

**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 Council Members Ivey, Glaros, Streeter, Taveras, Davis, Anderson-Walker,  
Franklin and Dernoga

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19 repealed and reenacted with the following amendments:  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.

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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.**

1        (a) The purpose and intent of this legislation is to provide a regulatory framework for the  
 2 permitting and licensing of a Special Food Service Facility – Food Halls as defined under  
 3 Section 27-107.01(a) (91.1.1). Each vendor shall only sell their food within their  
 4 compartmentalized space as designated in the Master Use and Occupancy Permit and the High  
 5 Priority Food Service License. The provisions of this law are in response to the need to  
 6 encourage economic development, increase public access to healthy food options, and promote  
 7 innovative entrepreneurship and revitalization in furtherance of the public safety, health and  
 8 welfare of the citizens and residents of Prince George’s County.

9 **Sec. 5- 2902 Definitions.**

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

20 **Sec. 5-2903 Permit and License required; fee.**

21        (a) **Master Use and Occupancy Permit:** No person and /or vendor shall operate a  
 22 special food service facility in a Food Hall without first having obtained authorization to operate  
 23 under the Master Use and Occupancy.

24        (1) Each Special Food Service Facility vendor may operate pursuant to the Master  
 25 Food Hall license at the Food Hall where the vendor is operating a special food service facility;  
 26 and

27        (2) Each Special Food Service Facility vendor is entitled to operate under the Master  
 28 Food Hall permit for that business or establishment’s duration at the Food Hall; and

29        (3) The Food Hall Manager shall be responsible for obtaining a Master Use and  
 30 Occupancy permit from the Department of Permitting, Inspections and Enforcement before  
 31 authorizing any vendor to conduct business in the Food Hall; and

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

3           (b) Food Service License: No person or vendor shall operate a special food service  
 4 facility in a Food Hall without first having obtained a food service facility permit or license from  
 5 the County Health Officer. The County Health Officer may allow a food vendor who has  
 6 applied for a low, moderate or high priority license to operate under the Food Hall operator’s  
 7 Master High Priority License for up to 90 days.

8           (1) The County Health Officer shall require the Food Hall operator to maintain a High  
 9 Priority food service license which will serve as a Master License for the entire special food  
 10 service facility; and

11           (2) The County Health Officer shall approve a low, moderate or high priority license /  
 12 or permit for each food vendor.

13           (c) Each Special Food Service Facility permit and /or license shall be prominently  
 14 displayed in a conspicuous area of the Special Food Service Facility – Food Hall compartment.

15           (d) Expiration Dates:

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

18           (2) Each license /or permit issued by the County Health Officer shall expire no  
 19 greater than one year from the date of issuance.

20           (e) Fee schedules for a Special Food Service Facility permit or license are located at the  
 21 Department of Permitting, Inspections and Enforcements and the Department of Health. The  
 22 Department of Health Fee schedule may also be found at Section 12-110.

23 **Sec. 5-2904 Permit and License Application.**

24           (a) All applicants for a Special Food Service Facility license shall file an application for  
 25 such permit and license on forms provided by the Department of Permitting, Inspections, and  
 26 Enforcement and the Prince George’s County Health Officer. All principal owners shall be  
 27 named in the application form.

28           (b) If the applicant is an individual, they must sign the application for a special food  
 29 service facility license. If the applicant is a corporation it must be signed by the president or vice  
 30 president and attested to by the secretary or assistant secretary. If the applicant is a general or  
 31 limited partnership it must be signed by a general partner. If the applicant is a limited liability

1 company it must be signed by the manager.

2 (c) If an omission or error is discovered by the Department of Permitting, Inspections, and  
 3 Enforcement or the Health Department, the application will be returned to the applicant for  
 4 completion or correction without further action by the Department of Permitting, Inspections,  
 5 and Enforcement or the Health Department. Any application rejected due to an omission or error  
 6 shall be accepted only when the omission or error has been remedied.

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

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

16 (a) Each licensee shall file with the Department of Permitting, Inspections, and  
 17 Enforcement and the Health Department a copy of his/her insurance policy covering the Special  
 18 Food Service Facility.

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

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

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

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

25 (b) All Special Food Service Facility – Food Halls as defined by Section 27-107.01(91.1.1)  
 26 of the County Code are required to have a Certified Food Manager Certificate pursuant to  
 27 Section 12-114. The certificate holder shall be present at all times of operation. Vendors at  
 28 mobile farmer's markets selling unprepared foods such as whole and uncut fruits and vegetables  
 29 are not covered by this section.

30 (c) All Special Food Service Facility – Food Halls as defined by Section 27-107.01(91.1.1)  
 31 of the County Code are required to pass an inspection by the Health Department pursuant to

1 Section 12-112.

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

3 (a) The Special Food Service Facility permit or license application of any applicant shall be  
 4 approved or denied by the Department of Permitting, Inspections, and Enforcement within thirty  
 5 (30) business days of the date the completed application is filed with the Department of  
 6 Permitting, Inspections, and Enforcement. The Department of Permitting, Inspections, and  
 7 Enforcement shall deny a Special Food Service Facility – Food Hall license if:

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

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

12 (3) The applicant or a director, officer, partner or principal of the applicant has had a  
 13 Special Food Service Facility permit or license revoked or suspended anywhere within the state  
 14 within one year prior to the application, or convicted for vending without a Special Food Service  
 15 Facility – Food Hall license, or convicted for a criminal offense committed while vending with a  
 16 Special Food Service Facility permit or license; or

17 (4) A corporate applicant is not in good standing or authorized to do business in the  
 18 State of Maryland; or

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

22 (b) In the event that the Department of Permitting, Inspections, and Enforcement denies a  
 23 Special Food Service Facility permit or license application, the Department of Permitting,  
 24 Inspections, and Enforcement shall state the reasons for the denial in writing and a copy of such  
 25 decision shall be sent to the applicant by first class mail to the address provided by the applicant.

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

27 (a) The Department of Permitting, Inspections, and Enforcement or the Health Department  
 28 may fine, close or suspend a Special Food Service Facility permit or license for a period not to  
 29 exceed six (6) months or revoke any license granted pursuant to this Division upon a finding of  
 30 any of the following facts:

31 (1) The licensee, manager or employee if they constitute a nuisance because of noise,

1 physical activity, public safety, or for other good cause.

2 (2) If the licensee or manager made a false statement or gave false information in  
 3 connection with an application for a Special Food Service Facility permit or license or a renewal  
 4 of a Special Food Service Facility permit or license, the Special Food Service Facility permit or  
 5 license shall be revoked;

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

8 (4) The licensee or an employee knowingly operated any aspect of the Special Food  
 9 Service Facility –Food Hall when the Special Food Service Facility permit or license was  
 10 suspended;

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

14 (6) The licensed Special Food Service Facility – Food Hall commits a violation  
 15 pursuant to Section 12-111 or fails the inspection by the Health Department pursuant to Section  
 16 12-112.

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

20 (c) When the Department of Permitting, Inspections, and Enforcement or the Health  
 21 Department revokes a Special Food Service Facility permit or license, the revocation shall  
 22 continue for one year, and the licensee shall not be issued a Special Food Service Facility permit  
 23 or license for one year from the date the revocation became effective.

24 (d) If a licensee has had their Special Food Service Facility permit or license revoked twice,  
 25 they shall be ineligible to reapply for a new permit or license.

26 **Sec. 5-2909 Appeals**

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

30 (b) Any party aggrieved by a decision of the Director with respect to the denial, suspension,  
 31 revocation, or refusal to renew a Special Food Service Facility permit or license shall have the

1 right to appeal any such decision to the Board of Administrative Appeals for Prince George's  
2 County, Maryland, within ten (10) calendar days after receipt of a denial, suspension, revocation  
3 or refusal to renew decision rendered by the Director. Appeals to the Board of Administrative  
4 Appeals from denial, suspension, revocation, or refusal to renew decision of the Director shall be  
5 on the record of the hearing before the Director.

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

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

18 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
19 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.