

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0373

Introduced by: President Rawlings-Blake, Councilmembers Clarke, Middleton, Henry, Curran,
Young, Kraft, Reisinger, Branch, Welch, Cole, Holton, Spector, Conaway
Introduced and read first time: July 13, 2009
Assigned to: Public Safety and Health Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 19, 2009

AN ORDINANCE CONCERNING

**Food Service Facilities – Suspension or Nonrenewal of Licenses –
Multiple or Unpaid Citations Related to Public Health, etc.**

FOR the purpose of authorizing the suspension or nonrenewal of a license for a food service facility that has received multiple environmental or civil citations or is in default of an environmental or civil citation issued for reasons related to public health; specifying certain offenses presumed to be related to public health; requiring notice and an opportunity to be heard; and generally relating to the licensing and regulation of food service facilities.

By adding

Article - Health
Section(s) 6-603.1
Baltimore City Revised Code
(Edition 2000)

By repealing and reordaining, with amendments

Article - Health
Section(s) 6-604(c)
Baltimore City Revised Code
(Edition 2000)

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

Baltimore City Revised Code

Article – Health

Title 6. Food Service Facilities

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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§ 6-603.1. SUSPENSION OR NONRENEWAL FOR MULTIPLE OR UNPAID CITATIONS.

(A) IN GENERAL.

THE COMMISSIONER MAY SUSPEND OR REFUSE TO RENEW THE LICENSE OF A FOOD SERVICE FACILITY IF:

(1) AT ANY TIME WITHIN THE PRECEDING 6 MONTHS, THE FACILITY HAS BEEN SERVED WITH 3 OR MORE CITATIONS ISSUED FOR REASONS RELATED TO PUBLIC HEALTH OR TO THE PREVENTION OF DISEASE, EPIDEMICS, OR NUISANCES AFFECTING PUBLIC HEALTH, UNDER EITHER OR BOTH OF:

(i) CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

(ii) CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}; OR

(2) AT ANY TIME WITHIN THE PRECEDING 12 MONTHS, THE FACILITY HAS BEEN DECLARED TO BE IN DEFAULT OF 1 OR MORE CITATIONS ISSUED FOR REASONS RELATED TO PUBLIC HEALTH OR TO THE PREVENTION OF DISEASE, EPIDEMICS, OR NUISANCES AFFECTING PUBLIC HEALTH, UNDER EITHER OF:

(i) CITY CODE ARTICLE 1, § 40-8 {"ENVIRONMENTAL CITATIONS: DEFAULT BY PERSON CITED"}; OR

(ii) CITY CODE ARTICLE 1, § 41-10 {"CIVIL CITATIONS: DEFAULT"}.

(B) COVERED OFFENSES.

(1) FOR PURPOSES OF THIS SECTION, CITATIONS ISSUED FOR VIOLATIONS OF THE FOLLOWING PROVISIONS OF THE CITY CODE ARE PRESUMED TO BE ISSUED FOR REASONS RELATED TO PUBLIC HEALTH OR TO THE PREVENTION OF DISEASE, EPIDEMICS, OR NUISANCES AFFECTING PUBLIC HEALTH:

ARTICLE 13. HOUSING AND URBAN RENEWAL
SUBTITLE 5 {"MULTIPLE-FAMILY DWELLINGS AND ROOMING HOUSES"}.

ARTICLE 15. LICENSING AND REGULATION
SUBTITLE 17. STREET VENDORS
SUBTITLE 18. ITINERANT WHOLESALE PRODUCE DEALERS

ARTICLE 19. POLICE ORDINANCES
§ 1-2. PLACEMENT {OF ADVERTISING CIRCULARS} WITHOUT PERMISSION
§ 7-2. VEHICLE ALARMS: PROHIBITED DEVICES
§ 8-18. BURGLAR ALARMS: PENALTIES
§ 13-1 OR § 13-2. DISORDERLY DRINKING
§ 14-2 OR § 14-3. DRINKING IN PUBLIC PLACES
SUBTITLE 25. LOITERING – GENERAL
§ 26-6. LOITERING – DRUG-FREE ZONE
§ 27-3. LOITERING – FOR ASSIGNATION, ETC.
§ 27-15. LOITERING – PROSTITUTION-FREE ZONE

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- 1 § 34-5. CURFEWS: PROHIBITED CONDUCT OF PARENTS, GUARDIANS, ETC.
- 2 § 34-6. CURFEWS: PROHIBITED CONDUCT OF ESTABLISHMENTS
- 3 § 40-9. DIRT BIKES, ETC. – MOTOR FUEL SALES
- 4 § 41-2. OUTDOOR TELEPHONES: PROHIBITED PLACEMENT
- 5 § 45-2. SIGNS ON PUBLIC PROPERTY: POSTING PROHIBITED
- 6 SUBTITLE 46. SIGNS – CAMPAIGN SIGNS IN RESIDENTIAL AREAS
- 7 § 47-5. NIGHTTIME SOLICITING
- 8 § 50-2. OBSTRUCTING STREET, ETC., OR GUTTER
- 9 § 50-3. MERCHANDISE PROJECTING FROM BUILDING
- 10 § 50-26. FIRES IN STREET, LANE, OR ALLEY
- 11 § 50-41. PLAYING, ETC., IN STREET, ETC.
- 12 § 50-56. SOLICITING CUSTOMERS
- 13 § 59-18. REPORTING {THEFT OR LOSS OF FIREARM} REQUIRED

14 ARTICLE 23. SANITATION

- 15 § 2-1. MIXED REFUSE: RECEPTACLES
- 16 § 2-2. MIXED REFUSE: HANDLING
- 17 § 4-1 OR § 4-2. RECEPTACLES ON COLLECTION DAYS

18 ARTICLE 24. WATER

- 19 § 21-1. RULES AND REGULATIONS {TO PROTECT SUPPLY AND FACILITIES}
- 20 § 21-2. SUSPENSION, ETC., OF CERTAIN USES
- 21 § 21-3. INJURING FIRE HYDRANTS
- 22 § 21-4. WRONGFUL USE AFTER CUT-OFF
- 23 § 21-5. REFUSAL OF ENTRY
- 24 § 21-6. INTERFERENCE WITH EQUIPMENT; ILLEGAL USE OF WATER

25 ARTICLE 26. SURVEYS, STREETS, AND HIGHWAYS

26 SUBTITLE 6. BUILDING ADDRESS NUMBERS

27 ARTICLE 31. TRANSIT AND TRAFFIC

- 28 § 16-12. VEHICLES ON SIDEWALKS
- 29 § 18-8. RIDING {BICYCLES} ON SIDEWALK

30 BUILDING, FIRE, AND RELATED CODES – BUILDING CODE

- 31 § 113.14. WORK WITHOUT PERMIT
- 32 § 114.3. STOP-WORK ORDER: UNLAWFUL CONTINUANCE
- 33 § 115. UNSAFE STRUCTURES
- 34 § 120. CONDEMNATION PROCEEDINGS
- 35 § 123.8. FAILURE TO COMPLY WITH NOTICE
- 36 § 3302.3 CONSTRUCTION SAFEGUARDS: WASTE AND DEBRIS

37 BUILDING, FIRE, AND RELATED CODES – FIRE CODE

- 38 § 107.6. MAINTENANCE: OVERCROWDING
- 39 § 110.1. UNSAFE BUILDINGS: GENERAL
- 40 § 1001.2. MEANS OF EGRESS: MINIMUM REQUIREMENTS

41 BUILDING, FIRE, AND RELATED CODES – PROPERTY MAINTENANCE CODE

42 CHAPTER 3. GENERAL REQUIREMENTS

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HEALTH CODE

TITLE 5. NUISANCE CONTROL

TITLE 6: FOOD SERVICE FACILITIES

TITLE 7: WASTE CONTROL

TITLE 8: AIR POLLUTION

TITLE 9: NOISE REGULATION

TITLE 10: ANIMAL CONTROL AND PROTECTION

TITLE 11: SWIMMING POOLS

TITLE 12: TOBACCO PRODUCTS

TITLE 15: EPHEDRINE PRODUCTS

ZONING CODE

§ 2-402. USE PERMIT REQUIRED

§ 3-107. PROHIBITED USES - STORAGE, ETC., OF VEHICLES

(2) NOTHING IN THIS SUBSECTION PRECLUDES THE HEALTH COMMISSIONER FROM DETERMINING, IN HIS OR HER DISCRETION, THAT A CITATION FOR AN OFFENSE WAS ISSUED FOR REASONS RELATED TO PUBLIC HEALTH OR TO THE PREVENTION OF DISEASE, EPIDEMICS, OR NUISANCES AFFECTING PUBLIC HEALTH.

(C) ~~(B)~~ NOTICE AND OPPORTUNITY FOR HEARING.

BEFORE SUSPENDING OR REFUSING TO RENEW A LICENSE UNDER THIS SECTION, THE COMMISSIONER MUST PROVIDE THE FACILITY WITH NOTICE AND AN OPPORTUNITY FOR HEARING, AS PROVIDED IN TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE.

§ 6-604. Reinstatement of suspended licenses.

(c) Required reinstatement.

If, on reinspection, the facility is found to comply with all APPLICABLE requirements [of this title], the license must be reinstated.

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

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

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City