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Legislation Details (With Text)

File #: SO2015-4223
Type: Ordinance **Status:** Passed
File created: 5/20/2015 **In control:** City Council
Final action: 9/24/2015
Title: Amendment of Municipal Code Chapters 4-5, 4-8 and 7-38 regarding establishment of license fees and operational requirements for mobile prepared food vendors
Sponsors: Maldonado, Roberto
Indexes: Ch. 5 License Fees for Title 4 Licenses, Ch. 8 Food Establishments, Ch. 38 Food Establishments-Sanitary Operating Requirements
Attachments: 1. SO2015-4223.pdf, 2. O2015-4223.pdf

Date	Ver.	Action By	Action	Result
9/24/2015	1	City Council	Passed as Substitute	Pass
9/16/2015	1	Committee on License and Consumer Protection	Recommended to Pass	Pass
5/20/2015	1	City Council	Referred	

SUBSTITUTE ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

WHEREAS, Pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Mobile prepared food vendors operate from wheeled non-motorized vehicles, such as push carts and handcarts; and

WHEREAS, Mobile prepared food vendors undertake a small-scale operation, both in terms of the limited quantity and variety of food items they can carry, and the short time needed to complete a transaction; and

WHEREAS, Mobile prepared food vendors, because of the limited size of their carts, can operate without occupying a significant part of the public way and can easily move to avoid traffic congestion that may arise on the public way; and

WHEREAS, Regulating mobile prepared food vendors will have potential social and economic gains for the City of Chicago; now, therefore,

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

SECTION 1. The recitals to this Ordinance are incorporated herein.

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

4-5-010 Establishment of license fees.

(Omitted text in not affected by this ordinance)

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

(Omitted text in not affected by this ordinance)

Mobile Food Dispenser

Mobile Food Preparer

Mobile Prepared Food Vendor

(Omitted text in not affected by this ordinance) Page 1 of 7

SECTION 3. 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 in not affected by this ordinance)

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

(Omitted text in not affected by this ordinance)

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

(Omitted text in not affected by this ordinance) 4-8-020

Licensing requirements- Exceptions.

(Omitted text in 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 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 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.

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

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**(Omitted text in not affected by this ordinance) 4-8-036 License - Application
and category- Mobile food vendors.**

(a) In addition to the general application requirements,

1) an applicant for a mobile food vendor license to engage in a mobile food dispenser, mobile food preparer, mobile prepared food vendor or mobile desserts vendor business shall supply the name and address of the commissary where the vehicle or cart will be cleaned and 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. The department of health shall approve such locations;

2) an applicant for a mobile food vendor license to engage in a mobile food dispenser, mobile prepared food vendor 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, mobile prepared food vendor or mobile food preparer business shall make the applicant's mobile food vendor vehicle available for inspection by the department of health at a location determined by the department of health:

(Omitted text in not affected by this ordinance)

(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.

5. A mobile food vendor license to engage in a mobile prepared food vendor

business.

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(Omitted text in not affected by this ordinance)

SECTION 4. Chapter 7-38 of the Municipal Code of Chicago is hereby amended by adding new section 7-38-148, by deleting the language struck through and by inserting the language underscored, as follows:

7-38-075 Mobile food vendor vehicles.

a) In addition to the applicable requirements contained in subsection (a) of section 7-38-040, every vehicle used by a mobile food dispenser or mobile food preparer vendor 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;

(32) ~~the vehicle shall not be used for any purpose other than a mobile food dispenser or as a mobile food preparer vendor business; and~~

(43) all food service equipment utilized by the mobile food dispenser or mobile food preparer vendor shall be of easily cleanable construction and shall be maintained in good repair and a clean condition[^]

- b) Each mobile food vehicle shall be enclosed with top and sides.

(§c) Each mobile food 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; States.

(§d) Each mobile food 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 use.

- (7-e) There there shall be no more than 40 pounds of propane in the a mobile food

vehicle.

(bf) 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 in a mobile food vehicle, 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.

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All mobile food vendor vehicles 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 mobile food vendor vehicles 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.

7-38-115 Operational requirements.

(Omitted text in not affected by this ordinance)

(b) Mobile food vehicle ~~Steps~~ 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.

(Omitted text in not affected by this ordinance)

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

(Omitted text in not affected by this ordinance)

7-38-120 Name and license number.

Every mobile food vehicle licensee vendor 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 such vendor's mobile vehicle.

7-38-124 Refuse receptacles.

The operator of a mobile food vendor vehicle shall maintain a suitable, tight, non-absorbent washable receptacle for refuse. The operator shall be responsible for sanitation of the environs of the place of operation, if applicable, 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 vendor vehicle. The operator of a mobile food vendor vehicle shall dispose refuse collected from the mobile food vendor vehicle and the environs of the

place of operation at a commissary approved by the department of health.

7-38-126 Inspections.

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Mobile food vehicle licensees vendors 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 vendor vehicles as provided in this Code.

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:

(Omitted text in not affected by this ordinance)

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 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.

7-38-140 Mobile desserts vendor.

(Omitted text is not affected by this ordinance)

- 4) the mobile food vehicle requirement set forth in 7-38-075(a)(1)(b); and
- 5) the additional vehicle requirements set forth in Section 4-8-293.

Part F. Mobile Prepared Food Vendors

7-38-148 Mobile prepared food vendor.

Except as otherwise provided in this section, a mobile prepared food 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 food. A mobile prepared food vendor is not required to comply with the following requirements:

- 1) the additional vehicle requirements set forth in Section 4-8-293;
- 2) the mobile food vehicle requirement set forth in 7-38-075 (b), (c), (d), (e) and ffl
- 3) the mobile food vehicle operational requirements in 7-38-115;
- 4) the mobile food vehicle stands program in Section 7-38-117; and

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(5) the sinks, water storage tanks and plumbing requirements set forth in Section 7-38-132.

SECTION 5. This ordinance shall take effect 30 days after passage and publication.

Alderman Roberto Maldonado, 26th Ward

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02015-4223

Chicago, September 24, 2015

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Aldermen Maldonado and Cochran (which was referred on May 20, 2015), to amend Chapters 4 and 7 of the Municipal Code of Chicago concerning establishment of license fees and operation of Mobile food Vendors, 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 September 16, 2015.

Respectfully submitted,

fir /U^ EMMA MITTS
CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION