S U B S T I T U T E
O R D I N A N C E

Proposed by the Institute for Justice Clinic on Entrepreneurship
on behalf of the Street Vendor Justice Coalition

SECTION I. Proposed changes to Chapter 4-5 of the Municipal Code of
Chicago, amended by deleting the language struck through and by inserting the language
underscored, as follows:

4-5-010 Establishment of License Fees.

(15)

(Omitted text is not affected by this ordinance)

Mobile Food Vendor—Produce Merchant (4-8) $275.00
Mobile Food Vendor—Mobile Desserts Prepared Food Vendor
$275.100.00
Mobile Food Vendor—Mobile Food Dispenser $700.00
Mobile Food Vendor—Mobile Food Preparer $1,000.00

SECTION II. Proposed changes to Chapter 4-8 of the Municipal Code of
Chicago, 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 is not affected by this ordinance)

“Mobile desserts prepared food vendor” means any person who, by traveling from
place to place upon the public ways, serves from a two-wheeled or three-wheeled
motorized vehicle or a non-motorized vehicle (including but not limited to a two-wheeled
or three wheeled vehicle, a pushcart, or a handcart) individual portions of ice cream, ice
milk, frozen dessert mix, sundaes or other frozen desserts food that are totally enclosed in
a wrapper or container and which have been manufactured, prepared or wrapped in a
licensed food establishment, coffee, or other beverages.
“Mobile food vendor” means a mobile food dispenser, mobile food preparer, produce merchant or mobile desserts prepared food vendor.

(Of omitted text is not affected by this ordinance)

“Mobile food vehicle” means a motorized vehicle used to conduct a mobile food dispenser or mobile food preparer or mobile desserts prepared food vendor business.

(Of omitted text is not affected by this ordinance)

4-8-020 Licensing requirements - Exceptions.

(Of omitted text is not affected by this ordinance)

(c) (4) No person shall engage in the business of a mobile desserts prepared food vendor without first having obtained a mobile food vendor license to engage in a mobile desserts prepared food vendor business.

(Of omitted text is 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 or mobile desserts prepared food 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, or mobile food preparer, or mobile prepared food vendor 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, or mobile food preparer, or mobile prepared food vendor business shall make the applicant's mobile food vehicle available for inspection by the department of health at a location determined by the department of health:

(Of omitted text is not affected by this ordinance)
The commissioner of business affairs and consumer protection is authorized to issue color-coded emblems for the following mobile food vendor business categories:

(Omitted text is not affected by this ordinance)

3. A mobile food vendor license to engage in a mobile desserts-prepared food vendor business.

(Omitted text is not affected by this ordinance)

SECTION III. Proposed changes to Chapter 7-38 of the Municipal Code of Chicago, amended by deleting the language struck through and by inserting the language underscored, as follows:

7-38-075 Mobile vendor-food vehicles.

(a) In addition to the 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 corrosible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color;
3) the vehicle shall not be used for any purpose other than a mobile food dispenser or mobile food preparer vendor business;
4) 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 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;

(c) Each mobile food 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

there shall be no more than 40 pounds of propane in the vehicle.

(d) 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, 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.

(Omitted text is not affected by this ordinance)
7-38-090 Refrigeration and heating equipment.

All mobile vendor food vehicles shall have adequate mechanical 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 vendor food vehicles shall have adequate mechanical 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.

(Omitted text is not affected by this ordinance)

7-38-115 Operational requirements.

(Omitted text is not affected by this ordinance)

(b) Mobile food vehicle 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 is not affected by this ordinance)

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

(Omitted text is not affected by this ordinance)

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

(a) No food shall be sold or served by a mobile food dispenser or mobile prepared food vendor, except the following:

(1) Individual portions of food that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a food establishment licensed by the city or a food establishment which is operating under the state or local health authority if the statute or ordinance regulating such food establishment is substantially equivalent to this chapter. Such food may undergo a final preparation step immediately prior to service to a consumer, provided such final preparation steps conform with the rules and regulations of the board of health.
(2) Coffee which is prepared in a duly licensed food establishment, refrigerated cream which is kept in a covered single-service container or an approved cream dispenser, and sugar which is served only in wrapped individual packages or in a covered closed pouring-spout type container, or in any other manner approved by the department of health, which is effective in preventing contamination;

(3) Other bulk soft drinks or beverages which are dispensed from an approved dispenser only. These approved bulk soft drink dispensers shall be serviced and filled only at a duly licensed food establishment which serves as a commissary for the mobile food dispenser. The drink outlet on all bulk liquid dispensers shall be protected from flies, dust and contamination;

(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 and

(5) Whole and uncooked fruits or vegetables.

(Omitted text is not affected by this ordinance)

PART D. Mobile Desserts-Prepared Food Vendors

7-38-140: Mobile desserts-prepared food vendor.

Except as otherwise provided in this section, a mobile desserts-prepared food vendor shall comply with all applicable requirements of this Code, including the applicable 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 frozen dessert food. A mobile desserts-prepared food vendor 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;
(1) the sinks, water storage tanks and plumbing requirements set forth in Section 7-38-132;
(3) the refuse receptacle requirements set forth in Section 7-38-124;
(3) the mobile food-vendor vehicle requirement set forth in Section 7-38-075(a)(1); and
(4) the additional vehicle requirements set forth in Section 4-8-293.

(Omitted text is not affected by this ordinance)