




MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: December 5, 2017

SUBJECT: City Council Bill No. 17-0153
Food Service Facilities – On-Premise Postings – Inspection Reports and
Suspension Notices

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0153 for the purpose of requiring certain inspection reports to be posted and maintained on a food service facility's premises; requiring the maintenance of posted suspension notices; defining certain terms; imposing certain civil penalties; and generally relating to the regulation of food service facilities.

Inspection reports are already a matter of public record through the Health Department's food service facility inspection portal. BDC recognizes that not all consumers have easy access to the internet, and posting the inspection reports directly in the facility helps mitigate that issue. Food service facilities, like all businesses, are currently required to visibly post business-related credentials, such as a business license, in the establishment. Posting inspection reports along with other credentials is unlikely to place an undue burden on business owners.

However, the bill specifies that the report must be placed so that it is visible and can be read by passing pedestrians. For safety, transparency and aesthetic reasons, BDC generally recommends that businesses do not post items on storefront windows blocking visibility between business staff and customers inside and passersby outside. Also, current food service inspection reports are multiple pages long and posting the entire report would unnecessarily clutter wherever the report is located. Therefore, BDC recommends amendments to this bill to allow for placement of the inspection report with other posted business credentials instead of on the storefront and to post a summary report rather than the multi-page document.

It is for these reasons that BDC is in favor of Bill No. 17-0153 with amendments regarding placement of the report and length of the document.

Cc: Kyron Banks, Mayor's Office

**CITY OF BALTIMORE
COUNCIL BILL 17-0153
(First Reader)**

Introduced by: Councilmembers Scott, Henry, Bullock, Pinkett, Clarke, Burnett, Stokes

Introduced and read first time: October 16, 2017

Assigned to: Judiciary and Legislative Investigations Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Service Facilities – On-Premise Postings –**
3 **Inspection Reports and Suspension Notices**

4 FOR the purpose of requiring certain inspection reports to be posted and maintained on a food
5 service facility's premises; requiring the maintenance of posted suspension notices; defining
6 certain terms; imposing certain civil penalties; and generally relating to the regulation of food
7 service facilities.

8 BY repealing and reordaining, with amendments

9 Article - Health
10 Sections 6-104 and 6-606
11 Baltimore City Revised Code
12 (Edition 2000)

13 BY repealing and reordaining, without amendments

14 Article - Health
15 Section 6-801
16 Baltimore City Revised Code
17 (Edition 2000)

18 BY repealing and reordaining, with amendments

19 Article 1. Mayor, City Council, and Municipal Agencies
20 Section 40-14(e)(7)(Title 6)
21 Baltimore City Code
22 (Edition 2000)

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

25 **Baltimore City Revised Code**

26 **Article – Health**

27 **Title 6. Food Service Facilities**

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

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(c) [(b)] *Samples.*

During any inspection, the Commissioner, officer, inspector, or police officer may take food samples of up to 1 pound of each item for inspection, testing, or analysis.

Subtitle 6. Suspensions and Revocations

§ 6-606. Public notices.

(a) *Suspensions – Posting [of] NOTICE ON FACILITY premises.*

(1) *FACILITY TO POST NOTICE.*

A food service facility that has had its license suspended must post a public notice of the suspension throughout the suspension period.

(2) *FORM, CONTENTS, AND PLACEMENT.*

The POSTED SUSPENSION notice must:

(i) [(ii)] be in the form and tenor that the Commissioner specifies; [and]

(ii) [(i)] state the term of and reasons for the suspension; AND

(iii) be conspicuously placed, as directed by the Commissioner, so that it is visible to and can be read by passing pedestrians.

(3) *MAINTENANCE.*

THE FOOD SERVICE FACILITY:

(I) MUST ENSURE THAT THE POSTED SUSPENSION NOTICE IS NOT DEFACED, MARRED, CAMOUFLAGED, OR OBSCURED FROM PUBLIC VIEW; AND

(II) MAY NOT REFUSE, NEGLECT, OR OTHERWISE FAIL TO MAINTAIN THE POSTED SUSPENSION NOTICE AS REQUIRED BY THIS SUBSECTION.

(B) [(c)] *Suspensions, revocations, and nonrenewals – Website listing.*

(1) *COMMISSIONER TO MAINTAIN LISTING.*

The Commissioner must maintain, update at least weekly, and publish on the Department's website a list of all food service facilities that, at any time during the preceding calendar month or during the current calendar month to the latest update, have had their licenses suspended, revoked, or denied renewal.

(2) *REQUIRED INFORMATION.*

The listing must include:

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SUBTITLE 1: DEFINITIONS; GENERAL PROVISIONS

§ 6-104(B). POSTING *{INSPECTION}* REPORT ON FACILITY PREMISES \$300

Subtitle 2: License Required

§ 6-201. In general \$300

Subtitle 5: Miscellaneous Regulations

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

SUBTITLE 6: SUSPENSIONS AND REVOCATIONS

§ 6-606(A). POSTING *{SUSPENSION}* NOTICE ON FACILITY PREMISES \$500

All other provisions \$100

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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.