

**CITY OF BALTIMORE
COUNCIL BILL 17-0153
(First Reader)**

Introduced by: Councilmembers Scott, Henry, Bullock, Pinkett, Clarke, Burnett, Stokes

Introduced and read first time: October 16, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Baltimore Development Corporation, Environmental Control Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Service Facilities – On-Premise Postings –**
3 **Inspection Reports and Suspension Notices**

4 FOR the purpose of requiring certain inspection reports to be posted and maintained on a food
5 service facility’s premises; requiring the maintenance of posted suspension notices; defining
6 certain terms; imposing certain civil penalties; and generally relating to the regulation of food
7 service facilities.

8 BY repealing and reordaining, with amendments

9 Article - Health
10 Sections 6-104 and 6-606
11 Baltimore City Revised Code
12 (Edition 2000)

13 BY repealing and reordaining, without amendments

14 Article - Health
15 Section 6-801
16 Baltimore City Revised Code
17 (Edition 2000)

18 BY repealing and reordaining, with amendments

19 Article 1. Mayor, City Council, and Municipal Agencies
20 Section 40-14(e)(7)(Title 6)
21 Baltimore City Code
22 (Edition 2000)

23 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
24 Laws of Baltimore City read as follows:

25 **Baltimore City Revised Code**

26 **Article – Health**

27 **Title 6. Food Service Facilities**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Subtitle 1. Definitions; General Provisions

§ 6-104. Inspections; samples.

(a) *Inspections – GENERAL AUTHORIZATION.*

The Commissioner, all other officers of the Department, and any inspector or police officer authorized by the Commissioner may, at all reasonable hours, enter, have full access to, and inspect:

- (1) any structure, premises, or vehicle in which food is or is believed to be prepared, manufactured, processed, stored, packaged, handled, or distributed; and
- (2) any railroad car, truck, wagon, or other vehicle that is or is believed to be used for the conveyance or delivery of food.

(B) *INSPECTIONS – POSTING REPORT ON FACILITY PREMISES.*

(1) *“INSPECTION REPORT” DEFINED.*

IN THIS SUBSECTION, “INSPECTION REPORT” MEANS THE DEPARTMENT’S REPORT OF A COMPREHENSIVE OR MONITORING INSPECTION, AS THESE TYPES OF INSPECTION ARE DESCRIBED IN COMAR 10.15.03.30A(1) AND (2), RESPECTIVELY.

(2) *FACILITY TO POST REPORT.*

A FOOD SERVICE FACILITY MUST POST A PUBLIC COPY OF ITS MOST RECENT INSPECTION REPORT THROUGHOUT THE PERIOD BEGINNING WITH THE 1ST BUSINESS DAY AFTER THAT REPORT’S RECEIPT UNTIL THE RECEIPT OF ANY LATER INSPECTION REPORT.

(3) *FORM AND PLACEMENT.*

THE POSTED INSPECTION REPORT MUST BE:

- (I) IN THE FORM AND TENOR THAT THE COMMISSIONER SPECIFIES; AND
- (II) CONSPICUOUSLY PLACED, AS DIRECTED BY THE COMMISSIONER, SO THAT IT IS VISIBLE TO AND CAN BE READ BY PASSING PEDESTRIANS.

(4) *MAINTENANCE.*

THE FOOD SERVICE FACILITY:

- (I) MUST ENSURE THAT THE POSTED INSPECTION REPORT IS NOT DEFACED, MARRED, CAMOUFLAGED, OR OBSCURED FROM PUBLIC VIEW; AND
- (II) MAY NOT REFUSE, NEGLECT, OR OTHERWISE FAIL TO MAINTAIN THE POSTED INSPECTION REPORT AS REQUIRED BY THIS SUBSECTION.

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1 (C) [(b)] *Samples.*

2 During any inspection, the Commissioner, officer, inspector, or police officer may take
3 food samples of up to 1 pound of each item for inspection, testing, or analysis.

4 ***Subtitle 6. Suspensions and Revocations***

5 **§ 6-606. Public notices.**

6 (a) *Suspensions – Posting [of] NOTICE ON FACILITY premises.*

7 (1) *FACILITY TO POST NOTICE.*

8 A food service facility that has had its license suspended must post a public notice of
9 the suspension throughout the suspension period.

10 (2) *FORM, CONTENTS, AND PLACEMENT.*

11 The POSTED SUSPENSION notice must:

12 (I) [(ii)] be in the form and tenor that the Commissioner specifies; [and]

13 (II) [(i)] state the term of and reasons for the suspension; AND

14 (iii) be conspicuously placed, as directed by the Commissioner, so that it is visible
15 to and can be read by passing pedestrians.

16 (3) *MAINTENANCE.*

17 THE FOOD SERVICE FACILITY:

18 (I) MUST ENSURE THAT THE POSTED SUSPENSION NOTICE IS NOT DEFACED,
19 MARRED, CAMOUFLAGED, OR OBSCURED FROM PUBLIC VIEW; AND

20 (II) MAY NOT REFUSE, NEGLECT, OR OTHERWISE FAIL TO MAINTAIN THE POSTED
21 SUSPENSION NOTICE AS REQUIRED BY THIS SUBSECTION.

22 (B) [(c)] *Suspensions, revocations, and nonrenewals – Website listing.*

23 (1) *COMMISSIONER TO MAINTAIN LISTING.*

24 The Commissioner must maintain, update at least weekly, and publish on the
25 Department’s website a list of all food service facilities that, at any time during the
26 preceding calendar month or during the current calendar month to the latest update,
27 have had their licenses suspended, revoked, or denied renewal.

28 (2) *REQUIRED INFORMATION.*

29 The listing must include:

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- (i) the name (including trade name) and address of the facility;
- (ii) the effective date and term of the suspension, revocation, or nonrenewal; and
- (iii) the reasons for the suspension, revocation, or nonrenewal.

(C) [(b)] *Suspensions, revocations, and nonrenewals – Timely notice through social media.*

(1) *COMMISSIONER TO PROVIDE NOTICE.*

Promptly after a food service facility has had its license suspended, revoked, or denied renewal, the Commissioner must provide, through 2 or more social media outlets, public notice of the suspension, revocation, or nonrenewal.

(2) *REQUIRED INFORMATION.*

The notice must include the same information as that required by subsection [(c)(2)] (B)(2) of this section for a website listing.

Subtitle 8. Penalties

§ 6-801. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {“Environmental Control Board”}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(7) ***Health Code***

...
Title 6: Food Service Facilities

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1	SUBTITLE 1: DEFINITIONS; GENERAL PROVISIONS	
2	§ 6-104(B). POSTING <i>{INSPECTION}</i> REPORT ON FACILITY PREMISES	\$300
3	Subtitle 2: License Required	
4	§ 6-201. In general	\$300
5	Subtitle 5: Miscellaneous Regulations	
6	§ 6-506. Litter and rubbish prohibited	\$200
7	SUBTITLE 6: SUSPENSIONS AND REVOCATIONS	
8	§ 6-606(A). POSTING <i>{SUSPENSION}</i> NOTICE ON FACILITY PREMISES	\$500
9	All other provisions	\$100
10	

11 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
12 are not law and may not be considered to have been enacted as a part of this or any prior
13 Ordinance.

14 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
15 after the date it is enacted.