
CITY OF CHICAGO

RULES



Rules for Maxwell Street Market



CHICAGO DEPARTMENT OF
DCASE
CULTURAL AFFAIRS & SPECIAL EVENTS

Mayor Lori E. Lightfoot

Commissioner Mark Kelly

City of Chicago
Department of Cultural Affairs and Special Events
Department of Public Health

RULES
for
MAXWELL STREET MARKET

City of Chicago
Lori Lightfoot
Mayor

Mark Kelly
Commissioner
Department of Cultural Affairs and Special Events

Allison Arwady, M.D.
Acting Commissioner
Department of Public Health

BY AUTHORITY VESTED IN THE COMMISSIONER OF CULTURAL AFFAIRS AND SPECIAL EVENTS PURSUANT TO SECTION 2-28-030(j) and SECTION 4-11-090 OF THE MUNICIPAL CODE OF CHICAGO, AND IN THE COMMISSIONER OF HEALTH PURSUANT TO SECTION 4-11-110 OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING THE MAXWELL STREET MARKET ARE ADOPTED HEREIN.

By Order of the Commissioner:

Mark Kelly
Mark Kelly
Commissioner

Date: 7/3/2019

By Order of the Acting Commissioner

Allison Arwady
Allison Arwady, M.D.
Acting Commissioner

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**CITY OF CHICAGO
DEPARTMENT OF CULTURAL AFFAIRS AND SPECIAL EVENTS
DEPARTMENT OF HEALTH**

RULES

for

MAXWELL STREET MARKET

ARTICLE I. DEFINITIONS

Rule 1-1 As used in these Rules, unless the context indicates otherwise:

“Authorized personnel” means any employee of the Department, CDPH, the Chicago Police Department or any management company hired by the City to manage the Market or to manage a particular function at the Market.

“Available space” means any vending space that has neither been reserved through payment of the permanent location reservation fee, set forth in MCC Section 4-11-085(c), nor assigned on a particular Market day to a legacy vendor or featured vendor.

“BACP” means the Chicago Department of Business Affairs and Consumer Protection.

“Cash and carry” means a transaction whereby buyers: (i) purchase goods on-the-spot using cash or a credit or debit card; and (ii) carry the purchased goods away with them on the day of purchase.

“Certificate of registration in food handling and sanitation” means the CDPH-approved certificate issued to persons who have successfully completed Summer Festival Sanitation training for the current year.

“CDPH” means the Chicago Department of Public Health (a.k.a. Department of Health).

“Chapter 4-12” means MCC Chapter 4-12.

“Commissioner” means the Commissioner of Cultural Affairs and Special Events or the Commissioner’s designee.

“Department” means the City of Chicago Department of Cultural Affairs and Special Events.

“Farmer or grower” means a person who grows food for human consumption.

“Featured vendor” has the meaning ascribed to that term in MCC Section 4-11-005.

“Food vendor” means any person who offers for sale or sells prepared food or prepared beverages of any type at the Market.

“General merchandise vendor” means any person who sells products at the Market, other than prepared food or prepared beverages.

“Hazardous conditions” means weather conditions or other exigent circumstances or conditions beyond the control of authorized personnel that pose a potential danger or health or safety risk to vendors or to the public.

“Legacy vendor” has the meaning ascribed to that term in MCC Section 4-11-005.

“LPG” means liquefied petroleum gas.

“Market Office” means the Maxwell Street Market Permit Office of the Department, or any location designated by the Department as a Market Office.

“Maxwell Street Market” or “Market” has the meaning ascribed to those terms in MCC Section 4-11-010.

“MCC” means the Municipal Code of Chicago and any rules duly promulgated thereunder.

“Must” means “shall.” The word “must” indicates that compliance with a particular requirement is mandatory.

“Potentially hazardous food” means any food that requires time-temperature control for safety (“TCS”) to limit pathogenic microorganism growth or toxin formation within the meaning of the definition of “Time/Temperature Control for Safety Food” set forth in the *Food Code Rules* promulgated by CDPH.

“Prepackaged and non-perishable” means any food or beverage that: (i) is not capable of supporting rapid and progressive growth of microorganisms which may cause food infections; and (ii) is prepackaged at a food processing establishment in a hermetically sealed container designed to keep the contents free of contamination by microorganisms and maintain the commercial sterility of its contents after thermal processing; and (iii) bears a manufacturer’s quality assurance date.

“Prepared beverage(s)” means any perishable, non-perishable, hot or cold beverage that: (i) is not a prepackaged and non-perishable beverage; or (ii) is prepared or assembled, whether in whole or in part, on-site at the Market; or (iii) contains any ingredient, including ice, that is added to the beverage on-site at the Market. The term “prepared beverage” does not include pre-packaged and non-perishable beverages.

“Prepared food(s)” means any perishable, non-perishable, hot or cold food, that: (i) is not a prepackaged and non-perishable food; or (ii) is prepared or cooked or assembled or plated, whether in whole or in part, on-site at the Market; or (iii) is prepared or cooked or assembled or plated or stored off-site of the Market at an establishment that holds or is required to hold either a valid shared kitchen license under MCC Section 4-8-038(b), or retail food establishment and shared kitchen supplemental license under MCC Section 4-8-038(b), or Tier II or Tier III pop-up food establishment user license under MCC Section 4-8-044. For purposes of this definition, the term “prepared food” does not include: (a) pre-packaged and non-perishable food; or (b) whole and uncut produce sold by a farmer or grower.

“Regular market vendor(s)” has the meaning ascribed to that term in MCC Section 4-11-005.

“Space sharing” means the authorized sharing of a vendor’s space on a particular date with another vendor.

“Vendor” means any person who holds or is required to hold a valid permit under Chapter 4-11 to occupy a space at the Market or to sell merchandise or food at the Market.

ARTICLE II. GENERAL REQUIREMENTS

Rule 2-1 *Vendor permit applications.*

(a) *Forms.* Applications for a permit under Chapter 4-11 to occupy a space or to sell general merchandise or food at the Market must be made in writing using forms (“application packet”) provided by the Commissioner. The application packet shall consist of the following forms, each of which must be completed in full and signed by the applicant:

- (1) Maxwell Street Market Vendor Application;
- (2) Maxwell Street Market Vendor Agreement; and
- (3) Disclosure of Indebtedness to the City of Chicago.

(b) *Other documentation.* Each applicant for a permit under MCC Chapter 4-11 must submit, as part of the application packet, a copy of:

- (1) identification in the form of either a valid: (i) driver’s license; or (ii) State-issued identification card; or (iii) “Matricular Consular” identification card; or (iv) City of Chicago ID issued under MCC Chapter 2-176; or (v) any other government-issued identification card acceptable to the Commissioner;
- (2) a valid Illinois Business Tax (IBT) license number/Illinois Department of Revenue (IDOR) number registered in the applicant’s name;
- (3) an indemnification agreement meeting the requirements of MCC Section 4-11-089; and
- (4) proof of automobile liability insurance, if required under Rule 4-2.

(c) *Food vendors – Additional requirements.* In addition to the requirements set forth in subsections (a) and (b) of this Rule, applicants who wish to sell

prepared food or prepared beverages at the Market (“food vendors”) must also submit:

- (1) a Maxwell Street Market Prepared Food Vendor Application or Maxwell Street Market Mobile Food Vendor Application (as applicable);
- (2) a copy of a valid certificate of registration in food handling and sanitation and, if applicable, the name and address of at least one individual possessing such a certificate who will supervise the preparation of food for sale at the Market; and
- (3) if applicable: (i) a notarized letter signed by the food establishment owner certifying that such owner has authorized the use of their establishment or commissary for the preparation of food for sale at the Market; and (ii) a copy of such establishment’s or commissary’s current license under Chapter 4-8 of the Code; and (iii) a copy of such establishment’s or commissary’s most recent Sanitation Health Inspection Report issued by CDPH, which Report shall not be older than six months; and
- (4) proof of insurance meeting the requirements of Article IV of these Rules.
- (5) *Clarification of status.* Farmers and growers who wish to sell only whole and uncut produce at the Market, and vendors who wish to sell only prepackaged and non-perishable foods or non-perishable beverages at the Market, are not selling “prepared foods” as defined in Rule 1-1, and hence, are not “food vendors” within the meaning of this subsection (c). Rather, such persons are deemed to be selling general merchandise at the Market and, as such, shall submit the forms and documentation required under subsections (a) and (b) of this Rule.

Rule 2-2 *Permits.*

- (a) A permit is required for each date a vendor wishes to participate at the Market.
- (b) The fee for a permit to participate at the Market shall be as set forth in subsection (b) of MCC Section 4-11-060.
- (c) Permits can be purchased per week (defined as one Sunday) or per month (defined as four consecutive Sundays).

(d) The permit fee shall be paid in full by or before 8:15 a.m. on the date on which the vendor wishes to participate at the Market.

(e) Permits to participate at the Market are non-transferable. Except as otherwise provided in subsection (e) of Rule 2-3, only vendors or their designees who have purchased a permit for use at the Market on a particular day may operate in the vendor's designated space.

(f) Except as otherwise provided in subsections (a) or (b) of Rule 2-3, vending space at the Market will be randomly assigned to vendors based on its availability.

Rule 2-3 *Reservation of a permanent location at the Market.*

(a) Regular market vendors may request a permanent location at the Market.

(b) The reservation of a permanent location at the market shall be governed by the eligibility, retention, and permanent location reservation fee requirements set forth in MCC Section 4-11-085. Per MCC Section 4-11-085, the permanent location reservation fee shall be in addition to the permit fee required under MCC Section 4-11-060(b).

Rule 2-4 *Assignment of unsold space at the Market.* If, on the day of the Market, vending space is still available at the Market, general merchandise vendors may apply for a permit to sell general merchandise at the Market on such day one hour prior to the time the Market officially opens for business. Per Rule 5-1, same day permits shall not be issued to food vendors.

ARTICLE III. OPERATING REQUIREMENTS

Rule 3-1 *Hours of operation and early closure.*

(a) The Market will operate on Sundays in accordance with a schedule determined by the Commissioner. Except as otherwise provided in subsection (b) of this Rule:

(1) The Market will be open to the general public from 9:00 a.m. until 3:00 p.m.

(2) Properly permitted vendors may begin setting up their space at the Market as early as 7:00 a.m. After 8:30 a.m., vendors will not be allowed to enter the market to set up their vending space. All vendor setup must be completed by 9:00 a.m.

(3) Vendors are expected to remain open for business until the Market closes at 3:00 p.m. If, due to an emergency, a vendor needs to leave the market before 3:00 p.m., the vendor shall only do so with assistance and approval from the Market Office. Early departures are reserved for emergencies only. Except as otherwise provided in subsection (b) of this Rule, inclement weather or the potential for inclement weather does not constitute an emergency within the meaning of this Rule.

(4) The Maxwell Street Market is an outdoor market. Vendors are responsible for being prepared to withstand inclement weather conditions, and shall not be allowed to leave the Market early due to light rain, snow or wind.

(5) All materials, products, display items and other matter brought into the Market by vendors or their designees must be removed from the grounds of the Market by 4:30 p.m. each market Sunday.

(b) If the Commissioner determines that hazardous conditions warrant a delay in opening the Market or warrant early closure of the Market, the Commissioner may, in his or her discretion, order such delay or closure. Upon receiving notification from the Commissioner that the Market is being closed, vendors shall immediately stop all sales at the Market and, within one hour of receipt of such notification, shall promptly depart from the Market unless otherwise instructed by the Commissioner or Market Office.

Rule 3-2

Vendor vehicles.

(a) Except as otherwise provided in subsection (b) of this Rule, automobiles and other motor vehicles shall not be permitted in the Market unless the permit issued by the Department specifies that a vehicle is permitted in a particular vending space. In such case, the vehicle must remain within the vendor's designated space at all times when the Market is officially open for business.

(b) Motor vehicles are permitted on Market grounds for loading and unloading purposes two hours prior to the time the Market officially opens for business and at the close of the Market in accordance with subsection (c) of this Rule.

(c) Vendors must load all unsold food or merchandise into their vehicles between 3:00 p.m. and 4:30 p.m. The Commissioner shall determine the nature and extent of vehicular access based on the number of requests for such access on a particular day, logistical factors relating to the movement of vehicles, and public health and safety considerations.

Rule 3-3

Vending spaces.

(a) Vendors shall occupy only the designated vendor space for which they have paid. Vendors shall not spread goods or belongings in any area outside of their designated vendor space without the express written permission of authorized personnel.

(b) Each vendor shall maintain their vending area (and any adjoining non-vending space) in a clean and sanitary condition. Each vendor shall provide sufficient plastic bags for garbage generated by the vending operation, and shall dispose of such bag(s) in the garbage containers provided by the City at the end of each market Sunday.

(c) Vendors shall not solicit customers outside of their designated vendor space. Walking around the Market requesting donations or signatures, handing out coupons or engaging in any other type of solicitation outside the designated vendor space is strictly prohibited.

(d) Vendors may not trade vending spaces with other vendors without first having obtained permission to do so from authorized personnel.

(e) Space sharing by vendors is allowed if approved by authorized personnel.

(f) Vendors must be present at their vending space at all times when the Market is open for business, except as reasonably necessary to conduct vending operations. The vendor may retain the services of helpers, employees, or agents, whether paid or unpaid.

(g) No obstruction, such as barrels, boxes, cases, bags, hand trucks or other items, shall be placed in any aisle, common area, or emergency lane at the Market at any time while the Market is open for business.

(h) At no time shall any vendor sell, lease or exchange, or offer to sell, lease or exchange, any portion of such vendor's designated space at the Market for money or anything of value. A single violation of this Rule may result in permit suspension or revocation in accordance with MCC Section 4-11-120.

Rule 3-4 *Tables, Tarps and Tents.*

(a) Vendors must furnish their own tents, tables, chairs, table cloths, displays and weather protection.

(b) The tables used by vendors must be sturdy and stable.

(c) The combined weight of products placed on tables shall not exceed the table's load capacity. All products placed on tables must be secured.

(d) All tents must be secured at each corner by weights of at least 50 pounds or greater and sufficient to ensure that the tent can withstand wind or rain. Non-compliant tents will be subject to immediate dismantling and removal from the Market.

Rule 3-5 *Common areas.* The Commissioner may designate portions of the Market as common areas. Such common areas may include but shall not be limited to areas containing trees, planters, sidewalks, benches or other seating areas. At no time shall any vendor be allowed to use any portion of any common area to advertise, display, store or park merchandise or other items brought into the Market by the vendor.

Rule 3-6 *Ingress to and egress from the Market.* Each vendor shall be given designated routes to and from the Market, which the vendor must use. Such designated routes will be determined based on the vendor's designated location at the Market.

Rule 3-7 *Prohibited Items.*

(a) It shall be unlawful for any vendor to offer for sale or sell at the Market any item prohibited for sale by local, State or federal law. The sale of live animals at the Market is strictly prohibited.

(b) The Maxwell Street Market is a cash and carry Market. Vendors are prohibited from selling at the Market any item that is not readily available for transfer to or possession by the customer at the time of purchase.

(c) It shall be unlawful for any vendor at the Market to offer for sale or sell at the Market any stolen or counterfeit merchandise. The vendor must maintain proof of origin of all inventory sold at the Market and, upon request by authorized

personnel, must be able to produce receipts documenting the origin of such inventory.

(d) It shall be unlawful for any vendor at the Market to offer for sale or sell at the Market any merchandise that is not in good working condition.

Rule 3-8

Animals. All animals brought to the Market by a vendor or any other person must be: (i) restrained at all times by a chain or leash not exceeding six feet in length; and (ii) kept under the control of a responsible person at all times while the animal is present at the Market to prevent the animal from biting people or from contaminating food or beverages being sold at the Market.

Rule 3-9

Produce.

(a) All produce sold at the Market must be:

(1) sold whole and uncut;

(2) minimally handled prior to being packed for transport to the Market;

(b) If produce being sold at the Market is labeled or represented as “100 percent organic” or “organic” or “made with organic ingredients,” such produce shall comply with the Organic Food Production Act of 1990 (“OFPA”) (Title 21 of Food, Agriculture, Conservation and Trade Act of 1990, codified at 7 U.S.C. ch.94, 7 U.S.C. §6501 et seq.).

(c) No sampling of produce is allowed at the Market.

(d) Vendors who are farmers and growers must fully and truthfully disclose their farming practices when customers inquire. Terms such as “sustainable agricultural practices” or “transitioning to organic” cannot be used unless the vendor can substantiate the truthfulness of his/her claim that such term accurately describes the vendor’s growing practices.

Rule 3-10

Prepackaged and non-perishable foods. Vendors who sell prepackaged and non-perishable foods at the Market shall:

(1) ensure that all such food is clean, wholesome, and free from adulteration or misbranding; and

(2) not misrepresent or change the manufacturer’s quality assurance date indicated on the package; and

(3) not store prepackaged and non-perishable foods (e.g. cans of soda) in undrained ice, unless the water contains at least 100 ppm chlorine (1 tablespoon

household bleach per gallon of water) and is changed at least twice daily or more if needed to maintain the chlorine sanitizer at that level. Vendors who store prepackaged and non-perishable foods in undrained ice shall equip their vending space with chlorine test strips, which shall be used to test that the chlorine in the water is at least 100 ppm.

Rule 3-11 *Emergencies.*

- (1) Vendors shall report emergencies at the Market by calling 9-1-1.
- (2) Vendors shall ensure that their vehicles do not block fire hydrants.

ARTICLE IV. INSURANCE

Rule 4-1 *Food vendors – Insurance required when.* Food vendors must maintain at all times throughout the duration of the permit period commercial general liability insurance or its equivalent, with limits of not less than one million dollars (\$1,000,000.00) per occurrence, for bodily injury, personal injury and property damage arising in any way from the issuance of the permit or activities conducted pursuant to the permit required under MCC Section 4-11-030. Coverage must include but is not limited to the following: all premises and operations, products/completed operations, separation of insureds, defense, liquor liability when applicable, products and completed operations for food or beverages for consumption, food or beverage contamination, and contractual liability (not to include Endorsement CG 21 39 or equivalent). The City of Chicago shall be named as additional insured on a primary, noncontributory basis.

Rule 4-2 *Automobile liability insurance – Required when.* Food vendors or general merchandise vendors who use motor vehicles to transport goods or food to and from the Market must maintain automobile liability insurance or its equivalent throughout the duration of the permit period.

ARTICLE V. FOOD HANDLING AND SAFETY REGULATIONS

Rule 5-1 *Prohibition on Same Day permits.* Food vendors must submit, in advance of their participation at the Market, the appropriate food vendor application set forth in subsection (c) of Rule 2-1. Same-day permits will not be issued to food vendors.

Rule 5-2 *Certificate of registration in food handling and sanitation – Required.* All food vendors must successfully complete Summer Festival Sanitation training for the current year, as evidenced by a valid certificate of registration in food handling and sanitation. At least one individual possessing such a certificate must be present, without exception, at all times to supervise the handling of any food or

beverage being sold by a food vendor at the Market. Operations conducted without supervision by a person holding the required certificate shall be subject to immediate suspension in accordance with subsection (c) of MCC Section 4-11-120.

Rule 5-3 *Potentially hazardous foods.* Unapproved potentially hazardous menu items that are offered for sale to the public at the Market may be destroyed, and the vendor's permit to operate shall be subject to immediate suspension in accordance with MCC Section 4-11-120(c).

Rule 5-4 *Food handling and safety requirements.* Food vendors at the Market shall comply with the following requirements:

(a) FOOD

- (1) All food shall be clean, wholesome, and free from adulteration and misbranding.
- (2) All food and drink sold or served must originate from approved sources.
- (3) All fruits and vegetables, for cooking and ready-to-eat, must be washed with clean drinking water prior to service.
- (4) No food or drink cooked or prepared in the home or other unlicensed facility (home canning and baking included) shall be sold, served or given away.
- (5) Only clean drinking water, such as commercially bottled drinking water, shall be used for food preparation tasks, cooking, cleaning and hand washing.

(b) CONTAINERS AND LABELS

- (1) All beverages must be sold in the original container or from dispensers filled in licensed facilities. Food not in an original container shall be properly labeled.
- (2) Milk for drinking purposes shall be dispensed from an unopened, commercially filled package, not exceeding one pint in capacity.

(c) FOOD PROTECTION.

- (1) All food must be shielded from the public with some type of protective covering, such as a sneeze guard or be displayed at least six (6) feet from the public to prevent malicious handling or contamination.
- (2) Customer self-service is prohibited.

(3) All perishable foods must be stored in a manner to protect against spoilage. Refrigeration is required. Cold packs, ice and dry ice are also recommended. Hot holding facilities are required.

- (i) All potentially hazardous foods requiring refrigeration must be maintained at an internal temperature of 41 degrees Fahrenheit or below.
- (ii) Hot foods, after appropriate cooking, shall be kept hot (greater than 135 degrees Fahrenheit) until served.
- (iii) Precooked food (permitted only from licensed facilities) must be rapidly reheated to at least 165 degrees Fahrenheit prior to hot holding or service.

(4) Ice shall be obtained from a licensed commercial source in either chipped, crushed or cubed form and shall be received in single use closed bags. Ice must be stored in clean and sanitized storage containers that are self-draining. The ice must be protected from dust, insects and other potential contaminants.

(5) All food shall be stored at least six inches above the ground (e.g. on pallets or shelves) and shall be covered to prevent contamination by dust, insects, rain and other contaminants.

(6) Storage of food in undrained ice is prohibited, except that cans of non-potentially hazardous beverages (e.g. soft drinks) may be so stored when the water contains at least 100 ppm chlorine (1 tablespoon household bleach per gallon of water) and is changed at least twice daily or more if needed to maintain the chlorine sanitizer at that level. Chlorine test strips shall be provided at each vendor's booth to test that the water is at least 100 ppm.

(7) The food sanitation area shall be sanitized after each use to minimize cross-contamination.

(8) Frozen potentially hazardous foods shall be thawed in a mechanical refrigerator (40 degrees Fahrenheit or below), or in cold running potable water at a licensed facility, or cooked frozen.

(9) All potentially hazardous foods must be cooked to the required internal temperature set forth in items (i) through (iii) below. Improperly cooked product that is offered for sale or sold to the public at the Market may be destroyed, and the vendor's permit to operate shall be subject to immediate suspension in accordance with MCC Section 4-11-120.

- (i) Preheated cooked foods, poultry and stuffed meats shall be cooked to an internal temperature of at least 165 degrees Fahrenheit.
 - (ii) Pork and hams shall be cooked to an internal temperature of at least 155 degrees Fahrenheit.
 - (iii) Beef shall be cooked to an internal temperature of at least 155 degrees Fahrenheit. Ground meat for hamburgers, etc., and other comminuted meat products shall be cooked to a temperature of at least 155 degrees Fahrenheit.
- (10) Condiments (e.g. ketchup, mustard, sugar, etc.) shall be individually packaged or dispensed from a container, such as a squeeze bottle or pump dispenser, which protects the condiment from contamination. Other condiments, such as chopped onions, pickles, hot peppers, etc., shall be dispensed from containers with self-closing lids.
- (11) Bare hand contact with ready-to-eat foods is prohibited. All food and ice shall be handled with scoops, tongs, spoons, deli paper or other appropriate utensils. Ice shall not be hand-dipped or dispensed by dipping into the ice with a glass or cup; ice tongs or scoops are required.
- (12) Serving utensils shall either be:
- (i) stored in food with the handle extending out of the food; or
 - (ii) stored clean and dry; or
 - (iii) stored in a water solution containing 100 ppm chlorine that is changed at least twice daily or more often to keep both the water and containers clean.
- (13) Each mechanically refrigerated unit shall be provided with a thermometer that is accurate to plus or minus two degrees Fahrenheit.
- (14) Each food vendor who serves potentially hazardous food at the Market shall equip their booth with, and shall use, a metal stem-type food thermometer to assure the attainment and maintenance of temperature requirements. The thermometer shall be numerically scaled in two degree Fahrenheit increments from at least 0 degrees Fahrenheit to 185 degrees Fahrenheit and be accurate to plus or minus two degrees Fahrenheit.

(d) BOOTH CONSTRUCTION

(1) The walls and ceiling of a food vendor's booth shall be made of wood, canvas or other material that: (i) protects the interior space from the weather, and (ii) is fire retardant, as required under Rule 6-1(a).

(2) All wood framing enclosing a food vendor's booth shall be freshly painted so that it can be easily cleaned and is non-absorbent.

(3) The flooring used in a food vendor's booth shall be covered with a minimum of one layer of double-faced kraft box board material.

(4) Food- and grease-stained segments of the flooring used in a food vendor's booth shall be replaced at least once daily or more often as needed to prevent a health or safety hazard.

(5) Water-soaked material within a food vendor's booth shall be replaced immediately. The vendor shall keep sufficient quantities of box board available to comply with this requirement.

(e) TOXIC MATERIAL

(1) No toxic material or chemicals shall be stored in or around the food vendor's food service area. Chlorine solution containers, when used, must be properly labeled and handled under the direct supervision of a person holding a valid certificate of registration in food handling and sanitation.

(f) PERSONNEL PERSONAL HYGIENE

(1) The following individuals are prohibited from working in a food vendor's booth at the Market:

(i) Personnel with infected cuts, burns, or boils on their hands or arms;

(ii) Personnel with diarrhea or who are carriers of a food-borne pathogen; or

(iii) Personnel with respiratory infections.

(2) The following hygienic requirements shall apply to all food vendors and their personnel at all times when food is being handled, prepared or served:

(i) Fingernails shall be kept clean and trim;

(ii) Excessive jewelry shall not be worn;

(iii) Hands and arms shall be washed with clean water and soap at the following times: (i) before starting work, and (ii) after using the toilet, handling money, handling raw products, or coughing or sneezing, and (iii) as frequently as necessary to maintain clean hands and arms.

(3) Handwashing facilities shall be provided and used in each food vendor's booth or assigned space. The minimum acceptable arrangement shall be a handwashing station, potable water, soap, and paper towels. Common towels are prohibited.

(4) Personnel must wear clean outer clothing. No sleeveless shirts, such as tank or halter tops, are permitted.

(5) Personnel shall wear effective hair restraints, such as hairnets or billed "baseball caps" to cover and contain hair. Visor caps or hairspray are not considered to be adequate hair restraints. Mustache or beard restraints shall be used for any facial hair exceeding one inch in length.

(6) Eating, smoking or other use of tobacco is prohibited in the food preparation area.

(g) FOOD EQUIPMENT

(1) Only single-service customer utensils (forks, spoons, knives, cups and plates) shall be provided to the customer. No single-service article may be reused.

(2) Single-service articles shall be stored off the ground and protected from contamination in storage and dispensing. The utensils shall be dispensed handle-first from containers.

(3) Single-service cups shall be dispensed from an approved tube dispenser or from the original plastic shipping wrap surrounding each stack of cups. The cups shall be dispensed in a manner that prevents contamination of the interior or exterior lip of the cup.

(4) On-site dishwashing is not permitted. The vendor must supply enough sanitized cutting boards and utensils to meet daily needs. Before switching between raw and ready-to-eat foods, all dirty utensils and equipment must be taken to a licensed retail food establishment for washing, rinsing and sanitizing.

(5) Food contact equipment and surfaces shall be smooth, easily cleaned,

non-absorbent, in good repair, and of food-grade material. Chipped or glazed enamelware, galvanized surfaces, and non-food grade wood surfaces (i.e. not an approved wooden cutting board) are not approved food contact surfaces. Wooden daubers are prohibited.

(6) Cooking surfaces shall be cleaned at least once a day and more frequently, if needed.

(7) Wiping cloths used for cleaning food contact and non-food contact surfaces shall be kept clean and stored in separate, clearly labeled containers. These containers shall contain sanitizing solution of 100 pp Chlorine (1 tablespoon per gallon of water). The water shall be changed every four hours during operation.

(h) WASTE

(1) *Waste water.* Each food vendor shall be required to have at least one 55-gallon drum, which shall be open at one end covered with tightly fitted ¼" mesh screening, to receive food preparation waste water. Additional drums may be necessary for large operations. Each waste water drum (including beer icing barrels) shall be pumped out by a contractor who has vacuum truck equipment. The accumulated water must be delivered to the Metropolitan Water Reclamation District for disposal. Waste water shall not be disposed of in public sewers at the site.

(2) *Cooking oil and grease.* Each vendor who performs deep frying shall provide at least one open-end 55 gallon drum with a solid lid into which all generated waste oil and grease shall be disposed. This waste must be collected by a grease rendering contractor for proper disposal. Waste oil and grease shall not be disposed of in public sewers at the site.

(3) *Charcoal ash.* Any vendor who operates a charcoal fire cooking table shall provide one open-end 55 gallon drum with a tightly fitting lid for ash disposal. Additional drums may be necessary if the ash is not collected until the end of the event to minimize the residual fire potential.

(4) *Container identification.* Each vendor's drum's purpose must be clearly marked on the side of the drum and shall be color coded as follows:

- (i) Blue – Waste water.
- (ii) Black – Grease.
- (iii) Red – Charcoal/Ash.

- (iv) Yellow or Brown – Trash.

ARTICLE VI. FIRE PREVENTION

Rule 6-1 *Assigned vending space.*

(a) *Certificate of fire retardance – Required when.* Every tent, canopy, booth or similar structure that encloses or partially encloses a general merchandise vendor's or food vendor's assigned space at the Market must be made of fire retardant material, as evidenced by a certificate of fire resistance issued by an approved recognized testing laboratory.

(b) *Fire extinguishers – Required.* All general merchandise vendors and food vendors at the Market must equip their assigned space with at least one approved fire extinguisher. Such extinguisher shall be a multipurpose extinguisher with a minimum rating of 10A80BC. Provided, however, that if a food vendor engages in deep frying or grilling of any type at the Market, a Type K (Kitchen-Rated) fire extinguisher, with a minimum weight of twenty (20 pounds), shall be required. The fire extinguisher(s) required under this Rule shall be visible and accessible at all times to the vendor and the vendor's personnel. If the assigned space includes a stage, two multipurpose fire extinguishers, with a minimum rating of 10A80BC, shall be provided.

(c) *Liquefied petroleum gas tanks – Location restrictions and other requirements.* If a vendor at the Market uses liquefied petroleum gas ("LPG") as part of the permitted operation, the following requirements shall apply:

(1) The LPG shall be stored in an approved, cylindrical, liquefied petroleum gas tank ("LPG gas tank").

(2) The total capacity of LPG at any single assigned vendor space shall not exceed 100 pounds, unless the vendor obtains prior written approval from the Deputy Fire Commissioner in charge of the Bureau of Fire Prevention to exceed such limit, in which case the approved limit and any associated safety requirements imposed by the Deputy Fire Commissioner shall apply.

(3) LPG gas tanks shall be: (i) located outside of any tent, canopy, booth or similar structure that encloses or partially encloses a vendor's assigned space at the Market; and (ii) placed on a firm level base protected from mechanical injury; and (iii) secured in an upright position to prevent tipping; and (iv) separated from one another by at least three (3) feet of clearance.

(4) No LPG gas tank shall be allowed: (i) in any tent, canopy, booth or similar structure that encloses or partially encloses a vendor's assigned space at

the Market, or (ii) within ten feet of any tent, canopy, booth or similar structure that encloses or partially encloses a vendor's assigned space at the Market; or (iii) on the side of any tent, canopy, booth or similar structure where merchandise or food is sold to patrons.

(5) The minimum clearance between an LPG gas tank and any tent, canopy, booth or similar structure that encloses or partially encloses a vendor's assigned space at the Market is ten (10) feet. A hose of the proper size shall be used to provide the minimum 10-foot clearance between any size gas tank and the applicable tent, canopy, booth or similar structure.

(6) All LPG gas tanks shall be approved and equipped with a control valve. All valves, fittings, piping, hose or accessories shall be of a type approved for use with liquefied petroleum gas.

(7) If a food vendor uses LPG at the Market, the food vendor's cooking appliances must be approved for use with LPG.

(8) Storage of empty LPG gas tanks and spare full LPG gas tanks at the Market shall comply with the safety clearances set forth in MCC Section 15-26-700 for open-air assembly units. Provided, however, that the safety clearance from stages, platforms and entertainment shall be a minimum of 100 feet.

(d) *Rubbish – Metal containers required when.* No vendor at the Market shall allow rubbish to accumulate in or near such vendor's assigned space. The vendor shall provide sufficient metal containers, with metal covers, for the storage of combustible rubbish or spent charcoal.

(e) *Flammable material storage.* No flammable liquid or highly flammable material of any type shall be stored within or near any vendor's assigned space.

(f) *Tarpaulins.* If a vendor at the Market uses a tarpaulin to cover the ground in or near such vendor's assigned space, the vendor shall tape the edges and seams of the tarpaulin in a manner that prevents the tarpaulin from moving or otherwise causing persons to trip on the tarpaulin's seam or edge.

(g) *Electrical equipment.* Vendors at the Market shall: (i) tape down electrical cords within their assigned vendor space as necessary or appropriate to avoid causing a safety or tripping hazard; (ii) use appropriate cord specific protectors on electrical cords outside their assigned vendor space as necessary or appropriate to avoid abrasion of the cord; (iii) take reasonable steps to avoid overloading electrical equipment; (iv) take reasonable steps to prevent rainwater or other liquids from coming into contact with electrical equipment; and (v) ensure that electrical cords are kept at safe distance from heat-producing appliances and propane.

(h) *No smoking.* No person shall smoke within fifteen (15) feet of any assigned vendor space or LPG gas tank.

ARTICLE VII. ENFORCEMENT

Rule 6-1 *Violation – Penalty.* Any vendor who violates these Rules shall be subject to the penalties set forth in MCC Section 4-11-120. Such penalties shall include fines and may include suspension or revocation of the vendor’s permit.

Rule 6-2 *Warning of violation.* Except as otherwise provided in Rule 6-3, prior to taking disciplinary action against a permittee, DCASE will provide the permittee with a written warning of violation and an opportunity to cure or remedy such violation.

Rule 6-3 *Immediate temporary suspension of permitted activity authorized when.* If the Commissioner or Commissioner’s designee, including authorized personnel in the Market Office, has good cause to believe that continued operation by the vendor poses an imminent danger to the public health or safety, the Commissioner or the Commissioner’s designee may order the immediate temporary suspension of such vendor’s permit in accordance with Section 4-11-120(c). In such case, the vendor shall forfeit his or her selling privileges at the market and immediately cease operations at the market. Nothing in this Rule shall be construed to prohibit the Commissioner from seeking permanent revocation of the vendor’s permit in accordance with MCC Section 4-11-120.