

Chicago Park District Code- Chapter 9

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CHAPTER IX. - CONCESSIONS AND FOOD SERVICES¹

Section A. - *Definitions*

For purposes of this chapter of the Code, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number.

"Automatic Food-Vending Machines" means any service container or mechanical device which upon insertion of a coin or token or by other similar means dispenses unit servings of food or drink either in bulk or in packages without the necessity of replenishing the device between each vending operation.

"Automatic Food-Vending Machine License" means a license issued, pursuant to Section C.3 of this chapter of the Code, by the General Superintendent or his/her designee, for a specific Automatic Food-Vending Machine, as operated by the named holder.²

"Concessionaire" means a person, partnership, corporation or other legal entity holding a Park District Concession Permit pursuant to this chapter, Section B to sell food or commodities or provide services at specified locations on Park District property, but shall not include holders of permits issued pursuant to Chapter VII, Section C. or contracts approved pursuant to Chapter XI of this Code to sell commodities, goods or services on behalf of the Park District.³

"Concession Permit" means a permit issued, pursuant to this chapter of the Code, by the General Superintendent or his/her designee, that entitles the named holder to sell certain specified foods, commodities or services at specified locations on Park District property.⁴

"Food" means raw, cooked or processed edible substance, alcoholic or nonalcoholic beverages, or ingredients, used or intended for use in whole or in part for human consumption.

"Food Dispensing" means the act of keeping, preparing or selling, offering for sale or distribution, for consumption on or off the premises, or in an enclosed dining area adjacent to the enclosed food establishment, any article of food and drink for consumption.

¹ Added Chapter 8-15-1989

² Added 3-13-1996

³ Amended 12-18-1991; 3-13-1996

⁴ Amended 3-13-1996

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"Food Service Establishment" means any place where food that is intended for individual service and consumption is routinely provided completely prepared. The term includes any such place, regardless of whether consumption is in, on or off the premises, and regardless of whether there is a charge for the food. The term does not include a private home where food is prepared for individual family consumption, and it does not include the location of food-vending machines or a retail food store that does not cook or combine ready-to-eat potentially hazardous foods for human consumption.

"Food Service Establishment License" means a license issued, pursuant to Section C.1 of this chapter of the Code, by the General Superintendent or his/her designee, for a specific Food Service Establishment, as operated by the named holder.⁵

"Food Service License" means a license issued, pursuant to this chapter of the Code, by the General Superintendent or his/her designee, for a specific Automatic Food-Vending Machine, Food Service Establishment, or Mobile Food Service, as operated by the named holder.⁶

"Mobile Food Service" means any wheeled vehicle in which a person travels from place to place, or upon the public way to serve food or drink in the Park District, including but not limited to a pushcart or a motorized pushcart.⁷

"Mobile Food Service License" means a license issued, pursuant to this chapter of the Code, by the General Superintendent or his/her designee, for a specific Mobile Food Service, as operated by the named holder.⁸

⁵ Added 3-13-1996

⁶ Added 3-13-1996

⁷ Amended 3-13-1996

⁸ Added 3-13-1996

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Section B. - Concessions

B. 1. Permit Requirement⁹

No person shall operate a business or offer for sale any food, beverage, product, good or service on any property owned and controlled by the Park District without having first obtained a Concession Permit in accordance with the provisions of this Code or otherwise having received written authorization from the General Superintendent or the Board.

B. 2. The Goal of the Concessions Program

The goal of the concessions program is to provide the highest possible quality and variety of foods, commodities and services that will enhance the use of the parks and provide comfort and convenience to patrons at reasonable prices while assuring reasonable revenue to the Park District, and consistency of the concessions with current and future Park District plans for recreation, operations and other activities on Park District property.¹⁰

B. 3. The Concessions Program

a. Concessions Planning¹¹

The General Superintendent or his/her designee shall develop a plan by location and activity for concession opportunities on Park District property. The plan shall identify special concession areas including unique buildings, sports facilities and specialized festive concession areas. The General Superintendent or his/her designee shall seek and review recommendations for modifications in the plan from Park District Officers or Employees, local advisory councils or Concessionaire applicants to determine appropriateness of proposed concession locations and activities.

b. Implementing and Administering the Concessions Program¹²

Concession activities of the Park District shall be carried out, in accordance with the goals of the concessions program, as stated above. The General Superintendent or his/her designee shall establish and publish policies, procedures, rules, and regulations as necessary. In this regard the General Superintendent or his/her designee shall:

⁹ Amended 3-13-1996

¹⁰ Amended 3-13-1996

¹¹ Amended 1-10-1995; 5-28-1991

¹² Amended 3-13-1996

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- (1) establish and update concession policies and procedures; develop and/or identify locations suitable for planned or innovative concession uses;
- (2) identify concession operators that show potential to meet Park District criteria through effective negotiations and ensure that all subsequent arrangements are in proper order;
- (3) integrate concession services with various special events sponsored by the Park District or other local governmental agencies, and serve as a liaison in such instances;
- (4) analyze plans and new developments affecting the concession operations.
- (5) monitor the performance of Concessionaires to ensure adherence to Park District Code provisions, rules, and regulations;
- (6) monitor the collection of fees and other monies in conjunction with concession services;
- (7) develop administrative procedures and forms for the orderly and systematic implementation of this chapter of the Code and any rules and regulations issued pursuant thereto;
- (8) monitor or cause to be monitored all concession operations to ensure compliance with the terms of the applicable Concession Permits;
- (9) develop recommended guidelines, public advertisements, applications and Concession Permit agreement provisions;
- (10) function as a liaison among Concessionaires, local advisory councils, community groups and Park District Officers and Employees;
- (11) respond to inquiries and investigate complaints from Park District Officers and Employees, government agencies, civic and community organizations and members of the public regarding concessions and Concessionaires;
- (12) review applications for concessions pursuant to the provisions of this chapter of the Code and any policies, procedures, rules or regulations that the General Superintendent may establish ;
- (13) take reasonable steps to ensure that unauthorized concession activity does not occur on Park District property; and
- (14) perform such other duties and be subject to such other rules and regulations as the General Superintendent or the Board may from time to time to prescribe.

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c. Public Hearings¹³

The General Superintendent or his/her designee shall hold public meetings at least four times a year to discuss the concessions program and solicit input from the community. Notice of such meetings shall be given to advisory councils and shall be posted in the Park District Administration Building and in all Park District fieldhouses.

B. 4. Concession Permits¹⁴

a. Notice of Availability

At least once a year, the General Superintendent or his/her designee shall publish in a newspaper of general circulation in the City of Chicago and shall post at the Park District Administration Building and in all Park District fieldhouses a notice of current concession opportunities with any deadline for receipt of applications for concession proposals and procedures for filing the application for the following:

- (1) all available Concession Permit locations (including a description of activities), new or existing; and
- (2) all existing Concession Permits (including a description of locations and activities) scheduled to expire within the six months following the notice.

In addition, the above notices of availability shall be sent to all affected local advisory councils.

b. Proposals for New Concession Locations and Activities

Proposals for new Concession locations and activities may be submitted to the General Superintendent or his/her designee in response to the Park District's annual notice of availability or at any time. In the event that the Park District is considering granting an unsolicited application for a proposed new concession location or activity, the advisory council for the park or parks affected by the proposed new concession will be notified that an application has been submitted.

c. Procedures for Review of Proposals for New or Existing Concession Opportunities

All proposals for existing and proposed new concession opportunities shall be reviewed by the General Superintendent or his/her designee. The General Superintendent or his/her designee may request additional information from

¹³ Added 3-13-1996

¹⁴ Amended 3-13-1996

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proposers and also conduct discussions with proposers. In determining whether to give approval of a concession proposal, the General Superintendent or his/her designee shall consider the following:

- (1) the qualifications of the applicant, including the applicant's professional qualifications, skills, experience and financial ability;
- (2) the quality, including the creative or innovative nature, of the proposed foods, commodities or services;
- (3) revenue to be received by the Park District from the proposed concession;
- (4) the extent to which the proposed concession would not interfere with and would enhance park recreational activities;
- (5) the extent to which the proposed concession is consistent with the historic and aesthetic nature and planned use of the proposed location;
- (6) the extent to which the proposed concession is consistent with the goals of the concessions program and plan;
- (7) the extent to which the proposed concession adds to the diversity of Park District concession activities
- (8) the willingness of the applicant to make a good faith effort to encourage the participation of Women Business Enterprises and Minority Business Enterprises in the concession operations; and
- (9) any other factor that the General Superintendent or his/her designee may deem relevant.

d. Award of Concession Permits Generally

The General Superintendent or his/her designee shall have the authority to award and enter into any Concession Permit that has a term of five years or less and that does not involve the construction of a new permanent building or facility on Park District property. All other Concession Permits shall be awarded by the Board. The General Superintendent or his/her designee shall have the authority to enter into Concession Permits that are awarded by the Board.

e. Award of Concession Permits on an Emergency or Trial Basis

If the General Superintendent determines that it is in the best interest of the Park District, the General Superintendent may, without any public notice or advertisement requirements, award a Concession Permit in the event of any of the following occurrences:

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- (1) The Park District enters negotiations with an existing Concessionaire regarding an option or term extension but the parties fail to reach an agreement satisfactory to the Park District;
- (2) The Park District enters negotiations with a concession applicant that was initially approved by the General Superintendent or the Board but the parties fail to reach an agreement satisfactory to the Park District;
- (3) a Concessionaire is terminated or defaults or terminates during its concession term;
- (4) No acceptable applications were received in response to a notice of availability for the concession location; or
- (5) a new concession opportunity becomes available.

Concessions awarded on such an emergency or trial basis shall not, without approval of the Board, be awarded for a term in excess of (i) three years; or (ii) the length of the existing concession term, whichever is longer

B. 5. Extension of Concession Permits¹⁵

a. Extensions Not Exceeding One Year

The General Superintendent or his/her designee may extend the term of an existing Concession Permit for a period not to exceed one year after the termination of the initial permit.

b. Extensions Not Exceeding Five Years

The Board may extend the term of an existing Concession Permit for a period not to exceed five years after the termination of the initial permit when:

- (1) unanticipated capital improvements are required for the operation of the concession and an extension of the term of the permit is required for the Concessionaire to make such necessary improvements; or
- (2) the Board determines that proposed capital improvements provide a substantial benefit to the Park District and an extension of the term of the permit is required for the Concessionaire to make such improvements.

¹⁵ Amended 10-22-1991

B. 6. General Requirements of Concessionaires

a. Orientation Sessions.

All Concessionaires are required to attend any orientation sessions scheduled by the Park District or its designee.

b. Licensing Requirements¹⁶

All Concessionaires are required to obtain a general concession operating license from the General Superintendent or his/her designee. All Concessionaires must pay the required license fees for each applicable license in an amount in accordance with the schedule of license fees set by the General Superintendent. Licenses for the current year must be conspicuously posted on every cart, trailer or permanent facility operated on Park District property. In addition, all Concessionaires that sell food are required to obtain, in accordance with Section C of this chapter of the Code, all applicable Automatic Food-Vending Machine, Food Service Establishment, and Mobile Food Service Licenses for each location and to comply with all applicable Park District rules and regulations governing such licenses.

c. Sanitation Requirements¹⁷

All Concessionaires must comply with the sanitation requirements set forth in their Concession Permits.

d. Insurance Requirements¹⁸

All Concessionaires are required to provide certificates of insurance required by the Director of Risk Management naming the Park District as additional insured. The Director of Risk Management shall issue a schedule of insurance requirements for each class and type of concession.

e. Compliance with Laws

All Concessionaires must comply with all applicable federal, state and local laws, ordinances, regulations and rules.

¹⁶ Added 3-13-1996

¹⁷ Added 3-13-1996

¹⁸ Amended 3-13-1996

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f. Concessionaire Employees¹⁹

- (1) All Concessionaires and their Employees, if any, are required to wear during the hours of operation a uniform approved by the General Superintendent or his/her designee. The trade name of the Concessionaire shall appear on the uniform. Concessionaires shall not employ persons under the age of sixteen years for the operation of a Park District concession.
- (2) Vehicles belong to Concessionaire, related staff, or suppliers that are being used for ordinary and necessary delivery purposes may stand on park roads or paths for no more than 30 minutes as long as the vehicle operator exhibits care for the well-being of parkgoers and park property.
- (3) In addition, all vehicles must make delivery before 11:00 a.m. and after 6:00 p.m. unless otherwise approved in writing by the Park District. All vehicles should be identified by a Park District concessionaire permit in front windshield of vehicle.

g. General Rules

The General Superintendent may establish and publish additional rules and regulations, including the standards applicable to food service, as needed to carry out the concessions program and the provisions of this chapter of the Code.

B. 7. Termination of Concession Permits²⁰

In addition to exercising any damage provisions contained in a Concession Permit and any other legal remedies, the General Superintendent or his/her designee may terminate a Concession Permit if a Concessionaire:

- a. violates a provision of this Code or any Park District rule or regulation;
- b. breaches its Concession Permit;
- c. poses a health or safety hazard or has its Food Service Establishment License, Mobile Food Service License or Automatic Food - Vending Machine License(s) revoked; or
- d. refuses to submit to an inspection of operations or records

¹⁹ Amended 3-13-1996

²⁰ Amended 3-13-1996

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Section C. - Food Services

C. 1. Food Service Establishment

a. License--Required²¹

It shall be unlawful for any person to engage in the business of a Food Service Establishment within the Park District without first obtaining a license to do so. Every such license shall be posted in a conspicuous place in that part of the Food Service Establishment to which the public has access. At the time of license application, the General Superintendent or his/her designee shall issue to each applicant a copy of the Park District's rules and regulations relating to Food Service Establishments. The General Superintendent shall publish rules and regulations on food quality, storage, and handling, the health of food service personnel, sanitation equipment and standards and the general cleanliness of the premises. Such requirements will be binding on all Food Service Establishment License holders during the term of their license.

b. Application²²

- (1) An application for a Food Service Establishment License shall provide the General Superintendent or his/her designee such information as may be necessary to order to inform it fully as to the size and nature of the place to be used for the purposes of the business and the conditions, equipment, and facilities for conducting the business therein.
- (2) Before any license shall be issued, and before any food may be served, the General Superintendent or his/her designee shall inspect and approve the premises for compliance with requirements of this Code and any applicable Park District rules and regulations.
- (3) Each Food Service Establishment must be under the operational control of a registered certified person on a daily basis, as provided in the Illinois Department of Public Health Food Service Sanitation Rules and Regulations
- (4) Each applicant for a Food Service Establishment License shall provide the Park District with evidence of a certificate of registration in food handling and sanitation issued by the State of Illinois Department of Public Health.
- (5) Every certificate of registration shall be posted in a conspicuous place in that part of the Food Service Establishment to which the public has access.

²¹ Amended 6-27-1978

²² Amended 6-27-1978; 3-13-1996

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- (6) When an inspection reveals that the applicant and the establishment comply with all the rules and regulations of the Park District, and the provisions of this Code and the State Department of Public Health rules and regulations relating to food service establishments, the General Superintendent or his/her designee shall issue a license.
- (7) a Food Service Establishment License shall not be transferred from one person to another.

c. Fees

No license shall be granted unless the applicant shall have paid at the time for filing an application for a license the required license fee in an amount in accord with the schedule of license fees set by the General Superintendent.

C. 2. Mobile Food Service²³

a. License--Required

It shall be unlawful for any person to engage in the business of Mobile Food Service without first having obtained a license to do so.

The license obtained hereunder shall be posted in a conspicuous place in the vehicle.

b. Application

Application for a license for a Mobile Food Service shall be made in conformity with the general requirements of this Code relating to applications for a Food Service Establishment License, and in addition, shall contain the name and address of the owner of the Mobile Food Service vehicle. If the operator of the vehicle is other than the owner, the name of the operator shall also appear on the application.

c. Inspection Prerequisite to Issuance

Before a license for a Mobile Food Service vehicle shall be issued, the General Superintendent or his/her designee shall cause an inspection to be made of the vehicle to be used and the equipment contained therein and shall ascertain where the vehicle is cleaned and stored when not in use.

²³ Amended 6-27-1978; 3-13-1996

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d. Fee

No license shall be granted unless the applicant shall have paid at the time for filing an application for a license the required license fee in an amount in accord with the schedule of license fees set by the General Superintendent.

e. Rules and Regulations

The General Superintendent or his/her designee shall issue to each applicant a copy of the Park District's rules and regulations relating to Mobile Food Services. The General Superintendent shall publish rules and regulations on food quality, storage, and handling, the health of food service personnel, sanitation equipment and standards and the general cleanliness of the premises. Such requirements will be binding on all Mobile Food Service License holders during the term of their license.

C. 3. Automatic Food-Vending Machines²⁴

a. License--Required

It shall be unlawful for any person to engage in the business of installing, keeping or operating Automatic Food-Vending Machines within the Park District without first obtaining a license to do so. Every such license shall be posted in a conspicuous place in that part of the Automatic Food-Vending Machine operator's establishment to which the public has access. It shall be unlawful for any person to install, keep or maintain, or use, or permit the installation, keeping, maintenance or use upon his/her premises of any Automatic Food- Vending machine owned or operated by a person who has not obtained a license as hereinafter provided.

b. Application

- (1) Applications for such licenses shall be made in conformity with the general requirements of this chapter relating to applications for Food Service Establishment Licenses .
- (2) Such applicant shall provide the following information:
 - (a) The applicant's full name, residence and post-office address, and whether such applicant is an individual, firm or corporation. If any partnership exists, the names of the partners, together with their addresses, shall be included.
 - (b) The location where vending machines are repaired, renovated and stored.

²⁴ Amended 6-27-1978; 3-13-1996

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- (c) The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in his/her possession.
 - (d) The signature of the applicant or applicants.
- (3) Upon receipt of such application, the General Superintendent or his/her designee shall make an inspection of the supply storage, servicing, cleaning and sanitizing facilities, and transport facilities. In addition, the applicant shall set forth the types of Automatic Food-Vending Machines intended to be operated, the number of Employees, a description of each type and such further information as may be required. The applicant shall also set forth such further information as may be required by the General Superintendent or his/her designee in order to inform him/her fully as to the types of machines and the kinds of food to be dispensed therefrom.
 - (4) Before any license shall be issued, the type of Automatic Food - Vending Machines intended to be operated shall be approved by the General Superintendent or his/her designee, which also shall cause an inspection to be made of the premises of the applicant to determine the character and fitness of the premises from the standpoint of ensuring protection of the food from improper handling, dust, dirt, flies, vermin and/or other contamination

c. Requirements for Retention

In order to retain his/her license, an operator shall:

- (1) comply with the requirements of this section;
- (2) submit to the General Superintendent or his/her designee a list of all vending machines operated by him/her on Park District property describing their location and of all establishments from which his/her machines are serviced; and
- (3) notify the General Superintendent or his/her designee of any change in operations involving new types of vending machines or conversion of existing machines to dispense products other than those for which the machine was built and for which the license was issued.

d. Fee

No license shall be granted unless the applicant shall have paid at the time for filing an application for a license the required license fee in an amount in accord with the schedule of license fees set by the General Superintendent.

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e. Emblem

- (1) The General Superintendent or his/her designee shall provide a license emblem to each person engaged in the business of installing, keeping or operating Automatic Food-Vending Machines. The license emblem shall state the year in which such license was issued, a serial number which will identify the license, and any other information that the General Superintendent or his/her designee may require.
- (2) Each licensee shall properly identify each Automatic Food-Vending Machine which he/she installs, keeps or operates by affixing the applicable license emblem provided by the General Superintendent or his/her designee to each such Automatic Food-Vending Machine in a location visible to the public. Failure to properly affix and maintain such identification on each Automatic Food-Vending Machine shall constitute a violation of this chapter.
- (3) The location where foods are stored, prepared and delivered shall comply with the health and sanitary requirements of the Food Service Establishment requirements set forth in rules and regulations published by the General Superintendent or his/her designee.

C. 4. Suspension and Revocation of Food Service Licenses²⁵

a. Notices of Violation

If a Food Service License holder ("Licensee") violates any Park District ordinance, rule or regulation, the Park District Inspector or other designee of the General Superintendent may give the Licensee notice of an intent to suspend or revoke the License if the violation is not corrected within a specified period of time. The notice of violation shall be personally delivered to the Licensee or, in the event such personal delivery cannot be achieved, then notice shall be sent by certified mail, return receipt requested, to the Licensee's last known address of record. If the Licensee elects to contest the notice of violation, it may request a hearing pursuant to Subsection 5 below. If upon inspection after the expiration of the period of time specified in the notice of violation, the Park District Inspector or other designee of the General Superintendent finds that the Licensee remains in violation of any Park District ordinance, rule or regulation, the General Superintendent or his/her designee may issue an order suspending or revoking the Food Service License or extend the time period allowed for compliance. Notices of such orders shall be given in the same manner as notices of violation.

²⁵ Added 3-13-1996

b. Emergency Suspensions

If any Licensee creates a situation or condition posing a public health or safety hazard, or is charged in any court with an offense involving its fitness to hold a license that may cause the Licensee's continued operation to pose a public health or safety hazard, the Food Service License may be temporarily suspended by the General Superintendent or his/her designee without a prior hearing. The order temporarily suspending the Food Service License shall be personally delivered to the Licensee or, in the event such personal delivery cannot be achieved, then notice shall be sent by certified mail, return receipt requested, to the Licensee's last known address of record. The order shall specify any Park District ordinance, rule or regulation alleged to have been violated; shall briefly state the factual basis of the alleged violation; and shall inform the Licensee of the procedures for appealing the suspension.

c. Suspensions

Each Licensee who is subject to a suspension under subsections a and b above shall have no more than seven days in which to correct the conditions that formed the basis of the issuance of the order of suspension. Seven days after notice has been given of a suspension, an inspection of the food service operation shall be conducted. If conditions are not corrected within such time, the Park District may either extend the suspension an additional period of time or permanently revoke the license. In the event that a license is revoked, the Licensee's Concession Permit shall automatically be terminated. Concession Permits may also provide for additional penalties, including termination, for violation of Park District ordinances, rules, and regulations.

d. Repeated Violations

The Park District may suspend or revoke a Food Service License, without a prior notice or hearing, if the Licensee has a record of repeated violations of any Park District ordinances, rules or regulations.

C. 5. Hearings and Appeals²⁶

a. Filing of Appeal by Request for Hearing

If a Licensee elects to contest a notice of violation or an order suspending or revoking a Food Service License, the Licensee shall file with the General Superintendent a written request for hearing within three (3) days after receipt of the notice of the proposed action, by filing with the General Superintendent a written request for hearing. Receipt shall be presumed to be the date of delivery of a notice to the Licensee's last known address of record. If no timely request for hearing is filed, the Park District Inspector or other designee of the General

²⁶ Added 3-13-1996

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Superintendent, as the case may be, may proceed to execute the action specified in the notice, and the Licensee shall have no further right of appeal.

b. Hearing²⁷

Upon receipt of a timely request for hearing, the hearing shall be scheduled by the General Superintendent or his/her designee within ten (10) days after receipt by the General Superintendent of the written request for hearing. The Licensee will be notified in writing of the time and place of the hearing. The hearing will be conducted by an impartial non-employee hearing officer appointed by the General Superintendent or his/her designee. The Park District shall have the burden of proving by a preponderance of the evidence any charge of violation of a Park District ordinance, rule or regulation. At the hearing, the Licensee shall have the right to counsel, to call witnesses and present evidence on its behalf, to see all evidence against it and to cross-examine opposing witnesses. The hearing officer shall not be bound by the technical rules of evidence but may admit such evidence as is commonly relied upon by reasonably prudent persons in the conduct of their affairs. Within seven (7) days after completion of the hearing, the hearing officer shall submit a written recommendation to the General Superintendent sustaining, modifying, or reversing the proposed action of the Park District Inspector or the General Superintendent's designee, as the case may be. Within seven (7) days after their receipt of the hearing officer's recommended decision, the Inspector, the General Superintendent's designee and/or the Licensee, as the case may be, may file with the General Superintendent a written exception to the recommended decision. Within seven (7) days after the last date for filing exceptions to the recommended decision, the General Superintendent shall render a final decision in the name of the Park District accepting, modifying or reversing the recommended decision of the hearing officer. The Park District Inspector or the General Superintendent's designee, as the case may be, shall then promptly execute the decision of the General Superintendent.

²⁷ Amended 10-8-1991

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Section D. - *Fines*²⁸

Any violation of the provisions of this chapter of the Code, including, without limitation, selling food, commodities or services on Park District Property without a valid Concession Permit and/or applicable license shall be punishable by a civil fine of up to \$500. Each day that a violation continues shall be deemed a separate violation.

²⁸ Amended 11-8-1977; 3-13-1996