



Committee: HHS
Committee Review: N/A
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #ItinerantFoodServiceFacilities,
#TemporaryFoodService, #TemporaryPermits

AGENDA ITEM 17A
June 15, 2021
Introduction

SUBJECT

Expedited Bill 22-21, Eating and Drinking Establishments - Itinerant Food Service Facilities - Amendments

Lead Sponsor: Councilmember Katz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

Expedited Bill 22-21 would allow Itinerant Food Service Facilities to operate for up to 30 days.

SUMMARY OF KEY DISCUSSION POINTS

- Currently, the County Code defines an Itinerant Food Service Facility as one that operates for a temporary period at a fixed location, not exceeding 14 days.
- State law allows a period of not more than 30 consecutive days.
- Expedited Bill 22-21 would amend the County Code to conform with State law, allowing itinerant food service facilities to operate for up to 30 days.

This report contains:

Staff Report

Expedited Bill 22-21

Legislative Request Report

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F:\LAW\BILLS\2122 Itinerant Food Service Facility - Amendments\Intro Cover Sheet

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MEMORANDUM

June 10, 2021

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Expedited Bill 22-21, Eating and Drinking Establishments - Itinerant Food Service Facilities - Amendments

PURPOSE: Introduction

Expedited Bill 22-21, Eating and Drinking Establishments - Itinerant Food Service Facilities – Amendments, lead sponsor Councilmember Katz, is scheduled to be introduced on June 15, 2021. A public hearing is tentatively scheduled for June 29, 2021 at 1:30 p.m.

The County Code, Sec. 15-1(i), defines an “Itinerant food service facility” as:

A food service facility operating for a temporary period at a fixed location, not exceeding 14 days, at a fair, carnival, public exhibition, construction project, recreational facility or similar gathering.

State law, Md. HEALTH-GENERAL Code Ann. §21-309(a)(4), uses the term “Temporary food service facility” and defines it as:

a food service facility which operates during a period of time of not more than 30 consecutive days at a fixed location in conjunction with a fair, carnival, public exhibition, construction project, recreational facility, or similar gathering.

Expedited Bill 22-21 would amend the County Code to conform with current State law by allowing an itinerant food service facility to operate for up to 30 days.

This packet contains:

Expedited Bill 22-21

Legislative Request Report

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Expedited Bill No. 22-21
Concerning: Eating and Drinking
Establishments - Itinerant Food
Service Facilities - Amendments
Revised: 6/9/2021 Draft No. 1
Introduced: June 15, 2021
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Katz

AN EXPEDITED ACT to:

- (1) allow an itinerant food service facility to operate for a temporary period not to exceed 30 days; and
- (2) generally amend the definition of an itinerant food service facility.

By amending

Montgomery County Code
Chapter 15, Eating and Drinking Establishments
Section 15-1

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 original sealed container or wrapping, and does not prepare, wrap, or
2 package any food or drink within the mobile unit except coffee or tea.

3 * * *

4 **Sec. 2. Expedited Effective Date.**

5 The Council declares that this legislation is necessary for the immediate
6 protection of the public interest. This Act takes effect on the date on which it becomes
7 law.

8 *Approved:*

9 _____
Tom Hucker, President, County Council Date

10 *Approved:*

11 _____
Marc Elrich, County Executive Date

12 *This is a correct copy of Council action.*

13 _____
Selena Mendy Singleton, Esq., Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 22-21

Eating and Drinking Establishments - Itinerant Food Service Facilities - Amendments

DESCRIPTION:	EB 22-21 would: (1) allow an itinerant food service facility to operate for a temporary period not to exceed 30 days; and (2) generally amend the definition of an itinerant food service facility.
PROBLEM:	Itinerant Food Service Facilities may only operate for 14 days.
GOALS AND OBJECTIVES:	State law allows temporary food service facilities to operate for 30 consecutive days. This expedited bill will align County Code with State Code.
COORDINATION:	Montgomery County Health and Human Services
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Livhu Ndou, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Class A Violation.