

**CITY OF BALTIMORE
COUNCIL BILL 14-0369
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Health Department)
Introduced and read first time: April 28, 2014
Assigned to: Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Office of Promotion and the Arts, Health Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Health Department – Seasonal Food Facility Licenses and**
3 **Food Facility Late Fees**

4 FOR the purpose of creating seasonal food facility licenses for high priority and moderate priority
5 food facilities; changing the food facility late fee schedule; and providing for a special
6 effective date.

7 BY authority of
8 Article - Health
9 Section(s) 6-403 and 6-406
10 Baltimore City Revised Code
11 (Edition 2000)

12 **Recitals**

13 Baltimore City Health Code § 6-403 provides for annual license fees to be set
14 from time to time by the Commissioner with the approval of the City Council.
15 Fees are intended to defray the cost of these services to the City and are based on
16 costs to the program.

17 A cost study undertaken, in 2008, did not take into account that seasonal facilities
18 operating less than 12 months receive fewer inspections.

19 High priority facilities operating at markets receive 2 as opposed to 3 inspections,
20 but are currently charged the full annual fee.

21 Fees charged by the City should reflect the cost of providing the service for which
22 the fee is charged.

23 Baltimore City Health Code § 6-406 provides for the imposition of late fees for
24 facility owners who fail to renew their facility license within 5 days of its
25 expiration, to be set from time to time by the Commissioner with the approval of
26 the City Council. The late fee, which is imposed for each day late after the 5-day

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

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1 grace period is currently set at \$25 daily and is capped so as not to exceed the cost
2 of the type of permit being sought.

3 An administrative late fee is intended, in part, to defray administrative costs to the
4 program that late renewals might cause, and it is also intended, in part, as a
5 punitive measure. In general, there has been little direct cost to the program
6 caused by late renewal. With regard to the punitive aspect, the daily accrual of
7 late fees poses undue burden on business owners who may also receive a \$300
8 Environmental Control Board citation for operating without a license.

9 A scaled late fee that increases the punitive aspect across the range of days slows
10 the early, rapid accrual of late fees and places greater weight on high priority
11 facility late renewals and renewals more than 30 days late. The reduced schedule
12 will still send the appropriate compliance message, but ease the burden of
13 excessive late fees.

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
15 fees charged by the Health Department for Seasonal Food Facility Licenses are as follows:

16	Fee Title	Current Fee	New Fee
17	Seasonal High Priority Food Facility License	\$520	\$350
18	Seasonal Moderate Priority Food Facility License	\$285	\$145

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the current late fee schedule, shown
20 below,

21 **Current Late Fee Schedule**

22	Risk Priority Class	Permit Cost	Daily Rate	5 Days	10 Days	20 Days	30 Days	Maximum Late Fee
24	High Priority	\$520	\$25	\$125	\$250	\$500	\$520	\$520
25	Moderate Priority	\$285	\$25	\$125	\$250	\$285		\$285
26	Low Priority	\$ 65	\$25	\$ 65				\$ 65

27
28 is changed as follows:

29 **New Late Fee Schedule**

30	Risk Priority Class	Permit Cost	1-5 Days	6-15 Days	16-20 Days	21-25 Days	26-30 Days	Over 30 Days	Maximum Late Fee
32	High Priority	\$520	\$25	\$50	\$100	\$200	\$400	Pays Max	\$520
33	Moderate Priority	\$285	\$15	\$25	\$ 50	\$100	\$200	Pays Max	\$285
34	Low Priority	\$ 65	\$ 5	\$15	\$ 30	\$ 45	\$ 60	Pays Max	\$ 65
35	High Priority								
36	(Seasonal)	\$350	\$25	\$50	\$100	\$200	\$300	Pays Max	\$350
37	Moderate Priority								
38	(Seasonal)	\$145	\$15	\$25	\$ 50	\$ 75	\$100	Pays Max	\$145

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
2 enacted.