

AGENDA

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON MONDAY, JULY 13, 2020, AT 5:30 P.M. AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

DUE TO THE COVID 19 PANDEMIC THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 630-920-2488

Code ID: 012153 #

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – June 8, 2020 (Approve)
4. DISCUSS – Code Enhancements for Chapter 9 Hotels – Rooming Houses
5. DISCUSS – Food Truck Licensing Requirements
6. COMMITTEE REPORTS
7. VISITOR'S BUSINESS
(Public comment is limited to three minutes per person)
8. ADJOURNMENT



MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JUNE 8, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman Kelly called the meeting to order at the hour of 5:30 pm. It was noted that this meeting was held via conference call due to the Covid-19 pandemic.

2. ROLL CALL

Those present at roll call were: Chairman Terrence Kelly, Trustees Gayle Neal, and Umberto Davi, Assistant Village Administrator Michael Mertens, Building Official Roy Giuntoli, Village Planning Consultant Ann Choi (WBK Eng.), and Village Attorney Thomas Bastian

3. APPROVAL OF MINUTES

Minutes – Regular Meeting March 9, 2020

MOTION: Motion Made by Trustee Davi to approve the minutes from the March 9, 2020 meeting and seconded by Trustee Neal. All in favor.

MOTION DECLARED CARRIED

4. DISCUSSION – Code Enhancements for Chapter 9 Hotels – Rooming Houses

Assistant Village Administrator Mertens presented some suggested updated ordinance language for Hotels / Motels with some information that Trustee Neal had provided from Burr Ridge

Trustee Neal indicated that our current code is approximately 50 years old and that the intent is to bring it up to current standards. She also asked that staff create an inspection sheet that would include compliance states on the document.

She noted that the Village will likely implement an annual/yearly inspection tied to any hotel business license renewal.

Trustee Neal indicated that the Building & Zoning Department should be included in the Business license renewal process.

Village Attorney Bastian indicated that the current Hotel / Motel definition should be updated as Airbnb's could be confused or inadvertently included as a portion of this discussion.

Building Official Giuntoli stated that Airbnb's are not allowed per our local code/ordinances.

Trustee Neal had indicated that other municipalities have had issues with Airbnb's and that any associated taxes would likely not make it to the Village hall.

Assistant Village Administrator Mertens advised that section 9-12-8 prohibits tourists' homes and that tightening up this definition to exclude Airbnb's is warranted.

Definition will be revised to bring it more up-to-date with current industry standards.

Building Official Giuntoli stated that "motel" definition is not specifically indicated in the Building Code definitions.

Village Attorney Bastian stated he would reword the definition so to incorporate all that was discussed.

3-9-3

Trustee Neal asked if business licenses were being prorated. Staff will verify.

The wording "moral character" was going to be reviewed and updated as the definition is too broad, Trustee Neal agreed.

Trustee Davi asked if the liquor language can be adapted to this business License language.

Village Attorney Bastian stated that there are likely other means of determining the definition of "good standing". Assistant Village Administrator Mertens stated that the attorney and staff will review this matter as part of the formal recommendation package.

3-9-4

Trustee Neal asked if this section was about a new License or a renewal License?

There is a reference to hotel staff that needs to be reclarified in the definition.

3-9-5

Village Attorney Thomas Bastian mentioned violation in lieu of correction verbiage.

Assistant Village Administrator Mertens indicated that staff would review the definition and reword if necessary.

It should be noted that the Law and Ordinances Committee halted the discussion of hotels at this point due to time constraints and needing to move on to other agenda topics.

The next Law and Ordinances meeting will start the discussion at Section 3-9-6.

5. DISCUSSION – Proposed Text Amendments to Section 9-12-10 Temporary Uses, Section 9-6-1 External Temporary Uses, Parking Requirements 9-10-5

Staff highlight the proposed concepts to be discussed at the Public Hearing for the Text Amendments scheduled for July 8, 2020 Plan Commission.

Village Attorney Bastian indicated to possibly create a separate license for outdoor liquor sales in consumption

It was mentioned that some outdoor uses, for example health clubs, will not be outside for long due to expected colder weather.

Chairman Kelly asked if health clubs could use Village parks. Assistant Village Administrator Mertens indicated he spoke to Park Superintendent Fenske about this as a viable option, however more research is required.

Village Planner Choi indicated the possibility to amend the code to allow for outdoor seating on a permanent basis. Building Official Giuntoli indicated another possibility to create a category for a non-PUD one-time approval, not annual approvals for outdoor seating.

6. DISCUSSION – Liquor License Fee Prorations – Section 3-12-7

Discussion regarding prorating liquor license.

It was noted that the Mayor Trilla was okay with the concept of pro-rating prorating liquor licenses.

Currently, Village ordinance prohibits prorated liquor license fees in the Village of Willowbrook.

It was noted that other municipalities do have a prorated schedule that vary from the $\frac{1}{4}$ year to $\frac{1}{2}$ year, etc. It was noted that shorter periods of proration can be complicated to track.

The Committee was asked if they wanted to credit liquor license fees for businesses affected by the COVID-19 restrictions? The Law and Ordinances Committee members all indicated they recommend the concept of a $\frac{1}{2}$ year liquor license proration but not a liquor license credit due to the Covid-19 restrictions.

7. COMMITTEE REPORTS

No Reports

8. VISITOR'S BUSINESS

NONE

9. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Neal. All in favor. The meeting adjourned at 6:20 pm

PRESENTED, READ and APPROVED

_____, 2020

CHAIRMAN

Minutes prepared by
Roy A. Giuntoli, Building Official (06/24/2020)

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION	COMMITTEE REVIEW
DISCUSS – Code Enhancements for Chapter 9 Hotels – Rooming Houses	<input type="checkbox"/> Finance/Administration <input type="checkbox"/> Municipal Services <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Law & Ordinances
	Meeting Date: July 13, 2020
<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Seeking Feedback <input type="checkbox"/> Regular Report	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) <input type="checkbox"/> Report/documents requested by Committee
BACKGROUND:	
At the March 9, 2020 Law and Ordinances Committee meeting, Trustee Neal provided an overview of the current Village of Willowbrook Building Code as it relates to Hotel/Motels. Trustee Neal advised the Committee that most of the code dates to 1970 with various minor updates occurring in 1978, 1984, 1985 and 2005. Trustee Neal recommended that the Village consider reviewing the code to make sure the code utilizes the best practices applied within the industry, including but not limited to yearly inspections for property maintenance, health, and sanitation related issues.	
On June 8, 2020, staff presented an initial redline document highlighting the possible updates to Chapter 9, Hotel / Motel section, of the Building Code. Staff received input and direction on the proposed language on sections 3-9-1 through section 3-9-6. Due to time limitations the discussion of section 3-9-7 through 3-9-10 was postponed to the next Law and Ordinance Committee scheduled for July 13, 2020.	
Several of the property maintenance concerns can also be mitigated through a more proactive code enforcement effort throughout the year. The normal process for code enforcement is as follows:	
<ol style="list-style-type: none">1) Handwritten or Letter of Notice of Code issue with an established follow up time frame provided to the property owner,2) Inspection follow up by the Building Official, inspector, or code enforcement officer,3) If compliance is not completed, a certified N.O.V, Notice of Violation, is sent with established follow up time frame provided to the property owner,4) Inspection follow up by the Building Official, inspector, or code enforcement officer,5) If compliance is not completed, a ticket is issued to the property owner and processed through the County.	

STAFF RECOMMENDATION:

The proposed enhancements aim to standardize the code language with comparable community practices with a focus on health, sanitation, and yearly inspections of properties. Staff is seeking feedback on the code update concepts. Upon consensus from the Committee staff will work with the Village Attorney on a final draft formal consideration and recommendation from the Committee.

WILLOWBROOK

Chapter 9 – Continued

MOTELS / HOTELS; ROOMING HOUSES – Title Change to Remove “Rooming Houses”

3-9-7: PREMISES REQUIREMENTS: No Changes

- (A) Basement: No hotel or motel shall use or permit the use of a basement or any part thereof for lodging or rooming purposes.
- (B) Ventilation: No room in any hotel or motel shall be occupied as a sleeping room by any human being unless there are at least four hundred (400) cubic feet of air space, exclusive of wardrobe and closet space for each person occupying such room.
- (C) Bathrooms And Toilets: In every hotel, bath and toilet facilities shall be provided on each floor; toilets shall be provided in the ratio of at least one to every ten (10) occupants or fraction thereof.

In every motel, bath and toilet facilities shall be provided in each unit of said motel.

- (D) Light Housekeeping: No person operating any hotel shall permit the cooking or preparation of food or meals or the storage of foodstuffs in any room used for sleeping purposes; light housekeeping, so called, shall not be permitted in any such sleeping rooms. (Ord. 70-O-4, 2-23-1970)

3-9-8: ACCESSORY BUILDINGS: No Changes

No accessory building shall be used for hotel or motel purposes. (Ord. 70-O-4, 2-23-1970)

3-9-9: NUISANCE DECLARED: No Changes

The maintenance or use of any building or structure or portion thereof in violation of any provision of this chapter or of the Building Code shall constitute a nuisance and may be abated as such. (Ord. 70-O-4, 2-23-1970)

3-9-10. PENALTIES: New Section and Language

- a. Any person, firm or corporation violating any provision of this Chapter shall be fined not less than \$100.00 nor more than \$750.00. A separate offense shall be deemed committed on each day that a violation occurs or continues.
- b. Termination, Revocation, or Suspension of License.

In addition to any other penalty herein imposed for violation of any provision of this Chapter, the Village Board shall have the right to terminate, revoke, or suspend any license granted under the provisions of this Chapter; provided, however that no suspension, termination, or revocation of a license shall take place until after notice of such violation has been given to the motel owner or manager, and a public hearing afforded at a time and place to be fixed by the Village Board.

(a) The notice required by this section shall:

- i. state the particular provision of this Chapter alleged to have been violated and the facts upon which such allegation is based; and
- ii. state the time, date, and place of the public hearing on the alleged violation; and
- iii. be signed by the Village Clerk; and
- iv. be served on the motel owner or manager in person or by registered or certified mail, postage prepaid, addressed to the address given in the application for a motel license not less than ten (10) days before the public hearing.

(b) At the public hearing of the alleged violation:

- i. the charges against the licensee shall be read; and
- ii. the licensee shall be given an opportunity to answer and/or explain all charges, to present witnesses, and to cross-examine witnesses testifying against the licensee; and
- iii. the licensee may be represented by counsel; and
- iv. formal rules of evidence shall not apply.

(c) The Village Board shall determine after the public hearing whether or not to suspend, terminate, or revoke the license and shall give written notice to the licensee of its decision. The Board's decision shall be final.

VILLAGE OF WILLOWBROOK
BUILDING & ZONING DEPARTMENT
HOTEL INSPECTION RECORD SLIP

HOTEL

NAME: _____

DAY: _____

ADDRESS: _____

DATE: _____

CONTACT

NAME: _____

TIME: _____

AM

PM

POSITION: _____

CHECK HERE IF THIS IS A RE-INSPECTION:

CONTACT
INFO: _____

INSPECTOR: _____

CATEGORY:

INSPECTION COMMENTS:

PAGE #: **OF**

1)	
2)	
3)	
4)	
5)	
6)	
7)	
8)	
9)	
10)	
11)	
12)	
13)	
14)	
15)	
16)	
17)	
18)	
19)	
20)	

APPROVED FOR OCCUPANCY ("AFO")

SIGNED (RECEIVED BY)

DATE

"AFO" AREAS AS DESCRIBED ABOVE

* NOT APPROVED FOR OCCUPANCY

SIGNED (VILLAGE INSPECTOR)

DATE

** PERMIT REQUIRED FOR REPAIR

ALL ISSUES SHALL BE CATEGORIZED INTO "A", "B", "C", "D" "A" = 24 HOURS; "B" = 7 DAYS; "C" = 14 DAYS; "D" = 30 DAYS

ITEM #'s:

RECTIFIED BY DATE:

"A" RE-INSPECTION DATE:

"B" RE-INSPECTION DATE:

"C" RE-INSPECTION DATE:

"D" RE-INSPECTION DATE:

/ FOR ADDITIONAL INFORMATION, CONTACT THE VILLAGE OF WILLOWBROOK BUILDING DEPARTMENT (630) 920-2240

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION	COMMITTEE REVIEW
DISCUSS – Food Truck Licensing Requirements	<input type="checkbox"/> Finance/Administration <input type="checkbox"/> Municipal Services <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Law & Ordinances
	Meeting Date: July 13, 2020

<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Seeking Feedback <input type="checkbox"/> Regular Report	<input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) <input type="checkbox"/> Report/documents requested by Committee
---	---

BACKGROUND:

Trustee Neal has requested the Village review its ordinances for food trucks operating within the community. The proposed review would look to standardize the code language with comparable community practices with a focus on health, sanitation, and business licensing.

The current Village ordinance language that relates to food trucks is vague focus and limited in control measures. Section 3-1-A-1: Fees Enumerated: references “food trucks” in section 16. Food Dealers as follows:

(d) Itinerant vendor (each vehicle whose place of business is not within the corporate limits of the Village but does retail business within the corporate limits of the Village).

Staff has received examples of two detailed food vendor ordinances from the City of Naperville and the City of Chicago (attached). Areas of best practices for discussion that could be incorporated within a code amendment are as follows:

- 1) Operate a food vending vehicle without having first obtained a food vending vehicle license.
- 2) Employ a person as a food vendor within the Village of Willowbrook without having first obtained a food vending vehicle license.
- 3) Rent, lease, or otherwise provide a food vending vehicle to a food vendor without having first obtained a food vending vehicle license.
- 4) No vehicle shall be operated as a food vending vehicle without first having obtained a food vending vehicle license.
- 5) Prior to the issuance of a food vending vehicle license the applicant shall submit a copy of their annual permit issued by the DuPage and Will County health departments.
- 6) Food vendor permit applicant shall provide proof of valid commercial liability insurance coverage, covering all claims arising out of operations of the applicant with the Village of Willowbrook being named as additional insured.

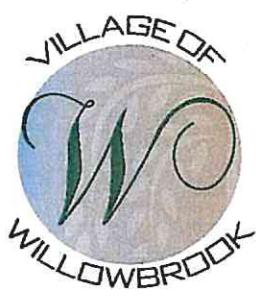
- 7) Food vendor: Any person who travels within the Village, by motorized vehicle, selling for profit or offering for sale any food items, and rendering immediate delivery.
- 8) All food prices must be clearly posted.
- 9) Revocation: Any breach or violation of the terms and conditions contained herein, as well as any disruption to traffic and pedestrian movement, may result in the revocation of the food vending license, at the sole discretion of the Village of Willowbrook.
- 10) Limited Area of Focus – Industrial, Hotel, Recreational, Residential, and 500 Feet from commercial restaurants.

STAFF RECOMMENDATION:

Staff is seeking feedback on the code update concepts. Upon consensus from the Committee staff will work with the Village Attorney on a final draft formal consideration and recommendation from the Committee.

Section 3-1A-1 Fees Enumerated

14.	Explosives or combustibles (any business or operation handling or storing combustibles):	
	(a) Fixed storage capacity:	
	(1) 0 to 4,000 gallons	150.00 per year
	(2) Over 4,000 gallons	\$150.00 per year plus \$12.00 per each thousand gallons over 4,000 gallons
	(b) Nonfixed storage capacity (more than 1,000 gallons):	
	(1) Hardware and paint stores	\$ 96.00 per year
	(2) Industrial usage or storage	270.00 per year
	(3) Other	240.00 per year
15.	Florists	96.00 per year
16.	Food dealers (including dealers having liquor licenses under chapter 12 of this title):	
	(a) Restaurants:	
	(1) Seating capacity 1 to 50	210.00 per year
	(2) Seating capacity 51 to 100	330.00 per year
	(3) Seating capacity 101 and over	\$330.00 per year plus \$2.00 for each additional seat
	(4) All drive-in or fast food restaurants (irrespective of seating capacity)	\$270.00 per year plus \$2.00 for each seat
	(b) Caterers (operating from location within the Village)	\$ 96.00 per year
	(c) Food manufacturers (license fee shall be determined in accordance with subsection 28 of this section)	
	(d) Itinerant vendor (each vehicle whose place of business is not within the corporate limits of the Village but does retail business within the corporate limits of the Village)	85.00 per year
17.	Hawkers, peddlers, transient vendors and itinerant merchants	\$132.00 per



Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

REGISTRATION OF BUSINESS ESTABLISHMENT

1. Name under which business is to be conducted:

2. Address of business:

3. Phone number of business:

4. Email address:

5. Date opened for business at this address:

6. Nature of business:

7. Name and address if individual business owner; if a corporation, name and address of registered agent; if a partnership name and address of principal beneficiary:

8. Names of person to contact at any time during a 24-hour period in case of emergency:

9. Telephone number of above person to contact at any time during a 24-hour period in case of emergency:

10. Illinois Sales Tax Number:

11. Are any flammable materials used in the operation of this business? If so, how much storage capacity do you have?

12. What is the size (in square feet) of the building space allotted to conduct this business:

13. Please provide the number of full and part-time people who are employed by your business.
Full Time _____ Part-Time _____

14. Are there any vending machines located in this business establishment? If so, what type of product is contained in the vending machine.

15. Do you sell, dispense, or give away any tobacco products on the premises.

16. **IF YOU ARE A VENDING MACHINE COMPANY**, provide a list of all of the local business establishments at which a vending license would be supplied and the number of such licenses at each establishment.

The undersigned makes these statements above to induce the Village of Willowbrook to issue the license herein applied for, and agrees to comply with all laws and ordinances of the Village applicable to the subject matter thereof.

Signed this _____ day of _____, 20____.

VENDING MACHINE LICENSE FEES

<u>VENDING MACHINES</u>	\$ 15.00 per machine per year
<u>TOBACCO OR CIGARETTE</u>	
Annual Tobacco Dealers License (issued to premise)	\$ 75.00
<u>JKUE BOX</u>	\$125.00 per machine per year
<u>COIN OPERATED RIDES</u>	\$100.00 per machine per year



City of Naperville Food Vendor Permit

Yearly Fee: _____ Application/ID Badge Fee: \$ 50.00 _____
Commercial Liability Insurance Certificate: _____ Driver's License: _____
2-Passport Photos: _____ DuPage Co. Health Department Paperwork: _____
Will Co. Health Department Paperwork: _____

Applicant Information:

First Name:	Middle Name:	Last Name:	
Street Address:	City:	State:	Zip Code:
Home Phone:	Cell Phone:	Work Phone:	
Date of Birth (Mo/Da/YY)	Driver's License/ID Card #		State Issued:
Gender:	Height:	Weight:	Eye Color:
Email Address:			
Vehicle Make/Model/Year:	Color:	Plate Number:	State Issued:

Firm, Person or Corporation the Applicant Represents or is Employed by:

Employer Name/DBA:		Employer Email:	
Employer Address:		City:	State: Zip Code:
Contact Person:		Phone Number:	Length of Employment:
Describe the Food Items you will be selling:			

Length of time for which permit is being applied:

Date of last application with the City of Naperville:

Has your Naperville Permit ever been revoked or denied: YES NO If yes, explain:

Have you ever been convicted of a felony under the laws of the State of Illinois, any other State, or under Federal Law? YES NO If yes, explain:

Are you a registered sex offender? YES NO If yes, explain:

Have you ever been convicted of a violation of any law as a result of your vending activity? YES NO If yes, explain:

The undersigned hereby makes application for a Vending Permit in the City of Naperville, Illinois, pursuant to Section 3, Chapter 7, Municipal Code of Naperville.

I, _____, do solemnly swear that the forgoing information is true and complete to the best of my knowledge. I have read and agree to abide by the Peddlers and Solicitors Ordinance of the City of Naperville.

Applicants Signature/Date

Attach a Copy of Your Driver's License or State ID, Liability Insurance, 2 Passport Photos, and County Health Department Paperwork to this application and return to:

City Clerk's Office 400 S. Eagle Street Naperville, IL 60540 (630) 305-5300

Date Received at City Clerk's Office:

Permit Number Issued: _____

Permit Dates: _____ to _____

SAMPLE

Policy Number: XXXXXXXXXX

Date Entered: 12/10/20

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
12/10/20

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Insurance Co. Name	CONTACT NAME:	FAX (A/C, NO. EXT):
	Address	PHONE (A/C, NO. EXT):	
	Phone Number	E-MAIL ADDRESS:	
		PRODUCER CUSTOMER ID #:	
INSURED	INSURER(S) AFFORDING COVERAGE		
	NAIC #		
	Food Vendor Company Name	INSURER A:	
	Address	INSURER B:	
	Phone Number	INSURER C:	
		INSURER D:	
	INSURER E:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES

VEHICLE'S VIN #

VEHICLE'S ILLINOIS PLATE #

CERTIFICATE HOLDER

CANCELLATION

CITY OF NAPERVILLE
400 S. EAGLE STREET
NAPERVILLE, IL 60540

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Joseph A. Insuranceman

CHAPTER 7 - PEDDLERS AND SOLICITORS

SECTION:

3-7-1: - PURPOSE:

This Chapter is narrowly tailored to the City of Naperville's legitimate interest in preventing fraud, the privacy of its residents, the prevention of crime, and conserving the Police Department's resources. This Chapter is intended to apply only to commercial activities and the solicitation of funds. This Chapter is expressly not intended to interfere with the exercise of free speech and free exercise rights protected by the first amendment (e.g., religious proselytizing, anonymous political speech, and the distribution of handbills).

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010)

3-7-2: - DEFINITIONS:

For the purpose of this Chapter, the following words as used herein shall be construed to have the following meanings:

DOWNTOWN FOOD VENDOR:	A person stationed at a food vending cart located at one of two (2) eligible vending sites located within the downtown, selling for profit or offering for sale food items, and rendering immediate delivery. The vending cart shall not be a motorized vehicle and shall be prohibited from vending on a public street. Downtown food vendors shall serve as a separate and distinct vending operation from food vendors.
FOOD VENDOR:	Any person who travels within the City, excluding the downtown as defined by the City's Comprehensive Plans and not including downtown food vendors, by motorized vehicle, selling for profit or offering for sale any food items, and rendering immediate delivery.
LICENSED PEDDLER/ SOLICITOR:	Includes any person who has obtained a valid license as provided, and which license is in possession of the peddler/solicitor on his or her person while engaged in peddling/soliciting.
NONPROFIT PEDDLER/ SOLICITOR:	Anyone engaging in peddling or soliciting on behalf of an entity that operates without a commercial objective or for the financial benefit of its shareholders or trustees and has been formed for charitable or educational reasons to benefit: 1) the public, 2) a specific group of individuals or 3) the membership of the nonprofit. Examples of nonprofit entities include: religious organizations, charitable organizations, political organizations, and membership clubs.

PEDDLER:	Any person who travels within the City of Naperville, by foot, vehicle or by other conveyance, selling or offering for sale any commodity, article, service or foodstuff, and rendering immediate delivery. Nonprofit peddlers/solicitors, as defined in this Section, are excluded.
RESIDENCE:	Includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
SOLICITOR:	Any person who takes orders or subscriptions, while traveling house to house or from place to place or along the streets, alleys, sidewalks within the City of Naperville, for future delivery of tangible personal property or services by a seller, regardless of whether or not such person collects payment for such property or services at the time of such transaction, but who does not make delivery of such property or perform such service at that time. Nonprofit peddlers/solicitors, as defined in this Section, are excluded.
TAG DAYS:	A day on which nonprofit peddlers/solicitors act as collectors for a charitable fund soliciting contributions, in public places, or at permitted intersections of the City of Naperville, giving each contributor a tag or other item as an evidence of having contributed. (Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010; Ord. No. 10-143, § 1, 11-16-2010; Ord. No. 15-143, § 1, 9-1-2015)

3-7-3: - LICENSE REQUIRED, APPLICATION:

It shall be unlawful for any person to engage in the business of peddler/solicitor in the City of Naperville without having first obtained a license therefore as provided herein. Applications for licenses shall be made to the City Clerk, and shall state the number and kind of vehicles, if any, intended to be operated, the kind of article or merchandise to be peddled or solicited, the location of where they will solicit/peddle, a permanent address of the peddler/solicitor, and any other information requested on said application form. No license shall be issued without the approval of the Naperville Police Department and the City Clerk and the payment of the fee provided herein. Said license shall be carried by the licensee while engaged in peddling/soliciting and shall be displayed for inspection upon request. A photo ID badge and safety vest issued by the City Clerk's office shall be worn as the outer most layer of clothing at all times of the peddling/soliciting.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010)

3-7-4: - LICENSE FEES:

The fee for a peddler/solicitor, other than a downtown food vendor, shall be:

One hundred dollars (\$100.00) per year, per company for food vendors only.

One hundred dollar (\$100.00) application/investigation fee per person (ID badge included, two (2) passport sized photos to be supplied by applicant).

Fifty dollars (\$50.00) for replacement badges (two (2) passport sized photos to be supplied by applicant).

A refundable forty dollar (\$40.00) cash only deposit is required upon issuance of the vest and will be refunded when each vest is returned to the City Clerk's Office. The cash deposit will be automatically forfeited to the City of Naperville for any safety vest not returned to the City Clerk's Office within five (5) days of the expiration of the license.

The fee for a downtown food vendor shall be:

Two hundred seventy-five dollar (\$275.00) permit fee per year per company of which two hundred twenty-five dollars (\$225.00) shall be payable towards SSA 21/22 and fifty dollars (\$50.00) towards administrative costs, including the issuance of one (1) ID badge (photo supplied by applicant).

Fifty dollars (\$50.00) for any additional application/investigation ID badges (included two (2) passport sized photos supplied by applicant).

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010; Ord. No. 10-143, § 1, 11-16-2010; Ord. No. 15-143, § 2, 9-1-2015)

3-7-5: - VIOLATION, PENALTIES:

1. It shall be unlawful for any peddler/solicitor engaging in peddling/soliciting to:
 - 1.1. Act without a valid license.
 - 1.2. Make an intentional misrepresentation.
 - 1.3. Peddle/solicit beyond the scope specified in the application.
 - 1.4. Otherwise violate the provisions of this Chapter.
2. Any person who commits an offense under this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. The City Clerk may revoke the license of any peddler/solicitor for any offense.

(Ord. 09-041, 4-8-2009)

3-7-6: - LIMITATIONS ON PEDDLING/SOLICITING:

No person shall peddle/solicit on any street or sidewalk within the City of Naperville to the occupant of any vehicle or from a vehicle unless special permission is granted by the City Clerk for a tag day or food vendor license.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010)

3-7-7: - TIME RESTRICTIONS ON PEDDLING/SOLICITING:

It shall be unlawful and shall constitute a nuisance for any person whether licensed under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant and engage in peddling or soliciting before ten o'clock (10:00) a.m. or after seven o'clock (7:00) p.m. Monday through Saturday, and at any time on a Sunday or on a State or federal holiday. Only food vendors may peddle on Sunday between ten o'clock (10:00) a.m. and seven o'clock (7:00) p.m.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010)

3-7-8: - LIMITATIONS ON TAG DAYS:

1. No person shall solicit funds for nonprofit entities in public places or at intersections controlled by traffic signals of the City of Naperville, unless the organization represented has obtained a permit from the City Clerk.
2. Before a license shall be issued, the person shall first make application setting forth the following facts:
 - 2.1. The name and address of the sponsor of the "tag day".
 - 2.2. The dates and hours of the proposed activity.
 - 2.3. The location(s) of the proposed activity.
 - 2.4. The maximum number of persons expected to be active at any one time.
 - 2.5. Show proof of the number of reflective vests being requested.
 - 2.6. Tag day permit applicant shall provide proof of commercial liability insurance coverage, covering all claims arising out of the tag day activities in the following limits: General aggregate = one million dollars (\$1,000,000.00); per occurrence = one million dollars (\$1,000,000.00); and personal injury = one million dollars (\$1,000,000.00). Coverage may be written on a "claim made" or "occurrence" basis. The City of Naperville and its officers, directors, employees, and agents must be named as additional insured's on all insurance policies, except workers' compensation. Evidence of coverage for the duration of the tag day permit and a copy of the additional insured endorsement form must be submitted prior to issuance of a tag day permit.
3. In the issuance of any license the City Clerk shall have the authority to limit the number of persons to be active at any one time. The City Clerk shall have the authority to require some means of identification for each person, and in case of dispute, may designate or allot the stations from which such activities may be made.
4. Any person conducting tag day activity in the roadways shall be sixteen (16) years of age or older.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010)

3-7-9: - TAG DAY TIME LIMITATIONS:

1. Tag day activity shall be between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. only and prohibited on State or federal holidays and on Sundays.
2. There shall be no tag day activity on roadways at the same location for more than three (3) consecutive days.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010; Ord. No. 11-050, § 1, 4-6-2011)

3-7-10: - LIMITATIONS ON FOOD VENDORS:

No person shall operate a food vending vehicle or act as a food vendor without first having complied with the provisions of this Section.

1. License Requirements: No corporation, partnership, sole proprietor or other business entity shall:
 - 1.1. Operate a food vending vehicle without having first obtained a food vending vehicle license.
 - 1.2. Employ a person as a food vendor within the City of Naperville without having first obtained a food vending vehicle license.
 - 1.3. Rent, lease or otherwise provide a food vending vehicle to a food vendor without having first obtained a food vending vehicle license.
2. Food Vending Vehicle License:
 - 2.1. No vehicle shall be operated as a food vending vehicle without first having obtained a food vending vehicle license. The license shall be affixed to the walk-up window and the numbered sticker affixed to the rear window of the vehicle.
 - 2.2. Prior to the issuance of a food vending vehicle license the applicant shall submit a copy of their annual permit issued by the DuPage and Will County health departments.
 - 2.3. Food vendor permit applicant shall provide proof of valid commercial liability insurance coverage, covering all claims arising out of operations of the applicant in the following limits: General aggregate = one million dollars (\$1,000,000.00); per occurrence = one million dollars (\$1,000,000.00); and personal injury = one million dollars (\$1,000,000.00). Coverage may be written on a "claim made" or "occurrence" basis. The City of Naperville and its officers, directors, employees, and agents must be named as additional insureds on all insurance policies, except workers' compensation. Evidence of coverage for the duration of the food vendor permit, and a copy of the additional insured endorsement form must be submitted prior to issuance of a food vendor permit.
 - 2.4. No food vendor's license shall be issued to a person who is a registered sex offender as defined in the Sex Offender License Act.
 - 2.5. The photograph identification card shall be worn on the outer clothing of all vendors at all times while peddling.
3. Vending Vehicles: Vending vehicles shall be equipped with the following equipment which shall be maintained in good working order at all times:
 - 3.1. A sign on the front and back of the vending vehicle which shall consist of reflective letters no less than three (3) inches in height and shall state:

CAUTION CHILDREN CROSSING

- 3.2. Have sufficient lighting so that the flashing will be visible at a distance of five hundred (500) feet whenever the vehicle is stopped for the purpose of vending.
- 3.3. A litter or trash container available to customers of the vending vehicle.
- 3.4. A mechanical refrigeration unit, which will keep all perishable ice cream or similar frozen confections at a temperature of zero degrees (0°) to minus ten degrees Fahrenheit (-10°F). Dry ice may not come into direct contact with the ice cream or similar frozen confection. The use of ice for refrigeration is prohibited.
- 3.5. A sign on the side of the vending vehicle which shall consist of letters no less than three (3) inches in height and shall state the name, telephone number of the owner of the vehicle, and an identification numeral distinguishing the vehicle.

4. Prohibitions on Conducting Business: The following shall not be performed from a vending vehicle:
 - 4.1. Peddling from the left, or driver's side, of the vehicle.
 - 4.2. Peddling from the vending vehicle directly to another vehicle.
 - 4.3. The emission of any amplified music intended to advertise the presence of the vehicle. Amplified mechanized bells or chimes are permitted only while the vending vehicle is in motion.
 - 4.4. Peddling if the vehicle is not parked with the right side thereof to the curb or right side of the roadway.
 - 4.5. Peddling in a "no parking" area.
 - 4.6. Peddling while in, blocking or obstructing an intersection within the City of Naperville.
 - 4.7. Peddling before ten o'clock (10:00) a.m. or after seven o'clock (7:00) p.m. on any day.
 - 4.8. Conducting a sale to any customer who is standing on a roadway.
 - 4.9. Peddling food other than in sealed packages.
 - 4.10. Peddling in a City of Naperville park unless permitted in writing by the Naperville Park District.
5. Operator's Restrictions: It shall be unlawful for any person who is afflicted with, or is the carrier of any infectious or contagious disease of being transmitted by contact with food products to conduct food vending.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010)

3-7-11: - DOWNTOWN FOOD VENDOR REGULATIONS:

No person shall operate a food vending cart within the downtown or act as a downtown food vendor without first having complied with the provisions of this Section.

1. Bid Process: Downtown food vendors shall be subject to selection through a bidding process conducted every two (2) years; details regarding the bidding process, including eligibility, shall be published by the City. At minimum, qualified bidders must meet the following criteria:
 - 1.1. Vendor must not be a registered sex offender as defined in the Sex Offender License Act.
 - 1.2. Vendor must be at least eighteen (18) years of age.
 - 1.3. Vendor must possess a valid DuPage County Health Department Permit.
 - 1.4. Vendor must pass a background check.
 - 1.5. Vendor must enhance, not detract from, the pedestrian and family friendly atmosphere and ambiance of the downtown and should introduce a food element not currently found within the downtown.
2. License Requirements: No corporation, partnership, sole proprietor or other business entity shall:
 - 2.1. Operate a downtown food vending cart without first having obtained a downtown food vending license.
 - 2.2. Employ a person as a food vendor within the downtown without having first obtained a downtown food vending license.
 - 2.3. Rent, lease or otherwise provide a food vending cart to a downtown food vendor without having first obtained a downtown food vending license.
3. Downtown Food Vending License:

- 3.1. Up to two (2) downtown food vending licenses may be granted per calendar year, subject to the bidding process noted in Subsection 3-7-11 1.
- 3.2. No cart shall be operated as a downtown food vendor without first having obtained a downtown food vending license. The license shall be affixed to the cart.
- 3.3. Prior to the issuance of a downtown food vending license, the applicant shall submit a copy of their annual permit issued by the DuPage and Will County health departments, as applicable.
- 3.4. Downtown food vendor permit applicant shall provide proof of valid commercial liability insurance coverage, covering all claims arising out of operations of the applicant in the following limits: General Aggregate = one million dollars (\$1,000,000.00); Per Occurrence = one million dollars (\$1,000,000.00); and Personal Injury = one million dollars (\$1,000,000.00). Coverage may be written on a "claim made" or "occurrence" basis. The City of Naperville and its officers, directors, employees, and agents must be named as additional insured's on all insurance policies, except workers' compensation. Evidence of coverage for the duration of the downtown food vendor permit and a copy of the additional insured endorsement form must be submitted prior to issuance of a downtown food vendor permit.
- 3.5. The photograph identification card shall be worn on the outer clothing of all vendors at times when vending.

4. Payment of Applicable Taxes:
 - 4.1. Operator shall file and pay one percent (1%) food and beverage taxes as required in Section 3-1-9 of the Naperville Municipal Code.
 - 4.2. Operator shall file and pay one and one-half percent (1.5%) downtown food and beverage taxes as required by Section 3-1-9 of the Naperville Municipal Code.
 - 4.3. Operator shall file and pay the taxes required by the State of Illinois, including sales tax.
5. Downtown Food Vending Carts: Downtown food vending carts shall be equipped with the following equipment which shall be maintained in good working order at all times:
 - 5.1. The downtown food vending cart shall be pre-approved by the City.
 - 5.2. Operator shall maintain a clean operation, free of debris and shall provide a litter or trash container available to customers of the vending cart. The trash container shall be emptied and/or removed from the vending location at the end of each business day.
 - 5.3. A sign on the side of the vending cart which shall consist of letters no less than three (3) inches in height and shall state the name and telephone number of the owner of the cart.
6. Requirements for Conducting Business: The following shall be required of downtown food vendors:
 - 6.1. Downtown food vending carts shall be restricted to the sales of food only and shall not include other general retail merchandise. Specific food limitations may be provided in conjunction with the license issued.
 - 6.2. The downtown food vending cart shall be limited to two (2) specific geographic areas within the downtown, as determined by the City of Naperville.
 - 6.3. The vending area, including the cart, set-up area, and customer pick-up/waiting areas, shall not exceed seventy-five (75) square feet in size.
 - 6.4. All motorized vehicles required to transport the downtown vending cart to its designated vending location shall be parked in compliance with the regulations provided in the Naperville Municipal Code. The downtown vending cart shall not be a motorized vehicle and shall be prohibited from vending on a public street.

- 6.5. Any loading or unloading operations affiliated with the downtown vending cart shall occur in compliance with the regulations provided in the Naperville Municipal Code.
- 6.6. All food prices must be clearly posted.
- 6.7. The downtown food vendor shall display signage only on the downtown vending cart itself. No freestanding signage related to the downtown vending operation shall be allowed.
- 6.8. Downtown food vending shall be limited to the following hours of operation: Every day: 11:00 a.m. to 3:00 p.m.; Sunday through Thursday 10:00 p.m. to 1:30 a.m.; and Friday and Saturday 10:00 p.m. to 2:30 a.m.
- 6.9. A minimum clearance of five (5) feet shall be maintained around the downtown food vending cart at all times to allow for appropriate pedestrian circulation. The downtown food vending cart shall not block or obstruct any public sidewalks.
- 6.10. The emission of any amplified music from the downtown food vending cart shall be prohibited.
- 6.11. The downtown food vendor shall be subject to any other rules and regulations as established through the bid selection process identified in Section 3-7-1.

7. Operator's Restrictions: It shall be unlawful for any person who is afflicted with, or is the carrier of any infectious or contagious disease of being transmitted by contact with food products, to conduct downtown food vending.
8. Revocation: Any breach or violation of the terms and conditions contained herein, as well as any disruption to traffic and pedestrian movement, may result in the revocation of the downtown food vending license, at the sole discretion of the City of Naperville.

(Ord. No. 10-143, § 1, 11-16-2010; Ord. No. 11-137, § 1, 9-21-2011; Ord. No. 13-165, § 2, 12-17-2013; Ord. No. 15-143, § 3, 9-1-2015)

3-7-12: - ISSUANCE OF CERTIFICATE:

1. The City Clerk, after consideration of the application and all information obtained relative, shall deny the application if the applicant does not possess the qualifications for such certificate, as required, and the issuance of a certificate of license to the applicant would not be in accord with the intent and purpose of this Chapter. If the applicant(s) is found to be fully qualified, the certificate of license shall be issued.
2. The license shall be carried at all times while peddling/soliciting and presented when requested by any person.
3. Peddler/solicitor licenses shall expire thirty (30) days from date of issue (excluding Sunday and federal holidays).

(Ord. 09-041, 4-8-2009; Ord. No. 10-143, § 1, 11-16-2010; Ord. No. 15-143, § 4, 9-1-2015)

3-7-13: - NOTICE REGULATING PEDDLING/SOLICITING:

1. Any occupant may restrict peddling/soliciting or limit the hours during which peddlers/solicitors are invited to his or her residence by posting that intention.
2. A weatherproof card, approximately three inches by four inches (3" x 4") in size, may be exhibited upon or near the main entrance door to the residence, indicating the determination of the occupant, as follows:

NO SOLICITING
OR PEDDLING PERMITTED
ON PREMISES

3. Such card, or similar sign, so exhibited shall constitute sufficient notice to any peddler/solicitor of the determination by the occupant of the residence.

(Ord. 09-041, 4-8-2009; Ord. No. 10-143, § 1, 11-16-2010)

3-7-14: - DUTY OF PEDDLERS/SOLICITORS:

1. It shall be the duty of every peddler/solicitor upon going onto any premises to first examine whether there is any notice such as provided in the above Section. If the peddler/solicitor is approaching during a time when the resident has restricted peddling/soliciting by which such notice states, then the peddler/solicitor, whether licensed or not, shall immediately and peacefully depart from the premises.
2. Any peddler/solicitor who has gained entrance to or who is on any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Ord. 09-041, 4-8-2009; Ord. No. 10-143, § 1, 11-16-2010)

3-7-15: - UNINVITED PEDDLING/SOLICITING PROHIBITED:

It shall be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in "peddling" or "soliciting" as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions, pursuant to Section 3-7-13 of this Chapter.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010; Ord. No. 10-143, § 1, 11-16-2010)

3-7-16: - EXEMPTIONS:

1. All nonprofit peddlers/solicitors and any group deemed appropriate by the City Clerk are exempt from the provisions of this Chapter.
2. Nonprofit peddlers and solicitors may voluntarily request a City of Naperville issued reflective safety vest from the City Clerk's office to wear while peddling or soliciting.
 - 2.1. A reflective safety vest refundable cash deposit per nonprofit peddler and solicitor is required for each reflective safety vest issued by the City Clerk's Office. Each reflective safety vest must be returned to the City Clerk's Office within thirty (30) days from issuance of the reflective safety vest. The cash deposit will be refunded to the nonprofit peddler or solicitor upon return of the reflective safety vest to the City Clerk's Office. The cash deposit is automatically forfeited to the City of Naperville for any reflective safety vest not returned to the City Clerk's Office within thirty (30) days from issuance.

(Ord. 09-041, 4-8-2009; Ord. No. 10-107, § 1, 8-17-2010; Ord. No. 10-143, § 1, 11-16-2010)

3-7-17: - APPLICATION FOR LICENSE:

1. Application for a license shall be made upon a form provided by and filed with the City Clerk. The applicant shall state, under oath, and in full the information requested on the application:

- 1.1. Name and address of present place of residence of applicant, home, cell and work phone numbers, date of birth and driver's license number (suspended/revoked drivers' licenses will only affect food vendors).
- 1.2. Physical description of the applicant.
- 1.3. Address of residence of applicant during the past three (3) years if other than present address.
- 1.4. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation.
- 1.5. Vehicle information of applicant.
- 1.6. Health Department permit numbers from both DuPage and Will Counties (for food vendors only).
- 1.7. Whether applicant is peddling/soliciting for a profitable or charitable organization.
- 1.8. Description sufficient for identification of the subject matter which the peddler/solicitor will engage in.
- 1.9. Requested period of time for which the license is applied for.
- 1.10. The date, or approximate date, of the latest previous application for license under this Chapter, if any.
- 1.11. Whether a license issued to the applicant under this Chapter has ever been revoked or denied.
- 1.12. Whether the applicant has ever been convicted of a violation of any of the provisions of this Chapter or the ordinance of any other Illinois municipality regulating peddling/soliciting.
- 1.13. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States.
- 1.14. Whether the applicant is a registered sex offender under the laws of the State of Illinois or any other state or federal law of the United States.
- 1.15. Such additional information as the City Clerk may deem necessary to process the application.

2. The City Clerk may require applicants to submit to a background check by the Naperville Police Department.
3. The City Clerk shall keep on file a record of applications received.

(Ord. 09-041, 4-8-2009; Ord. No. 10-143, § 1, 11-16-2010)

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

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

SECTION I. 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 is not affected by this ordinance)

"Cold storage establishment" means a house or room used for the storage or preservation of food for a period of 30 days or more in which ice, refrigerating machinery or other artificial means of cooling are used.

"Commissary" means any duly licensed food establishment in which food, containers or supplies are stored, kept, handled, prepared, packaged and directly from which vending machines, or other mobile food dispensing or vehicles or other food dispensing operations are serviced, and where mobile food vehicles are cleaned.

"Commissioner" means the commissioner of the department of health.

(Omitted text is not affected by this ordinance)

"Mobile food dispenser" means any person who, by traveling from place to place upon the public ways, serves previously prepared food or drink that is enclosed or wrapped for sale in individual portions, coffee, other beverages or whole and uncooked fruits or vegetables from a wheeled vehicle.

"Mobile desserts vendor" means any person who, by traveling from place to place upon the public ways, serves from a two-wheeled or three- wheeled motorized or non-motorized vehicle, pushcart, or handcart 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.

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

"Mobile food preparer" means any person who, by traveling from place to place upon the public ways, prepares and serves food from a mobile food truck.

"Mobile food truck" means a motorized vehicle used to conduct a mobile food preparer business.

"Mobile food vehicle" means a motorized vehicle used to conduct a mobile food dispenser, mobile food preparer or mobile desserts vendor business.

(Omitted text is not affected by this ordinance)

"Produce merchant" means any person who sells produce outdoors from a produce stand, and who conducts at least 50 percent of his operations in areas underserved by grocery stores, as defined herein, and whose stand is (1) located on a private or public property with the written permission of the property owner, or located on the public way in connection with a valid public way use permit issued pursuant to chapter section 10-28-060 of this Code; (2) removed in its entirety from such private property or public way at the end of each business day, and (3) in compliance with all applicable requirements of the Chicago Zoning Ordinance, including, but not limited to, any requirement prohibiting commercial sales within residential districts.

(Omitted text is not affected by this ordinance)

4-8-020 Licensing requirements– Exceptions.

(Omitted text is 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 dispenser 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 dispenser 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.

(Omitted text is not affected by this ordinance)

(i) Nothing in this chapter shall be construed to prohibit the sale of whole and uncooked fruits and vegetables from a mobile food vehicle used to conduct a mobile food dispenser or mobile food preparer business, or otherwise as permitted in accordance with Sections 4-244-010 and 4-244-020 of the Municipal Code pertaining to peddlers.

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

4-8-036 License – Application and category – Mobile food dispensers vendors.

(a) In addition to the general application requirements,

(1) an applicant for a mobile food dispenser vendor license to engage in a mobile food dispenser, mobile food preparer or mobile desserts vendor business shall supply the name and address of the owner of the mobile food dispensing vehicle, and if the operator of the vehicle is other than the owner, the name of the operator shall also appear on the application. The applicant shall also state the commissary where the vehicle is or cart will be cleaned and stored 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, and the The department of health shall verify the information provided approve such locations;

(2) an applicant for a mobile food vendor license to engage in a mobile food dispenser 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 or mobile food preparer 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;

(4) an applicant for a mobile food vendor license who will use a propane tank or natural gas in the mobile food vehicle shall produce proof to the commissioner of business affairs and consumer protection that he has obtained general commercial liability insurance with limits of not less than \$350,000.00 per occurrence, combined single limit, for bodily injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The insurance policy required under this subsection shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured; and (3) include a provision requiring 30 days' advance notice to the commissioner of business affairs and consumer protection prior to cancellation or lapse of the policy. If a mobile food vendor license is issued to such applicant, such licensee shall maintain the insurance required under this subsection in full force and effect for the duration of the license period. The licensee shall also keep proof of the required insurance in the mobile food vehicle at all times when the vehicle is in use and, upon demand, shall produce such proof for inspection by an authorized city official. Failure to comply with the requirements of this section shall be grounds for the suspension or revocation of the license.

(b) Except as otherwise provided in Section 7-38-140 of this Code, a mobile desserts vendor shall comply with all the licensing requirements applicable to the mobile food dispenser license provided in this chapter.

(e) Except as otherwise provided in this subsection, in addition to the general application requirements, an applicant for a mobile food dispenser vendor license to engage in a produce merchant business shall provide the commissioner of business affairs and consumer protection with the following information: (1) the applicant's Illinois Retailers' Occupation Tax number; (2) the type(s) of produce that the applicant proposes to sell; and (3) any other information that the commissioner may reasonably require. The inspection and approval requirements provided in section 4-8-030(b) shall not apply to an applicant for a mobile food dispenser vendor license to engage in a produce merchant business.

(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.

(d) The commissioner of business affairs and consumer protection, in consultation with the department of transportation, department of police and the office of emergency management and communications, in the interest of preserving public safety or avoiding traffic congestion, may from time to time, by rule, set a limit on the number of total mobile food vendor licenses, in one or more categories, that may be issued at any given time; provided, however, no more than 10 percent of the total licenses in any mobile food vendor business category shall be issued to any one person. If the commissioner of business affairs and consumer protection determines that there are more qualified applicants for mobile food vendor licenses than the maximum number of licenses that the commissioner has set to issue at any given time, the commissioner shall conduct a lottery or other neutral process for allocating licenses among qualified applicants as set forth by rules promulgated by the commissioner.

4-8-037 Restrictions on mobile food dispensers vendors.

The city council may from time to time define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no mobile food dispenser vendor may prepare or dispense food from a wheeled vehicle. The city clerk shall maintain for public inspection and copying a file of all ordinances defining such areas.

Dispensing or preparing food from a wheeled vehicle within the following designated areas is hereby prohibited:

(1) Beginning at the intersection of Laflin Street and Monroe Street; thence south on Laflin Street to Jackson Boulevard, thence west on Jackson Boulevard to Paulina Street; thence north on Paulina Street to Monroe Street; thence east on Monroe Street to Laflin Street.

4-8-040 License fees.

(Omitted text is unaffected by this ordinance)

(c) Mobile food dispenser vendor license. A separate mobile food vendor license is required for each mobile food vehicle, cart or produce stand used by the mobile food dispenser vendor or a produce merchant in the conduct of his business. The fee for such license shall be as set forth in Section 4-5-010.

(d) Shared kitchen and shared kitchen user licenses. The fees shall be as set forth in Section 4-5-010.

4-8-045 License – Posting.

Every license shall be posted in a conspicuous place in that part of a licensed establishment to which the public has access, but every mobile food dispenser and coffee cart vendor shall post each license or emblem in a conspicuous place in that part of the vehicle, cart or produce stand to which the public has access by sight, and every automatic food-vending machine operator shall post evidence of its license on the exterior surface of all automatic food- vending machines in a conspicuous location to which the public has access.

4-8-048 Applicants – Operating under supervision of outside health department.

(a) A license applicant who is located outside the jurisdiction of the department of health may obtain a retail food establishment license from the City of Chicago which authorizes the applicant to engage in the business of an automatic food-vending machine operator provided that the applicant is conducting his business under supervision of a state or local health authority and provided the ordinance regulating same is substantially equivalent to this chapter. The applicant shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results from the aforementioned health authority in the jurisdiction where the commissary or commissaries are located, indicating satisfactory compliance with such provision. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

(b) Applicants for a mobile food dispenser vendor license to engage in a mobile food dispenser or mobile food preparer business who are located outside of the jurisdiction of the department of health may obtain a license from the City of Chicago; provided, that the vehicle does comply with the applicable requirements of Section 7-38-040 of this Code and (i) the mobile food dispenser applicant does dispense foods which are prepared and wrapped in a commissary which conducts its operations under the supervision of a state or local health authority; or (ii) the mobile food preparer applicant prepares food in compliance with rules and regulations adopted by the board of health and the applicant conducts its operations under the supervision of a state or local health authority; providing provided that the ordinances regulating same is mobile food dispensers and mobile food preparers are substantially equivalent to this chapter. The applicant shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results from the state or local health authority in the jurisdiction where the food source or commissary is located, indicating compliance with such provisions. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

SECTION II. Chapter 7-38 of the Municipal Code of Chicago is hereby amended by adding new sections 7-38-075, 7-38-117, 7-38-120, 7-38-126 to 7-38-138, inclusive, by deleting the language struck through, and by inserting the language underscored, as follows:

7-38-020 Control of vermin and insects.

In accordance with this section and the rules and regulations of the board of health, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the premises premises of all food establishments, in food-transporting or mobile food vehicles and vending machines. All garbage and rubbish shall be stored, removed and disposed of as prescribed in this section and the rules and regulations.

Every food establishment shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the premises or mobile food vehicle of the food establishment and receipts and reports prepared by the exterminators or other pest control businesses for the control services. The log shall be open to inspection by city health and sanitation inspectors.

(Omitted text is not affected by this ordinance)

7-38-040 Vehicle sanitation requirements.

(Omitted text is unaffected by this ordinance)

(c) ~~In addition to the requirements contained in paragraph (a) of this section, every vehicle used by a mobile food dispenser in the conduct of said 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;~~
- ~~(3) the vehicle shall not be used for any purpose other than a mobile food dispenser, and~~
- ~~(4) all food service equipment utilized in the mobile food dispenser shall be of easily cleanable construction and shall be maintained in good repair and shall be clean;~~

ARTICLE II. MOBILE FOOD DISPENSERS VENDORS

Part A. General provisions.

7-38-075 Mobile 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 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;
- (3) the vehicle shall not be used for any purpose other than a mobile food dispenser or as a mobile food preparer business;
- (4) all food service equipment utilized by the mobile food dispenser or mobile food preparer shall be of easily cleanable construction and shall be maintained in good repair and a clean condition;
- (5) 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;
- (6) 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
- (7) there shall be no more than 40 pounds of propane in the vehicle.

(b) 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.

7-38-090 Refrigeration and heating equipment.

~~Adequate mechanical refrigeration equipment or its equivalent as approved by the department of health shall be provided and all meat, milk, dairy products, fish, poultry and other perishable products, including meat sandwiches and cream-filled pies, shall be stored in the vehicle at a temperature not in excess of 40 degrees Fahrenheit, except that perishable food products commonly served as a hot food shall be stored in a heating appliance or oven that shall be equipped with a thermometer showing the internal temperature of such heating appliance, oven or device.~~

~~Heating appliance or oven temperatures shall be kept at a minimum temperature of 180 degrees Fahrenheit during the period that the foods are being heated. Heated foods shall have an interval temperature of at least 145 degrees Fahrenheit until served.~~

All mobile 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 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.

7-38-095 Milk and milk products.

A mobile food vendor shall serve all All milk and milk products shall be served only in the individual containers or approved dispensers in which the product was filled in a Grade A milk plant holding a Chicago board of health permit or authorized number.

7-38-100 Single-service food utensils.

A mobile food vendor shall use only Only single-service food utensils shall be used. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or flies.

7-38-105 Information required on wrapper.

~~All individually wrapped portions of perishable food products, including sandwiches, pies and other similar portions, shall be plainly marked by the manufacturer on the wrapper or container in such a manner as to plainly identify the day and the month of which such individual portion was prepared and wrapped in an establishment approved by the department of health as hereinbefore provided. The name and address of the establishment processing or manufacturing and wrapping portions of perishable food products shall appear on each individual portion.~~

All pre-packaged food must be individually wrapped and must comply with the labeling requirements provided in 21 CFR Part 101, as amended.

No person shall keep or offer for sale individual portions of perishable food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

7-38-110 Storage provisions.

A mobile food vendor shall store all All perishable food products shall be stored as provided in this chapter or as provided by the rules and regulations established by the board of health until served to the customer.

7-38-115 Operational requirements.

(a) Mobile food dispenser vehicles shall move from place to place upon the public ways and shall not be operated at a fixed location except as otherwise provided herein.

(b) 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. Mobile food vendors may stop to service customers for a period of up to two hours notwithstanding the provisions of the second paragraph of Section 9-64-190(a) of this Code.

(c) No mobile food dispenser vehicle shall be equipped with any electronic sound-amplifying device. Permitted advertising devices shall be limited to bells, whistles, horns or other musical or noise-making devices which do not employ any electronic sound-amplifying device. Mobile food dispenser vehicles employing musical or noise-making devices shall only sound said devices when traversing the public way and shall be prohibited from sounding said devices while standing or parked.

(c-5) No mobile food dispenser vehicle equipped with a musical or noise-making device shall sound any such device at any location between the hours of 7:00 p.m. and 9:00 a.m., or at

any time within 200 feet of a hospital, nursing home or while traversing any zone of quiet established under Chapter 10-8 of the Municipal Code.

(d) Unless specifically allowed in a mobile food vehicle stand, No no sales from such vehicle shall be made between the hours of 10:00 p.m. 2:00 a.m and 10:00 5:00 a.m.

(e) No operator of such a mobile food vehicle shall park or stand such vehicle within 200 feet of a church, a school or school playground while school is in session.

- (i) within 20 feet of a crosswalk;
- (ii) within 30 feet of a stop light or stop sign; or
- (iii) adjacent to a protected bike lane.

(f) No operator of such a mobile food vehicle shall park or stand such vehicle within 200 feet of any principal customer entrance to a restaurant which is located on the street level; provided, however, the restriction in this subsection shall not apply between 12 a.m. and 2 a.m.

Restaurant, for purposes of this section, means any public place at a fixed location kept, used, maintained, advertised and held out to the public as a place where food and drink is prepared and served for the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, coffee shops, cafeterias, dining rooms, eating houses, short order cafes, luncheonettes, grills, tearooms and sandwich shops.

(g) Except as otherwise provided herein, No no sale shall be made from such a mobile food vehicle except from the curb side thereof, and then only when such vehicle is legally standing or parked in a legal parking spot.

(h) Mobile food dispenser vehicles that are being used to provide food and drink to persons engaged in construction in the City of Chicago and which are not equipped with noise-making devices are exempt from the provisions of (b), (d) and (f) above, provided such vehicles are standing or parked in a legal parking spot.

(i) Any person who violates or resists the enforcement of subsection (c-5) of this section shall be fined \$500 as provided in section 7-38-128 of this Code for each violation. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the department of health shall not constitute separate offenses if the violation was found to be corrected upon reinspection. A motor vehicle that is used in a second or subsequent violation of subsection (c-5) of this section shall be subject to seizure and impoundment under this subsection (i). The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$750.00 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section. A violation of any provision of this section other than subsection (c-5) shall be punishable under Section 7-38-575.

(j) Mobile food vehicles shall be operated only by the mobile food vehicle licensee or by an authorized employee of such licensee.

(k) (1) No operation of a mobile food vehicle is allowed on any private property unless all of the following requirements are met:

(i) The mobile food vendor has obtained the express written consent of the owner or lessee of such property and such written consent is kept in the mobile food vehicle at all times when the vehicle is on the property;

(ii) The mobile food vendor is in compliance with all applicable requirements of the Chicago Zoning Ordinance; and

(iii) The mobile food vendor is in compliance with subsection (b)(i) and, except for the private property that allows the operation of the mobile food vehicle, subsection (f) of this section.

(2) Notwithstanding any other provision in subsection (k)(1), no operation of a mobile food vehicle is allowed on a privately-owned (i) vacant lot, or (ii) lot in a vacant building. For purposes of this subsection, the term "vacant" has the meaning ascribed to the term in section 13-12-125(e) of this Code.

(1) Each mobile food vehicle shall be equipped with a permanently installed functioning Global-Positioning-System (GPS) device which sends real-time data to any service that has a publicly-accessible application programming interface (API). For purposes of enforcing this chapter, a rebuttable presumption shall be created that a mobile food vehicle is parked at places and times as shown in the data tracked from the vehicle's GPS device.

7-38-117 Mobile food vehicle stands program

(a) A mobile food vehicle stands program ("program") is hereby created as provided in this section.

(b) The following definitions shall apply for purposes of this section:

(1) "Commissioner" means the city's commissioner of transportation.

(2) "Block" means both sides of the part of a street that lies between two intersecting streets, as the term "street" is defined in section 9-4-010 of this Code.

(3) "Stand" means a mobile food vehicle stand established by the commissioner pursuant to this section.

(c) The commissioner is authorized, subject to the approval of the city council, to establish stands where mobile food vehicles may be operated at all times or during certain specified periods, if, after consulting with the alderman of the ward in which a proposed stand will be located and the department of police, the commissioner determines that establishing such a stand (1) will not create undue safety hazards in the use of the street by vehicular or pedestrian traffic, (2) will not impede the safe and efficient flow of traffic upon the street on which the mobile food vehicle stand is proposed; and (3) establishing such a stand provides benefit and convenience to the public. A minimum of 5 such stands shall be established in each community area, as such areas are designated in section 1-14-010 of this Code, that has 300 or more retail food establishments.

(d) The commissioner shall designate mobile food vehicle stands by appropriate signs or curb markings or both. It shall be unlawful to stand or park a vehicle, other than mobile food vehicles, in violation of signs posted, in any mobile food vehicle stands that the commissioner has designated by appropriate signs or markings; provided, however, that this provision shall not apply

to a vehicle engaged in the expeditious loading or unloading of passengers when such standing does not interfere with a mobile food vehicle waiting to enter or about to enter into such a stand.

(e) Notwithstanding any other provision of this Code, in a block where a mobile food stand is established pursuant to this section, no person shall operate a mobile food vehicle from any other place on the public way in such block face except from the designated mobile food stand.

(f) Operators of mobile food vehicles that operate from a mobile food stand shall be subject to the provisions of this section and all applicable requirements of this chapter, including section 7-38-115(b)(i) except for the requirement in section 7-38-115(f).

(g) The commissioner and the commissioner of business affairs and consumer protection shall have power to adopt rules as may be necessary or useful for the proper administration and enforcement of this program, including rules pertaining to the operation of mobile food vehicles from a designated mobile food stand.

(h) The commissioner and the commissioner of business affairs and consumer protection shall evaluate the effectiveness of the program and may recommend changes as may be adopted by ordinance.

7-38-120 Name and license number.

Every mobile food vehicle licensee 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 vehicle.

7-38-125 7-38-124 Refuse receptacles.

The operator of a mobile food vehicle shall maintain a suitable, tight, non-absorbent washable receptacle for refuse. He The operator shall be responsible for sanitation of the environs of the place of operation, 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 dispenser unit vehicle. The operator of a mobile food vehicle shall dispose refuse collected from the mobile food vehicle and the environs of the place of operation at a commissary approved by the department of health.

7-38-126 Inspections.

Mobile food vehicle licensees 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 vehicles as provided in this Code.

7-38-128 Enforcement.

(a) Except as otherwise provided in this chapter, the board of health shall have authority to enact rules and regulations for the effective implementation of Article II of this Chapter, including regulations pertaining to construction and size requirements for mobile food vehicles, and, with

input from the fire department, regulations pertaining to the installation, use, safety, and maintenance of propane tanks and natural gas apparatus in a mobile food vehicle.

(b) Except as otherwise specified in this chapter, any person who violates Article II of this Chapter shall be fined as provided in Section 7-38-575 of this Code.

(c) In addition to any other city department that has enforcement authority, the department of business affairs and consumer protection and the department of transportation shall have authority to enforce sections 7-38-115 and 7-38-117 of this Chapter.

(d) Any person who violates sections 7-38-115 and 7-38-117 of this chapter shall be fined not less than \$1,000.00 and not more than \$2,000.00 for each offense. Each day that the violation occurs shall be considered a separate and distinct offense.

Part B. Mobile Food Dispensers

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:

(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.

(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.

7-38-132 Sinks, water storage tanks and other plumbing requirements.

All mobile food dispenser vehicles shall be equipped with a handwashing sink and an adequate supply of running hot and cold water. The water storage tank shall be self-draining and

cleaned and flushed not less than twice in each six-month period. Liquid waste from the handwashing sink shall be piped in fixed piping to a liquid waste retention tank 50 percent larger than the water storage tank. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The connection between the piping from the sink and the liquid waste retention container shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste retention tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health.

Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion.

PART C. Mobile Food Preparers.

7-38-134 Mobile food preparers – Operational requirements.

(a) Any food sold or served by a mobile food preparer shall be prepared or wrapped in the mobile food vehicle or a or in a duly licensed food establishment.

(b) All perishable food products shall be stored as provided in this chapter and rules and regulations adopted by the board of health until served to a customer. No food that is sold or served from a mobile food preparer's vehicle shall be stored or prepared in a residential home.

(c) During transportation and storage, food equipment, supplies and food contact surfaces shall be protected from contamination.

(d) Mobile food preparers shall list the food purveyor establishments from where they purchase articles of food on a daily basis. Mobile food preparers shall also keep in the vehicle copies of invoices from the foods' point of origin for 30 days for all food items except that invoices for shellfish must be kept for 90 days.

(e) Mobile food preparers shall also comply with the following food and equipment handling requirements:

- (1) no food shall be stored, displayed, or served from any place other than the mobile food vehicle. The use of tables, benches, and other such devices to display or serve food is prohibited;
- (2) food condiments shall be protected from contamination. Food condiments provided for customer self-service shall be prepackaged or contained in approved dispensing devices;
- (3) food products remaining after each day's operation shall be stored only in a licensed food establishment. Potentially hazardous foods held at or above 140 degrees Fahrenheit on a mobile food vehicle shall be discarded at the end of the day;
- (4) utensils and equipment shall be handled and stored so as to be protected from contamination. Single-service utensils shall be obtained from sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once;
- (5) wiping cloths must be stored in a clean solution containing 100 parts per million of available chlorine as a hypochlorite. Other approved sanitizing

compounds at appropriate concentrations may be used. A testing strips kit shall be provided to check the concentration of the sanitizing solution;
customer self-service of unpackaged foods is prohibited;
(6) thermometers shall be provided for all warming units and refrigeration units.
(7) A probe-type thermometer shall also be available for use on a mobile food vehicle that handles potentially hazardous foods;
(8) all potentially hazardous foods shall be maintained at or below 40 degrees Fahrenheit or at or above 140 degrees Fahrenheit at all times; and
(9) all mobile food trucks must have a certified food service manager present when food is being prepared or served.

(f) The board of health shall have authority to provide by rules and regulations additional sanitation requirements and procedures for the operation of mobile food trucks.

7-38-136 Mobile food trucks.

(a) All mobile food trucks shall be equipped with a handwashing sink and a three-compartment sink with a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing in accordance with the requirements of the department of health. The water storage tank shall be self-draining and cleaned and flushed once every 24 hours. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of the plumbing sections of this Code.

(b) A mobile food truck shall be equipped with a permanently installed liquid waste retention tank that is of at least 50 percent larger capacity than the water supply tank. Liquid waste shall be piped in a fixed piping to the liquid waste retention tank. Additionally, all connections on the vehicle for servicing shall be of different size or type than those used for supplying potable water. Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion. The connection between the piping from the sink and the liquid waste tank shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The liquid waste retention tank connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

7-38-138 Servicing a mobile food truck.

(a) The commissary linked to a mobile food preparer must have a servicing area approved by the department of health. The servicing area shall comply with the following requirements:

(1) the servicing area shall include at least an overhead protection for any supplying, cleaning, or servicing operation. The servicing area must have a location for the flushing and drainage of liquid waste which is separate from the location for water servicing and for the loading and unloading of food and related supplies;

- (2) the surface of the servicing area shall be a smooth non-absorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and graded to drain.
- (b) The mobile food truck's liquid waste retention tank must be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal.
- (c) The mobile food truck's grease, where used, shall be drained into a storage bin approved by the department of health. No grease shall be discharged to the sanitary sewage disposal.
- (d) Garbage disposals shall be installed in compliance with the plumbing sections of this Code.
- (e) A commissary must keep a log of all mobile food trucks serviced by the commissary as well as the date and time the trucks were serviced.
- (f) Mobile food trucks must report to a commissary at least once per day for servicing.

PART D. Mobile Desserts Vendors.

7-38-140 Mobile desserts vendor.

Except as otherwise provided in this section, a mobile desserts 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 frozen desserts. A mobile desserts 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;
- (2) the sinks, water storage tanks and plumbing requirements set forth in Section 7-38-420 7-38-132;
- (3) the refuse receptacle requirements set forth in Section 7-38-125 7-38-124;
- (4) the mobile food vehicle requirement set forth in Section 7-38-040(e)(1) 7-38-075(a)(1); and
- (5) the additional vehicle requirements set forth in Section 4-8-293.

Part E. Produce Merchants.

7-38-142 Produce merchants - Operational requirements - Unlawful acts.

It shall be unlawful for any produce merchant to engage in any of the following activities at any produce stand operated by such produce merchant

(Omitted text is not affected by this ordinance)

- (9) To combine any activity authorized under a mobile food dispenser vendor license to engage in a produce merchant business with any activity for which a different or separate license or permit is required under this Code, other than a public way use permit issued under chapter 10-28 of this code, including, but not limited to, any permit required in connection with participation

in any farmers' market, as defined in Section 4-12-010, or any outdoor special event, as defined in Section 10-8-335;

(10) To display produce items at such produce stand on the ground or in any area other than the designated produce stand;

(11) To fail to affix and display in a conspicuous location at such produce stand a copy of a valid mobile food dispenser vendor license to engage in a produce merchant business, and, if the produce stand is on the public way, a valid public way use permit issued by the department of business affairs and consumer protection;

(Omitted text is not affected by this ordinance)

SECTION III. Sections 2-100-110, 4-5-010, 9-64-180, 9-80-190, 10-28-060 and 17-3-0304 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-100-110 Police powers for designated employees.

Each ward superintendent, and such other employees of the department of streets and sanitation as the commissioner of streets and sanitation shall designate, shall have the powers of members of the police force to serve process or notice within the city for the violation of Sections 4-4-310, 4-260-020, 4-260-040, 4-260-060, 4-260-080, 4-260-085, 4-260-090, 4-260-100, 7-12-387, 7-12-420, 7-28-060, 7-28-065 through 7-28-090, 7-28-120, 7-28-130, 7-28-150, 7-28-180 through 7-28-240, 7-28-260 through 7-28-310, 7-28-331, 7-28-360 through 7-28-410, 7-28-430 through 7-28-470, 7-28-490 through 7-28-510, 7-28-660 through 7-28-680, 7-28-710 through 7-28-720, 7-28-735 through 7-28-750, 7-28-780, 7-28-785, 7-38-080, 7-38-115, 7-38-117, 7-38-124, 8-4-135, 8-4-160, 9-64-100(c), 10-8-180, 10-8-220 through 10-8-230, 10-8-250 through 10-8-271, 10-8-310, 10-8-320, 10-8-380, 10-8-402 through 10-8-405, 10-8-470, 10-8-480, 10-28-030, 10-28-340, 10-28-792, 10-32-050, 10-32-060, 10-32-110 through 10-32-150, 10-32-170, 10-32-180, 10-32-200 and 13-32-235 of the Municipal Code of Chicago. A copy of such designation, and any amendments thereto, shall be kept by the deputy commissioner of streets and sanitation for the bureau of sanitation and shall be available to the public upon request. The powers granted hereunder are expressly limited to the service of such process or notice, and this section shall not be construed as granting additional law enforcement powers.

4-5-010 Establishment of license fees.

(Omitted text is not affected by this ordinance)

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

(Omitted text is not affected by this ordinance)

<u>Food — Mobile Food Dispenser Vendor — Produce Merchant</u>	<u>\$275.00</u>
<u>Food — Mobile Food Vendor — Mobile Desserts Vendor</u>	<u>\$275.00</u>
<u>Food — Mobile Food Vendor — Mobile Food Dispenser</u>	<u>\$700.00</u>
<u>Food - Mobile Food Vendor - Mobile Food Preparer</u>	<u>\$1,000.00</u>

(Omitted text is not affected by this ordinance)

9-64-180 Restricted parking – Area bounded by Chicago River, Michigan Avenue and Harrison Street.

(a) Except as provided in subsection (b), it is unlawful to park any vehicle at any time on the following streets: Garvey Court, from Lake Street to Wacker Drive; State Street and Michigan Avenue, from Wacker Drive to Congress Parkway. Except as provided in subsection (b), it is unlawful to park any vehicle during the hours of 6:00 a.m. to 6:00 p.m., Monday through Friday, except for days established as holidays in Section 9-4-010 on any of the following streets: Washington Street, Madison Street and Monroe Street, between State Street and Michigan Avenue; Adams Street and Jackson Boulevard, between Canal Street and Michigan Avenue; Dearborn Street, Clark Street and LaSalle Street, between Washington Street and Jackson Boulevard; and Wacker Drive, from Franklin Street to Van Buren Street.

(b) The restrictions in this section shall not apply to any designated handicapped parking area or to any ambulance, any emergency vehicle owned by a governmental agency, any vehicle owned by a public utility while the operator of the vehicle is engaged in the performance of emergency duties, any mobile food vehicle legally operating at any officially designated mobile food vehicle stand, any taxicab at an officially designated taxicab stand and/or engaged in the expeditious loading or unloading of passengers with disabilities, any passenger vehicle engaged for not more than three minutes in the loading or unloading of passengers, or to the parking of any commercial vehicle engaged in the expeditious loading, unloading, pick-up or delivery of materials in a designated loading zone, or to any bus at a designated bus stop or bus stand. Nothing in this section prohibits or prevents more restrictive regulation of parking on any street designated in subsection (a). Where the provisions of subsection (a) conflict with more restrictive regulations contained in another ordinance and appropriate signs indicating those regulations have been erected, the more restrictive regulations shall apply.

(c) No parking meters shall be installed on those portions of streets listed in subsection (a) where parking is prohibited at all times.

9-80-190 Mobile food dispensers vendors and peddlers prohibited in medical center district.

No person shall conduct the business of a mobile food dispenser vendor or peddler as defined in this Code, on any portion of the public way within the boundaries of the medical center district and no person shall operate, stop or park any vehicle on any portion of the public way within the medical center district for the purposes of conducting any such businesses.

(Omitted text is not affected by this ordinance)

10-28-060 A produce stand on the public way pilot program.

(a) A produce stand on the public way pilot program ("pilot program") is hereby created as provided in this section.

(b) The following definitions shall apply for purposes of this section:

(1) "Area underserved by grocery stores" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(2) "Commissioner" means the commissioner of business affairs and consumer protection.

(3) "Department" means the department of business affairs and consumer protection.

(4) "Produce" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(5) "Produce stand" has the meaning ascribed to that term in Section 4-8-010 of this Code.

(Omitted text is not affected by this ordinance)

(e) An application for a public way use permit for a produce stand shall be made to the department and shall include the following:

(i) the name and address of the applicant;

(ii) verification that the applicant is licensed as a mobile food dispenser vendor to engage in a produce merchant business or has applied for such license;

(Omitted text is not affected by this ordinance)

(f) The commissioner shall forward a copy of an application for a public way use permit for a produce stand to the commissioner of transportation and the commissioner of housing and economic development within three business days after receipt of the application. The commissioner shall not issue a public way use permit for a produce stand unless the commissioner of transportation and the commissioner of housing and economic development approve the application. In addition, the issuance of a public way use permit for the operation of a produce stand shall be dependent on the issuance of a valid mobile food dispenser vendor license to engage in a produce merchant business.

(Omitted text is not affected by this ordinance)

17-3-0304 Indoor/Outdoor Operations.

17-3-0304-A B1, B2, B3, and C1 Districts. All allowed business, service and commercial activities in the B1, B2, B3, and C1 districts must be conducted within *completely enclosed buildings* unless otherwise expressly stated. This requirement does not apply to off-street parking or loading areas, *automated teller machines*, outdoor seating areas or drive-through facilities that are allowed in such districts as a special use, and produce merchants as defined in section 4-8-010 of this Code, and mobile food vehicles operating on private property as provided in section 7-38-115(k).

SECTION IV . The Municipal Code of Chicago is hereby amended by repealing Sections 7-38-080, 7-38-085 and 7-38-120, in their entirety.

SECTION V. The commissioner of business affairs and consumer protection is authorized to implement this ordinance to existing mobile food dispenser licensees pursuant to a schedule that conforms to the operational and administrative needs of the department of business affairs and consumer protection. The commissioner (1) shall conclude any such implementation within 90 days from the effective date of this Section V of this ordinance, and (2) shall provide during any such period of implementation, in written or electronic form available to the general public and affected businesses, information regarding the requirements that are being implemented, and the timing of such implementation.

SECTION VI. Except for subsection (d) of section 7-38-128 created in Section II of this ordinance, this ordinance shall take effect upon passage and approval. Subsection (d) of section 7-38-128 shall take effect 10 days after passage and publication.