

**CITY OF BALTIMORE
COUNCIL BILL 14-0432
(First Reader)**

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

Introduced and read first time: September 8, 2014

Assigned to: Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Baltimore
Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Service Facilities – Mirroring State Law**

3 FOR the purpose of redefining “food service facility” to mirror State law; providing, in
4 accordance with State law, for a certain licensing exception; clarifying the basis for certain
5 license application fees; defining and redefining certain terms; clarifying, correcting, and
6 conforming related provisions; and generally relating to the regulation of food service
7 facilities.

8 BY repealing and reordaining, with amendments

9 Article - Health

10 Section(s) 6-101, 6-102, 6-201, 6-203, and 6-402

11 Baltimore City Revised Code

12 (Edition 2000)

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

15 **Baltimore City Revised Code**

16 **Article – Health**

17 **Title 6. Food Service Facilities**

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

19 **§ 6-101. Definitions.**

20 (a) *In general.*

21 In this title, the following terms have the meanings indicated.

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

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1 (B) *EXCLUDED ORGANIZATION.*

2 “EXCLUDED ORGANIZATION” HAS THE MEANING STATED IN COMAR 10.15.03.02B(28).

3 [(b)] (C) *Food.*

4 (1) *In general.*

5 “Food” means any natural or artificial substance or ingredient, whether raw, cooked,
6 or processed, that is used or sold or intended for use or sale, in whole or in part, for
7 human consumption.

8 (2) *Inclusions.*

9 “Food” includes:

10 (i) ice;

11 (ii) beverages; and

12 (iii) chewing gum or any substance used as a component of chewing gum.

13 (3) *Exclusions.*

14 “Food” does not include any:

15 (i) alcoholic beverage, as defined in State Code Article 2B, § 1-102(a)(2); or

16 (ii) drug, as defined in § 21-101(g) of the State Health-General Article.

17 [(c)] (D) *Food service facility.*

18 [(1) *In general.*]

19 “Food service facility” HAS THE MEANING STATED IN COMAR 10.15.03.02B (34)
20 [means any place in which, with or without charge:

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

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

24 [(2) *Exclusions.*

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

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§ 6-203. Inspection and priority assessment of facility.

(a) *Inspection.*

On receipt of an application, the Commissioner must inspect the food service facility to determine compliance with all applicable laws, rules, and regulations.

(b) *Priority assessment.*

To determine the degree of risk that a food service facility poses for a food-borne disease occurrence, the Commissioner must assess each food service facility and classify it in one of the following priority assessment categories, as defined in COMAR [10.15.03.17] 10.15.03.33:

- (1) high priority facilities, which are at high risk for a food-borne disease occurrence;
- (2) moderate priority facilities, which are at moderate risk for a food-borne disease occurrence; and
- (3) low priority facilities, which are at low risk for a food-borne disease occurrence.

Subtitle 4. Fees

§ 6-402. Processing fees.

(a) *Application fee.*

When applying for a license to operate a food service facility or applying for a permit to undertake material alterations, the applicant must pay an application fee to help defray the cost of processing the plans and specifications, CONDUCTING A RISK ASSESSMENT, REVIEWING HAZARD ANALYSIS CRITICAL CONTROL POINT (HACCP) PLANS, [and of] OR undertaking an initial inspection.

(b) *Reinspection fee.*

The applicant must pay an additional fee for each reinspection needed before the license or permit can be approved.

(c) *Fee amounts.*

The amount of these fees are as set from time to time by the Commissioner, with the approval of the City Council.

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.