

**CITY OF BALTIMORE
COUNCIL BILL 12-0121
(First Reader)**

Introduced by: Councilmember Scott, President Young, Councilmembers Kraft, Curran, Henry,
Spector, Middleton, Mosby, Holton, Welch, Reisinger, Cole, Stokes, Branch, Clarke

Introduced and read first time: August 13, 2012

Assigned to: Health Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Service Facilities – Public Notice of Inspection Grades**

3 FOR the purpose of establishing a program for grading and posting the results of food-service-
4 facility inspections; excepting certain types of facilities from this program; providing for the
5 issuance of grade cards, to be posted on a facility’s premises visible to the general public;
6 providing for the public posting of inspection grades on the Health Department’s website;
7 authorizing a deferral of the grade-card posting pending an appeal of inspection results;
8 correcting, clarifying, and conforming related provisions; and generally relating to the
9 regulation of food service facilities.

10 BY repealing and reordaining, with amendments

11 Article - Health
12 Section(s) 6-103
13 Baltimore City Revised Code
14 (Edition 2000)

15 BY adding

16 Article - Health
17 Section(s) 6-701 to 6-706, to be under the new subtitle,
18 “Subtitle 7. Public Notice of Inspection Grades and Suspensions, etc.”
19 Baltimore City Revised Code
20 (Edition 2000)

21 BY renumbering, with amendments

22 Article - Health
23 Section(s) 6-606
24 to be
25 Section(s) 6-711 and 6-712
26 Baltimore City Revised Code
27 (Edition 2000)

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

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

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Baltimore City Revised Code

Article – Health

Title 6. Food Service Facilities

Subtitle 1. Definitions; General Provisions

§ 6-103. Rules and regulations.

In the rules and regulations adopted under § 2-106 {"Rules and regulations"} of this article, the Commissioner, consistent with this title and State law:

- (1) must designate the classes of licenses to be issued for various types of food service facilities;
- (2) MUST ESTABLISH A SYSTEM FOR GRADING AND POSTING INSPECTION RESULTS IN ACCORDANCE WITH SUBTITLE 7, PART I {"GRADING OF INSPECTIONS"} OF THIS TITLE; and
- (3) [(2)] may include provisions that govern the construction, design, operation, and maintenance of food service facilities.

SUBTITLE 7. PUBLIC NOTICE OF INSPECTION GRADES AND SUSPENSIONS, ETC.

PART I. GRADING OF INSPECTIONS

§ 6-701. SCOPE OF PART.

(A) *GENERAL.*

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS PART I APPLIES TO ALL FOOD SERVICE FACILITIES SUBJECT TO THIS TITLE.

(B) *EXCEPTIONS.*

THIS SECTION DOES NOT APPLY TO:

- (1) FOOD SERVICE FACILITIES OPERATED IN OR BY PRIMARY AND SECONDARY SCHOOLS;
- (2) HOSPITAL OPERATED CAFETERIAS;
- (3) CORRECTIONAL FACILITIES;
- (4) CHARITABLE ORGANIZATIONS, INCLUDING SOUP KITCHENS OR OTHER PREPARED FOOD DISTRIBUTION PROGRAMS; OR

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1 (5) FOOD SERVICE FACILITIES OPERATED BY NOT-FOR-PROFIT MEMBERSHIP
2 ORGANIZATIONS FOR SERVICE TO THEIR MEMBERS ONLY.

3 **§ 6-702. GRADING SYSTEM ESTABLISHED.**

4 (A) *COMMISSIONER TO ESTABLISH.*

5 THE COMMISSIONER OF HEALTH MUST ESTABLISH AND IMPLEMENT A SYSTEM FOR
6 GRADING AND CLASSIFYING INSPECTION RESULTS FOR FOOD SERVICE FACILITIES.

7 (B) *NATURE OF SYSTEM.*

8 (1) THE SYSTEM MUST USE LETTERS TO IDENTIFY AND REPRESENT A FACILITY'S DEGREE
9 OF COMPLIANCE WITH THE FEDERAL, STATE, AND LOCAL LAWS THAT REQUIRE THESE
10 FACILITIES TO OPERATE IN A SANITARY MANNER SO AS TO PROTECT THE PUBLIC
11 HEALTH AND SAFETY.

12 (2) FOR THIS PURPOSE, THE LETTER "A" IS THE GRADE REPRESENTING THE HIGHEST
13 DEGREE OF COMPLIANCE WITH THESE LAWS.

14 **§ 6-703. GRADE CARDS.**

15 (A) *GENERAL.*

16 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE DEPARTMENT MUST PROVIDE
17 EACH OPERATING FOOD SERVICE FACILITY THAT IT INSPECTS WITH A DATED LETTER
18 GRADE CARD INDICATING THE FACILITY'S INSPECTION GRADE.

19 (B) *EXCEPTIONS.*

20 NO GRADE CARD NEED BE PROVIDED IF, AFTER AN INSPECTION, THE DEPARTMENT ORDERS
21 A FACILITY CLOSED.

22 (C) *ISSUANCE – "A" GRADES.*

23 FOR ANY FACILITY THAT, ON INSPECTION, RECEIVES AN "A" GRADE, THE DEPARTMENT
24 MUST PROVIDE THE FACILITY WITH A LETTER GRADE CARD AT THE CONCLUSION OF THE
25 INSPECTION, FOR IMMEDIATE POSTING.

26 (D) *ISSUANCE – OTHER GRADES.*

27 (1) FOR ANY FOOD SERVICE FACILITY THAT RECEIVES A GRADE LOWER THAN AN "A", THE
28 DEPARTMENT MUST ADVISE THE FACILITY OF THE GRADE AND OF THE FINDINGS ON
29 WHICH THE GRADE WAS BASED.

30 (2) THE DEPARTMENT MUST CONDUCT A REINSPECTION OF THE FACILITY NO SOONER
31 THAN 7 DAYS AFTER THE FIRST INSPECTION.

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1 (3) AT THE CONCLUSION OF THE REINSPECTION, THE DEPARTMENT MUST PROVIDE THE
2 FACILITY WITH A LETTER GRADE CARD INDICATING THE GRADE THAT THE FACILITY
3 RECEIVED ON THAT INSPECTION, FOR IMMEDIATE POSTING.

4 **§ 6-704. POSTING OF GRADES.**

5 (A) *ON PREMISES.*

6 (1) IMMEDIATELY ON RECEIPT OF ITS LETTER GRADE CARD, A FOOD SERVICE FACILITY
7 MUST CONSPICUOUSLY POST IT SO THAT IT IS VISIBLE TO THE GENERAL PUBLIC AND TO
8 PATRONS BEFORE THEY ENTER THE FACILITY.

9 (2) THE FACILITY MUST ENSURE THAT THE LETTER GRADE CARD IS NOT DEFACED,
10 MARRED, CAMOUFLAGED, OR HIDDEN FROM PUBLIC VIEW.

11 (B) *BY COMMISSIONER.*

12 THE COMMISSIONER MUST MAINTAIN AND POST ON THE DEPARTMENT'S WEBSITE A
13 SEARCHABLE DATABASE OF FOOD SERVICE FACILITIES THAT CONTAINS:

14 (1) THE NAME (INCLUDING TRADE NAME) AND ADDRESS OF EACH FACILITY;

15 (2) THE DATE OF THE FACILITY'S MOST RECENT INSPECTION; AND

16 (3) THE LETTER GRADE ISSUED ON THAT INSPECTION.

17 **§ 6-705. DEFERRING POSTING.**

18 (A) *WHEN AUTHORIZED.*

19 IF, ON A REINSPECTION, A FOOD SERVICE FACILITY STILL RECEIVES A GRADE LOWER THAN
20 AN "A" AND IF THE FACILITY TIMELY REQUESTS A HEARING UNDER TITLE 2, SUBTITLE 3
21 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE, THE FACILITY MAY DEFER POSTING THE
22 LETTER GRADE CARD UNTIL THE HEARING DATE SCHEDULED BY THE DEPARTMENT.

23 (B) *SUBSTITUTE SIGN.*

24 IF A FACILITY CHOOSES TO DEFER POSTING THE LETTER GRADE CARD, THE FACILITY MUST
25 REMOVE THE CARD CURRENTLY POSTED AND SUBSTITUTE A SIGN, PROVIDED BY THE
26 DEPARTMENT, THAT ADVISES THE PUBLIC THAT:

27 (1) THE FACILITIES INSPECTION RESULT IS UNDER REVIEW; AND

28 (2) THE RESULTS OF THE INSPECTION CAN BE OBTAINED FROM THE DEPARTMENT.

29 (C) *QUALIFICATIONS.*

30 (1) THE DEFERMENT TERMINATES IF THE FACILITY:

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1 (I) FAILS TO APPEAR AT THE HEARING SCHEDULED UNDER TITLE 2, SUBTITLE 3
2 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE;

3 (II) REQUESTS A POSTPONEMENT OF THE HEARING TO A DATE ON WHICH THE
4 FACILITY IS UNABLE TO PROCEED; OR

5 (III) OTHERWISE EMPLOYS DILATORY TACTICS TO DELAY THE HEARING.

6 (2) IN ANY OF THESE EVENTS, THE FACILITY MUST IMMEDIATELY POST THE LETTER GRADE
7 CARD ISSUED AT THE REINSPECTION.

8 **§ 6-706. NO EFFECT ON OTHER ENFORCEMENT.**

9 NOTHING IN THIS PART I AFFECTS THE DEPARTMENT'S AUTHORITY TO TAKE ANY OTHER
10 ACTION NECESSARY TO PROTECT THE PUBLIC HEALTH OR TO ENFORCE THE PROVISIONS OF THIS
11 TITLE OR ANY OTHER LAW, RULE, OR REGULATION APPLICABLE TO FOOD SERVICE FACILITIES.

12 **§§ 6-707 TO 6-710. {RESERVED}**

13 *PART II. SUSPENSIONS, ETC.*

14 **§ 6-711. [§ 6-606. Notice of suspensions] POSTING PREMISES WITH NOTICE OF SUSPENSION.**

15 (a) [*Posting of premises*] *WHEN REQUIRED.*

16 [(1)] A food SERVICE facility or other establishment that has had its license suspended for
17 longer than 24 hours must post a public notice OF THE SUSPENSION throughout the
18 suspension period [stating the reason for the suspension].

19 (B) *FORM AND TENOR.*

20 [(2)] The notice must:

21 (1) be in the form and tenor that the Commissioner specifies; AND

22 (2) STATE THE REASON FOR THE SUSPENSION.

23 **§ 6-712. PUBLISHED LISTINGS OF REVOCATIONS, SUSPENSIONS, AND CLOSINGS.**

24 (A) [(b) *Published listings*] *COMMISSIONER TO PUBLISH MONTHLY LISTING.*

25 [(1)] At least monthly, the Commissioner must publish a list of food SERVICE facilities
26 and other establishments that, during the preceding calendar month, have had their
27 licenses suspended or revoked or that have been closed for health code violations.

28 (B) *CONTENTS OF LISTING.*

29 [(2)] The listing must specify:

30 (1) [(i)] the name (including trade name) and address of the establishment;

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1 (2) [(ii)] the effective date and term of the revocation, suspension, or closing; and

2 (3) [(iii)] the reasons for the revocation, suspension, or closing.

3 (C) *HOW PUBLISHED.*

4 [(3)] The listing must be published by:

5 (1) [(i)] posting on the Department’s website; and

6 (2) [(ii)] distribution to the neighborhood association(s) listed with the Department of
7 Planning for the area(s) served by the establishment.

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

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