

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

April 28, 2015

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

Re: City Council Bill 15-0527 – Food Service Facilities – Public Notice of  
Suspensions, Revocations and Nonrenewals

Dear President and City Council Members:

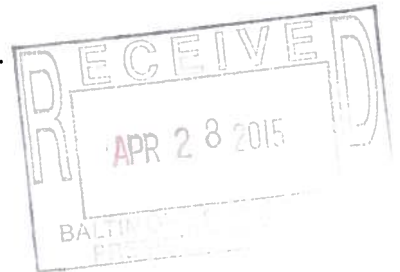
The Law Department has reviewed City Council Bill 12-0527 for form and legal sufficiency. The bill would amend Section 6-606 of the Health Article of the City Code to require a food service facility to conspicuously post a notice to the public passing its establishment if its food service license is suspended. The notice is to contain the suspension term, reason for the suspension and be on a form provided by the Health Commissioner. It would also mandate the Health Commissioner to provide on its website and at least two social media outlets, public notice of any suspension, revocation or nonrenewal of a food service facility license. This updates the existing law that requires the Health Commissioner to post information on suspensions, revocations or closings on its website monthly.

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). 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).

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

Very truly yours,

Hilary Ruley  
Chief Solicitor



cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalva, Chief Solicitor  
Jennifer Landis, Assistant Solicitor

W/ Comm