

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2021 Legislative Session**

Bill No. CB-17-2021

Chapter No. 9

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

Introduced by Council Members Ivey, Glaros, Streeter, Taveras, Turner, Hawkins,  
Harrison, Franklin, Davis, Dernoga and Anderson-Walker

Date of Introduction April 6, 2021

**BILL**

1 AN ACT concerning

2 Food Halls Occupancy and Operations

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 4. BUILDING.

7 DIVISION 1. BUILDING CODE.

8 Section 4-125

9 The Prince George's County Code

10 (2019 Edition; 2020 Supplement).

11 SUBTITLE 12. HEALTH.

12 DIVISION 2. FOOD SERVICE FACILITIES

13 Sections 12-104, 12-107, and 12-111

14 (2019 Edition; 2020 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's  
16 County, Maryland, that Sections 4-125, 12-104, 12-107, and 12-111 of the Prince George's  
17 County Code be and the same are repealed and reenacted with the following amendments:

18 **SUBTITLE 4. BUILDING.**

19 **DIVISION 1. BUILDING CODE.**

20 **SUBDIVISION 2. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE.**

**Sec. 4-125. - Use and Occupancy Classification; Section 302; Classification.**

(a) Section 302.1, General. Structures, or portions of structures, shall be classified with respect to occupancy in one or more of the groups listed in this section. A room or space that is intended to be occupied at different times for different purposes shall comply with all requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall be classified according to Section 508. Where a structure is proposed for a purpose that is not specifically provided for in this Code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.

\* \* \* \* \*

(12) Master Use and Occupancy Permit: No entity or person shall operate a special food service facility in a Food Hall without first having obtained authorization to operate under the Master Use and Occupancy Permit.

(a) Each Food Hall shall operate pursuant to the Master Use and Occupancy Food Hall Permit; and

(b) Each Food Hall vendor is entitled to operate under the Master Food Hall Use and Occupancy Permit during occupancy at the Food Hall; and

(c) The Food Hall Operator shall obtain a Master Use and Occupancy Permit from the Department of Permitting, Inspections and Enforcement before authorizing any vendor to conduct business in the Food Hall; and

(d) The Department of Permitting, Inspections and Enforcement shall be responsible for the review and approval of a Master Use and Occupancy permit.

\* \* \* \* \*

**SUBTITLE 12. HEALTH.**

**DIVISION 2. FOOD SERVICE FACILITIES**

**SUBDIVISION 2. COUNTY, ADDITIONS, INSERTIONS, AND CHANGES TO THE STATE REGULATIONS**

**Sec. 12-104. - Definitions.**

(a) In addition to the definition of terms contained in the State regulations adopted by reference in this Division, the following definitions and terminology shall apply and are applicable to such provisions adopted by reference:

\* \* \* \* \*

(7) Food Hall shall mean an establishment consisting of three or more individually-licensed businesses offering food and beverages for consumption on the premises, catering, take out, or delivery. Food uses shall comprise a minimum of sixty percent (60%) of the gross floor area of the use.

(8) Food Hall Operator shall mean the person/ or entity in charge of the Food Hall who must obtain a Master Use and Occupancy Permit from the Department of Permitting, Inspections and Enforcement and obtain a High Priority Food Service License from the County Health Officer.

(9) Food Hall Vendor shall mean the person/ or entity who operates within a designated Food Hall unit. The Food Hall vendor must maintain a low, moderate or high priority license / or permit for their leased unit from the County Health Officer. A Food Hall vendor shall apply for a low, moderate or high priority food service license within 30 days of their occupancy. The County Health Officer may allow a food vendor who has applied for a low, moderate or high priority license to operate under the Food Hall operator’s High Priority Food Service License for up to 90 days. The required 30 days wherein the Food Hall vendor must apply for the food service license shall run concurrently with the 90 days wherein the Food Hall vendor may operate under the Food Hall operator’s High Priority Food Service License.

~~[(7)]~~ (10) **Food service facility** shall mean any place in Prince George's County, except those establishments that are on non-leased federally owned property which are operated and inspected by the Federal Government in which food or drink products are manufactured, prepared, packed, handled, stored, sold, served, automatically vended, or distributed on a temporary or permanent basis for consumption by the general public and shall include special food service facilities and facilities which sell live and/or unprocessed seafood, but shall not be construed to mean individual, private residences where, without charge, food or drink products are prepared and consumed. Class B food service facilities are those which are open five (5) or less days per week, serve potentially hazardous food, and are operated by volunteer fire companies or bona fide nonprofit fraternal, civic, veterans, religious, or charitable organizations in compliance with Internal Revenue Service (IRS) definitions and protocols.

1           [(8)] (11) **Frozen food** shall mean food or drink, except ice cream or related dairy  
2 products, preserved by being subject to temperatures not in excess of -10 °F and subsequently  
3 transported or stored at temperatures not in excess of 0 °F.

4           [(9)] (12) **Hazard Analysis Critical Control Point Assessment** shall mean the  
5 prioritization of a food service facility as defined in COMAR 10.15.03.

6           [(10)] (13) **Health Officer** shall mean the Prince George's County Health Officer or  
7 the Health Officer's designee.

8           [(11)] (14) **Immediate Control** shall mean being physically present and capable of  
9 monitoring for food safety and apply corrective actions if necessary.

10          [(12)] (15) **Level B food service manager** shall mean the certified food service  
11 manager of a non-profit food service facility who receives the abbreviated food service  
12 manager certification training offered by the Health Department.

13          [(13)] (16) **Mobile unit** shall mean a special food service facility which is a  
14 mechanically, electrically, manually, or otherwise propelled vehicle that is relocated  
15 following each day's operation to an approved depot or other location acceptable to the  
16 approving authority.

17          [(14)] (17) **Nonprofit** shall mean a volunteer fire company or bona fide nonprofit  
18 fraternal, civic, veterans, religious, or charitable organization as defined by the Internal  
19 Revenue Service.

20          [(15)] (18) **Operating from a fixed location for a temporary period** shall mean  
21 operating a food service facility for not more than five (5) days at a fixed location for an  
22 event such as a carnival, circus, fair, or similar temporary event. The five (5) day period of  
23 time is subject to variance at the discretion of the Health Officer. However, operating a food  
24 service facility or a special food service facility intermittently at one (1) location and  
25 operating mobile units as a food service facility or special food service facility relocating at  
26 different sites shall not be construed as operating for a temporary period.

27 \*           \*           \*           \*           \*           \*           \*           \*           \*

28                                   **SUBDIVISION 3. -PERMITS AND INSPECTIONS.**

29           **Sec. 12-107. - Applicability of Division; exclusions.**

30           (a) This Division shall not apply to facilities selling only prepackaged non-potentially  
31 hazardous food or drink.

1 (b) There shall be no exposed or unsecured outside storage of food and food equipment.  
2 Outdoor service venues such as patios, pool bars, bars, sidewalk operations and temporary events  
3 shall provide sufficient protection of all food, food equipment and food service items to prevent  
4 contamination at all times.

5 (c) Food Halls, Food Hall Operators and Food Hall Vendors are subject to all relevant  
6 requirements of State and County Law including appropriate permits and/or licenses, insurance,  
7 safety and sanitation; and violations are subject to Fines, Closure, License Suspension or  
8 Revocation.

9 \* \* \* \* \*

10 **Sec. 12-111. - Closure; suspension of permit; fines.**

11 (a) In cases where there is a serious violation of the regulations adopted herein, the  
12 requirements of the Secretary of Health and Mental Hygiene, or the State and County health laws  
13 which, in the sound discretion of the Health Officer, creates a serious and immediate danger to  
14 the public health, the Health Officer may issue a written order closing the facility subject to a  
15 hearing held, at the request of the operator at the time of closure, and a decision thereupon within  
16 72 hours after issuance of the order. It shall be unlawful for such establishments to remain open  
17 after being ordered closed unless within the 72-hour period the Health Officer either rescinds the  
18 order or fails to hold the requested hearing and render a decision.

19 \* \* \* \* \*

20 (d) Special food service facilities, including those which sell or offer for sale live and/or  
21 unprocessed seafood, may be subject to a written order of closure for violations of Subtitle 5,  
22 Division 12, of this Code. The Health Officer or the Director of Permitting, Inspections, and  
23 Enforcement, or their designees, may issue a citation to any special food service facility,  
24 including those selling or offering for sale, live or unprocessed seafood which operates in  
25 violation of this Subsection and/or [Section 12-108](#) of this Code. The citation shall serve as  
26 notification to the person that he has committed a civil violation and must pay a monetary fine in  
27 accordance with [Section 12-111](#), subject to his right to elect to stand trial pursuant to [Section 28-](#)  
28 [257](#) of this Code. The Department of Permitting, Inspections, and Enforcement may also take an  
29 enforcement action against the holder of the Master Use and Occupancy Permit or any vendor  
30 conducting business under the Master Use and Occupancy Permit pursuant to Section 4-116 of  
31 this Code.

1       (e) If a Food Hall’s Master Use and Occupancy Permit is suspended or revoked, all food  
2 service operations on the premises must cease pending resolution of the permit suspension or  
3 revocation.

4       (f) The Department of Permitting, Inspections, and Enforcement shall promptly notify the  
5 Health Department of any and all Food Hall Master Use and Occupancy Permit suspensions or  
6 revocations.

7 \*           \*           \*           \*           \*           \*           \*           \*           \*

8       SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
9 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
10 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
11 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
12 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
13 Act, since the same would have been enacted without the incorporation in this Act of any such  
14 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
15 or section.

16       SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
17 calendar days after it becomes law.

Adopted this 27th day of April, 2021.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
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.