

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 14-0369

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

Committee Report: Favorable
Council action: Adopted
Read second time: May 5, 2014

AN ORDINANCE CONCERNING

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

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

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

Recitals

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

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

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

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

Baltimore City Health Code § 6-406 provides for the imposition of late fees for facility owners who fail to renew their facility license within 5 days of its expiration, to be set from time to time by the Commissioner with the approval of

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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1 the City Council. The late fee, which is imposed for each day late after the 5-day
2 grace period is currently set at \$25 daily and is capped so as not to exceed the cost
3 of the type of permit being sought.

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

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

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

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

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

Current Late Fee Schedule

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

28
29 is changed as follows:

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New Late Fee Schedule

	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
4	High Priority	\$520	\$25	\$50	\$100	\$200	\$400	Pays Max	\$520
5	Moderate Priority	\$285	\$15	\$25	\$ 50	\$100	\$200	Pays Max	\$285
6	Low Priority	\$ 65	\$ 5	\$15	\$ 30	\$ 45	\$ 60	Pays Max	\$ 65
7	High Priority								
8	(Seasonal)	\$350	\$25	\$50	\$100	\$200	\$300	Pays Max	\$350
9	Moderate Priority								
10	(Seasonal)	\$145	\$15	\$25	\$ 50	\$ 75	\$100	Pays Max	\$145

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

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