

Baltimore City Health Department
Rules and Regulations Governing the Operation of
Special Food Service Facilities

Authority: Baltimore City Code, Health Article §§ 2-106, 6-102 and 6-103, as amended from time to time.

A. Definitions

1. In these rules and regulations, the following terms have the meanings indicated.

2. *Employee*

“Employee” means a license holder, an individual having supervisory or management duties, a person on the payroll, a volunteer, a person performing work under contractual agreement, or any other person working in a food service facility.

3. *Food*

a. *In general.* “Food” means any natural or artificial substance or ingredient, whether raw, cooked, or processed, that is used or sold or intended for use or sale, in whole or in part, for human consumption.

b. *Inclusions.* “Food” includes: ice; beverages; and chewing gum or any substance used as a component of chewing gum.

c. *Exclusions.* “Food” does not include: an alcoholic beverage, as defined in § 1-102(a)(2) of State Code Article 2B; or a drug, as defined in § 21-101(g) of the State Health-General Article.

4. *Food service facility*

a. *In general.* “Food service facility” means any place in which, with or without charge: food is prepared for sale or service on the premises or elsewhere; or food is manufactured, processed, stored, packaged, handled, distributed, or sold.

b. *Inclusions.* “Food service facility” includes any place at which a tax-exempt organization distributes food to the public.

c. *Exclusions.* “Food service facility” does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.

5. *Hand-washing Facility*

“Hand-washing facility” means a combination of running water, hand-cleaning soap or detergent, and individual towels or hand-drying devices.

6. *License*

“License” means a license issued under Title 6 of the Baltimore City Health Code to operate a food service facility.

7. *Mobile food service facility*

“Mobile food service facility” means a food service facility operating from a mobile unit.

8. *Mobile unit*

“Mobile unit” means a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water.

9. *Person*

a. *In general.* “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity of any kind.

b. *Inclusions.* “Person” includes a tax-exempt organization. Except as used in Rule H {“Enforcement and Penalties”} of these rules and regulations, “person” includes a governmental entity or an instrumentality or unit of a governmental entity.

10. *Special food service facility*

a. “Special food service facility” means:

i. any food service facility that operates for no more than 30 consecutive days from a fixed location; or

ii. any mobile food service facility.

b. Each special food service facility belongs to one of the following four classes:

- i. “Class I” means a facility operating from a fixed location or a mobile unit, which handles or sells only sealed, prewrapped or prepackaged food or drink in the original sealed container or wrapping, and does not prepare, wrap, or package any food or drink on location or within a mobile unit.
- ii. “Class II” means a facility operating from a fixed location for a temporary period, which handles or sells any food or drink other than in a sealed package, or which prepares, packages, or wraps any food or drink on location.
- iii. “Class III” means a facility operating from a mobile unit, which handles or sells any food or drink other than in a package, or which prepares, packages, or wraps any food or drink within the mobile unit.
- iv. “Class IV” means a facility operating from a mobile unit, which handles or sells sealed, rewrapped or prepackaged food or drink in the original sealed package, and does not prepare, wrap, or package any food or drink within the mobile unit except for preparing and dispensing of coffee or tea.

11. *Tax-exempt organization*

- a. “Tax-exempt organization” means an entity that has tax-exempt status under §501(c)(3) of the federal Internal Revenue Code.
- b. “Tax-exempt organization” includes any tax-exempt charity that provides food to the public with or without charge.

B. Compliance with Health Laws Required

Each special food service facility must comply with all applicable health laws, rules, and regulations of the federal government, the State of Maryland, and the City of Baltimore.

C. License Required

No person may operate a special food service facility without a license.

D. Litter and Rubbish Prohibited

The entire location of a special food service facility, including any mobile unit and all abutting sidewalks, alleys, footpaths, gutters, and other public rights-of-way, must be kept free of litter and rubbish.

E. Hand-washing Facilities Required

A Class II or Class III special food service facility must have, and may not be operated without, hand-washing facilities that are:

1. accessible to employees at all times; and
2. located no more than 25 feet from any food-handling, preparation, or distribution area.

F. Toilet Facilities Required

A Class II special food service facility must have, and may not be operated without, permanent or temporary toilet facilities that are:

1. accessible to employees at all times; and
2. maintained in a sanitary manner.

G. Enforcement and Penalties

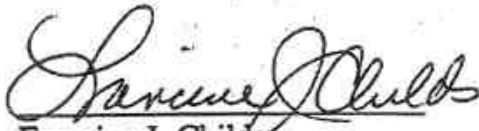
1. These rules and regulations may be enforced pursuant to Baltimore City Health Code § 6-506 {"Litter and rubbish prohibited"}, Subtitle 6 {"Suspensions and Revocations"}, and Subtitle 8 {"Penalties"}.
2. In addition to any other remedy or enforcement procedure, these rules and regulations may be enforced by issuance of environmental citations as authorized by City Code Article I, Subtitle 40 {"Environmental Control Board"}.
3. The issuance of an environmental citation to enforce these rules and regulations does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
4. Any person who violates any provision of these rules and regulations is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in Baltimore City Health Code § 6-802 {"Basic Penalty: \$1,000"; "Operating without or in violation of license: \$1,000 and 12 months"}.

5. In addition to any other remedy or enforcement procedure, the Commissioner of Health may apply to a court of competent jurisdiction for an injunction, abatement, or other appropriate relief to compel compliance with these rules and regulations.

H. Effective Date

These rules and regulations take effect on November 1, 2005.

Approved and Adopted:


Francine J. Childs
Acting Commissioner of Health

10/31/05
Date