

Expedited Bill No. 22-21  
Concerning: Eating and Drinking  
Establishments - Itinerant Food  
Service Facilities - Amendments  
Revised: 6/24/2021 Draft No. 2  
Introduced: June 15, 2021  
Enacted: June 29, 2021  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Katz

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**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  
Section 15-8  
Section 15-10  
Chapter 47, Vendors  
Section 47-1

<b>Boldface</b>	<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:



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

- 30 (j) *License:* A document authorizing a food service facility or ~~[[an itinerant]]~~  
 31 a temporary food service facility to operate in the County.

32 \* \* \*

33 **Sec. 2. Section 15-8 is amended as follows:**

34 **15-8. License required; ~~[[exceptions]]~~ exemptions; certified manager required.**

- 35 (a) A person must not operate a food service facility or ~~[[an itinerant]]~~ a  
 36 temporary food service facility without a valid license from the director.

37 A separate license is required for each food service facility or itinerant  
 38 food service facility.

- 39 (b) (1) After January 15, 1989, a licensee must not operate a food service  
 40 facility unless at least one employee is a certified food service  
 41 manager, or is taking a course that will train the employee to be a  
 42 certified food service manager.

- 43 (2) After July 15, 1989, a licensee must not operate a food service  
 44 facility unless the facility is under the immediate control of a  
 45 certified food service manager.

- 46 (3) This requirement does not apply to:

47 (A) A food service facility where no unwrapped food is handled;  
 48 or

49 (B) A seasonal food service facility in which little or no  
 50 potentially hazardous food is prepared, handled or served.

- 51 (4) This requirement may be applied to ~~[[an itinerant]]~~ a temporary  
 52 food service facility at the discretion of the director.

- 53 (5) The director may postpone or waive this requirement if in unusual  
 54 circumstances its application to a particular licensee would result

55 in undue hardship.

56 \* \* \*

57 **Sec. 3. Section 15-10 is amended as follows:**

58 **15-10. Application.**

59 Any person desiring to operate a food service facility or ~~[[itinerant]]~~ temporary  
60 food service facility must apply to the director for a license to operate the  
61 facility. Each application must be in the form prescribed by the director.

62 \* \* \*

63 **Sec. 4. Section 47-1 is amended as follows:**

64 **47-1. Definitions.**

65 In this Chapter, the following words have the meanings indicated:

66 \* \* \*


67 Food service truck means ~~[[an itinerant]]~~ a temporary food service facility,  
68 licensed under Chapter 15, operating from a self-propelled motorized vehicle  
69 that is parked or temporarily located where food items are sold from the truck  
70 to the general public.

71 \* \* \*

72 **Sec. ~~[[2]]~~ 5. Expedited Effective Date.**

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

*Approved:*



7/1/2021

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Tom Hucker, President, County Council

Date

*Approved:*

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Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

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Selena Mendy Singleton, Esq., Clerk of the Council

Date