

# CITY OF CHICAGO

## RULES



### Mobile Food Vendors and Shared Kitchens

Last Updated: January 1, 2019



Mayor Rahm Emanuel

Commissioner Julie Morita, M.D.

BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC  
HEALTH PURSUANT TO SECTION 2-112-160(a)(7) OF THE MUNICIPAL CODE OF  
CHICAGO, THE FOLLOWING MOBILE FOOD VENDORS AND SHARED KITCHENS RULES  
ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: 

Date: December 12, 2018

Commissioner Julie Morita, M.D.

Published: December 12, 2018

Effective: January 1, 2019

(Rules on "Mobile Food Vehicles," promulgated on December 4, 2014, are repealed and replaced by the rules contained herein as of January 1, 2019.)

## **Part I. General**

### **Rule 1. Definitions.**

- (A) For purposes of these rules, the terms “commissary,” “mobile frozen desserts vendor,” “mobile food dispenser,” “mobile food preparer,” “mobile food vehicle,” “mobile food vendor,” “mobile food truck,” and “mobile prepared food vendor” shall have the meanings ascribed to these terms in Section 4-8-010 of the Municipal Code of Chicago.
- (B) For purposes of these rules, the following terms are defined as follows:
- (1) “Certified combustible gas detector” refers to UL-Classified and Mine Safety and Health Administration (MHSA)-certification.
  - (2) “Chassis-mounted tank” refers to a propane or natural gas tank permanently installed as a part of the body of a mobile food vehicle.
  - (3) “Department” means the Chicago Department of Public Health.
  - (4) “Equipment”
    - a. Means an article that is used in the operation of a FOOD ESTABLISHMENT such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WAREWASHING machine.
    - b. Does not include apparatuses used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.
    - c. Also does not include KITCHENWARE or TABLEWARE that is multiuse, SINGLE SERVICE, or SINGLE USE; gloves used in contact with FOOD; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES; probe type price or identification tags used in contact with FOOD; and pitchers, pots, and urns that are not connected to the public water supply.
  - (5) “Food Code Rules” means the Chicago Food Code Rules promulgated by the Commissioner of Health, which were first published on March 23, 2018 and which became effective on July 1, 2018, as amended from time to time by the Commissioner of Health.
  - (6) “HVAC professional” refers to a heating, ventilation and air conditioning professional with current license as granted by the Illinois Department of Financial and Professional Regulation.
  - (7) “ILCS” refers to the Illinois Compiled Statutes as published by the State of Illinois.
  - (8) “Natural gas” refers to compressed natural gas used as a fuel source as defined by NFPA 52.
  - (9) “NFPA” refers to the National Fire Protection Association.

- (10) “NFPA 10” refers to National Fire Protection Association Code 10: *Standard for Portable Fire Extinguishers*.
- (11) “NFPA 52” refers to National Fire Protection Association Code 52: *Vehicular Gaseous Fuel Systems Code*.
- (12) “NFPA 58” refers to National Fire Protection Association Code 58: *Liquefied Petroleum Gas Code*.
- (13) “NFPA 70” refers to National Fire Protection Association Code 70: *National Electrical Code*.
- (14) “NFPA 96” refers to National Fire Protection Association Code 96: *Standard for Ventilation Control and Fire Protection of Commercial Cooking*.
- (15) “NFPA 1192” refers to National Fire Protection Association Code 1192: *Standard on Recreational Vehicles*.
- (16) “OSHA” refers to the U.S. Occupational Health and Safety Administration.
- (17) “Propane” refers to liquefied petroleum gas.
- (18) “Publicly-accessible API” means an application programming interface that is technically capable of allowing access by the public. The term does not mean an application programming interface to which the service provider must allow such access to the public.
- (19) “Second-stage manufacturer” refers to a person or business that modifies a vehicle after final manufacturer construction—common terms for a second-stage manufacturer include, but are not limited to “customizer” and “up-fitter.”

## Part II. Mobile Food Vendors

### **Rule 2. Application, permitting, inspection and licensure requirements.**

- (A) In addition to those requirements set forth in Section 4-8-036 of the Municipal Code of Chicago, applicants for a mobile food vendor license to engage in a mobile food preparer, mobile food dispenser, mobile frozen desserts vendor, or mobile prepared food vendor business must submit:
  - (1) A labeled blueprint (plan) for the mobile food vehicle along with specification sheets on all equipment.
    - a. Detailed photos may be substituted for a blueprint for mobile frozen dessert vendors and mobile prepared food vendors.
    - b. If photos are used to substitute for a blueprint, photos from the top and all sides of the vehicle are required.
  - (2) A copy of the most recent inspection report from the commissary.
  - (3) A labeled blueprint (plan) of the commissary and a copy of the business license showing approval to operate as a food establishment, if the commissary is outside Chicago.

- (B) In addition to the above requirements, applicants whose vehicles will use an onboard electrical power inverter will need to submit a signed affidavit attesting to the fact that: (1) the inverter is certified by Underwriters Laboratory (UL); (2) the applicant is aware of the maximum capacity of the inverter and will utilize and maintain it according to manufacturer's specifications; and (3) a licensed mechanic installed and mounted the inverter according to manufacturer's specifications.
- (C) In addition to the above requirements, applicants whose vehicle will have a fire suppression system will need to have the company that designed the system submit vehicle plans to the Chicago Fire Department (CFD), along with a \$150.00 non-refundable fee.
- (D) In addition to the above requirements, applicants whose vehicles will use a generator, propane, compressed natural gas or have a fire suppression system must obtain a fire safety approval. Such approval can only be granted after :1) the CFD has reviewed and approved the applicant's fire suppression system; 2) the vehicle has passed a joint inspection by the CFD and the Health Department; and 3) the applicant submits the following information, along with a \$100.00 non-refundable fee, to the CFD:
- (1) Name and address of the applicant, name and address of the business and name and address of the commissary.
  - (2) If the vehicle has propane or natural gas, the names(s) of all employees that completed a CFD-approved propane/natural gas handling training course.
  - (3) Detailed diagrams (preferably three-dimensional computer-aided drawings) of the propane, natural gas and fire suppression system and vehicle layout from no fewer than four different perspectives, including a top-view layout and an interior cut-away drawing of the equipment mounted along each wall.
  - (4) Manufacture date, number, size, location, model, and water and LP capacity of propane and/or natural gas tanks.
  - (5) Number, size, location, year of production, make and model of each propane and natural gas appliance.
  - (6) Location and model of all electrical equipment.
  - (7) Location, model and size (Amps/Voltage) of in-line generators.
  - (8) Location, size, make, model and installer of fire suppression system and exhaust hood.
  - (9) Location, total cubic feet per minute (cfm) output, make, model and installer of ventilation system.
  - (10) Location and type of all flammable liquids and other fire hazards.
  - (11) Picture of vehicle tire and loading placard located within driver's door frame and a picture of certified scale ticket for the vehicle obtained from a weigh station as finally configured.
  - (12) Name and registration information of the manufacturer of the vehicle, including Illinois Dealer's License number or comparable registration from another state (including the identity and qualifications of any customizers, up-fitters or second-

stage manufacturers that have altered the configuration of the vehicle or consulted in the design process).

- (13) If the permit application involves a previously-owned vehicle, it must include: 1) digital pictures of the propane, natural gas and fire suppression systems; 2) kitchen layout in present working order from no fewer than three angles; 3) a description of any modifications made to the vehicle since initial licensure; and 4) the identity of second-stage manufacturers involved.

The CFD shall review each complete fire safety approval application to determine whether the vehicle meets the fire safety specifications outlined in Rule 4. The Deputy Fire Commissioner of the CFD shall have final authority to approve or deny mobile food vehicle fire safety applications and specify any amendments or revisions that may be necessary.

(E) Continuing expectations for fire safety permit holders:

- (1) Once approved, visual design plans must be posted and made visible in the mobile food vehicle for inspection personnel to examine. In addition, a complete copy of the approved fire safety permit application must be kept in the vehicle at all times.
  - (2) Operators must resubmit a complete fire safety approval application if any proposed design or equipment change alters their vehicle's approved fire safety configuration. Any reconfiguration, replacement or addition of equipment shall be considered an alteration to a vehicle's fire safety configuration, except that the replacement of a piece of equipment with an identical make, model and configuration of the same or more recent production shall not be considered an alteration.
  - (3) Digital pictures of all flammable materials and propane and natural gas safety systems in their current working configuration should be submitted with every subsequent license renewal to the CFD.
- (4) Fire safety approvals shall expire upon expiration of the mobile food vendor license.

**Rule 3. Mobile food preparer and mobile food dispenser equipment requirements.**

In addition to those requirements set forth in the Municipal Code of the City of Chicago, the following requirements apply to the vehicles used to conduct a mobile food dispenser or mobile food preparer business and to the equipment used within the vehicle:

- (A) All mechanical refrigeration and heating equipment must be equipped with a thermometer.
- (B) All windows, doors and other openings must be in good repair to prevent the entrance of insects or other pests. Service windows and doors that open to the food preparation area must be protected with screens of a size no larger than 16 Mesh to the inch and must be tight-fitting and free of breaks. Service windows must be closed when not in use.
- (C) The food preparation area must be physically separated from the driver's area with seats designated for the cook and all passengers located outside of the food preparation area.

- (D) The potable water intake valve on the vehicle must be of different dimensions than the valve used to drain liquid waste from the retention tank, and the intake valve must be protected from contamination when not in use.
- (E) All food storage, preparation and service must be contained within the mobile food vehicle. No trailers or other ancillary equipment for the storage, preparation or service of foods are allowed to be attached to the mobile food vehicle.
- (F) The three-compartment sink must have a grease trap.
- (G) Trailers that are non-motorized, designed to be hauled, or are used as an axillary attachment are not allowed to be licensed as or used as part of a mobile food vehicle.

#### **Rule 4. Fire safety requirements.**

- (A) In addition to the requirements set forth in Rule 3, the following apply to mobile food vehicles with a generator, propane, compressed natural gas or a fire suppression system:
  - (1) To be considered in proper working order, mobile food vehicles must adhere to the below specifications and approved fire safety plans, and be supervised by a person possessing a CFD approved propane/natural gas handling certification at all times. A fire safety permit application and subsequent inspections must demonstrate compliance with these specifications.
  - (2) Propane and natural gas tanks. Only U.S. DOT-approved models of propane and natural gas tanks (49 CFR 178) may be used on mobile food vehicles. Tanks must be properly labeled with prominent safety placards in accordance with U.S. DOT regulations (49 CFR 178). Tanks must be equipped with a regulator as prescribed by NFPA 58—6.23.4 and 5.2.15. No quick-connect devices (as defined in NFPA 58—7.2.2.5) are allowed, except on chassis-mounted tanks. Any such quick connect devices on chassis mounted tanks must be equipped with a manual shutoff.
  - (3) Manufacturer specifications. Mobile food vehicle operators must follow manufacturer specifications and best practices for their vehicle as configured in their fire safety permit, especially with respect to weight distribution of the vehicle.
  - (4) Mounting and placement of propane and natural gas tanks. The mounting of propane and natural gas tanks must withstand impact equal to four times the weight of the filled propane or natural gas container according to NFPA 58—6.23.3.4. Tanks must be secure (NFPA 58—5.2.4) and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58—6.23.3. Under these guidelines there are three permitted mounting options for propane and natural gas tanks:
    - (a) Outside mounted in a semi-enclosed cabinet, with vents at the top and bottom to facilitate the diffusion of vapors, vapor-tight to the interior of the vehicle, with a weather-protected regulator and a leak indicator as described in NFPA 1192—6.4.8.
    - (b) Outside mounted, secured on top and bottom and stabilized (e.g. with a strap), vapor-tight to the interior of the vehicle, mounted no less than 28" above the ground with a weather-protected regulator.

- (c) Chassis mounted, according to NFPA 58—6.23.3.4 No gas tanks are permitted to be installed on the roof of the vehicle under any circumstances. In addition, no flammable liquids are permitted to be stored inside the vehicle. Such liquids can only be stored in their own separate container in a manner consistent with propane and natural gas mounting specifications.
- (5) Cooking equipment. All cooking appliances must be listed by Underwriters Laboratories or NSF International for mobile applications for the appropriate fuel and be clearly marked with the appropriate rating sticker. All fat fryers must have a lid over the oil vat that can be secured in order to prevent the spillage of cooking oil during transit. This lid must be secured at all times when the vehicle is in motion.
- (6) Propane and natural gas usage. Propane and natural gas tanks must be shut off while the mobile food vehicle is in motion, unless the tank is equipped with an impact detection shutoff device approved by the U.S. DOT. Propane and natural gas tanks must always be shut off while the vehicle is unattended and/or in overnight storage.
- (7) Automatic and manual shutoffs. Each gas-fired appliance must be equipped with an automatic device designed to shut off the flow of gas to the main burner and pilot in the event the pilot flame is extinguished (modified from NFPA 58—5.20.7A). The main system shutoff valves located on or closest to the fuel tanks and sufficient to stop the supply of fuel from all fuel tanks must be clearly marked with the words “PROPANE AND NATURAL GAS SHUTOFF VALVE” permanently affixed to the outside of the vehicle in reflective decal material with letters 2” high at minimum.
- (8) Fire suppression system and extinguishers. All mobile food vehicles must be equipped with a working R103 or K Class automatic fire suppression system according to NFPA 96—10.2.1 and 10.2.2, which is regularly maintained according to NFPA 96—11.2.1 for the lifetime of the vehicle. All vehicles must also be equipped with no less than one 10 BC-rated fire extinguisher, or, if a deep fryer is present in the vehicle, a Class K fire extinguisher. Extinguishers must have current annual inspection tags as outlined by NFPA 10 and Municipal Code of the City of Chicago.
- (9) Kitchen exhaust hood. Each mobile food vehicle that uses propane or natural gas for cooking must be equipped with a Type I or Type II commercial kitchen exhaust hood as defined by Chapter 18-28, Article 5 of the Mechanical Code of the City of Chicago. Exhaust hoods must be inspected semi-annually by a licensed HVAC professional to ensure continuing maintenance and upkeep.
- (10) Ventilation system. The truck must be equipped with a working ventilation system that meets the requirements of NFPA 96, Chapter 5. This ventilation system must be in operation at all times when the cooking equipment of the truck is being used. All fan systems in the cooking area of the truck must have minimum-combined cubic feet per minute rating equal to twice the volume of the interior of the truck as measured in cubic feet.

- (11) Detection systems. All mobile food vehicles must be equipped with a working carbon monoxide detector that meets standards set forth in NFPA 1192—6.4.6. All cabinet-mounted tanks must be equipped with a leak indicator according to NFPA 1192—6.4.8.
- (12) Piping. All propane and natural gas piping must be constructed and installed in accordance with NFPA 58—6.23.5. All propane and natural gas pipes and fixtures must be made of steel, copper or brass; no plastic piping for such purposes is permitted.
- (13) Electrical appliances and generators. All electrical equipment and appliances must be installed in accordance with NFPA 70. Only “in-line” electrical generators that are powered by a hard-lined, manufacturer-installed fuel line taken directly from the vehicle’s main fuel tank may be used. All other types of generators, including, but not limited to portable stand-alone and separate-fill generators may not be used.
- (14) Certificate of safety. All mobile food vehicles with a GWR of 8,000 pounds or greater must obtain and keep current a Certificate of Safety as issued by the Illinois Department of Transportation in accordance with state law (625 ILCS 5).
- (15) List of required warning labels, placards and tags. The following placards and tags, some of which have been mentioned elsewhere in these specifications, must be prominent and visible on the interior or exterior of the mobile food vehicle as appropriate. All signs must conform to U.S. DOT guidelines as outlined in the North American Emergency Response Guide or successor publication, or specific organizational requirements outlined here.
  - (a) OSHA-approved propane or natural gas 3-in-1 hazard sign placed on the outside of the vehicle as close to the tank as possible, which should include no-smoking warnings in both English and Spanish.
  - (b) Shutoff valve markers as outlined in subpart 7 of this section.
  - (c) Current annual inspection date tags on fire extinguishers.
  - (d) UL or NSF International certification sticker for mobile applications and proper fuel source on every cooking appliance.
- (16) At least one person who has successfully completed the Fire Safety Class shall be present in the Mobile Food Vehicle at all times while the vehicle is in operation.

#### **Rule 5. Propane and natural gas handling requirements.**

- (A) In addition to the requirements set forth in Rule 3, the following apply to vehicles using propane or natural gas:
  - (1) No mobile food vehicle may utilize more than 40 pounds of total propane. This standard will be judged by the rated capacity of propane tanks, and vehicles may utilize either one 40 pound tank or two 20 pound tanks. The same regulations apply for natural gas tanks.
  - (2) Propane and natural gas cylinder refilling or exchange must be performed in accordance with NFPA 58, Chapter 7, by personnel who have been trained in accordance with

Section 4.4. Cylinder exchange may be performed by only 1) a licensed propane and natural gas company operator or 2) mobile food vendor who has completed a CFD-approved training course. Refilling or exchanging may take place at either a company gas facility or a commissary. Cylinders must be stored in accordance with Chapter 8 of NFPA 58. —14.3.

- (3) Owners and /or operators of mobile food vehicles, dispensers, or preparers will be held responsible for testing their propane and natural gas system for leaks with a UL-Classified and Mine Safety and Health Administration (MHSA)-certified combustible gas detector at each instance of refill or exchange. Each Mobile Food Vehicle, dispenser and preparer is also required to have its own UL – Classified (MHSA) certified combustible gas detector in the vehicle at all times. Owner will be held responsible for instruction and use of certified combustible gas detector. Such testing is to be completed and recorded before the vehicle leaves the commissary or facility premises. After refill or exchange, each propane and natural gas tank must be labeled with a proper handling tag by the operator or vendor, which must include the date of service and name of individual clearly marked.
- (4) At least one person who has successfully completed the CFD-approved Propane and Natural Gas Handling and Safety Course must be present at all times while the mobile food vehicle is in operation. This course shall train operators in applicable propane and natural gas handling best practices as outlined in NFPA 58, Chapter 7. Until permanent course certification procedures are established, the Propane and Natural Gas Handling and Safety Course must be administered by the CFD in consultation with the Illinois Propane Gas Association and Propane Education & Research Council. Mobile food vendors must retain certification paperwork in their vehicle at all times.
- (5) Mobile food vehicles must be inspected by licensed propane professionals at least every 90 days. At every inspection, licensed propane professionals must produce a maintenance report. This report must be kept in the vehicle at all times. No mobile food vendor is allowed to operate their propane or natural gas system longer than 90 days after its last recorded maintenance by licensed propane professionals. Vendors are required to seek immediate maintenance in the event of a leak, fire or other safety incident. The vehicle cannot be returned to service until it has been inspected and certified by a licensed propane professional and a note made in the vehicle's maintenance record of that incident.
- (6) Maintenance records, and records of refilling and exchanging tanks shall be kept by the propane and natural gas company and mobile food vendor in accordance with NFPA 58—14.3.2.4 and 13.3.2.5. An up-to-date copy of all service and maintenance records must be kept in the mobile food vehicle at all times and must be made available to health or fire inspectors upon request.
- (7) All propane cylinders are required per NFPA 58 to be qualified for continued service within 12 years after the date of manufacture. Owners are responsible for recording and displaying propane cylinder date of manufacture, water and LP capacity next to Mobile Food Vehicle Permit.

## **Rule 6. Commissary requirements.**

- (A) Mobile food dispenser and mobile food preparer business licensees must operate from a commissary that meets the following minimal requirements:

- (1) The commissary must provide a source of potable water other than from a mop sink or other source which has the potential to contaminate the potable water. A hose connecting the water intake on the vehicle to the valve providing the water source within the commissary must be NSF 51 food-grade or other approved food grade hose and must have a backflow protection device. When not in use, the hose must be elevated and otherwise protected from contamination and must not be used for other purpose. A mobile food dispenser may use commercial bottled water to fill the potable tank if approved by the Department.
  - (2) The commissary must provide a means to dispose of liquid waste. Liquid waste cannot be discharged onto the ground or directly into a storm drain. Instead, the liquid waste must be drained by gravity directly into a sanitary sewer or by another means provided it is approved by the Department.
  - (3) The valve used to supply potable water and the drain for the waste water discharge must be separated by sufficient distance so as to avoid contamination of the potable water by the waste water.
  - (4) The commissary must maintain a log that includes, at minimum, the name of the licensee, the name of the business (DBA), and the dates and times of service for at least the previous year. This log must be available for review by the Department upon request.
- (B) The mobile food vehicle servicing area of a commissary must meet the following requirements:
1. The servicing area must have overhead protection. The overhead protection must be a permanent structure or space of sufficient size to completely cover the full length, width and height of the truck and the entrance into the commissary. Alternatively, the servicing area could be a permanent facility that is separate from the commissary, but part of the licensed premises, provided it has four walls, a floor and a ceiling. The walls and ceiling must be kept clean and in good repair, but need not be smooth, painted or finished in light color. This permanent facility must be of sufficient size to completely accommodate the full length, width and height of the truck.
  2. Provide overhead protection for all servicing activities, including but not limited to providing potable water, draining the waste water retention tank, draining the potable water tank and cleaning the interior of the truck.
- (C) Applicants for a mobile food vendor license to engage in a mobile frozen desserts vendor or mobile prepared food vendor business must operate from a commissary that meets the following minimal requirements:
1. The commissary must provide a means to dispose of liquid waste. Liquid waste cannot be discharged onto the ground or directly into a storm drain. Instead, the liquid waste must be drained by gravity directly into a sanitary sewer or by another means provided it is approved by the Department.
  2. The commissary must maintain a log that shall include, at a minimal, the name of the licensee, the name of the business (DBA), the date of service and the time servicing

began. Such logs shall be kept by the commissary for a period of at least one year following the date of service and must be available for review by the Department upon request.

3. The commissary must have the equipment required for hot and cold holding of time temperature control for safety foods based on the menu of the mobile frozen desserts vendor or mobile prepared food vendor business.

#### **Rule 7. Mobile food dispenser and mobile food preparer requirements.**

(A) In addition to the applicable requirements set forth in the Municipal Code of the City of Chicago, the following requirements apply to mobile food vendor licensees engaged in a mobile food dispenser or mobile food preparer business:

- (1) No time/temperature control for safety foods are to be kept in the vehicle when the vehicle is in storage. If the vehicle is kept in storage and the vehicle equipment is on, running, or otherwise operational, no time/temperature control for safety foods are to be kept in the vehicle. In addition, all of the vehicle's doors and windows shall be secured so as to prevent unlawful entry when the vehicle is in storage.
- (2) No food preparation can occur within the vehicle while the vehicle is in motion.
- (3) All windows and doors and any awnings or other overhangs that may be used to cover the servicing area must be closed and secured while the vehicle is in motion.
- (4) With the exception of a refuse receptacle, no signs, chairs, tables or other accessories are to be placed upon the public way while the vehicle is parked.
- (5) All equipment must be covered and secured properly while the vehicle is in motion.
- (6) The vehicle must report to the commissary at least once per day for servicing on the days the vehicle operates.
- (7) Service windows must be closed when not in use.

(B) In addition to the above requirements and to the requirements set forth in the Municipal Code of the City of Chicago, the following apply to the operations of a mobile food vehicle used to conduct a mobile food dispenser business:

- (1) Food may undergo one or more preparation steps on the mobile food dispenser vehicle provided that:
  - (a) The preparation step(s) involves only the addition of non-time/temperature control for safety condiments to a previously prepared and packaged menu item.
  - (b) The preparation step(s) are done immediately prior to service to a customer.
  - (c) Food service personnel wear gloves or use appropriate utensils during the preparation step(s). Bare hand contact with the menu item or condiment is not permitted.
  - (d) The service windows and doors that open to the preparation area are protected

with screens of a size no larger than 16 mesh to the inch, are tight-fitting and free of breaks and holes.

- (e) The non-time/temperature control for safety condiments are not processed, developed, cooked, or otherwise created in any way on the vehicle.

**Rule 8. Global Positioning System (GPS) requirements.**

- (A) All mobile food vehicles must be equipped with an operational Global Positioning System (GPS) device. The device must meet the requirements set forth in Section 7-38-115 of the Municipal Code of the City of Chicago, as well as the following:
  - (1) The device must be permanently installed in, or on, the vehicle.
  - (2) The device must be an “active,” not “passive,” device that sends real-time location data to a GPS service provider; the device is not required to send location data directly to the City.
  - (3) The device must be accurate no less than 95% of the time.
  - (4) The device must function while the vehicle is vending food or otherwise open for business to the public, and when the vehicle is being serviced at a commissary as required by Section 7-38-138 of the Municipal Code of the City of Chicago or these regulations. The device must function during these times regardless of whether the engine is on or off.
  - (5) When the GPS device is required to function, the device will transmit GPS coordinates to the GPS service provider no less frequently than once every five (5) minutes.
- (B) City personnel will not request location information from a GPS service provider pertaining to a mobile food vehicle unless:
  - (1) The information is sought to investigate a complaint of unsanitary or unsafe conditions, practices, or food or other products at the vehicle;
  - (2) The information is sought to investigate a food-related threat to public health;
  - (3) The information is sought in connection with establishing compliance with Chapter 7-38 of the Municipal Code of Chicago or the regulations promulgated thereunder;
  - (4) The information is sought for purposes of emergency preparation or response;
  - (5) The City has obtained a warrant or other court authorization to obtain the information; or
  - (6) The City has received permission from the licensee to obtain the information.
- (C) The GPS service provider must maintain at least six (6) months of historical location information and be able to provide the following:
  - (1) When requested pursuant to Rule (8.B.), reports of each transmitted position including arrival dates, times, addresses, and duration of each stop, in a

downloadable format (i.e. PDF, CVS or Excel). If the request is to provide the current location of a vehicle, the GPS service provider must respond immediately with the most recent location information for the vehicle.

- (2) Reports that provide anonymous, aggregate information regarding mobile food vehicle operations within the City, and do not identify specific mobile food vehicles.
- (3) A publicly-accessible API. The provider is free to deny access by the public.
- (D) If the City establishes a website for displaying the real-time location of mobile food vehicles, for purposes of marketing and promotional efforts, the licensee may choose to provide the appropriate access information to the API of its GPS to enable the posting of the vehicle's location on such website. The licensee is not required to provide such information or otherwise allow the City to display the vehicle's location.
- (E) The following will serve as evidence that the GPS requirements have been met:
  - (1) Proof of GPS installation.
  - (2) Proof from a GPS tracking device service provider the operator is in compliance with the requirements as stated in this Rule.

**Rule 9. Mobile prepared food vendor and mobile frozen desserts vendor requirements.**

- (A) It shall be unlawful for any mobile prepared food vendor or mobile frozen desserts vendor to engage in any of the following activities:
  - (1) To equip the vendor's vehicle, pushcart, or handcart with an electronic sound-amplifying device;
  - (2) To conduct business activities in such a manner that leaves less than six (6) feet of clear and unobstructed sidewalk space to allow for pedestrian passage;
  - (3) To use a portable generator or to connect the vendor's vehicle, pushcart or handcart to water, electrical or utility services of any type while in the public way, unless approved by the Department;
  - (4) To dump or dispose of water or waste in any location other than in a commissary;
  - (5) To obstruct or block any street, driveway, public way, parking zone, loading zone or drop-off zone at or in connection with the operation unless on private property with written permission from the property owner or manager;
  - (6) To display food items on the ground or in any area other than the designated vehicle, pushcart or handcart;
  - (7) To fail to affix and display on the vehicle, pushcart or handcart, in a conspicuous location, a decal issued by the City of Chicago;
  - (8) To use any open fire or flame at such vehicle, pushcart or handcart, other than Department approved small self-contained chafing fuel; and
  - (9) To fail to keep the area within 10 feet of the vehicle, pushcart or handcart location free of trash that originated from the operation.

(B) In addition to the requirements set forth in the Food Code Rules and the Municipal Code of the City of Chicago, the following requirements apply to the mobile prepared food vendors and mobile frozen desserts vendors:

- (1) Only pre-packaged individual portions of food that have been manufactured, prepared or wrapped in a licensed food establishment are offered.
- (2) No person shall keep or offer for sale individual portions of food products that have been re-wrapped or re-packaged unless the portions are labeled with the required information from the manufacturer's label pursuant to Section 3-602.11 of the Food Code Rules.
- (3) No foods can be kept in or on the vehicle, pushcart or handcart while in storage. All time/temperature control for safety hot foods held on the vehicle, pushcart or handcart shall be discarded at the end of each night. All other foods shall be stored properly at the commissary while the vehicle, pushcart or handcart is in storage.
- (4) The vehicle, pushcart, or handcart is to be cleaned and sanitized as often as needed to be kept clean and sanitary.
- (5) The vehicle, pushcart, or handcart must report to the commissary at least once per day for servicing on the days it operates.
- (6) The vehicle, pushcart, or handcart is to be stored in an enclosed building or covered in a method in which it is protected from contamination.

(C) Mobile prepared food vendor vehicles, pushcarts, and handcarts shall also comply with the following:

- (1) They must be on wheels and able to be moved by the operator. Shopping and grocery carts are prohibited.
- (2) All non-food contact surfaces including wood must meet the requirements of Section 4-202.16 of the Food Code Rules.
- (3) The areas of the cart in which food is stored or served shall be insect- and rodent-proof.
- (4) No axillary tables can be used in conjunction with the vehicle, pushcart or handcart.
- (5) All food service equipment must be durable, easily cleanable, and maintained in good repair. The equipment must be secured to the cart, but may be removable for cleaning and transportation.
- (6) Non-mechanical refrigeration and hot holding methods must hold the appropriate temperatures the entire time food is being held and served.

### **Part III. Shared Kitchens.**

#### **Rule 10. Shared kitchen licensees and shared kitchen users requirements.**

- (A) In addition to the applicable provisions of the City of Chicago Municipal Code and other provisions of the Food Code Rules, shared kitchen licensees and shared kitchen users shall comply with these Rules.
- (B) Shared kitchen license and shared kitchen supplemental license applicants must undergo a consultation with a representative of the Department and must have an onsite inspection performed by the Department, prior to the issuance of the license.
  - (1) The consultation shall include review of all of the following:
    - (a) Proposed business practices, including but not limited to times of operation for shared kitchen users and the location and type of facilities to be used.
    - (b) The type of equipment to be used within the facility.
    - (c) Planned operations to ensure food safety.
    - (d) Kitchen blueprints, drawings, or layout of all equipment and plumbing, including sinks.
    - (e) A City of Chicago Food Service Sanitation Manager Certificate in the name of the applicant or designee.
  - (2) The onsite inspection shall not be required if the establishment passed an inspection of the Department within the 12-month period prior to the applicant's submission of an application for a shared kitchen license or shared kitchen supplemental license.
  - (3) The licensee must notify the Department of any planned changes to the shared kitchen layout, equipment, food preparation stations, or food storage areas if those changes would alter the licensee's obligations under the Municipal Code of Chicago or the Food Code Rules. The licensee must obtain permission from the Department prior to operating with the changes.
- (C) Shared kitchen user license applicants must undergo a consultation with a representative of the Department prior to issuance of the license.
  - (1) The consultation shall include review of all of the following:
    - (a) Proposed business practices, including but not limited to plans for obtaining, preparing, and selling food.
    - (b) The type of equipment to be used by the applicant, including any additional food preparation equipment not provided by the shared kitchen licensee.

- (c) Planned operations to ensure food safety.
  - (d) Proposed menu, including a list of all food items that the user intends to prepare, store, taste test, develop, package, or otherwise handle or use for food-related purposes.
  - (e) A City of Chicago Food Service Sanitation Manager Certificate in the name of the applicant or an employee of the applicant, if the applicant intends to prepare, taste, handle, package, prepare for storage, serve, or otherwise use time/temperature control for safety food.
  - (f) Name, address, and license number of the shared kitchen from which the applicant intends to operate.
  - (g) Signed written agreement, both from the owner or operator of the shared kitchen and from the shared kitchen user applicant. The agreement must be dated no more than 30 days prior to the application date and must include the start date and, if any, end date of the authorization to use the shared kitchen.
- (2) Based on the information provided in the consultation, the Department shall designate the shared kitchen user as a Risk Category I, II or III food establishment based on the Food Code Rules. Additionally, the Department shall assess whether the shared kitchen is properly licensed and capable of supporting the proposed practices. If the Department approves the menu, the Department shall write "approved" on the menu and shall sign and date it. The Department shall keep the original document confirming approval and provide a copy to the user.
- (3) A shared kitchen user applying to sell food wholesale or otherwise conduct practices that require a state-issued license or passage of a state inspection must present evidence of such licensure and/or passage at the time of application for a wholesale license. If the state grants a waiver of the state inspection requirements, and the applicant presents written evidence of such a waiver, the Department may approve and accept the wholesale license application.
- (D) If a shared kitchen user licensee has one or more employees, such employee(s) may work at the shared kitchen without the licensed user on the premises provided that all of the following requirements are met:
- (1) At least one employee who possesses a City of Chicago Food Service Sanitation Manager Certificate is present when time/temperature control for safety foods are being prepared, tasted, handled, packaged, prepared for storage, served, or otherwise used.
  - (2) The shared kitchen licensee keeps the following records:
    - (a) A copy of the shared kitchen user's badges or licenses.
    - (b) A log of shared kitchen users' use of the shared kitchen in the past 90 days.

- (3) The shared kitchen user keeps the following records:
- (a) The name and contact information of all paid and unpaid employees, including their home addresses and telephone numbers.
  - (b) The date and times that all employees have worked within at least the past 90 days.
- (E) Shared kitchen users are subject to periodic inspections by the Department.
- (F) A shared kitchen user must obtain written approval from the Department prior to incorporating food preparation processes that require a HACCP Plan or variance.
- (G) Shared kitchen user licensees must obtain the Department's approval for any menu changes pursuant to Section 4-8-039(e)(1) of the Municipal Code of the City of Chicago. To obtain approval, shared kitchen user licensees must provide the Department with a copy of the previously-approved menu and the proposed change(s). If the new menu is approved, the Department shall write "approved" on it and shall sign and date it. The Department shall keep the original document confirming approval of the new menu and provide a copy to the user.
- (H) A shared kitchen user who packages food in advance of sale must comply with 21 CFR Part 101 regarding labeling of all food products.