



# Office of the City Clerk

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## Legislation Text

File #: SO2022-747, Version: 1

### SUBSTITUTE ORDINANCE

WHEREAS, Many not-for-profit organizations provide food and drink free of charge in furtherance of their public interest missions, but are currently subject to the same regulations as for-profit mobile food dispensers if they want to bring the food and drink to where their constituencies live, work, and gather; and

WHEREAS, Unlike not-for-profit organizations who operate mobile food dispensers, charitable food dispensing establishments are not required to obtain a retail food establishment license to provide the same service from fixed brick and mortar locations; and

WHEREAS, The City Council finds that it is in the City's best interests to treat these critical not-for-profit organizations the same as charitable food dispensing establishments operating from fixed brick and mortar locations; now, therefore

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

SECTION 1. Section 4-8-010 of the Municipal Code 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 of this Code, 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)*

"Charitable food vehicle" means a motorized vehicle used to conduct a charitable food vendor business.

"Charitable food vendor" means any entity exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code that operates a charitable food vehicle where previously prepared food that is enclosed or wrapped in individual portions, coffee, other beverages or whole and uncooked fruits or vegetables is provided for the public for consumption without charge.

*(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 previously prepared food that is enclosed or wrapped for sale in individual portions, coffee, other beverages or whole and uncooked fruits or vegetables from a wheeled vehicle. A mobile food dispenser does not include a charitable food vendor,

"Mobile food vendor" means a mobile food dispenser, mobile food preparer, produce merchant, mobile prepared food vendor or mobile frozen desserts vendor. A mobile food vendor does not include a charitable food vendor.

*(Omitted text is unaffected by this ordinance)*

"Mobile food vehicle" means a motorized vehicle used to conduct a mobile food dispenser, mobile food preparer or mobile frozen desserts vendor business. A mobile food vehicle does not include a charitable food vehicle.

*(Omitted text is unaffected by this ordinance)*

SECTION 2. Section 4-8-020 of the Municipal Code is hereby amended by inserting the language underscored, as follows:

**4-8-020 Licensing requirements - Exceptions.**

*(Omitted text is unaffected by this ordinance)*

(c) (1) Mobile food dispenser - License required. 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, except a charitable food vendor may operate a charitable food vehicle without a mobile food vendor license.

*(Omitted text is unaffected by this ordinance)*

(l) All charitable food dispensing establishments shall be exempt from the retail food establishment license.

(m) All charitable food vendors shall be exempt from the mobile food vendor license and the retail food establishment license, provided that a charitable food vendor may not operate as a mobile food preparer without first having obtained a mobile food vendor license.

SECTION 3. Section 4-244-010 of the Municipal Code is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

**4-244-010 Definitions.**

For purposes of this chapter, the following definitions shall apply:

*(Omitted text is unaffected by this ordinance)*

"Peddler" or "street peddler" means any individual who, going from place to place, whether on private property or on the public way, sells, offers for sale, sells and delivers, barter or exchanges any goods, wares, merchandise, wood, fruits, vegetables or produce from a vehicle or otherwise. The term "peddler" does not include (1) a "grower" or "producer" as defined in Section 4-12-010 of this Code, or (2) any class of peddler specifically defined and licensed or required to be licensed under other chapters of this Code, including, but not limited to, (i) any junk peddler within the meaning of Section 4-6-150; (ii) any merchant within the meaning of Chapter 4-212 of this Code, (iii) any mobile food dispenser or charitable food vendor, each as defined in within the meaning of Chapter 4-8 of this Code, or (iv) any mobile merchant within the meaning of Section 4-6-330 of this Code.

*(Omitted text is unaffected by this ordinance)*

SECTION 4. Section 4-8-020 of the Municipal Code is hereby amended by inserting the language underscored, as follows:

**7-38-130 Preparation and service of food and drink.**

*(Omitted text is unaffected by this ordinance)*

(b) No mobile food dispenser licensee or charitable food vendor shall operate as a mobile food preparer without complying with all the requirements to operate as a mobile food preparer.

SECTION 5. This ordinance shall take effect upon passage and publication.

Brian Hopkins Alderman, 2<sup>nd</sup> Ward