

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

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March 2, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0153 – Food Service Facilities – On-Premise Postings-
Inspection Reports and Suspension Notices

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0153 for form and legal sufficiency. The bill would amend two sections in Title 6 of the Health Code to require the certain Food Service Facilities to post any Inspection Reports and Suspension Notices received. Failure to post these things would subject the owner to an Environmental Citation under Section 40 of Article 1 and could result in a \$500 fine.

The City has the general police and welfare powers to legislate in this area and to preserve the health of all people in the City. *See* City Charter, Art. II, §§ 11, 27, 47. This allows the City “to prescribe, within the limits of the federal and state constitutions, reasonable regulations necessary to preserve the public order, health, safety, or morals.” *Tighe v. Osborne*, 149 Md. 349, 356 (1925). *See* City Charter, Art. II, §§(11), (47). Although the State licenses food establishments, it has expressly stated that local jurisdictions may also license or regulate such facilities in a manner consistent with state law, so long as the local regulations are at least as strict. *See* Md. Code, Health Gen., § 21-304(b), (c). State regulations allow an approving authority to “ensure that the licensee ceases operation of the food service facility upon suspension or revocation of the license, including . . . posting a sign on the facility door stating that the license has been suspended or revoked by the approving authority.” Code of Maryland Regulations, 10.15.03.05.J. This bill would require that posting in all cases.

The Law Department approves the bill for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor’s Office of Government Relations
Kyron Banks, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalva, Chief Solicitor
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