

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF CHICAGO:

SECTION 1: Article IV of Chapter 7-38 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored and deleting the language struck through, as follows:

ARTICLE IV. COFFEE CARTS AND MOBILE COFFEE VENDORS

(Omitted text is unaffected by this ordinance)

7-38-221 Mobile Coffee Vendor – Definitions.

For the purposes of this Article, the following definitions apply:

"Mobile coffee truck" means a motorized vehicle used to conduct a mobile coffee vendor business.

"Mobile coffee vendor" means any person or entity that prepares, serves, and sells coffee from a mobile coffee truck.

7-38-222 Mobile Coffee Vendor – Requirements.

(a) Every vehicle used by a mobile coffee vendor in the conduct of such business shall comply with the rules of the Department of Health and the following requirements:

(1) 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,

(2) the vehicle shall not be used for any purpose other than a mobile coffee vendor business; and,

(3) all food service equipment utilized by the mobile coffee vendor shall be of easily cleanable construction and shall be maintained in good repair and a clean condition.

(b) Each mobile coffee truck shall be enclosed with top and sides.

(c) Each mobile coffee truck 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.

(d) Each mobile coffee truck 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 coffee trucks, as often as necessary but not less than every ninety (90) calendar days, and copies of the last four maintenance reports must be kept in the vehicle at all times while the vehicle is in use.

(f) There shall be no more than 40 pounds of propane in a mobile coffee truck.

(g) Prior to the construction, remodeling, purchase or use of any mobile coffee truck or the addition of any new equipment for the storage or preparation of food in a mobile coffee truck, plans for such vehicle must be submitted to the Department of Health, and, if the mobile coffee truck uses propane, natural gas, or has a fire suppression hood, the Fire Department for approval.

(h) For the purposes of subsection (i), the following definitions apply:

“Handwashing sink” means a sink or lavatory that is permanently installed and supplied with potable running water, and that is designated solely for handwashing by employees or patrons as required by applicable health regulations. Including but not limited to:

- (1) Fixed or wall-mounted sinks; and,
- (2) Self-Contained handwashing units that meet applicable public health standards; and,
- (3) Integrated or retractable sink systems, including pull-out, pull-down, and drawer-style sinks, provided they are capable of being fully extended or deployed for the use of handwashing.

(i) All mobile coffee vendor vehicles that engage in a final preparation step as defined in the rules of the Department of Health 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 and the rules of the Department of Health. 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.

7-38-225 Reserved. Mobile Coffee Vendor – Preparation and service of food and drink.

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

(1) Individual portions of food that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a food establishment licensed by the city or a food establishment which is operating under the state or local health authority if the statute or ordinance regulating such food establishment is substantially equivalent to this chapter. Such food may undergo a final preparation step immediately prior to service to a consumer, provided such final preparation steps conform with the rules of the Department of Health; and,

(2) Coffee which is prepared on the vehicle in a sanitary manner as defined by the Department of Health, 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; and,

(3) Individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other desserts that have been prepared on the vehicle in a sanitary manner as defined by the Department of Health; and,

(4) Whole and uncooked fruits or vegetables.

(b) No mobile coffee vendor licensee shall operate as a mobile food preparer.

7-38-230 Reserved. Mobile Coffee Vendor – Operational Requirements.

(a) Mobile coffee trucks 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) No mobile coffee truck 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.

(c) No operator of a mobile coffee truck shall park or stand such vehicle:

(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.

(d) No operator of a mobile coffee truck shall park or stand such vehicle within 500 feet of any principal customer entrance to a café, coffee house, or other coffee-only establishments 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.

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

(h) Mobile coffee trucks 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 (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 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 as provided in Section 9-92-080. 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. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such 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 by serving such person with a copy of the vehicle impoundment seizure report. 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 coffee trucks shall be operated only by the mobile coffee truck licensee or by an authorized employee of such licensee.

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

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

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

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

(2) Notwithstanding any other provision in subsection (k)(1), no operation of a mobile coffee truck is allowed on a privately-owned: (i) vacant lot, or (ii) lot with a vacant building. For purposes of this subsection, the term "vacant building" has the meaning ascribed to the term in Chapter 14X-2 of this Code.

(l) Each mobile coffee truck 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 coffee truck is parked at places and times as shown in the data tracked from the vehicle's GPS device.

(m) An operator of a mobile coffee truck operating at the staging area, as delineated by the Commissioner of Aviation, of O'Hare International Airport shall be exempt from the requirements of paragraphs (b) and (f) above. The Commissioners of Business Affairs and Consumer Protection and Aviation shall have authority to jointly designate any other exempt location(s) on O'Hare International Airport property, provided that: (i) they conclude that such location(s) will not interfere with traffic or public safety, and (ii) they conclude that such location(s) are appropriate for mobile coffee truck based on the objective conditions and circumstances at each such location, and (iii) no such designation shall include an airport terminal. The Commissioner of Aviation is hereby authorized to assess a fee of \$200.00 per year, subject to escalation at the Consumer Price Index for all Urban Consumers (CPI-U) on any operator of a mobile coffee truck at O'Hare International Airport and to adopt rules to govern the operation of such mobile coffee trucks.

7-38-235 Reserved. Mobile Coffee Vendor - Name and license number.

Every mobile coffee vendor shall have the business name and license number legibly affixed in letters and figures at least two inches in height in a conspicuous place on each lateral side of such vendor's mobile vehicle.

7-38-240 Reserved. Mobile Coffee Vendor - Refuse receptacles.

The operator of a mobile coffee vendor vehicle shall maintain a suitable, tight, non-absorbent washable receptacle for refuse. The operator shall be responsible for sanitation of the environs of the place of operation, if applicable, including the mobile coffee truck vehicle stand area used by the operator. Said refuse receptacle shall be adjacent to, but not an integral part of, the mobile coffee truck. The operator of a mobile coffee truck vehicle shall dispose refuse collected from the mobile coffee vendor vehicle and the environs of the place of operation at a commissary approved by the Department of Health.

7-38-245 Mobile Coffee Vendor - Inspections.

Mobile coffee vendors shall make their vehicles available for inspection at the commissary approved or at a location determined by the Department of Health on a schedule determined pursuant to rules of the Department of Health.

Nothing provided in this section shall be construed to prohibit the Department of Health from conducting periodic inspection of mobile coffee vendor vehicles as provided in this Code.

7-38-250 Mobile Coffee Vendor – Enforcement.

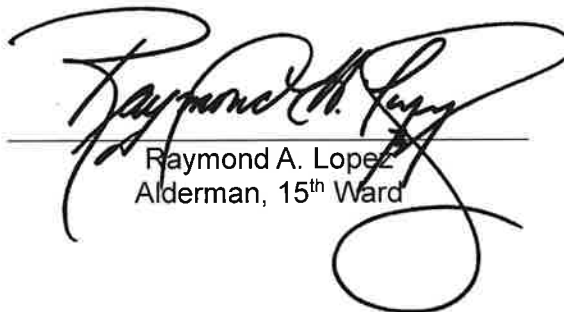
(a) Except as otherwise provided in this chapter, the Commissioner of Health shall have authority to adopt rules for the effective implementation of Article IV of this Chapter, including regulations pertaining to construction and size requirements for mobile coffee trucks, and, with input from the Fire Department, regulations pertaining to the installation, use, safety, and maintenance of propane tanks and natural gas apparatus in a mobile coffee truck.

(b) Except as otherwise specified in this chapter, any person who violates Article II of this Chapter shall be fined as provided in Section 7-42-090 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 7-38-225 of this Chapter.

(d) Any person who violates sections 7-38-225 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.

SECTION 2: This ordinance takes effect upon passage and publication.



Raymond A. Lopez
Alderman, 15th Ward