

ORDINANCE

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

SECTION 1. Section 4-8-010 of the Municipal Code of Chicago is hereby amended by adding 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 unaffected by this ordinance)

“Service accommodation” means the seating place where one patron or customer to be served can be seated or, in lieu of seating space, two lineal feet of counter space which may be used or occupied by one patron or customer to be served while standing, provided that, for the purpose of computing the number of “service accommodations” at a counter where no fixed seats or stools are provided, each such counter shall be considered as a separate unit and any fractional part of two lineal feet at a side or end shall be excluded.

“Shared kitchen” means any food establishment used as a place of business for the primary purpose of leasing or renting its kitchen space to individuals or commercial users for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or other food-related purposes as well as any retail food establishment that obtains a shared kitchen supplemental license issued pursuant to Section 4-8-038(f).

“Shared kitchen user” or “user” means any person who rents, leases or utilizes kitchen space at any shared kitchen or retail food establishment.

(Omitted text is unaffected by this ordinance)

“Slaughtering, rendering and packing establishment” means any place used for slaughtering animals for food, packing them for market, and cleaning the intestines thereof, or rendering offal, fat, bones, or scraps therefrom, or of any dead carcasses or animal matter whatever, or the manufacture or production of fertilizer, glue or soaps therefrom, or the manufacture of the same into fertilizing matter, or the changing the form thereof in any manner by the use of heat, steam, fire, chemicals, or otherwise.

“Special event food license” means a special retail food establishment license issued pursuant to Section 4-8-040(a).

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-8-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by adding the language underscored, as follows:

4-8-020 Licensing requirements.

(a) Except as otherwise provided in subsection (e) of this section, no person shall engage in the business of a retail food establishment without first having obtained a retail food establishment license.

(b) Except as otherwise provided in subsection (e) of this section, no person shall engage in the business of a wholesale food establishment without first having obtained a wholesale food establishment license.

(c) No person shall engage in the business of a mobile food dispenser without first having obtained a mobile food dispenser license.

~~(d) No person shall engage in the business of a shared kitchen without first having obtained a shared kitchen license or a shared kitchen supplemental license.~~

(e) No person shall engage in the business of a shared kitchen user without first having obtained a shared kitchen user license under this chapter. Provided, however, that if a person is required to obtain a shared kitchen user license under this chapter, such person shall not be required to obtain a retail food establishment license to conduct any of the activities regulated by the shared kitchen user license; nor shall such person be required to obtain a retail or wholesale food establishment license to sell any food prepared by such person at any premises licensed as a shared kitchen. Provided further, that if a person holds a special event food license, said person may utilize any licensed shared kitchen or retail food establishment authorized to operate as a shared kitchen to prepare food for such special event despite not having obtained a shared kitchen user license.

~~(df)~~ Except as otherwise provided in Section 4-8-039, a separate license shall be required for each separate place of business.

~~(eg)~~ If a person engages in both retail and wholesale food sales at the same establishment, only a retail food establishment shall be required.

~~(fh)~~ It shall be unlawful for any person to permit the installation, operation, or maintenance upon his premises of any automatic food-vending machine owned or operated by a person who has not obtained a license in accordance with the provisions of this chapter.

~~(gi)~~ Nothing in this chapter shall be construed to prohibit the sale of fruits and vegetables from a vehicle or otherwise as permitted in accordance with Sections 4-244-010 and 4-244-020 of the Municipal Code pertaining to peddlers.

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

SECTION 3. Section 4-8-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by adding the language underscored, as follows:

4-8-030 License – Application and nontransferability.

(Omitted text is unaffected by this ordinance)

(b) The Except as otherwise provided, the commissioner of business affairs and consumer protection shall issue no license pursuant to this chapter, and the applicant shall neither prepare, process nor sell any food, unless the department of health shall have inspected and approved the applicant's premises, vehicles, vending machines and other equipment and facilities for compliance with the Municipal Code of Chicago and the rules and regulations of the board of health.

(Omitted text is unaffected by this ordinance)

SECTION 4. Chapter 4-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-8-038, as follows:

4-8-038 Shared kitchen license.

(a) *Definitions.* For the purpose of this section, unless the context clearly indicates otherwise:

“Commissioner” shall mean the commissioner of business affairs and consumer protection or the commissioner’s designee.

“Shared kitchen licensee” shall mean any person who holds a shared kitchen license or a shared kitchen supplemental license.

(b) *Health risk assessment and inspection.* All shared kitchens shall be classified as a Category I facility, as defined in regulations issued by the Illinois Department of Public Health at 77 Ill. Adm. Code § 615.310, for purposes of a health risk assessment. All shared kitchens shall be subject to periodic inspections as provided in 77 Ill. Adm. Code § 615.310. The commissioner shall issue no shared kitchen license unless the department of health shall have inspected and approved the applicant’s premises, equipment, and use of potentially hazardous foods.

(c) *Accountability for use of premise.* A shared kitchen licensee shall be accountable for any and all Municipal Code violations that occur on the premises, including violations committed by a shared kitchen user. A shared kitchen licensee shall be liable for ensuring that all users who

utilize the shared kitchen are properly licensed by the department of business affairs and consumer protection, and shall be liable for any health code violations that occur at the shared kitchen that such shared kitchen licensee is or should be aware of.

(d) *Record keeping-Required.* Each shared kitchen licensee shall keep and maintain on file at the licensed premises a log containing the following records: (1) a list of all users and their contact information; (2) a list identifying the date(s) and time(s) each user is scheduled to utilize the licensed kitchen; (3) a list setting forth the date(s) and time(s) each user did utilize the licensed kitchen, including a brief description of any item(s) prepared at the licensed kitchen by each user on such date and at such time; (4) the name of the person, designated by the user, holding a valid certificate of registration in food handling and sanitation issued by the department of health who was present on the premise each time potentially hazardous food was prepared by said user; (5) a copy of all contracts entered into by the shared kitchen licensee with all users, including the effective date and, if applicable, the termination date of each such contract; (6) a copy of each user's current shared kitchen user license; (7) a record of the date on which any shared kitchen user discontinues or indicates his or her intent to discontinue utilizing the shared kitchen; and (8) a record of the date on which any authorization provided by the shared kitchen licensee to a shared kitchen user, whether provided pursuant to the requirements of subsection (d) of this section or otherwise, ends or is otherwise withdrawn or terminated by the shared kitchen licensee, and the reason(s) why such authorization ended or was otherwise withdrawn or terminated. The records made in the log required under this subsection (d) shall be maintained by the shared kitchen licensee for a period of at least two years after the date of entry of such record into the required log. Upon request, the log required under this subsection (d) shall be made available, during regular business hours or in case of emergency, for inspection by any authorized city official.

(e) *Additional duties.* In addition to all other requirements and restrictions set forth in this chapter, shared kitchen licensees shall: (1) provide access to all locked equipment located in storage areas maintained by the shared kitchen licensee and utilized by users for inspection by the department of health or other authorized city officials; (2) disclose in the application for a shared kitchen license the number of separate food preparation areas available at the applicant's kitchen and notify the department of health in writing 30 days prior to any increase or reduction in the number of such areas, and upon receiving such notification, the department of health may conduct an inspection to review the food preparation areas at said shared kitchen; and (3) ensure that the number of users preparing food in the licensed kitchen at any given time does not exceed the number of food preparation areas available at such kitchen.

(f) *Shared kitchen supplemental license.* Any retail food establishment licensee may apply for a shared kitchen supplemental license to allow said licensee to engage in the business of a shared kitchen in addition to engaging in the business of a retail food establishment. Any applicant for a supplemental license shall comply with all of the requirements of this chapter, provided, however, that the applicant for a shared kitchen supplemental license need not undergo inspection by the department of health prior to the commissioner issuing a supplemental license. The term of a shared kitchen supplemental license issued pursuant to this section shall be for the

same duration as the remaining duration of the applicant's retail food establishment license. The fee for the supplemental license shall be \$330.00 if obtained at the same time as the applicant's retail food establishment license, or, if said applicant applies for a shared kitchen supplemental license after obtaining the retail food establishment license, the fee shall be calculated on a pro rata basis, based on the number of months remaining on the applicant's retail food establishment license.

(g) *Retail food establishment supplemental license.* Any shared kitchen licensee may apply for a retail food establishment supplemental license to allow said licensee to engage in the business of a retail food establishment. Any applicant for a retail food establishment supplemental license shall comply with all of the requirements of this chapter, provided, however, that the applicant for a supplemental license need not undergo inspection by the department of health prior to the commissioner issuing a supplemental license. The term of a retail food establishment supplemental license issued pursuant to this section shall be for the same duration as the remaining duration of the applicant's shared kitchen license. The fee for the supplemental license shall be \$330.00 if obtained at the same time as the applicant's shared kitchen license, or, if said applicant applies for a retail food establishment supplemental license after obtaining the shared kitchen license, the fee shall be calculated on a pro rata basis, based on the number of months remaining on the applicant's shared kitchen license.

SECTION 5. Chapter 4-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-8-039, as follows:

4-8-039 Shared kitchen user license.

(a) *Definitions.* For the purpose of this section, unless the context clearly indicates otherwise:

"Additional food preparation equipment" shall mean any food preparation equipment utilized by a shared kitchen user that is not the property of the shared kitchen at which such user utilizes food preparation equipment.

(b) *Shared kitchen user license.* No person shall rent or lease kitchen space at a shared kitchen without first having obtained a shared kitchen user license. Provided, however, that any person who holds a special event permit may utilize any licensed shared kitchen to prepare food for such special event. There shall be no limit to the number of licensed shared kitchens a shared kitchen user may utilize during the duration of the shared kitchen user license. In addition to the general application requirements of this chapter, an applicant for a shared kitchen user license shall include in his or her license application a written affidavit, signed by the operator of a licensed shared kitchen, stating that such applicant is authorized to utilize kitchen space at such licensed facility. Shared kitchen user licenses shall be divided into the classifications which follow, and the holders of such licenses shall be entitled to engage in the business of shared kitchen commercial user subject to the following limitations:

(1) *Long-Term User license.* The holder of long-term user license is permitted to utilize any licensed shared kitchen for a period of more than 90 days. Long-term user licenses shall be valid for a period of two-years commencing upon issuance of the license. Provided, however, that nothing in this section shall be construed to prohibit a shared kitchen licensee from authorizing use of the licensed kitchen by a shared kitchen user for a period of less than two years.

(2) *Short-Term User license.* The holder of a short-term user license is permitted to utilize any licensed shared kitchen or retail food establishment for a period of 90 days or less. Short-term user licenses shall be valid for a period of 90 days commencing upon issuance of the license. Provided, however, that nothing in this section shall be construed to prohibit a shared kitchen or retail food establishment licensee from authorizing use of the licensed kitchen by a shared kitchen user for a period of less than 90 days.

(c) *Application - menu and additional food preparation equipment review.* In addition to the general application requirements of this chapter, applicants for a shared kitchen user license shall be required, as part of the license application, to submit a menu and additional food preparation equipment approval request form prescribed by the department of health. No license shall be issued to any person under this chapter if the department of health fails to approve as safe the contents of any menu or any proposed food preparation equipment submitted to the department pursuant to a menu and additional food preparation equipment request form. If at any time a shared kitchen user wishes to change or add to its menu or use any additional food preparation equipment that was not disclosed to the department of health as part of the license application, such user must obtain the written approval of the department of health prior to doing so. It shall be a basis for license suspension or revocation under this section if a licensee fails to conform to the menu approved by the department of health or fails to engage in any operational practice required by the department of health in connection with the issuance of a license under this section.

Prior to the issuance of any shared kitchen user license under this chapter, the applicant for such license shall complete a consultation with a health department sanitarian to allow the department of health to evaluate said applicant's proposed sanitation practices, methods of food storage, menu, and other processes related to said applicant's utilization of a shared kitchen.

(d) *Additional duties of shared kitchen user licensees.* All shared kitchen commercial users shall employ and have present on the premises at all times that potentially hazardous food is being prepared or served a person who holds a valid certificate of registration in food handling and sanitation issued by the department of health. All users shall keep and maintain a log containing the following records: (1) a list identifying the date(s) and time(s) such user utilized a shared kitchen, and (2) for each shared kitchen visited, a written affidavit signed by the operator of such shared kitchen, stating that the user is authorized to utilize kitchen space at such shared kitchen. The records made in such log shall be maintained by the user for a period of at least two years after the date of entry of such record into the required log. Upon request, such log shall be

made available, during regular business hours or in case of emergency, for inspection by any authorized city official.

SECTION 6. Section 4-8-040 of the Municipal code of Chicago is hereby amended by adding the language underscored, as follows:

4-8-040 License fees.

The license fees shall be as set forth in Section 4-5-010 of this Code and shall be paid before any license may be issued. All licenses shall expire in accordance with the terms of Section 4-4-021.

(Omitted text is unaffected by this ordinance)

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

SECTION 7. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-5-010 Establishments of license fees.

This chapter shall establish fees for various licenses created by this title unless otherwise provided.

(Omitted text is unaffected by this ordinance)

(31) Food – Retail food establishment (4-8)

0 – 4,500 square feet	\$660.00
4,500 – 10,000 square feet	\$880.00
over 10,000 square feet	\$1,100.00

In computing the square footage of a retail food establishment, the gross area of the entire premises shall be measured, including the food service, storage and preparation areas.

Special retail food establishment (4-8)

Per event	\$125.00
Food – Wholesale food establishment (4-8)	\$660.00
Food – Mobile food dispenser (4-8)	\$275.00
Food – Shared kitchen (4-8)	\$660.00
<u>Food – Shared kitchen long-term user (4-8)</u>	\$330.00
<u>Food – Shared kitchen short-term user (4-8)</u>	\$75.00

_____	Food – Shared kitchen supplemental (4-8)	\$330.00
_____	Food – Retail food establishment supplemental (4-8)	\$330.00

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 17-3-0207 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

17-3-0207 Use Table and Standards

(Omitted text is unaffected by this ordinance)

USE GROUP	Zoning Districts						Use Standard	Parking Standard
	Use Category	B1	B2	B3	C1	C2		
Specific Use Type								
P= permitted by-right S = special use approval required RD = planned development approval required - = Not allowed								

(Omitted text is unaffected by this ordinance)

INDUSTRIAL								
SS. Manufacturing, Production and Industrial Services								
1.	Artisan			-	P	P	P	§17-10-0207-U
2.	Limited (catering & <u>shared kitchen</u> only)	-	-	P	P	P	P	§17-10-0207-U

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 17-9-0202-C of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

17-9-0202-C Standards. A *dwelling unit* may be used for one or more home occupations subject to compliance with all of the following minimum standards:

(Omitted text is unaffected by this ordinance)

11. The following uses are expressly prohibited as *home occupations*:

(j) catering/food preparation businesses or shared kitchens;

(Omitted text is unaffected by this ordinance)

SECTION 10. Section 17-17-0105-B of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

17-17-0105-B Manufacturing, Production and Industrial Services.

(Omitted text is unaffected by this ordinance)

2. Limited. Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: shared kitchens; catering establishments; printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/ assembly; furniture and related product manufacturing/ assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

(Omitted text is unaffected by this ordinance)

SECTION 11. Section 17-17-0200 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

17-17-0200 General Terms.

(Omitted text is unaffected by this ordinance)

17-17-02155 Setback, Side. See “side setback”.

17-17-02155.1 Shared kitchen. Any food establishment used as a place of business for the primary purpose of leasing or renting its kitchen space to individuals or commercial users for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or other food-related purposes as well as any retail food establishment that obtains a shared kitchen supplemental license issued pursuant to Section 4-8-038(f).

(Omitted text is unaffected by this ordinance)

SECTION 12. This ordinance shall take full force and effect upon its passage and approval.