

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-86-2020

Chapter No. _____

Proposed and Presented by Council Members Ivey, Glaros, Streeter and Taveras

Introduced by _____

Co-Sponsors _____

Date of Introduction October 20, 2020

BILL

1 AN ACT concerning

2 Special Food Service Facilities – Food Halls

3 For the purpose of establishing a business license for Special Food Service Facilities – Food
4 Halls.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.

7 DIVISION 4. BOARD OF APPEALS.

8 Section 2-117

9 The Prince George's County Code

10 (2019 Edition).

11 BY adding:

12 SUBTITLE 5. BUSINESSES AND LICENSES.

13 Sections 5-2901, 5-2902, 5-2903, 5-2904, 5-2905, 5-

14 2906, 5-2907, 5-2908 and 5-2909

15 The Prince George's County Code

16 (2019 Edition).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's
18 County, Maryland, that Section 2-117 (b) of the Prince George's County Code be and the same is
19 repealed and reenacted with the following amendments:
20

SUBTITLE 2. ADMINISTRATION.

DIVISION 4. – BOARD OF APPEALS.

Sec. 2-117. Board of Administrative Appeals.

* * * * *

(b) County law which specifically grants the Board authority to hear appeals includes (but need not be limited to) the following:

SUBTITLE 3. ANIMALS.

Division 2. Licenses and Standards (Animal Holding Facility Licenses).

SUBTITLE 4. BUILDING.

Division 2. Construction or Changes in Floodplain Area.

Division 3. Grading, Drainage and Erosion Control.

Division 4. Stormwater Management.

SUBTITLE 5. BUSINESSES AND LICENSES.

Division 2. Benefit Performances.

Division 5. Fortunetelling and Other Similar Practices.

Division 9A. Massage Establishments.

Division 12. Peddlers and Itinerant Vendors.

Division 14. Public Dances. (Dance Halls)

Division 15. Door-To-Door Solicitors.

Division 19. Secondhand Dealers.

Division 21. Towing Regulations.

Division 23. Model Studios.

Division 28. Special Food Service Facilities - Mobile Units.

Division 29. Special Food Service Facilities – Food Halls.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that of Sections 5-2901, 5-2902, 5-2903, 5-2904, 5-2905, 5-2906, 5-2907, 5-2908 and 5-2909 the Prince George's County Code be and the same are hereby added:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 29. SPECIAL FOOD SERVICE FACILITIES – FOOD HALLS.

Sec. 5-2901. Legislative Purpose and Intent.

(a) The purpose and intent of this legislation is to provide a regulatory framework for the

1 licensing of a Special Food Service Facility – Food Halls as defined under Section 27-107.01(a)
 2 (91.1.1). Each licensee, as a condition of receiving a license, shall only sell their food within
 3 their compartmentalized space as designated in the license. The provisions of this law are in
 4 response to the need to encourage economic development, increase public access to healthy food
 5 options, and promote innovative entrepreneurship and revitalization in furtherance of the public
 6 safety, health and welfare of the citizens and residents of Prince George’s County.

7 **Sec. 5- 2902 Definitions.**

8 (a) **Special Food Service Facility – Food Hall** means “Establishments consisting of three
 9 or more individually-licensed businesses within an enclosed building where food and beverages
 10 may be consumed on the premises, taken out, or delivered, and may also include small retail
 11 venues of up to twenty percent (20%) of the gross floor area of the use. Food uses shall
 12 comprise a minimum of sixty percent (60%) of the gross floor area of the use. Patrons may be
 13 served while seated and pay after eating, or orders may be made at a walk-up window, counter,
 14 machine, or remotely, and payment made prior to food consumption. Each compartmentalized
 15 space may have access to the exterior of the building for loading and unloading purposes. Only
 16 licensed food establishments may use the exterior of the building for outdoor dining and seating
 17 areas.”

18 **Sec. 5-2903 License required; fee.**

19 (a) No person shall operate a special food service facility in a Food Hall without first
 20 having obtained a special food service facility – Food Hall license and/ or permit from the
 21 Department of Permitting, Inspections and Enforcement and from the County Health Officer.

22 (1) The Department of Permitting, Inspections and Enforcement shall be responsible
 23 for the review and approval of a Use and Occupancy permit; and

24 (2) The County Health Officer shall approve a low, moderate or high priority license / or
 25 permit for each food facility.

26 (b) Each Special Food Service Facility – Food Hall license shall be prominently displayed
 27 in a conspicuous area of the Special Food Service Facility – Food Hall compartment.

28 (c) Expiration Dates:

29 (1) Each Special Food Service Facility – Food Hall Use and Occupancy permit shall
 30 expire one year from the date of issuance unless renewed.

31 (2) Each license / or permit issued by the County Health Officer shall expire no

1 greater than one year from the date of issuance.

2 (d) Fee schedules for a Special Food Service Facility – Food Hall license are located at the
3 Department of Permitting, Inspections and Enforcements and the Department of Health. The
4 Department of Health Fee schedule may also be found at Section 12-110.

5 (e) Master Food Hall License and /or Permit:

6 (1) The Department of Permitting, Inspections, and Enforcement shall make available
7 a Master Food Hall license for all businesses or establishments operating a special food service
8 facility in a Food Hall. The Food Hall is responsible for maintaining and renewing the Master
9 Food Hall license.

10 (A) Each Special Food Service Facility business or establishment may operate
11 pursuant to the Master Food Hall license at the Food Hall where the vendor is operating a special
12 food service facility; and

13 (B) The business or establishment is entitled to operate under the Master Food
14 Hall license or permit for that business or establishment’s duration at the Food Hall.

15 (2) The County Health Officer shall require the Food Hall operator to maintain a high
16 priority food service license and /or permit which will serve as a Master License for the entire
17 special food service facility.

18 **Sec. 5-2904 License Application.**

19 (a) All applicants for a Special Food Service Facility – Food Hall license shall file an
20 application for such license on forms provided by the Department of Permitting, Inspections, and
21 Enforcement and the Prince George’s County Health Officer. All principal owners shall be
22 named in the application form.

23 (b) The completed application shall contain, but is not limited to, the following information
24 and shall be accompanied by the following documents:

25 (1) If the applicant is:

26 (A) An individual, the individual shall state his or her legal name and any aliases,
27 shall submit their mailing address and residential address, telephone number;

28 (B) A partnership, the partnership shall state its complete name, the names of all
29 partners, the mailing address and residential address of all partners, whether the partnership is a
30 general or limited, and a copy of the partnership agreement, if any;

31 (C) A corporation, the corporation shall state its complete name, its mailing

1 address and residential address, information regarding the resident agent, the date of its
2 incorporation, evidence that it is currently authorized to do business in the State, the names and
3 capacity of all officers, directors and principal owners, and the name of the registered corporate
4 agent and the address of the registered agent and address of the registered office for service of
5 process; or

6 (D) A Limited Liability Company shall state its complete name, its mailing
7 address and residential address, the names of all managers and members.

8 (2) All applicants shall provide a copy of their Federal Employer Identification
9 Number and evidence of Combined Central Registration with the Maryland Comptroller's
10 Office.

11 (3) Whether the applicant or any individual listed under subsection (a) of this Section
12 has worked under, or currently works under, a special food service facility – Food Hall license
13 under any ordinance from this State, another state, municipality or county which has been
14 denied, suspended or revoked, including the name and location of the business for which the
15 special food service facility – Food Hall license was denied, suspended or revoked, as well as the
16 date of the denial, suspension or revocation.

17 (4) The location of the Food Hall where the Special Food Service Facility – Food Hall
18 license holder intends to operate including the street address and telephone number(s).

19 (5) A description of the type of food and /or foods offered for sale.

20 (6) A photocopy of the driver's license or other government issued identification card
21 for the individuals listed in subsection (a) of this Section.

22 (7) The applicant shall provide any and all additional information requested by the
23 Department of Permitting, Inspections, and Enforcement.

24 (c) If the applicant is an individual, he / she must sign the application for a special food
25 service facility – Food Hall license. If the applicant is a corporation it must be signed by the
26 president or vice president and attested to by the secretary or assistant secretary. If the applicant
27 is a general or limited partnership it must be signed by a general partner. If the applicant is a
28 limited liability company it must be signed by the manager.

29 (d) If an omission or error is discovered by the Department of Permitting, Inspections, and
30 Enforcement or the Health Department, the application will be returned to the applicant for
31 completion or correction without further action by the Department of Permitting, Inspections,

1 and Enforcement or the Health Department. Any application rejected due to an omission or error
 2 shall be accepted only when the omission or error has been remedied. For purposes of this
 3 Division, the date that the Department of Permitting, Inspections, and Enforcement and the
 4 Health Department accepts an application which is complete shall be the date the application is
 5 accepted by the Department of Permitting, Inspections, and Enforcement and the Health
 6 Department.

7 (e) In the event that the Department of Permitting, Inspections, and Enforcement or the
 8 Health Department determines that an applicant has improperly completed the application, it
 9 shall promptly notify the applicant and allow the applicant thirty (30) days to properly complete
 10 the application. The time period for granting or denying a Special Food Service Facility– Food
 11 Hall license shall be stayed during the period in which the applicant is allowed an opportunity to
 12 properly complete the application.

13 (f) Applicants for a Special Food Service Facility – Food Hall license under this Division
 14 and license and /or permit holders shall have a continuing duty to promptly supplement
 15 application information required by this Section in the event that said information changes in any
 16 way from what is stated on the application. The failure to comply with said continuing duty
 17 within thirty (30) days from the date of such change, by supplementing the application on file
 18 with the Department of Permitting, Inspections, and Enforcement and the County Health Officer,
 19 shall be grounds for the suspension or revocation of a Special Food Service Facility – Food Hall
 20 license.

21 **Sec. 5-2905 Insurance Requirements**

22 (a) Each licensee shall file with the Department of Permitting, Inspections, and
 23 Enforcement and the Health Department a copy of his/her insurance policy covering the Special
 24 Food Service Facility – Food Halls.

25 **Sec. 5-2906 Safety and Sanitation**

26 (a) The Fire/EMS Department shall be responsible for:

27 (1) Conducting fire-safety related inspections of Special Food Service Facility – Food
 28 Halls as defined by Section 27-107.01(91.1.1) of the County Code;

29 (2) Enforcing County laws and regulations pertaining to any operational permits
 30 required under Subtitle 11 of the County Code.

31 (b) All Special Food Service Facility – Food Halls as defined by Section 27-107.01(91.1.1)

1 of the County Code are required to have a Certified Food Manager Certificate pursuant to
 2 Section 12-114. The certificate holder shall be present at all times of operation. Vendors at
 3 mobile farmer's markets selling unprepared foods such as whole and uncut fruits and vegetables
 4 are not covered by this section.

5 (c) All Special Food Service Facility – Food Halls as defined by Section 27-107.01(91.1.1)
 6 of the County Code are required to pass an inspection by the Health Department pursuant to
 7 Section 12-112.

8 **Sec. 5-2907 Approval / Denial of License**

9 (a) The Special Food Service Facility – Food Hall license application of any applicant shall
 10 be approved or denied by the Department of Permitting, Inspections, and Enforcement within
 11 thirty (30) business days of the date the completed application is filed with the Department of
 12 Permitting, Inspections, and Enforcement. The Department of Permitting, Inspections, and
 13 Enforcement shall deny a Special Food Service Facility – Food Hall license if:

14 (1) The applicant has made a false statement upon the application or has given false
 15 information in connection with an application; or

16 (2) The applicant has not provided all documentation required by the Department of
 17 Permitting, Inspections, and Enforcement.

18 (3) The applicant or a director, officer, partner or principal of the applicant has had a
 19 Special Food Service Facility – Food Hall license revoked or suspended anywhere within the
 20 state within one year prior to the application, or convicted for vending without a Special Food
 21 Service Facility – Food Hall license, or convicted for a criminal offense committed while
 22 vending with a Special Food Service Facility – Food Hall license; or

23 (4) A corporate applicant is not in good standing or authorized to do business in the
 24 State; or

25 (5) The applicant is overdue in the payment of County taxes, fees, fines or penalties
 26 assessed against him/her or imposed against him/her in relation to a Special Food Service
 27 Facility – Food Hall.

28 (b) In the event that the Department of Permitting, Inspections, and Enforcement denies a
 29 Special Food Service Facility – Food Hall license application, the Department of Permitting,
 30 Inspections, and Enforcement shall state the reasons for the denial in writing and a copy of such
 31 decision shall be sent to the applicant by first class mail to the address provided by the applicant.

1 **Sec. 5-2908 Fine, Closure, Suspension or Revocation of a License**

2 (a) The Department of Permitting, Inspections, and Enforcement or the Health Department
3 may fine, close or suspend a Special Food Service Facility – Food Hall license for a period not to
4 exceed six (6) months or revoke any license granted pursuant to this Division upon a finding of
5 any of the following facts:

6 (1) The licensee, manager or employee if they constitute a nuisance because of noise,
7 physical activity, public safety, or for other good cause.

8 (2) If the licensee or manager made a false statement or gave false information in
9 connection with an application for a Special Food Service Facility – Food Hall license or a
10 renewal of a Special Food Service Facility – Food Hall license, the Special Food Service Facility
11 – Food Hall license shall be revoked;

12 (3) The licensee, in the case of a corporation, is not in good standing or authorized to
13 do business in the State;

14 (4) The licensee or an employee knowingly operated any aspect of the Special Food
15 Service Facility – Food Hall when the Special Food Service Facility – Food Hall license was
16 suspended;

17 (5) The licensee is delinquent in the payment of County taxes, fees, fines or penalties
18 assessed against him/her or imposed against him/her in relation to a Special Food Service
19 Facility – Food Hall;

20 (6) The licensed Special Food Service Facility – Food Hall commits a violation
21 pursuant to Section 12-111 or fails the inspection by the Health Department pursuant to Section
22 12-112.

23 (b) Nothing in this Division shall prohibit the County from taking any other enforcement
24 action provided by the County Code, County Zoning Ordinance, and the laws of the State or of
25 the United States.

26 (c) When the Department of Permitting, Inspections, and Enforcement or the Health
27 Department revokes a Special Food Service Facility – Food Hall license, the revocation shall
28 continue for one year, and the licensee shall not be issued a Special Food Service Facility – Food
29 Hall license for one year from the date the revocation became effective.

30 (d) If a licensee has had their Special Food Service Facility – Food Hall license revoked
31 twice, they shall be ineligible to reapply for a new license.

1 **Sec. 5-2909 Appeals**

2 (a) An applicant may appeal to the Board of Administrative Appeals from a final decision
 3 of the Department of Permitting, Inspections, and Enforcement for a Special Food Service
 4 Facility – Food Hall license pursuant to Section 2-117(b) of the County Code.

5 (b) Any party aggrieved by a decision of the Director with respect to the denial, suspension,
 6 revocation, or refusal to renew a Special Food Service Facility – Food Hall license shall have the
 7 right to appeal any such decision to the Board of Administrative Appeals for Prince George's
 8 County, Maryland, within ten (10) calendar days after receipt of a denial, suspension, revocation
 9 or refusal to renew decision rendered by the Director. Appeals to the Board of Administrative
 10 Appeals from denial, suspension, revocation, or refusal to renew decision of the Director shall be
 11 on the record of the hearing before the Director.

12 (c) Any party aggrieved by a final decision by the Board of Administrative Appeals, shall
 13 be entitled to file an appeal within thirty (30) days to the Circuit Court for Prince George's
 14 County, Maryland. Such appeals shall be governed by the provisions of the Maryland Rules
 15 pertaining to administrative appeals.

16 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 17 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 18 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 19 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 20 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 21 Act, since the same would have been enacted without the incorporation in this Act of any such
 22 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 23 or section.

24 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 25 calendar days after it becomes law.

Adopted this ____ day of _____, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.