

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 21

Bill No. 76-13

Mr. David Marks, Councilman

By the County Council, December 16, 2013

A BILL
ENTITLED

AN ACT concerning

Food Trucks

FOR the purpose of regulating food trucks; defining terms; specifying the requirements for a license and application, and the contents of an application for a license; providing license fees; requiring the display of a license tag on a food truck; providing for the renewal and for the suspension, denial, revocation, or non-renewal of a license; specifying certain requirements and prohibitions applicable to the operation of a food truck; providing penalties; and generally relating to the regulation of food trucks in Baltimore County.

~~BY repealing and re-enacting, without amendments~~

~~Sections 21-11-101 to 21-11-107~~

~~Article 21 - Permits, Licenses, and Business Regulation~~

~~Title 11 - Hucksters and Peddlers~~

~~to be under new Subtitle 1. Sale or Lease of Goods~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By repealing and reenacting, without amendments

Section 18-2-702(a)

Article 18 - Transportation

Title 2 - Vehicles and Traffic

Baltimore County Code, 2003

By repealing and reenacting, without amendments

Section 21-1-101(a) and (c)

Article 21 - Permits, Licenses and Business Regulation

Title 1 - In General

Baltimore County Code, 2003

By adding

~~Sections 21-11-201 to 21-11-210~~ 21-8-101 to 21-8-110

Article 21 - Permits, Licenses, and Business Regulation

~~Title 11 - Hucksters and Peddlers~~ Title 8 - Food Trucks

~~to be under new Subtitle 2. Food Trucks~~ Baltimore County Code, 2003

WHEREAS, the County Council received a report from the Planning Board concerning the subject legislation and held a public hearing thereon on September 16, 2013, now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

2 COUNTY, MARYLAND, that the laws of Baltimore County read as follows:

3 Article 18. Transportation.

4 § 18-2-702.

5 (a) In addition to the costs established in the Courts Article of the Annotated

6 Code of Maryland, the following fines are imposed:

- 1 (1) A parking meter violation is punishable by a fine of \$20;
- 2 (2) An off-street head-in violation on a parking meter lot is punishable
3 by a fine of \$25;
- 4 (3) Parking where or when prohibited is a violation punishable by a
5 fine of \$50;
- 6 (4) Parking an unregistered vehicle in violation of this title is a
7 violation punishable by a fine of \$40;
- 8 (5) Stopping or standing violations are punishable by a fine of \$50;
- 9 (6) Obstructing a fire lane or parking in a fire lane in violation of § 14-
10 3-103 of the Code is a violation punishable by a fine of \$100;
- 11 (7) Parking in a space designated for the use of individuals with
12 disabilities in violation of § 18-2-210 of this title is a violation punishable by a fine of
13 \$150; and
- 14 (8) Except as provided in §§ 18-2-206(e) and 18-2-211 of this title, all
15 other parking violations are punishable by a fine of \$50.

16 Article 21. Permits, Licenses and Business Regulation.
17 § 21-1-101.

- 18 (a) In this article the following words have the meanings indicated.
- 19 (c) Department. “Department” means the Department of Permits, Approvals
20 and Inspections.

1 A PERSON SHALL BE LICENSED BY THE DEPARTMENT TO OPERATE A FOOD
2 TRUCK IN THE COUNTY.

3 ~~§21-11-204.~~ §21-8-104. APPLICATION FOR LICENSE; FEES.

4 (A) AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE DEPARTMENT
5 AN APPLICATION THAT INCLUDES:

6 (1) THE APPLICANT’S CONTACT INFORMATION AND DESCRIPTION;

7 (2) THE MAKE, MODEL, REGISTRATION, COMMERCIAL LICENSE
8 PLATE NUMBER, AND DESCRIPTION OF THE FOOD TRUCK;

9 (3) INSURANCE INFORMATION FOR THE FOOD TRUCK AND EVIDENCE
10 OF INSPECTION BY THE COUNTY HEALTH DEPARTMENT;

11 (4) THE NAME AND CONTACT INFORMATION OF ~~ALL PERSONS IN~~
12 ~~CHARGE OF THE FOOD TRUCK AND EVIDENCE THAT EACH PERSON POSSESSES A~~
13 ~~FOOD PREPARATION LICENSE ISSUED BY THE STATE OF MARYLAND~~ THE
14 CERTIFIED FOOD SERVICE MANAGER LEVEL I WHO WILL BE ON DUTY AT ALL
15 TIMES THE FOOD TRUCK IS IN OPERATION;

16 (5) THE FOOD SERVICE FACILITY PERMIT ISSUED BY THE COUNTY
17 HEALTH DEPARTMENT; AND

18 (6) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

19 (B) THE COUNTY ADMINISTRATIVE OFFICER SHALL ESTABLISH THE
20 LICENSE FEE TO BE PAID BY AN APPLICANT.

1 §21-11-205. §21-8-105. CONTENTS AND DISPLAY OF LICENSE.

2 (A) THE DEPARTMENT SHALL ISSUE TO A LICENSEE A LABEL OR TAG FOR
3 EACH FOOD TRUCK BEARING:

4 (1) THE INSCRIPTION “BALTIMORE COUNTY FOOD TRUCK LICENSE
5 NO. _____,” WHICH SHALL BE THE SAME NUMBER AS THE NUMBER IN THE
6 LICENSE ISSUED TO THE APPLICANT;

7 (2) THE EXPIRATION DATE OF THE LICENSE; AND

8 (3) THE COMMERCIAL LICENSE TAG NUMBER.

9 (B) THE FOOD TRUCK LABEL OR TAG SHALL BE DISPLAYED ON THE
10 WINDSHIELD OF THE FOOD TRUCK AT ALL TIMES WHEN THE LICENSEE IS
11 ENGAGED IN FOOD SALES OR PREPARATION.

12 §21-11-206. §21-8-106. TERM AND RENEWAL OF LICENSE.

13 (A) A LICENSE ISSUED UNDER THIS TITLE IS VALID FROM MAY 1 TO APRIL
14 30 OF THE NEXT YEAR.

15 (B) IN ORDER TO RENEW A LICENSE, THE LICENSEE SHALL PAY THE FEE
16 REQUIRED UNDER ~~§21-11-204(B)~~ §21-8-104(B) OF THIS TITLE.

17 §21-11-207. §21-8-107. SUSPENSION, DENIAL, NON-RENEWAL, OR
18 REVOCATION OF LICENSE.

1 THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE, OR DENY
2 THE RENEWAL OF A LICENSE UNDER THIS TITLE IF THE DEPARTMENT FINDS
3 THAT THE APPLICANT OR LICENSEE:

4 (1) VIOLATED ANY PROVISION OF THIS TITLE;

5 (2) FALSIFIED ANY PART OF THE APPLICATION BASED ON WHICH THE
6 LICENSE WAS GRANTED;

7 (3) FAILED TO NOTIFY THE DEPARTMENT WITHIN 14 DAYS OF ANY CHANGE
8 IN THE INFORMATION PROVIDED IN THE APPLICATION FOR THE LICENSE;

9 (4) HAS BEEN CITED FOR REPEATED VIOLATIONS OF THE COUNTY'S
10 PARKING REGULATIONS DURING A LICENSE YEAR; OR

11 (5) HAS BEEN CONVICTED, PLACED ON PROBATION BEFORE JUDGEMENT,
12 OR HELD LIABLE FOR ANY VIOLATION OF THIS TITLE.

13 ~~§21-11-208.~~ §21-8-108. REQUIREMENTS.

14 (A) A LICENSEE SHALL COMPLY WITH:

15 (1) ALL BALTIMORE COUNTY CODE AND ZONING REGULATIONS;

16 (2) ALL COUNTY HEALTH DEPARTMENT REGULATIONS; AND

17 (3) ALL COUNTY PARKING REGULATIONS.

18 (B) A LICENSEE SHALL PROVIDE AND MAINTAIN TRASH RECEPTACLES FOR
19 A FOOD TRUCK AND SHALL CLEAN THE AREA AROUND A FOOD TRUCK OF ALL
20 DEBRIS GENERATED FROM FOOD TRUCK OPERATIONS.

1 ~~§21-11-209.~~ §21-8-109. PROHIBITIONS.

2 (A) (1) A LICENSEE MAY NOT PARK A FOOD TRUCK WITHIN ~~300~~ 200 FEET
3 OF THE FRONT PUBLIC ENTRANCE OF AN OPEN, OPERATING RESTAURANT,
4 ~~LOCATED IN THE C.T. DISTRICT OF TOWSON, OR WITHIN 100 FEET OF A~~
5 ~~RESTAURANT IN ANY OTHER LOCATION.~~

6 (2) A LICENSEE MAY NOT PARK A FOOD TRUCK ON ANY SIDEWALK
7 OR PRIVATE PROPERTY WITHOUT PERMISSION OF THE OWNER.

8 (3) A VIOLATION OF THIS SUBSECTION SHALL BE SUBJECT TO THE
9 PENALTY PROVIDED IN §18-2-702(A)(8) OF THE CODE.

10 (B) EXCEPT FOR A CANOPY OR MENU DISPLAY, A LICENSEE MAY NOT
11 ATTACH A TRAILER OR OTHER ACCESSORY ATTACHMENT TO A FOOD TRUCK.

12 (C) A LICENSEE MAY NOT PLAY MUSIC THROUGH A SPEAKER MOUNTED
13 ON THE OUTSIDE OF A FOOD TRUCK.

14 ~~§21-11-210.~~ §21-8-110. PENALTY.

15 ~~A PERSON~~ (A) EXCEPT AS PROVIDED IN THIS SECTION, A PERSON WHO
16 VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND
17 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR EACH OFFENSE.

18 (B) PARKING VIOLATIONS OF THIS TITLE SHALL BE ENFORCED IN
19 ACCORDANCE WITH ARTICLE 18, TITLE 2 OF THE CODE.

1 (C) THE DEPARTMENT OF HEALTH SHALL ENFORCE ALL LAWS AND
2 REGULATIONS RELATED TO FOOD SERVICE FACILITIES IN ACCORDANCE WITH
3 THE FOOD SERVICE REGULATIONS AND ARTICLE 3, TITLE 6 OF THE CODE.

4 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
5 the affirmative vote of five members of the County Council, shall take effect on February 3,
6 2014.