

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2022 Legislative Session

Bill No. CB-053-2022

Chapter No. 59

Proposed and Presented by Council Member Ivey

Introduced by Council Members Ivey, Streeter, Franklin, Medlock, Glaros, Harrison,

Hawkins and Burroughs

Co-Sponsors _____

Date of Introduction September 27, 2022

BILL

1 AN ACT concerning

2 Food Truck Locations

3 For the purpose of eliminating Food Truck Hubs and authorizing Food Truck vending in certain
4 locations in Prince George's County.

5 BY adding, repealing and reenacting with amendments:

6 SUBTITLE 5. BUSINESSES AND LICENSES.

7 Sections 5-190, 5-193.

8 SUBTITLE 12. HEALTH

9 Section 12-115.

10 BY repealing:

11 SUBTITLE 5. BUSINESSES AND LICENSES.

12 Sections 5-189, 5-2801, 5-2802, 5-2803, 5-2804, 5-
13 2805, 5-2806, 5-2807, 5-2808, 5-2809, 5-2810.

14 The Prince George's County Code

15 (2019 Edition, 2021 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Sections 5-190 and 5-193 of the Prince George's County Code be and the same
18 are hereby added, repealed and reenacted with amendments:

19 **SUBTITLE 5. BUSINESSES AND LICENSES.**

20 **DIVISION 12. PEDDLERS AND ITINERANT VENDORS.**

1 **Sec. 5-190. License required; payment; contents; term; and basis for refusal of license;**
2 **applicability.**

3 (a) No person, his agents or employees, shall sell, barter or trade or offer or expose
4 for sale, barter or trade in or upon any street or highway in the County, or go from house to
5 house, either on foot, or with a horse or other beast of burden, or with a wagon, or motor
6 vehicle, or other conveyance whatsoever, upon the streets or highways in the County, selling,
7 bartering or trading or offering to sell, barter or trade, or shall sell, barter or trade or offer to
8 sell, barter or trade at or from any roadside stand or roadside market upon any street or
9 highway in the County, any produce, products or merchandise whatsoever without each such
10 person having previously obtained a license from the Department of Permitting, Inspections,
11 and Enforcement.

12 * * * * *

13 [(i) Applicability. This Section shall not apply to mobile units that are authorized as
14 participants of a designated Food Truck Hub as defined by Section 5-189.01 of this Code.]

15 * * * * *

16 **Sec. 5-193. [Reserved] Food Service Facility - Mobile Unit**

17 (a) Food Service Facility - Mobile Unit means a licensed, motorized vehicle or mobile
18 food unit which is permitted public vending in certain locations or at a one-time event under
19 Section 12-115(d)(5) where food items are sold to the general public, thereby regulated by the
20 Code of Maryland Regulations (COMAR 10.15.03) as they may be amended from time to time
21 and adopted by reference in Section 12-102 as the County regulations governing food service
22 facilities.

23 (b) With permission from a person authorized to enter into an agreement on behalf of the
24 property owner or property manager, Mobile Units are allowed vending in/or on the following
25 locations, properties and/ or parcels:

- 26 (1) Office Parks and Business Parks;
- 27 (2) Industrial Areas, Industrial and Employment Parks;
- 28 (3) Commercial Areas and Retail Shopping Centers;
- 29 (4) Faith-Based Organizations, Membership Pools and Non-Profit Organizations;
- 30 (5) Agritourism facilities that provide adequate running potable water and sewage

1 disposal (Wineries, Farms, Orchards, and similar entities open to the public);

2 (6) Properties of craft food and beverage facilities, including Breweries and other
3 craft beverage facilities;

4 (7) Properties on, at or adjacent to Food Halls, Food Markets, Farmer’s Markets,
5 and other temporary food-associated venues open to the public;

6 (8) Active construction sites;

7 (9) County, State or Federal properties with public employment or public access;

8 (10) Golf Courses; or

9 (11) Dog Parks, that do not require food trucks to park on a public right-of-way.

10 **Sec. 5-193.01. Prohibited sales, solicitations and distributions in roadway(s) and certain**
11 **other portions of the right-of-way.**

12 (a) It shall be unlawful for any person, firm or corporation, by its officers, agents or
13 employees, to sell or to attempt to sell goods, wares or merchandise of any description to, or to
14 solicit or accept any donation from, or to distribute printed matter or materials of any
15 description to, any occupant of a motor vehicle when said motor vehicle is in a roadway, as
16 defined under the Transportation Article of the Annotated Code of Maryland.

17 (b) Notwithstanding any other provision of this Division, it shall be unlawful for any
18 hawker, peddler, roadside vendor, huckster, itinerant vendor, or any other person to sell,
19 attempt to sell, or display for sale any goods, wares, merchandise, or other items of any
20 description while upon the right-of-way, or from a vehicle upon the right-of-way except for the
21 following:

22 (1) Automotive equipment to the owner or occupant of a vehicle disabled in a roadside
23 emergency;

24 * * * * *

25 [(11) Mobile units that are authorized as participants of a designated Food Truck Hub
26 as defined by Section 5-189.01.]

27 * * * * *

28 **Sec. 5-193. 03. - Fines; revocation of licenses; appeal.**

1 (a)[The Director of Permitting, Inspections, and Enforcement may revoke a license issued
2 under the provisions of this Division for] A license issued under the provisions of this Division
3 may be revoked for any of the following reasons:

4 (1) The violation of or failure to pay any assessed fine for any violation of the
5 provisions of this Division; or

6 (2) Upon the conviction of any crime which is a violation of this Division or is a basis
7 for denial of a license as set forth in Section 5-190[(d).]; or

8 (3) The licensed food service facility - mobile unit fails the inspection by the Health
9 Department pursuant to Section 12-112.

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

13 [(b)](c)Prior to the revocation of a license, [the Director shall give] a written notice shall
14 be given to the licensee, by mail to the address set forth in the license application or the
15 licensee's last known address, setting forth the basis of the revocation and a date, time, and
16 place where a hearing will be held thereon. [The Director shall render a written decision within
17 thirty (30) days of the hearing based upon the record compiled.]

18 [(c)](d)Any person whose license is revoked may appeal the decision of the Director to
19 the Board of Administrative Appeals for Prince George's County within ten (10) calendar days
20 after the date of such decision.

21 * * * * *
22 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County,
23 Maryland, that Section 12-115 of the Prince George's County Code be and the same is hereby
24 repealed and reenacted with the following amendments:

25 * * * * *

26 **SUBTITLE 12. HEALTH.**

27 **SUBDIVISION 3. PERMITS AND INSPECTIONS.**

28 **Sec. 12-115. Special Food Service Facilities — Mobile Units and/ or Food Trucks.**

29 [(a)]The following provisions shall apply to mobile units:

30 (1) Vehicle Identification.

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

- 3 (i) Name of mobile unit and/or operator and the vehicle owner's name; and
4 (ii) Name, address, telephone number and email address of the vehicle owner
5 and the vehicle operator.

6 (B) A valid and current Health Department issued decal must be displayed at all times.

7 (C) A valid registration card and vehicle tag must be provided prior to licensure, if
8 applicable.]

9 (a) A complete mobile unit and /or food truck application must include:

10 (1) A copy of the Vehicle Registration;

11 (2) A copy of his/her insurance policy covering the special food service facility
12 mobile unit and /or food truck; and

13 (3) Certification of all applicable health and fire inspections as set forth in Section 12-
14 115 (b), (c) and (e) below.

15 [(1)](b) Vehicle Identification.

16 [(A)](1) The following information must be plainly visible and permanently affixed,
17 with a minimum three (3) inch high letters of contrasting color, to the exterior body of the
18 mobile unit and /or food truck as required by the Health Department:

19 [(i)] (A) Name of mobile unit and/or operator and the vehicle owner's name; and

20 [(ii)] (B) Name, address and telephone number and email address of the vehicle
21 owner and the vehicle operator.

22 [(B)](2) A valid and current Health Department issued decal must be displayed at all
23 times.

24 [(C)](3) A valid registration card and vehicle tag must be provided prior to licensure, if
25 applicable.

26 [(2)](c) Food Handling; Storage; Source.

27 [(A)](1) Any mobile unit failing to meet specified requirements of COMAR 10.15.03
28 must provide written confirmation of accessibility to an approved depot for one or more of the
29 following:

30 [(i)](A) Utensil washing facilities;

1 [(ii)](B) Disposal of liquid and solid wastes;

2 [(iii)](C) Source of potable water; and

3 [(iv)](D) Storage of foods.

4 [(B)](2) Mobile food service facilities must provide cold storage units capable of
5 maintaining potentially hazardous food at 41 °F, or below.

6 [(C)](3) Potentially hazardous food which has been displayed for service may not be
7 served again.

8 [(D)](4) Operators of mobile units must provide evidence that the equipment is capable
9 of reheating, cooking, or hot/cold holding of potentially hazardous foods, as required by this
10 Code.

11 [(E)](5) Public vending of food from manually propelled mobile units is prohibited on
12 public rights of way in Prince George's County and on private property except for mobile units
13 that are authorized as participants [of a designated Food Truck Hub as defined by Section 5-
14 189.01 or] at a stadium, amusement park[] or in conjunction with a carnival, festival, fair or
15 similar event which has been issued a [Temporary Use Permit (UTZ)] Special Events Permit
16 from the Department of Permitting, Inspections, and Enforcement. This section shall not apply
17 to a permitte[e] licensee operating within a mixed-use venue whose core uses include the
18 merchandising of retail, food, beverages, and entertainment provided the permitte[e] or licensee
19 has the permission of the property management association.

20 (e) Safety and Sanitation

21 (1) The Fire/EMS Department shall be responsible for:

22 (A) Reviewing and issuing a proof of review for the use of open flame and propane
23 gas in mobile vending operations and special food services facilities - mobile units as
24 defined by Section 5-193 of the County Code, excluding ice cream trucks and those
25 selling prepackaged food;

26 (B) Conducting fire-safety related inspections of mobile vending businesses and
27 special food services facilities - mobile units as defined by Section 5-193 of the County
28 Code;

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

1 (2) All mobile vendors and special food services facilities - mobile units as defined
2 by Section 5-193 of the County Code are required to have a Certified Food Manager
3 Certificate pursuant to Section 12-114. The certificate holder shall be present at all times of
4 operation. Vendors at mobile farmer's markets selling unprepared foods such as whole and
5 uncut fruits and vegetables are not covered by this section.

6 (3) All mobile vendors and special food services facilities - mobile units as defined
7 by Section 5-193 of the County Code are required to pass an inspection by the Health
8 Department pursuant to Section 12-112.

9 (4) All mobile unit vendors and special food services facilities - mobile units as
10 defined by Section 5-193 of the County Code shall:

11 (A) Provide adequate trash receptacles; and

12 (B) Ensure that the trash generated by their business does not litter the immediate
13 vicinity of their mobile unit.

14 * * * * * * * * *

15 SECTION 3. BE IT FURTHER ENACTED by the County Council of Prince George's
16 County, Maryland, that Sections 5-189.01, 5-189.02, 5-189.03, 5-189.04 and 5-189.05 of the
17 Prince George's County Code be and the same are hereby repealed:

18 **SUBTITLE 5. BUSINESSES AND LICENSES.**

19 **DIVISION 11. [MOBILE UNITS – FOOD TRUCK HUBS.] RESERVED.**

20 **[Sec. 5-189.01. Definitions.]**

21 **[(a) Food Truck Hub** means an outdoor area (unenclosed space) with an approved
22 application certified by the Department of Permitting, Inspections, and Enforcement as
23 provided in [Section 5-189.03](#) in which two or more mobile units as defined by [Section 12-](#)
24 [104\(a\)\(13\)](#) may cluster in order to primarily sell freshly prepared foods or fresh fruits and
25 vegetables. Mobile Units primarily selling pre-packaged foods are prohibited from a Food
26 Truck Hub. A Food Truck Hub shall only be located on the open area or parking lot or public
27 rights-of-way of the following: parks and recreational facilities under the operation and control
28 of the Maryland-National Capital Park and Planning Commission, or areas within a one-
29 quarter mile radius of the station entrance of any Metro and MARC stations. Food Truck Hubs

1 not located in these areas may be granted special authorization by resolution of the Council,
2 upon notice and public hearing. Mobile units may not park overnight at a Food Truck Hub.

3 (b) **Coordinator** means the applicant for the Food Truck Hub License which may be a
4 non-profit, governmental, or a private entity.]

5 **[Sec. 5-189.02. - Duration of license; renewal.]**

6 [(a) The Food Truck Hub License shall be issued on an annual basis with receipt of a
7 completed application. The license may be renewed, pending receipt of a new completed
8 application and verification that no outstanding violations are on file for the Food Truck Hub.]

9 **[Sec. 5-189.03. - License Application.]**

10 [(a) The license application for a Food Truck Hub shall be made by a coordinator and
11 shall include:

12 (1) A suitable site layout showing all existing improvements on the property, restroom
13 facilities for participating vendors either on location or within the immediate area, off-street
14 parking areas and driveways (including traffic control patterns), and the specific area
15 (dimensioned) of the property to be occupied by the Food Truck Hub or if located within a
16 parking lot, the Food Truck Hub application shall include a letter from the property owner
17 stating that parking is available for Food Truck Hub patrons.

18 (2) A letter of support from the municipality for the Food Truck Hub, if the property to
19 be occupied by the Food Truck Hub is located within the corporate boundaries of a
20 municipality, or if not in a municipality, a letter of support from the Prince George's County
21 Economic Development Corporation.

22 (3) Permission of the property owner where the Food Truck Hub will be located with a
23 copy of the existing site plan. If the Food Truck Hub is located on the public right-of-way, a
24 letter of permission is also required from the municipality, the County, or the State that is the
25 record property owner of the right-of-way.

26 (4) Schedule of specific operational days and hours, to begin no earlier than 6:00 a.m.
27 and end no later than 9:00 p.m., unless the applicant provides a letter of support from the
28 municipality or the Prince George's County Economic Development Corporation, as
29 appropriate, as well as a letter signed by the Council Member for the area of the Food Truck
30 Hub authorizing that Food Truck Hub to operate until, but no later than, 12:00 a.m.

1 (5) The number of mobile units on a given day.]

2 **[Sec. 5-189.04. - Duties and Responsibilities of a Coordinator.]**

3 [(a) A Coordinator shall:

4 (1) Compile and provide to the Department of Permitting, Inspections and Enforcement
5 for enforcement purposes per Subtitle a comprehensive list of licensed vendors that comprise a
6 specific Food Truck Hub to include each participating vendor's Tax Identification Number,
7 County license, Health Department certification and demonstrated proof that a participating
8 vendor has no outstanding notice of violations.

9 (2) Report a change in vendor participation to the Department of Permitting,
10 Inspections and Enforcement through written communication within 24 hours before or after of
11 such change, and include each new participating vendor's Tax Identification Number, County
12 license, Health Department certification and demonstrated proof that said vendor has no
13 outstanding violations.

14 (3) Report an unlicensed vendor to the Department of Permitting, Inspections and
15 Enforcement for appropriate enforcement action per Subtitle.

16 (4) Ensure that only vendors included on the Food Truck Hub participating Vendors'
17 List submitted to the Department of Permitting, Inspections and Enforcement are on-site
18 selling products.

19 (5) Ensure that the Food Truck Hub remains free of trash by providing adequate trash
20 receptacles, including recycling receptacles, and that said receptacles are emptied on a daily
21 basis to prevent trash build-up, rodent infestation and other health-related concerns.

22 (6) Ensure that Food Truck Hub signage at the site shall be minimal and limited to one
23 sign no larger than 4 × 6 feet. No signage advertising the food truck hub shall be permitted
24 beyond a sign at the site.]

25 **[Sec. 5-189.05. - Violation and Revocation.]**

26 [(a) The Department of Permitting, Inspections, and Enforcement may immediately
27 revoke the permit if the Food Truck Hub constitutes a nuisance because of noise, traffic,
28 physical activity, public safety, or for other good cause.

29 (b) Should the Coordinator fail to ensure the daily disposal of trash and further fail to
30 prevent trash from being strewn throughout the immediate area of the Food Truck Hub, the

1 Coordinator, as the Food Truck hub representative, shall be subject to a citation that carries
 2 with it a fine of \$500 for the first offense, and a fine of \$1,000 for each subsequent citation as
 3 per Subtitle 13, Section 246.

4 (c) The Department of Permitting, inspections and Enforcement has the authority to
 5 revoke the license of a Food Truck Hub vendor if the vendor constitutes a nuisance because of
 6 noise, traffic, physical activity, public safety or for other good cause per Subtitle 13, Section
 7 246.]

8 **SECTION 4. BE IT FURTHER ENACTED** by the County Council of Prince George's County,
 9 Maryland, that Sections 5-2801, 5-2802, 5-2803, 5-2804, 5-2805, 5-2806, 5-2807, 5-2808, 5-
 10 2809, 5-2810 of the Prince George's County Code be and the same are hereby repealed:
 11 Sections.

12 **[DIVISION 28. - SPECIAL FOOD SERVICE FACILITIES - MOBILE UNITS]**

13 **RESERVED.**

14 **[Sec. 5-2801. Legislative Purpose and Intent.]**

15 [(a) The purpose and intent of this legislation is to provide a regulatory framework for
 16 the licensing of a Special Food Service Facility - Mobile Unit that operates [at] as a Food Truck
 17 Hubs as defined under to Section 5-189.01(a), Section 12-115. Each licensee, as a condition of
 18 receiving a license, shall only sell their food within the designated uses described in Section 12-
 19 115their designated Food Truck Hub as defined by Section 5-189.01 or at a special event, fair, or
 20 festival Subsection (b) below. The provisions of this law are in response to the need to encourage
 21 economic development, increase public access to healthy food options, minimize or eliminate
 22 food deserts access disparities in underserved areas of the County, and promote innovative
 23 entrepreneurship and revitalization in furtherance of the public safety, health and welfare of the
 24 citizens and residents of Prince George's County.]

25 **[Sec. 5-2802. Definitions.]**

26 [(a) **Special Food Service Facility - Mobile Unit** means "A licensed, motorized vehicle
 27 or mobile food unit which temporarily operates at a Food Truck Hub or one-time event under
 28 Section 12-115(e) where food items are sold to the general public, thereby regulated by the Code
 29 of Maryland Regulations (COMAR 10.15.03) as they may be amended from time to time and

1 adopted by reference in Section 12-102 as the County regulations governing food service
2 facilities”.]

3 [Sec. 5-2803. License required; fee.]

4 [(a)No person shall operate a special food service facility - mobile unit at a Food Truck
5 Hub without first having obtained a special food service facility - mobile unit license from the
6 Department of Permitting, Inspections, and Enforcement.]

7 [(b)Each special food service facility - mobile unit license shall be prominently displayed in
8 a conspicuous area of the special food service facility - mobile unit.]

9 [(c)Each special food service facility - mobile unit license shall expire one year from the
10 date of issuance unless renewed].

11 [(d)There shall be no fee for each special food service facility - mobile unit license.]

12 **[Sec. 5-2804. License application.]**

13 [(a) All applicants for a special food service facility - mobile unit license shall file an
14 application for such license on forms provided by the Department of Permitting, Inspections, and
15 Enforcement. All principal owners shall be named in the application form.]

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

18 (1) All applicants shall provide a copy of their Federal Employer Identification
19 Number and evidence of Combined Central Registration with the Maryland
20 Comptroller's Office.

21 (2) The location of the food truck hub(s) where the special food service facility -
22 mobile unit license holder intends to operate including the street address and telephone
23 number(s), if known.

24 (3) A description of the type of food offered for sale.

25 (4) Description of the vehicle, including a color photograph of the vehicle.

26 (5) A copy of the vehicle registration.

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

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

1 [(c) If an omission or error is discovered by the Department of Permitting, Inspections,
2 and Enforcement, the application will be returned to the applicant for completion or correction
3 without further action by the Departmental of Permitting, Inspections, and Enforcement. Any
4 application rejected due to an omission or error shall be accepted only when the omission or
5 error has been remedied. For purposes of this Division, the date that the Department of
6 Permitting, Inspections, and Enforcement accepts an application which is complete shall be the
7 date the application is accepted by the Department of Permitting, Inspections, and
8 Enforcement.]

9 [(d) In the event that the Department of Permitting, Inspections, and Enforcement
10 determines that an applicant has improperly completed the application, it shall promptly notify
11 the applicant and allow the applicant thirty (30) days to properly complete the application. The
12 time period for granting or denying a special food service facility - mobile unit license shall be
13 stayed during the period in which the applicant is allowed an opportunity to properly complete
14 the application.]

15 [(e) Applicants for a special food service facility - mobile unit license under this Division
16 And license holders shall have a continuing duty to promptly supplement application information
17 required by this Section in the event that said information changes in any way from what is
18 stated on the application. The failure to comply with said continuing duty within thirty (30) days
19 from the date of such change, by supplementing the application of file with the Department
20 of Permitting, Inspections, and Enforcement, shall be grounds for the suspension or revocation of
21 a special food service facility - mobile unit license.]

22 **[Sec. 5-2805. - Standard Dimensions.]**

23 [(a) Maximum dimensions of a special food service facility - mobile unit shall be 25
24 feet long, 11 feet tall, and 8 feet wide in a Food Truck Hub.

25 (b) The Department of Permitting, Inspections, and Enforcement and the Health
26 Department may further regulate food truck appearance and quality through regulations.]

27 **[Sec. 5-2806. - Insurance Requirement.]**

1 [(a) Each licensee shall file with the Department of Permitting, Inspections, and
 2 Enforcement a copy of his/her insurance policy covering the special food service facility -
 3 mobile unit.]

4 **[Sec. 5-2807. - Safety and Sanitation.]**

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

6 (1) Reviewing and issuing a proof of review for the use of open flame and propane gas
 7 in mobile vending operations and special food services facilities - mobile units as
 8 defined by [Section 5-2802](#) of the County Code, excluding ice cream trucks and those
 9 selling prepackaged food;

10 (2) Conducting fire-safety related inspections of mobile vending businesses and special
 11 food services facilities - mobile units as defined by [Section 5-2802](#) of the County Code;

12 (3) Enforcing County laws and regulations pertaining to any operational permits
 13 required under Subtitle 11 of the County Code.]

14 [(b) All mobile vendors and special food services facilities - mobile units as defined
 15 by [Section 5-2802](#) of the County Code are required to have a Certified Food Manager
 16 Certificate pursuant to [Section 12-114](#). The certificate holder shall be present at all times of
 17 operation. Vendors at mobile farmer's markets selling unprepared foods such as whole and
 18 uncut fruits and vegetables are not covered by this section.]

19 [(c) All mobile vendors and special food services facilities - mobile units as defined
 20 by [Section 5-2802](#) of the County Code are required to pass an inspection by the Health
 21 Department pursuant to [Section 12-112](#).]

22 **[Sec. 5-2808. - Approval/Denial of License.]**

23 [(a) The special food service facility - mobile unit license application of any applicant
 24 shall be approved or denied by the Department of Permitting, Inspections, and Enforcement
 25 within thirty (30) business days of the date the application is filed with the Department of
 26 Permitting, Inspections, and Enforcement. The Department of Permitting, Inspections, and
 27 Enforcement shall deny a special food service facility - mobile unit license if:

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

30 (2) The applicant has not provided all documentation certification required by the

Department of Permitting, Inspections, and Enforcement.

- (3) The applicant or a director, officer, partner or principal of the applicant has had a special food service facility - mobile unit license revoked or suspended anywhere within the state within one year prior of the application, convicted for vending without a special food service facility - mobile unit license, or convicted for a criminal offense committed while vending with a special food service facility - mobile unit license; or
- (4) A corporate applicant is not in good standing or authorized to do business in the State; or
- (5) The applicant is overdue in the payment of County taxes, fees, fines or penalties assessed against him/her or imposed against him/her in relation to a special food service facility - mobile unit.]

[(b) In the event that the Department of Permitting, Inspections, and Enforcement denies a special food service facility - mobile unit license application, the Department of Permitting, Inspections, and Enforcement shall, in writing, state the reasons for the denial, and a copy of such decision shall be sent to the applicant by first class mail to the address provided by the applicant.]

[Sec. 5-2809. - Suspension or revocation of license.]

[(a) The Department of Permitting, Inspections, and Enforcement may suspend a special food service facility - mobile unit license for a period not to exceed six (6) months or revoke any license granted pursuant to this Division upon a finding of any of the following facts:

- (1) The licensee, manager or employee if they constitute a nuisance because of noise, physical activity, public safety, or for other good cause.
- (2) If the licensee or manager made a false statement or gave false information in connection with an application for a special food service facility - mobile unit license or a renewal of a special food service facility - mobile unit license, the special food service facility - mobile unit license shall be revoked;
- (3) The licensee, in the case of a corporation, is not in good standing or authorized to do business in the State;
- (4) The licensee or an employee knowingly operated any aspect of the special food

1 service facility - mobile unit during a period of time when the special food service
 2 facility - mobile unit license was suspended;

3 (5) The licensee is delinquent in the payment of County taxes, fees, fines or penalties
 4 assessed against him/her or imposed against him/her in relation to a special food
 5 service facility - mobile unit;

6 (6) The licensed special food service facility - mobile unit fails the inspection by the
 7 Health Department pursuant to [Section 12-112.](#)]

8 [(b) Nothing in this Division shall prohibit the County from taking any other enforcement
 9 action provided by the County Code, County Zoning Ordinance, and the laws of the State or of
 10 the United States.]

11 [(c) When the Department of Permitting, Inspections, and Enforcement revokes a special
 12 food service facility - mobile unit license, the revocation shall continue for one year, and the
 13 licensee shall not be issued a special food service facility - mobile unit license for one year
 14 from the date the revocation became effective.]

15 [(d) If a licensee has had their special food service facility - mobile unit license revoked
 16 twice, they shall be ineligible to reapply for a new license.]

17 **[Sec. 5-2810. - Appeals.]**

18 [(a) An applicant may appeal to the Board of Administrative Appeals from a final
 19 decision of the Department of Permitting, Inspections, and Enforcement for a special food
 20 service facility - mobile unit license pursuant to [Section 2-117\(b\)](#) of the County Code.]

21 [(b) Any party aggrieved by a decision of the Director with respect to the denial,
 22 suspension, revocation, or refusal to renew a special food service facility - mobile unit license
 23 shall have the right to appeal any such decision to the Board of Administrative Appeals for
 24 Prince George's County, Maryland, within ten (10) calendar days after receipt of a denial,
 25 suspension, revocation or refusal to renew decision rendered by the Director. Appeals to the
 26 Board of Administrative Appeals from denial, suspension, revocation, or refusal to renew
 27 decision of the Director shall be on the record of the hearing before the Director.]

28 [(c) Any party aggrieved by a final decision by the Board of Administrative Appeals,
 29 shall be entitled to file an appeal within thirty (30) days to the Circuit Court for Prince

1 George's County, Maryland. Such appeals shall be governed by the provisions of the Maryland
2 Rules pertaining to administrative appeals.]

3 * * * * *

4 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to
5 be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
6 clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent
7 jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases,
8 clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the
9 same would have been enacted without the incorporation in this Act of any such invalid or
10 unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

11 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
12 calendar days after it becomes law.

Adopted this 24th day of October, 2022.

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.

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