

be mounted on a hinge, so as to lie flat against the vehicle when the vehicle is moving. When

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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 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, 1stWard

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02011-4348

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 pass 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,

EMMA MITTS

CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION