



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Licensure and Regulatory Services

2425 Reedie Drive, 9<sup>th</sup> Floor,

Wheaton, Maryland 20906

240-777-3986 / Fax 240-777-3088 or 240-777-4531

---

### Fact Sheet – Food Service Facility License

#### Who must submit a food service facility license application?

Any person planning to distribute, prepare, handle, or dispense food for public consumption with or without charge.

#### What constitutes a food service facility?

"Food Service Facility" means restaurants, coffee shops, cafeterias, short order cafés, luncheonettes, taverns, sandwich stands, soda fountains, retail markets, and food operations in industries, institutions, hospitals, clubs, schools, camps, churches, catering kitchens, commissaries, or similar places in which food or drink is prepared for sale or for service on the premises or elsewhere, or any other operations where food is served or provided for the public with or without charge. Code of Maryland Regulations – 10.15.03 – Food Service Facilities and Montgomery County Code – Chapter 15 – Eating and Drinking Establishments. ***Home kitchens will not be licensed!***

#### When must one apply for a food service license?

A license must be obtained prior to opening a business. Licenses expire on December 31st and must be renewed each year. (A Use and Occupancy Permit must be obtained through the Department of Permitting Services at 240-777-6200. Many businesses also are required to have a Trader's License. To determine if you need a Trader's License, contact the Montgomery County Circuit Court, Business Licenses Office at 240-777-9460.

#### How does one obtain a license to sell food?

Licenses are issued by the Department of Health and Human Services, Licensure and Regulatory Services. **Licenses are not transferable.**

#### Food Service Facility License Application Process

Please submit plans directly to Licensure and Regulatory Services; other departments do not forward plans to this office. Issuance of building or electrical permits does not indicate Licensure and Regulatory Services' approval. Licensure and Regulatory Services' approval must be obtained before any construction starts.

## **New Facility/Fixed Location**

### **Apply:**

The application, appropriate fee, menu, HACCP flow charts, Worker's Compensation Insurance documentation, and a set of complete plans must be submitted.

### **Review:**

The Environmental Health Specialist assigned will review the plans and submitted information within 14 days of submittal. Incomplete submittals may extend the time for review.

### **Schedule:**

Once plans are approved and the work is completed, call at least one week in advance to schedule a compliance inspection.

Licensure & Regulatory Services staff are available to answer questions (Monday – Friday) 8 a.m. to 4 p.m. at 240-777-3986.

## **Change of Ownership/Fixed Location**

### **Apply:**

The application, appropriate fee, menu, HACCP flow charts, and Worker's Compensation Insurance documentation must be submitted. **Licenses are not transferable.**

### **Submit and Approve:**

Plans must be submitted and approved prior to any renovations of the facility.

### **Review:**

The application and/or plans will be reviewed. An inspection may be conducted at the discretion of the Environmental Health Specialist. Any required repairs will be noted and must be completed prior to approval. Once approval is granted, the license will be sent to the applicant.

## **What Other Licenses Might I Need?**

Zoning, building, electrical, use & occupancy, and well & septic issues are regulated by the Department of Permitting Services at 240-777-0311

The following cities have their own zoning approval:

- Rockville 240-314-8200
- Gaithersburg 301-258-6330
- Laytonsville 301-869-0042
- Poolesville 301-428-8927
- Barnesville 301-972-8114
- Washington Grove 301-926-2256

Fire code issues are regulated by the Montgomery County Fire Marshall.  
Call 240-777-0311.

Plumbing issues are regulated by the Washington Suburban Sanitary Commission 301-206-8000, except for the City of Rockville 301-309-3250.

Alcoholic beverage licenses are regulated by the Board of License Commissioners. Call 240-777-1999.

All food service establishments (FSE) having the potential to discharge fats, oils and grease (FOG) must apply to WSSC for an FSE Wastewater Discharge permit. Establishments may include restaurants, cafeterias, grocery stores, hotel kitchens, church kitchens, bars, or any other commercial or industrial operation that could discharge food-related wastewater.

A Montgomery County Certified Food Service Manager must be on the premises whenever the facility is being operated.

### **Hazard Analysis Critical Control Point (HACCP) Plan**

The frequency of food service facility inspections is based on the food-borne illness risk assessment of the food being prepared at the facility. Based on the risk, each facility is designated as high, medium or low priority. **High priority** facilities prepare food products a day or more in advance or utilize any combination of two or more processes such as cooking, cooling, reheating or holding hot food. **Moderate priority** facilities prepare food products which are served on the same day. A **low priority** facility serves prepackaged, potentially hazardous foods. These facilities generally offer limited sales of ice cream, milk and eggs.

The person-in-charge of a high or moderate priority food service facility shall ensure that:

A HACCP plan is:

- (1) In compliance with the Code of Maryland Regulation 10.15.03;
- (2) Within the food preparation area during operation;
- (3) Readily accessible to employees at all times; and
- (4) Updated as follows:
  - (a) When a change in food processes or procedures change one or more CCP; and
  - (b) At least once every five years;

An employee involved in food preparation is trained in the HACCP procedures; and

C. Changes to the HACCP plan are submitted to the approving authority before implementation of the HACCP plan.

Designate as a **high priority facility**, a facility that:

- (a) Is a health care facility; or
- (b) Serves potentially hazardous food that is prepared:
  - (i) A day or more in advance of service; or
  - (ii) Using food preparation methods that require the food to pass through the temperature range of 41°F to 135°F two or more times before service, such as cooking, cooling, and then reheating.

Designate as a **moderate priority facility**, a facility that serves potentially hazardous food:

- (a) That is prepared using methods that require the food to pass through the temperature range of 41°F to 135°F not more than one time before service, such as cooking, hot holding, and then serving; or
- (b) That is cut, assembled, or packaged on the premises, such as meats.

Designate as a **low priority facility**, a facility that serves:

- (a) Commercially packaged potentially hazardous foods directly to the consumer;
- (b) Non-potentially hazardous food that is cut, assembled, or packaged on the premises, such as candy, popcorn, and baked goods; or
- (c) Hand dipped ice cream.



Montgomery County Department of Health and Human Services  
Licensure and Regulatory Services

Phone: 240-777-3986 Fax: 240-777-3088  
[www.montgomerycountymd.gov/licensure](http://www.montgomerycountymd.gov/licensure)

**FOOD SERVICE FACILITY LICENSE APPLICATION**

(LICENSES ARE NOT TRANSFERABLE FROM LOCATION TO LOCATION OR PERSON TO PERSON)

TODAY'S DATE: \_\_\_\_\_

☐ New ☐ Renewal ☐ Change of Owner ☐ Name Change Mail license to:\* ☐ Facility or ☐ Owner

Number of seats or square footage (if no seats): \_\_\_\_\_ Facility provides catering: ☐ Yes or ☐ No

Name of Facility: \_\_\_\_\_

Address of Facility: \_\_\_\_\_

(include street number, suite, street name, city, state and zip code)

Former Name of Facility (if applicable): \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Federal Tax Identification No. : \_\_\_\_\_ Working Days/Hours Open for Business: \_\_\_\_\_

Owner/Corporation Name: \_\_\_\_\_

Address of Owner/Corporation: \_\_\_\_\_

WATER SUPPLY: ☐ Public or ☐ On-Site/Well SEWAGE: ☐ Public or ☐ On-Site/Septic System

(NOTE: Allow 30 days for well water testing and septic inspection. Contact DPS/Well & Septic Section at 240-777-6319)

☐ WSSC ☐ City of Rockville ☐ Poolesville

WORKERS' COMPENSATION INSURANCE COMPANY NAME AND POLICY/BINDER NO: (Required every renewal).

\_\_\_\_\_  
(NAME OF INSURANCE COMPANY)

\_\_\_\_\_  
(POLICY/BINDER NO.)

Check here ☐ if sole proprietor. The business is a sole proprietorship with no employees. Members of a partnership or LLC, must apply for a Certificate of Compliance from the Worker's Compensation Commission (410-864-5100 or 800-492-0479).

*If you do not have Worker's Compensation Insurance, you must submit a copy of the Certificate of Compliance issued by the Worker's Compensation Commission (410-864-5100 or 800-492-0479).*

[Workers' Compensation Commission Website](#)

**EMERGENCY CONTACT INFORMATION (must be completed by applicant)**

Emergency Contact Name: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ (**NOT** Facility Telephone Number) Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Montgomery County Department of Health and Human Services must be notified when the emergency contact information changes.

I hereby certify that the above information is accurate and complete:

SIGNATURE OF APPLICANT: \_\_\_\_\_

PRINTED NAME AND TITLE OF APPLICANT: \_\_\_\_\_

Type of License	Fee
(A) Low Priority (Facilities that serve commercially packaged potentially hazardous foods directly to the consumer; or non-potentially hazardous food that is cut, assembled, or packaged on the premises, such as candy, popcorn, and baked goods; or hand dipped ice cream)	\$200.00
(B) Moderate Priority (Facilities that serve potentially hazardous food that is prepared requiring the food to pass through the temperature danger zone, 41°F to 135°F, one time before service, such as cooking, hot holding, and then serving; or facilities that cut, assemble, or package on the premises, such as meats)	\$375.00
(C) High Priority (Facilities that serve potentially hazardous food that is prepared a day or more in advance of service; or using food preparation methods that require the food to pass through the temperature danger zone, 41°F to 135°F, two or more times before service, such as cooking, cooling, and then reheating)	\$525.00
(D) Non-Profit Charitable Organization:	\$100.00
(E) Facility (Facilities other than Non-Profit Charitable Organizations that are also licensed as Private Schools, Hospitals, or Care Homes)	\$130.00
(F) Mobile Facilities, Event Series, or Seasonal or Pool Snack Bars operating for more than 14 days but less than 90 days with operating dates printed on the license:	\$175.00

**\*\* \$100 Late Fee for any license renewed after January 31st of each year**

Fee Total: 0

L&R receipt no.