

**CITY OF BALTIMORE  
COUNCIL BILL 12-0104  
(First Reader)**

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Introduced by: Councilmembers Kraft, Henry, Curran, Middleton, Mosby, Holton, Scott,  
Reisinger, Branch, Clarke, Welch

Introduced and read first time: June 25, 2012

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental  
Control Board, Department of Finance, Commission on Sustainability, Baltimore Development  
Corporation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Establishments – Polystyrene Products**

3 FOR the purpose of prohibiting food service establishments from using certain polystyrene  
4 products.

5 BY repealing and reordaining, without amendments

6 Article - Health  
7 Section(s) 6-101(c), 6-801, and 6-802  
8 Baltimore City Revised Code  
9 (Edition 2000)

10 BY adding

11 Article - Health  
12 Section(s) 6-508  
13 Baltimore City Revised Code  
14 (Edition 2000)

15 BY repealing and reordaining, with amendments

16 Article 1 - Mayor, City Council, and Municipal Agencies  
17 Section(s) 40-14(e)(7)(Title 6)  
18 Baltimore City Code  
19 (Edition 2000)

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

22 **Baltimore City Revised Code**

23 **Article – Health**

24 **Title 6. Food Service Facilities**

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

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***Subtitle 1. Definitions; General Provisions***

**§ 6-101. Definitions.**

(c) *Food service facility.*

(1) *In general.*

“Food service facility” means any place in which, with or without charge:

(i) food is prepared for sale or service on the premises or elsewhere; or

(ii) food is manufactured, processed, stored, packaged, handled, distributed, or sold.

(2) *Exclusions.*

“Food service facility” does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.

***Subtitle 5. Miscellaneous Regulations***

**§ 6-508. POLYSTYRENE PRODUCTS PROHIBITED.**

NO FOOD SERVICE FACILITY MAY USE ANY CUPS, PLATES, DISHES, BOWLS, CONTAINERS, OR SIMILAR ITEMS MADE FROM POLYSTYRENE.

***Subtitle 8. Penalties***

**§ 6-801. Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {“Environmental Control Board”}.

(b) *Process not exclusive.*

The issuance of an environmental citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

**§ 6-802. Penalties.**

(a) *In general.*

Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

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1 (b) *Basic penalty: \$1,000.*

2 Except as specified in subsection (c) of this section, the penalty for a violation is a fine of  
3 not more than \$1,000 for each offense.

4 (c) *Operating without or in violation of license: \$1,000 and 12 months.*

5 (1) For operating a food service facility without a license or in violation of the terms of a  
6 license, the penalty is a fine of not more than \$1,000 or imprisonment for not more than  
7 12 months or both fine and imprisonment for each offense.

8 (2) Each day that a violation continues is a separate offense.

9 **Article 1. Mayor, City Council, and Municipal Agencies**

10 **Subtitle 40. Environmental Control Board**

11 **§ 40-14. Violations to which subtitle applies.**

12 (e) *Provisions and penalties enumerated.*

13 (7) **Health Code**

14 Title 6: Food Service Facilities

15 Subtitle 2: License Required

16 § 6-201. In general \$300

17 Subtitle 5: Miscellaneous Regulations

18 § 6-506. Litter and rubbish prohibited \$200

19 § 6-508. POLYSTYRENE PRODUCTS PROHIBITED \$200

20 All other provisions \$100

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

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
25 after the date it is enacted.