~commissioner~~ Commissioner shall succeed to the powers and duties of the former ~~commissioner of consumer services~~ Commissioner of Consumer Services and the former ~~executive director~~ Executive Director of the ~~mayor's office of special events~~ Mayor's Office of Special Events set forth in any ~~regulations~~ rules governing the New Maxwell Street Market (formerly, the New Maxwell Street Market).

SECTION 17. Section 4-11 -110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-110 Health regulations rules.

The ~~commissioner of health~~ Commissioner of Health shall promulgate ~~regulations~~ rules relating to the health and sanitation of food sold at the New Maxwell Street Market. Notwithstanding any other provision of this Code to the contrary, the ~~regulations~~ rules promulgated hereunder shall constitute the exclusive local health and sanitation ~~regulations~~ rules applicable to food sold at the New Maxwell Street Market.

SECTION 18. Chapter 4-11 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-11-115, as follows:

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4-11-115 Alcoholic beverages - Rules.

Nothing in this chapter shall be construed to prohibit the sale of alcoholic beverages for consumption at the Market in accordance with rules jointly promulgated by the Commissioner and Local Liquor Control Commissioner.

SECTION 19. Section 4-11-120 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-11-120 Violations - Penalties.

a. Any In addition to any other penalty provided by law, any person ~~found to have violated who~~ violates any ~~provision of this chapter, or any regulation rule promulgated hereunder,~~ shall be subject to a fine of. not less than \$50.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. The ~~commissioner~~ Commissioner may institute an action with the ~~department of administrative hearings~~ Department of Administrative Hearings in order to determine liability and to seek fines or other remedies authorized by this section.

b. The executive director Except as otherwise provided in this chapter, and following notice and the opportunity for a hearing before the Commissioner, the Commissioner may suspend or revoke the a person's permit or license of a person, or deny the a person's permit or license application of a person, if such

person is adjudged to have committed found liable in a judicial or administrative proceeding in any combination of two or more violations, in any combination, of this chapter or regulations any rules promulgated hereunder^ within a any 12-month period. The subject matter of any hearing conducted pursuant to this subsection (b) shall be limited to determining whether the permittee has, in fact, been found liable in a judicial or administrative proceeding of two or more violations, in any combination, of this chapter or any rule promulgated hereunder within any 12-month period.

c. If the Commissioner has good cause to believe that: (1) a permittee under this chapter is operating a space in the Market in violation of this chapter or any other applicable law: and (2) continued operation of such space in the Market poses an imminent danger to the public health or safety, the Commissioner may order the immediate temporary suspension of the applicable permit for a period not to exceed ten days. Written notice of the temporary suspension and the grounds for that suspension shall be sent or delivered to the permittee without delay. The permittee shall have an opportunity for a hearing before the Commissioner prior to the expiration of the ten-day temporary suspension period. If the permittee fails to request a hearing within the prescribed time indicated on the notice, or requests a hearing but fails without good cause to appear at such hearing, such person's permit under this chapter shall be deemed to be revoked. Nothing in this subsection shall prevent the suspension or

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revocation of such permit for a longer period pursuant to an action instituted in the Department of Administrative Hearings.

SECTION 20. Following its passage and approval, this ordinance shall take full force and effect on April 1, 2019.

