

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-89-2015

Chapter No. 78

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Toles, Franklin and Taveras

Co-Sponsors _____

Date of Introduction October 20, 2015

BILL

1 AN ACT concerning

2 Food Service Facilities

3 For the purpose of amending certain definitions and enforcement procedures for food service
4 facilities to comply with recent changes to the Code of Maryland Regulations 10.15.03 and
5 generally relating to food service facilities and food service manager certifications.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 12. HEALTH.

8 Sections 12-104, 12-105, 12.105.01, 12-106, 12-107,
9 12-108, 12-111, 12-111.01, 12-112, 12-113, 12-114,
10 and 12-115

11 The Prince George's County Code
12 (2011 Edition; 2014 Supplement).

13 BY adding:

14 SUBTITLE 12. HEALTH.

15 Sections 12-114.01, 12-114.02, and 12-115.01
16 The Prince George's County Code
17 (2011 Edition; 2014 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Sections 12-104, 12-105, 12.105.01, 12-106, 12-107, 12-108, 12-111, 12-111.01,
20 12-112, 12-113, 12-114, and 12-115 of the Prince George's County Code be and the same are
21 hereby repealed and reenacted with the following amendments:

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:

* * * * *

(2.1) **Catering Service** shall mean the preparation or provision and the serving of food and drink at the provider’s premises or elsewhere where a prearranged amount of food is provided with or without charge for a group’s event or function; an individual is not charged for a single portion of food. The provider’s premises must be a licensed commercial facility.

[2.1] (2.2) **Certified food service manager** shall mean a person in a supervisory capacity who has obtained training in food sanitation or has otherwise demonstrated knowledge of good food handling practices, and has obtained the certification document issued by the Department.

(2.3) **Chronic Offender** shall mean any person who operates a food service facility or who manages a shopping center containing two (2) or more food service facilities, and who demonstrates a pattern of violating regulations, being evidenced by:

(A) On two (2) or more occasions within a twelve (12) month period, suspension of the food service facility permit pursuant to Section 12-111 of this Subdivision; and/or

(B) Notices of proven violations of regulations under this Division which do not result in a permit suspension, all rights of appeal having been exhausted; or

(C) On two (2) or more occasions within a twelve (12) month period, the Health Officer requires a compliance hearing.

* * * * *

(4) **Depot** shall mean a food service facility permitted by the Department or other regulatory agency sanctioned by the approving authority which provides one or more of the following services to mobile special food service facilities on a routine basis: food, food preparation or storage, utensil wash facilities, potable water, or waste disposal facilities.

1 * * * * *

2 (7) **Food service facility** shall mean any place in Prince George's County, except

3 those establishments that are on non-leased federally owned property which are operated and

4 inspected by the Federal Government in which food or drink products are manufactured,

5 prepared, packed, handled, stored, sold, served, automatically vended, or distributed on a

6 temporary or permanent basis for consumption by the general public and shall include special

7 food service facilities and facilities which sell live and/or unprocessed seafood, but shall not be

8 construed to mean individual, private residences where, without charge, food or drink products

9 are prepared and consumed. Class B food service facilities are those which are open five (5) or

10 less days per week, serve potentially hazardous food, and are operated by volunteer fire

11 companies or bona fide nonprofit fraternal, civic, veterans, religious, or charitable organizations

12 in compliance with Internal Revenue Service (IRS) definitions and protocols.

13 * * * * *

14 (9) **Hazard analysis critical control point assessment** shall mean the prioritization

15 of a food service facility as defined in COMAR 10.15.03. [into one of the following categories:]

16 [(A) High priority -- facilities which are at high risk for a foodborne illness and

17 include facilities described by one or more of the following:]

18 [(i) Served food to which a foodborne disease outbreak was traced within

19 the five (5) years immediately before the priority assessment;]

20 [(ii) Serve groups of persons who are particularly susceptible to disease, for

21 example, very young, aged, hospitalized, or otherwise compromised;]

22 [(iii) Serve foods which have a history of being frequent vehicles of

23 foodborne disease;]

24 [(iv) Prepare potentially hazardous foods a day or more in advance of

25 serving;]

26 [(v) Utilize any combination of two or more preparation processes such as

27 cooking, hot-holding, cooling, or reheating over more than a four (4) hour period; or,]

28 [(B) Moderate priority -- facilities which are at moderate risk for a foodborne

29 illness and include facilities that:]

30 [(i) Serve foods which are occasionally implicated in foodborne disease

31 outbreaks; or]

- 1 (ii) Prepare food which is served within four (4) hours of preparation; or,]
- 2 [(C) Low priority -- facilities which are at low risk for a foodborne disease
- 3 occurrence and include facilities that:]
- 4 (i) Serve foods which have rarely been reported as vehicles of disease;]
- 5 (ii) Serve commercially packaged food directly to the consumer or
- 6 customer; or]
- 7 (iii) Handle or serve foods that are not potentially hazardous.]

8 * * * * * * * * *

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

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

14 [12] (13) Mobile unit shall mean a special food service facility which is a
15 mechanically, electrically, manually, or otherwise propelled vehicle that is relocated following
16 each day's operation to an approved depot or other location acceptable to the approving
17 authority.

18 * * * * * * * * *

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

21 [13] (15) Operating from a fixed location for a temporary period shall mean
22 operating a food service facility for not more than five (5) days at a fixed location for an event
23 such as a carnival, circus, fair or similar temporary event. The five (5) day period of time is
24 subject to variance at the discretion of the Health Officer. However, operating a food service
25 facility or a special food service facility intermittently at one (1) location and operating mobile
26 units as a food service facility or special food service facility relocating at different sites shall not
27 be construed as operating for a temporary period.

28 **Sec. 12-105. Frozen food regulation.**

29 (a) Any food service facility which retails or wholesales frozen food shall comply with the
30 provisions of this Section:

31 * * * * * * * * *

(D) It shall be unlawful to offer thawed frozen food for sale, however labeled, in the case where any part of the food has reached temperatures above[45] 41° F.

* * * * *

[(2) Sales of foods frozen on the premises. In the case of foods frozen on the premises, such frozen food shall not be offered for sale unless the food service facility has obtained a license to operate a frozen food processing plant as required by law.]

Sec. 12-105.01. Food clusters; refuse disposal.

In a food cluster, it shall be the responsibility of the shopping center management to satisfactorily maintain and provide an approved means to dispose of refuse, provide effective control measures for vermin, and to meet prescribed housekeeping requirements. The shopping center management can be designated a chronic offender as defined in Section 12-104 and subject to the fines set forth in Section 12-113 of this Division.

Sec. 12-106. Toilet facilities.

(a) Every food service facility shall be provided with adequate and conveniently located toilet facilities for its employees. Two (2) or more [Separate] separate toilet rooms shall be provided [for each sex] whenever both males and females are employed or when Subsection (e) of this Section is applicable; provided, however, that one (1) toilet facility shall be adequate for both male and female employees and customers in establishments having five (5) or fewer employees on duty at any given time and, when applicable, seating is provided for ten (10) or fewer customers.

* * * * *

(c) Such toilet facilities shall comply with the regulations of the State and of the local Plumbing Code and shall be located within the permitted establishment except as otherwise noted in this Section. Toilet facilities located off the premises of a food service facility which has a gross floor area of five hundred (500) square feet or less shall be considered satisfactory, provided that such toilet facilities [are located within the same building or structure, can be reached by interior access only,] are not more than three hundred (300) feet away from the facility, and are accessible during all hours of operation. Seasonal and [Temporary] temporary special food service facilities shall have toilet facilities located within a reasonable distance and be accessible during all hours of operation.

* * * * *

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

2 (a) This Division shall not apply to [package liquor stores or service stations, selling
3 prepackaged snack food or drink, unless they handle potentially hazardous foods as defined in
4 the regulations adopted by this Division] facilities selling only prepackaged non-potentially
5 hazardous food or drink.

6 (b) There shall be no exposed or unsecured outside storage of food and food equipment.
7 Outdoor service venues such as patios, pool bars, bars, sidewalk operations, temporary events
8 shall provide sufficient protection of all food, food equipment and food service items to prevent
9 contamination at all times. [This Division shall apply to "excluded organizations" as defined by
10 COMAR 10.15.03.02B.20].

11 * * * * *

12 **Sec. 12-108. Food permits required.**

13 (a) It shall be unlawful for any person to operate a food service facility without a valid
14 permit issued by the Health Officer, provided that this permit requirement shall not apply to:

15 (1) [vending] Vending machine locations, licensed pursuant to [Section] Sections 12-
16 162 through 12-167 of this Subtitle, or operated solely for the sale of canned or bottled
17 beverages, or any commercially packaged food or drink which is not perishable, or to machines
18 commonly known as gumball machines. [; and provided further that this permit requirement shall
19 not apply to]

20 (2) [a] A fruit or vegetable stand where fresh, [nonprocessed] whole or uncut produce
21 is handled, displayed, and sold.

22 (3) Warehouses and food processing plants as defined in the Maryland State
23 Department of Health and Mental Hygiene Regulations Governing Food and Drink Processing
24 and Transportation as set out in COMAR 10.15.04.

25 (4) Warehouses and food processing plants that are federally regulated.

26 * * * * *

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

28 * * * * *

29 (c) Whenever a food service facility opens or remains open for business without a valid
30 permit, or after being ordered to close in accordance with the provisions of Subsection (a),
31 above, or while a valid permit has been suspended, any owner or operator of such food service

1 facility shall be punished by a fine not to exceed [Three Hundred Dollars (\$300.00)] One
2 Thousand Dollars (\$1,000.00) a day. Each day such food service facility remains open for
3 business shall constitute a separate offense pursuant to this Subsection.

4 * * * * *

5 **Sec. 12-111.01. Hearings.**

6 A fee of One Hundred Dollars (\$100.00) shall be charged for administrative/enforcement
7 hearings held pursuant to this Division. The permit holder will not be obligated to pay the fee
8 for the scheduled hearing if:

9 (1) [a] A request to cancel or reschedule is received at least twenty-four (24) hours in
10 advance of the scheduled hearing, or;

11 (2) The hearing is required by this Department.

12 * * * * *

13 **Sec. 12-112. Inspections; access.**

14 * * * * *

15 (c) [Class I, III, and IV special] Mobile food service facilities shall be available for an
16 annual inspection at the time and place designated by the Health Officer prior to licensure or re-
17 licensure.

18 **Sec. 12-113. Chronic offenders; Fines.**

19 [(a) For the purposes of this Section, a "chronic offender" is defined as any person who
20 operates a food service facility and who demonstrates a pattern of violating regulations, said
21 pattern of violations being evidenced by:]

22 [(1) On two (2) or more occasions within a twelve (12) month period, suspension of
23 the food service facility permit pursuant to Section 12-111 of this Subdivision and/or notices of
24 proven violations of regulations under this Division which do not result in a permit suspension,
25 all rights of appeal having been exhausted; or]

26 [(2) On two (2) or more occasions within a twelve (12) month period, the Health
27 Officer requires a compliance hearing.]

28 [(b) For the purposes of this Section, an "offense" is defined as a permit suspension
29 pursuant to Section 12-111 or a notice of proven violation of the regulations under this Division
30 in excess of one (1) such permit suspension and/or notice of violation within a twelve (12) month
31 period, or more than one (1) required compliance hearing within a twelve (12) month period.]

1 [(c)] A chronic offender of the provisions of this Code shall be subject to a civil fine not to
2 exceed [Five Hundred Dollars (\$500.00)] One Thousand Hundred Dollars (\$1,000.00) for each
3 separate offense.

4 **Sec. 12-114. Food Service Manager [Certification] Requirements.**

5 (a) [After October 1, 1993,] Except as provided in Subsection (b), no food service facility
6 shall operate unless a minimum of one employee has a valid food service manager certificate or
7 is enrolled in an approved course that will train the employee to be a certified food service
8 manager.

9 (b) [After March 1, 1994,] [except] Except as provided for in Subsection (c), no food
10 service facility shall operate unless it is under the immediate control of a certified food service
11 manager during all hours of operation.

12 (c) [After November 1, 1994,] [no] No food service facility operated more than an average
13 of five (5) days per week by a volunteer fire company or bona fide nonprofit fraternal, civic,
14 veterans', religious, or charitable organization shall operate unless it has a certified food service
15 manager on staff or a staff person or member is enrolled in an approved course that will train that
16 person to be a certified food service manager. [After March 1, 1995,] [no]No food service
17 facility operated more than an average of five (5) days per week by a volunteer fire company or
18 bona fide nonprofit fraternal, civic, veterans', religious, or charitable organization shall operate
19 unless it is under the immediate control of a certified food service manager.

20 (d) [After November 1, 1994,] [no]No Class B food service facility shall operate unless a
21 certified food service manager is on staff or in the membership of the organization or a Level B
22 food service manager is on site during all hours of operation.

23 * * * * *

24 (f) The approving authority [shall] may reduce the number of hours of training required
25 for a Level B food service manager.

26 * * * * *

27 (h) A food service facility permit shall not be issued by the Health Officer until the facility
28 [complies with Subsections (a), (b), (c), and (d), above] meets the food service manager
29 requirements stated above unless in unusual circumstances, its application would result in an
30 undue hardship.

31 (i) This Section shall not apply to the following:

1 (1) Low priority food service facilities. [, food facilities regulated under COMAR
 2 10.15.04, or to Class I, II, and IV special food service facilities;]

3 * * * * *

4 [(k) Application for a food service manager certificate must be made to the Department by
 5 submitting the following:]

6 [(1) A completed application along with a Thirty-five Dollar (\$35.00) fee, and a recent
 7 photograph clearly showing the applicant's facial features when trimmed to a size of 2 inches by
 8 2 inches; and]

9 [(2) Original written evidence of successful completion, within three (3) years of the
 10 date of the application, of a food serviced manager certification course approved by the
 11 Maryland State Department of Health and Mental Hygiene (DHMH); or]

12 [(3) An original transcript or official grade notification form from a college or other
 13 institution or organization offering a DHMH approved course; or]

14 [(4) Other documentation acceptable to the Department showing successful
 15 completion of a DHMH approved course; or]

16 [(5) A valid food service manager certificate from a local jurisdiction with a reciprocal
 17 agreement on certification with the Department.]

18 [(6) A person required to obtain a food service manager certification for a food service
 19 facility operated by the Board of Education of Prince George's County, by a volunteer fire
 20 company or rescue squad, or a bona fide nonprofit fraternal, civic, veterans', religious, or
 21 charitable organization or corporation shall be exempt from the fee provision of this Section.]

22 [(7) A person shall be eligible to obtain a food service manager certificate upon
 23 successfully passing a challenge examination acceptable to the approving authority.]

24 [(l) A food service manager certificate shall be issued in the name of an individual only,
 25 and shall be valid for a period of three (3) years from completion of the certification training or
 26 passage of the examination.]

27 [(m)Renewal certificates will be issued upon receipt of the following:]

28 [(1) A complete application along with the Thirty-five Dollar (\$35.00) fee; and]

29 [(2) An original certificate of successful completion issued by an institution or
 30 organization or other acceptable documentation providing an approved recertification course; or]

1 [(3) Proof of having provided a minimum of three (3) training courses, approved by
2 the Department, to staff of the facility(ies) where employed during the previous certification
3 period;]

4 [(4) Proof of having conducted a monthly self-inspection program approved by the
5 Department during the previous certification period; or]

6 [(5) Evidence of having successfully passed a challenge examination acceptable to the
7 approving authority.]

8 [(n) Any certification may be suspended or revoked by the Department when the certified
9 food service manager or a person under the certified food service manager's supervision
10 repeatedly fails to comply with these regulations. Prior to such suspension or revocation, the
11 holder of said certificate shall be given the opportunity for a hearing before the approving
12 authority. A certificate may be suspended or revoked for repeated violations of food safety
13 requirements; for failure to make corrections of documented violations; for operating without a
14 permit or while a permit has been suspended; for failure to adhere to critical items requirements,
15 as defined in COMAR 10.15.03.02B; for obtaining such certification under false pretenses; or for
16 preventing regulatory personnel from performing their duty. The certified food service manager
17 shall surrender his/her certificate to the Department when certification has been suspended or
18 revoked. Prior to restoring a certificate, retraining may be required for the food service manager
19 and/or all food workers employed in food facilities where there is documented inability to
20 maintain safe and sanitary food handling practices as demonstrated by instances of foodborne
21 illness, serious repeat violations, or other factors increasing the risk to consumers.]

22 [(o) The fee for the replacement of a food service manager certificate is Fifteen Dollars
23 (\$15.00).]

24 [(p) A food service facility, upon written notice by the Department, will be subject to a fine
25 of Five Hundred Dollars (\$500.00) on each occasion that said facility fails to provide proof that
26 it is under the immediate control of a certified food service manager during all hours when food
27 is being prepared, handled, or served, except as provided in Subsections (e) and (i), above, or
28 that a supervisory employee(s) is/are currently enrolled in an approved course. Proof of
29 enrollment in an approved course must be submitted to the Department within two (2) weeks of
30 written notification to the facility. Upon revocation of a food service manager certification, a
31 food service facility shall be required to obtain the services of a certified food service manager or

1 shall have enrolled alternate supervisory personnel in an approved training program within two
2 (2) weeks of notification to the facility, or shall be subject to the penalties specified in this
3 Section. Application for certification must be made within one week of satisfactory completion
4 of the course.]

5 **Sec. 12-115. Special Food Service Facilities – Mobile Units.**

6 (a) The following provisions shall apply to [Class I, III, and IV special food service
7 facilities] mobile units:

8 (1) Vehicle Identification.

9 (A) The following must be plainly visible and permanently affixed, with a
10 minimum three (3) inch high letters of contrasting color, to the exterior body of the mobile unit:

11 (i) Name of mobile unit and/or operator; and

12 (ii) Address and telephone number of operator, or other means of
13 identification acceptable to the approving authority.

14 * * * * *

15 (B) Mobile [units] food service facilities must provide cold storage units capable
16 of maintaining potentially hazardous food at [45] 41° F, or below.

17 * * * * *

18 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Sections 12-114.01, 12-114.02 and 12-115.01 of the Prince George's County
20 Code be and the same are hereby added:

21 **Sec. 12-114.01 Food Service Manager Certification.**

22 (a) Application for a Food Service Manager Certificate must be made to the Department
23 by submitting the following:

24 (1) A completed application with a fee prescribed in the Table of Fees; and

25 (2) Original written evidence of successful completion, within three (3) years of the
26 date of the application, of a food service manager certification course approved by the
27 Conference for Food Protection (CFP); or

28 (3) An original transcript or official grade notification form from a college or other
29 institution or organization offering a CFP approved course or test; or

30 (4) Other documentation acceptable to the Department showing successful
31 completion of a CFP approved course or test; or

1 (5) A valid food service manager certificate from a local jurisdiction with a reciprocal
2 agreement on certification with the Department.

3 (b) A person required to obtain a food service manager certification for a food service
4 facility operated by the Board of Education of Prince George's County, by a volunteer fire
5 company or rescue squad, or a bona fide nonprofit fraternal, civic, veterans', religious, or
6 charitable organization or corporation shall be exempt from the fee provision of this Section.

7 (c) A food service manager certificate shall be issued in the name of an individual only,
8 and shall be valid for a period of three (3) years from completion of the certification training or
9 passage of the examination.

10 (d) Renewal certificates will be issued upon receipt of the following:

11 (1) A complete application along with the fee as prescribed in the Table of fees; and

12 (2) An original certificate of successful completion of a food service manager
13 recertification test approved by the Conference for Food Protection (CFP); or

14 (3) Proof of having provided a minimum of three (3) training courses, approved by
15 the Department, to staff of the facility or facilities where employed during the previous
16 certification period; or

17 (4) Proof of having conducted a monthly self-inspection program approved by the
18 Department during the previous certification period; or

19 (5) Evidence of having successfully passed a challenge examination acceptable to the
20 approving authority.

21 (e) Application for renewal must be made no later than six (6) months following the
22 expiration of the CFMSM card. If more than six (6) months have elapsed, renewal is not possible
23 and the applicant will have to repeat the entire certification process.

24 (f) The expiration date will be exactly three (3) years from the expiration date of the old
25 card.

26 (g) The fee for the replacement of a food service manager certificate is prescribed in the
27 Table of Fees.

28 (h) A food service facility, upon written notice by the Department, will be subject to a fine
29 of Five Hundred Dollars (\$500.00) on each occasion that said facility fails to provide proof that
30 it is under the immediate control of a certified food service manager during all hours when food
31 is being prepared, handled, or served, except as provided in Subsections (e) and (i), above, or

1 that a supervisory employee is currently enrolled in an approved course. Proof of enrollment in
2 an approved course must be submitted to the Department within two (2) weeks of written
3 notification to the facility. Upon revocation of a food service manager certification, a food
4 service facility shall be required to obtain the services of a certified food service manager or shall
5 have enrolled alternate supervisory personnel in an approved training program within two (2)
6 weeks of notification to the facility, or shall be subject to the penalties specified in this Section.
7 Application for certification must be made within one week of satisfactory completion of the
8 course.

9 **Sec. 12-114.02. Food Service Manager Certification; suspension/revocation.**

10 (a) Any certification may be suspended or revoked by the Department when the certified
11 food service manager or a person under the certified food service manager's supervision
12 repeatedly fails to comply with these regulations.

13 (b) Prior to such suspension or revocation, the holder of said certificate shall be given the
14 opportunity for a hearing before the approving authority. A certificate may be suspended or
15 revoked for repeated violations of food safety requirements; for failure to make corrections of
16 documented violations; for operating without a permit or while a permit has been suspended; for
17 failure to adhere to critical items requirements as defined in COMAR 10.15.03.02B; for
18 obtaining such certification under false pretenses; or for preventing regulatory personnel from
19 performing their duty.

20 (c) The certified food service manager shall surrender his or her certificate to the
21 Department when certification has been suspended or revoked.

22 (d) Prior to restoring a certificate, retraining may be required for the food service manager
23 and/or all food workers employed in food facilities where there is documented inability to
24 maintain safe and sanitary food handling practices as demonstrated by instances of foodborne
25 illness, serious repeat violations, or other factors increasing the risk to consumers.

26 **Sec. 12-115.01 Special Food Service Facilities – Temporary Food Service Facilities.**

27 (a) Applications for a single or multi-day event permit must be received by mail or in
28 person no later than five (5) business days prior to the event. Applications received after that
29 time frame will not be processed.

30 (b) Permits received after the deadline as well as those permits submitted by operators with
31 a history of noncompliance may be denied. Denial may be based on the type of food prepared

1 and served, the extent of the necessary food handling activity, and the operator's established
 2 history of operation.

3 (c) Attendance at a training class offered by the Department is encouraged prior to
 4 issuance of a permit. Attendance will be mandatory for those operators who have demonstrated
 5 failure to follow the requirements of this Code.

6 (d) Multi-day events must have approved overnight storage for food and food service
 7 equipment.

8 (e) Based upon local environmental conditions, location, and other similar factors, the
 9 Department may establish additional structural or operational requirements, or both, as necessary
 10 to ensure that foods are handled safely at the event.

11 **Sec. 12-115.02 Special Food Service Facilities – Farmer's Markets.**

12 (a) A Farmer's Market Vendor's License shall:

- 13 (1) operate only with written permission at a Farmer's Market in the County as
- 14 defined in Section 27-107.01 of the Prince George's County Code and
- 15 (2) be listed by the Maryland Department of Agriculture

16 (b) A Farmer's Market Sampler's License shall:

- 17 (1) Be dependent upon issuance of a Farmer's Market Permit.
- 18 (2) Exclude whole uncut produce or products produced with an On Farm Processing
- 19 License.

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

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

Adopted this 17th day of November, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.

* * * * *