

## About the Pop-Up User Licenses

A Pop-Up User business license is required for the following pop-up user business activities.

- **Pop-Up Retail User (formerly known as “Itinerant Merchant”):**

The holder of a Pop-Up Retail User license is entitled to:

- Occupy or lease, for one year or less, a fixed indoor retail space for the sale of merchandise or provision of services, including, but not limited to, seasonal stores, estate sales, trade shows or exhibitions; or
- Occupy or lease, for one year or less, a fixed outdoor retail space for the sale of merchandise or provision of services, including, but not limited to, pumpkin patches and Christmas tree lots; or
- Organize or sponsor a trade show or exhibition:
  - “Trade show or exhibition” means any event of limited duration for the sale of merchandise or provision of services that is arranged by a sponsor who is primarily responsible for obtaining the space and subsidiary services that participant vendors or exhibitors may require for the event.
  - The term “trade show or exhibition” includes, but is not limited to, art fairs, carnivals, street festivals, music festivals, consumer fairs, trade fairs, expositions or shows where merchandise or services are sold.
- May “pop-up” in any Non-Manufacturing and Non-Residential locations.

- **Pop-Up Food Establishment User - Tier I:**

- The holder of a Tier I license is entitled to sell or offer nonperishable food only that is commercially prepackaged in a properly licensed establishment.
- On-site food preparation or on-site dining is NOT allowed under a Tier I license.
- May “pop-up” in any Non-Manufacturing and Non-Residential locations.

- **Pop-Up Food Establishment User - Tier II:**

- In addition to selling or serving food authorized under a Tier I license, the holder of a Tier II license is entitled to sell or serve, in any combination, perishable, non-perishable, hot or cold prepackaged food only that has been prepared, packaged and stored off-site at a:
  - Shared kitchen holding a valid Shared Kitchen license, or
  - Retail food establishment holding a valid Shared Kitchen-Supplemental license.
- Final on-site preparation involving minimal assembly only of such prepackaged food is allowed:
  - E.g. tossing a prepackaged salad;
  - Applying dressing to a prepackaged salad or sandwich; microwaving or heating pre-packaged food;
  - Plating prepackaged food, etc.
- On-site dining is allowed under a Tier II license.
- May “pop-up” in a licensed establishment holding a Tier II or Tier III Pop-Up Establishment Host license, or Retail Food with a Shared Kitchen-Supplemental license, or Shared Kitchen Operator license.

- **Pop-Up Food Establishment User - Tier III:**

- In addition to selling or serving food authorized under a Tier I and Tier II license, the holder of a Tier III license is entitled to sell or serve perishable, nonperishable, hot and cold food prepared on-site at the pop-up food establishment.
- The holder of a Tier III license is authorized to operate as a full-service restaurant.
- On-site dining is allowed under a Tier III license.

- May “pop-up” in a licensed establishment holding a Tier III Pop-Up Establishment Host license, or Retail Food with a Shared Kitchen-Supplemental license, or Shared Kitchen Operator license.

## Prohibited Activities

Engaging in the business of selling liquor or tobacco, operating a public place of amusement, or providing services licensed by the City or State is prohibited; the Pop-Up User license does not allow for any business activity that requires one or more specific licenses issued by BACP.

Additional restrictions for Pop-Up *Food* Establishment Users:

1. Tier II or Tier III pop-up users may not operate at the same location for a period in excess of 90 days within any 365-day period.
2. May not cater foods from the licensed pop-up food establishment location.
3. May not operate a pop-up food establishment in any:
  - i. Non-stationary structure; or
  - ii. Vehicle of any type, whether mobile or non-mobile; or
  - iii. Building or portion thereof that is unsafe or unsuitable for use as a Tier I, Tier II or Tier III pop-up food establishment.
4. May not operate a pop-up food establishment in a private home or in any room used as sleeping or living quarters.

## Pre-Application Checklist

The following activities must be completed **BEFORE** applying for any business license.

- ✓ [Register your business entity with ALL of the appropriate government agencies.](#)
- ✓ [Check state or federal laws and requirements.](#)
- ✓ (For the Pop-Up *Retail* User ONLY) If the special event will be held outside, the organizer will need to complete a Special Events Permit Package and submit it at least 45 prior to the start of the event to the Department of Cultural Affairs & Special Events ([DCASE](#))

## How do I apply?

You may apply for a license in person at the Department of Business Affairs and Consumer Protection (BACP), **Small Business Center (SBC)**, in City Hall, 121 North LaSalle Street, Room 800. An appointment with an SBC Business Consultant is recommended and can be made by calling (312) 74-GOBIZ / (312) 744-6249.

### STEP 1: LICENSE APPLICATION

- A separate business license is required for each Pop-Up User.
- All business activities to be conducted by the Pop-Up User must be described on the application.
- License term and application fee per Pop-Up User:
  - **Pop-Up *Retail* User and Pop-Up *Food* Establishment User - Tier I:**
    - 5-day license | \$25.00
    - 30-day license | \$50.00
    - 90-day license | \$75.00
    - 180-day license | \$100.00
    - 1-year license | \$150.00

- **Pop-Up Food Establishment User - Tier II and Tier III:**
  - 5-day license | \$50.00
  - 30-day license | \$100.00
  - 90-day license | \$150.00
- No application fee to add a Pop-Up Food Establishment User license for:
  - Licensed Shared Kitchen Users and Retail Food Establishments only;
  - New, and existing licensees, must inform the SBC Business Consultant at the time of application.

Complete a [Business Information Sheet \(BIS\)](#) with the standard business license application information (i.e. business entity, activity, location, and ownership), and provide a valid driver’s license, state ID card, or other government-issued photo ID. Detailed application and documentation requirements may be found in our [License Application Requirements Information](#) web page. Submit your completed BIS form to the SBC Business Consultant during your appointment.

**STEP 2: ZONING REVIEW - NOT REQUIRED**

A review and approval from the Zoning Unit of the Department of Planning and Development is NOT a required part of the license application process for the Pop-Up User license type.

**POP-UP LOCATIONS**

A Pop-Up User is authorized, throughout the duration of the license term, to change the location of the premises where the licensed Pop-Up User operates without having to obtain a separate Pop-Up User license if all of the following conditions are met:

- The operation of the specific Pop-Up User type at the desired location is permitted under the Chicago Zoning Ordinance; and
- The licensee complies with the recordkeeping requirements as noted in the ordinance; and
- (For Pop-Up Retail Users) The location of the premises where the licensee conducts the business of pop-up retail user is a fixed indoor retail space for the sale of merchandise or provision of services and not an outdoor space;
- (For Pop-Up Food Establishment Users) If the licensee is seeking to operate a Tier II or Tier III pop-up food establishment at the desired location, the owner or lessee of the premises holds either a valid: (i) pop-up food establishment host license; or (ii) shared kitchen license; or (iii) retail food establishment license and shared kitchen-supplemental license; and (iv) the owner or lessee of the premises where the licensee seeks to operate the pop-up food establishment has authorized the licensee to use the premises to operate a pop-up food establishment, as evidenced by a written authorization with the start date and, if any, the end date to which such authorization applies.

**STEP 3: INSPECTIONS**

A consultation with a CDPH Supervising Sanitarian, during your appointment at the SBC, is a required part of the license application process for Pop-Up Food Establishment Users only. *Pop-Up Retail User applicants may skip to STEP 4.*

BUSINESS ACTIVITY	HEALTH INSPECTION TYPES		
	CONSULTATION	ONSITE	PERIODIC
Pop-Up Retail User			
Pop-Up Food Est. User - Tier I	✓		✓
Pop-Up Food Est. User - Tier II	✓		✓
Pop-Up Food Est. User - Tier III	✓		✓

- Pop-Up Food Establishment Users license applicants must provide a statement describing the proposed menu of the food items that the applicant intends to sell or serve at the pop-up food establishment.
- Pop-Up Food Establishment User - *Tier III* applicants must provide City of Chicago Food Service Sanitation Certificate issued by the Department of Health.

The **Chicago Department of Public Health (CDPH) – Food Protection** – CDPH is the department which ensures food safety and sanitation to prevent the spread of food-borne disease.

- The Food Protection division educates food businesses, inspects food establishments, addresses food related emergencies, and otherwise acts in the public interest.

### Health Department Inspections

- Consultation with Department of Health Supervising Sanitarian: Prior to the issuance of any Pop-Up **Food Establishment** business license, the license applicant must complete a consultation with the Department of Health to review equipment and food safety operations at any licensed Pop-Up Food Establishment Host.
- Periodic Inspections: All Pop-Up Food Establishment business licensees are subject to periodic inspections. In addition, the Department of Health may inspect a Pop-Up Food Establishment in response to any complaint.

### STEP 4: PAY APPLICATION FEE

Upon completion of the application the license applicant will be provided with a payment coupon, which must be taken to the onsite cashier for payment. Cash, credit and debit cards, personal, business and cashier's checks and money orders are accepted.

### STEP 5: RECEIVE POP-UP USER LICENSE CERTIFICATE OR ID CARD

After payment, the Pop-Up Retail User license applicant will be provided with a license certificate, and Pop-Up Food Establishment User license applicant will be photographed and then provided with their Pop-Up Food Establishment User ID Card. The licensee must have their Pop-Up User License Certificate/ID Card at all times while conducting business operations.

## Pop-Up Users Recordkeeping Requirements

Pop-Up Food Establishment User licensees must keep and maintain a written record containing the following information about each pop-up location utilized:

1. the address of the premises;
2. the name of the owner or lessee of the premises;
3. the date(s) and time(s) of operation of the pop-up food establishment at the premises;
4. a copy of all agreements, which shall be in writing, entered into by the licensee with the owner or lessee of the premises where the pop-up food establishment is operating, including the effective date and, if any, the termination date of any such agreement;
5. if the licensee discontinues, ends, terminates or otherwise withdraws from any such agreement, a record of the date on which such act occurred;
6. if the licensee operates a Tier III pop-up food establishment at the premises, the name of the person(s) holding a valid City of Chicago Food Sanitation Certificate, issued by the Department of Health, during the applicable period of operation at such premises.

## Pop-Up Retail User Event Organizer Requirements

No trade show or exhibition is permitted to take place within the City unless the organizer or sponsor of such trade show or exhibition has first obtained a Pop-Up *Retail* User license. Please call 312-74-GOBIZ (744-6249) for more information.