

HOUSE BILL 558

A2

0lr1309

By: **Prince George's County Delegation**

Introduced and read first time: February 3, 2010

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Entertainment Permit**

3 **PG 315–10**

4 FOR the purpose of authorizing the Board of License Commissioners for Prince
5 George's County to issue a certain entertainment permit to holders of Class B
6 licenses; requiring the Board, before approving and issuing an entertainment
7 permit under this Act, to consider certain factors and circumstances; requiring
8 the Board to hold certain public hearings under certain circumstances;
9 specifying that the permit allows the holder to impose a cover charge, offer
10 facilities for patron dancing, and provide entertainment during a certain period;
11 requiring an applicant for a permit to submit certain evidence to the Board;
12 requiring an applicant to develop a certain security plan and submit the plan to
13 the Chief of the Prince George's County Police Department for review;
14 authorizing the Chief to submit comments to the Board; requiring the Board to
15 take certain actions under certain circumstances; requiring each permit holder
16 to take a certain action; requiring a holder of a permit to implement a certain
17 security plan and prohibit underage individuals on the premises; authorizing
18 the Board to prohibit, condition, or restrict the type of entertainment offered by
19 a holder of the permit under certain circumstances; providing for an annual
20 permit fee; specifying that a permit holder may employ sworn security
21 personnel under certain circumstances; authorizing the circuit court to issue a
22 temporary restraining order under certain circumstances; authorizing the
23 Board to immediately suspend a permit under certain circumstances; imposing
24 certain penalties; requiring the Board to take certain actions if it immediately

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 suspends a permit; requiring the Board to revoke the permit of a person under
 2 certain circumstances; prohibiting the Board from considering, at least for a
 3 certain period of time, an application for a new permit from the person whose
 4 permit was revoked; requiring the Board to reinstate, under certain
 5 circumstances, a permit that has been suspended or revoked; prohibiting a
 6 license holder from taking certain actions unless the license holder meets
 7 certain conditions; requiring the Board to adopt certain regulations; requiring
 8 the Board to report to the Prince George's County House and Senate
 9 Delegations of the Maryland General Assembly on certain matters on or before
 10 a certain date; and generally relating to entertainment permits in Prince
 11 George's County.

12 BY repealing and reenacting, without amendments,
 13 Article 2B – Alcoholic Beverages
 14 Section 6–201(r)(1)(i)
 15 Annotated Code of Maryland
 16 (2005 Replacement Volume and 2009 Supplement)

17 BY adding to
 18 Article 2B – Alcoholic Beverages
 19 Section 6–201(r)(18) and 9–217(n)
 20 Annotated Code of Maryland
 21 (2005 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 2B – Alcoholic Beverages**

25 6–201.

26 (r) (1) (i) This subsection applies only in Prince George's County.

27 (18) (i) **THERE IS A ~~7-DAY~~ SPECIAL ENTERTAINMENT PERMIT**
 28 **THAT THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE TO A HOLDER OF**
 29 **ANY CLASS B (ON-SALE) LICENSE IN ACCORDANCE WITH THIS PARAGRAPH.**

30 **(ii) THE BOARD SHALL DETERMINE THE NUMBER OF DAYS**
 31 **IN A WEEK THAT A PERMIT HOLDER MAY EXERCISE THE PRIVILEGES OF THE**
 32 **PERMIT.**

33 **(iii) 1. BEFORE APPROVING AN APPLICATION FOR AND**
 34 **ISSUING A PERMIT UNDER THIS PARAGRAPH, THE BOARD SHALL HOLD A**
 35 **PUBLIC HEARING IN ACCORDANCE WITH THE REQUIREMENTS FOR A PUBLIC**
 36 **HEARING ON AN APPLICATION FOR A LICENSE UNDER § 10–202(i) OF THIS**
 37 **ARTICLE.**

1 **2. AT THE PUBLIC HEARING, THE BOARD SHALL**
2 **GIVE THE APPLICANT, SUPPORTERS OF THE APPLICANT, AND OPPONENTS OF**
3 **THE APPLICANT AN OPPORTUNITY TO BE HEARD.**

4 **3. IN MAKING ITS DETERMINATION WHETHER TO**
5 **APPROVE THE APPLICATION AND ISSUE THE PERMIT, THE BOARD SHALL**
6 **CONSIDER WHETHER:**

7 **A. APPROVAL AND ISSUANCE OF THE PERMIT IS**
8 **NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC;**

9 **B. THE APPLICANT IS A FIT PERSON TO RECEIVE THE**
10 **PERMIT;**

11 **C. THE APPLICANT HAS MADE ANY MATERIAL FALSE**
12 **STATEMENT IN THE APPLICATION;**

13 **D. THE APPLICANT HAS COMMITTED ANY**
14 **FRAUDULENT ACT IN CONNECTION WITH THE APPLICATION;**

15 **E. THE OPERATION OF THE BUSINESS, IF THE**
16 **PERMIT IS ISSUED, WILL UNDULY DISTURB THE PEACE OF THE RESIDENTS OF**
17 **THE NEIGHBORHOOD WHERE THE PLACE OF BUSINESS IS LOCATED OR TO BE**
18 **LOCATED; AND**

19 **F. THERE ARE ANY OTHER REASONS THAT JUSTIFY**
20 **THE DISAPPROVAL OF THE APPLICATION OR THE REFUSAL TO ISSUE THE**
21 **PERMIT.**

22 **4. THE BOARD SHALL HOLD A SIMILAR PUBLIC**
23 **HEARING ON RECEIPT OF A PETITION TO:**

24 **A. REVOKE AN ENTERTAINMENT PERMIT; OR**

25 **B. PROTEST THE RENEWAL OF AN ENTERTAINMENT**
26 **PERMIT.**

27 ~~(II)~~ **(IV) THE PERMIT AUTHORIZES THE HOLDER AFTER 9**
28 **P.M. AND UNTIL 2 A.M. THE FOLLOWING DAY TO IMPOSE A COVER CHARGE,**
29 **OFFER FACILITIES FOR PATRON DANCING, AND PROVIDE ENTERTAINMENT.**

30 ~~(II)~~ **(V) BEFORE BEING ISSUED A PERMIT, AN APPLICANT**
31 **SHALL SUBMIT:**

1 **1. SUBMIT EVIDENCE TO THE SATISFACTION OF THE**
 2 **BOARD THAT THE APPLICANT:**

3 ~~**1. A. HOLDS A CLASS B (ON-SALE) LICENSE; AND**~~

4 ~~**2. HAS DEVELOPED AN ADEQUATE SECURITY PLAN**~~
 5 ~~**TO PREVENT THE PREMISES FOR WHICH THE PERMIT IS SOUGHT TO POSE A**~~
 6 ~~**THREAT TO THE PEACE AND SAFETY OF THE SURROUNDING AREA; AND**~~

7 ~~**3. B. MEETS ALL OTHER PRINCE GEORGE'S COUNTY**~~
 8 ~~**ENTERTAINMENT PERMIT REQUIREMENTS; AND**~~

9 **2. A. DEVELOP A SECURITY PLAN TO PREVENT THE**
 10 **PREMISES FOR WHICH THE PERMIT IS SOUGHT FROM POSING A THREAT TO THE**
 11 **PEACE AND SAFETY OF THE SURROUNDING AREA; AND**

12 **B. SUBMIT THE PLAN FOR REVIEW TO THE BOARD**
 13 **AND THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT.**

14 **(VI) 1. THE CHIEF OF THE PRINCE GEORGE'S COUNTY**
 15 **POLICE DEPARTMENT MAY SUBMIT COMMENTS TO THE BOARD ON THE**
 16 **ADEQUACY OF THE SECURITY PLAN WITHIN 30 DAYS AFTER RECEIPT OF THE**
 17 **PLAN.**

18 **2. THE BOARD SHALL CONSIDER THE COMMENTS, IF**
 19 **ANY, OF THE CHIEF OF POLICE AND SUBSEQUENTLY ISSUE THE PERMIT,**
 20 **REFUSE TO ISSUE THE PERMIT, OR CONDITION THE ISSUANCE OF THE PERMIT**
 21 **ON CHANGES TO THE SECURITY PLAN.**

22 **3. IF THE BOARD ISSUES THE PERMIT WITH A**
 23 **SECURITY PLAN THAT THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE**
 24 **DEPARTMENT DOES NOT SUPPORT, THE BOARD SHALL SPECIFY IN WRITING TO**
 25 **THE CHIEF THE REASONS WHY THE BOARD HAS DETERMINED THAT THE**
 26 **SECURITY PLAN IS ADEQUATE.**

27 **4. EACH PERMIT HOLDER SHALL FOLLOW THE**
 28 **APPROVED SECURITY PLAN AT ALL TIMES WHEN THE PERMIT HOLDER**
 29 **EXERCISES THE PRIVILEGES OF THE PERMIT.**

30 ~~**(IV)**~~ **(VII) A HOLDER OF THE PERMIT:**

31 **1. SHALL IMPLEMENT THE SECURITY PLAN; AND**

1 2. MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER
2 THE AGE OF 21 YEARS ON THE PREMISES FOR WHICH THE PERMIT IS ISSUED,
3 UNLESS THE INDIVIDUAL IS EMPLOYED BY OR IS AN IMMEDIATE FAMILY
4 MEMBER OF THE HOLDER.

5 (VIII) THE BOARD AT ANY TIME MAY PROHIBIT,
6 CONDITION, OR RESTRICT THE TYPE OF ENTERTAINMENT OFFERED BY A
7 HOLDER OF THE PERMIT, INCLUDING LEWD, EXOTIC, LOUD, OR RAUCOUS
8 ENTERTAINMENT, IF AFTER A HEARING THE BOARD DETERMINES THAT THE
9 ENTERTAINMENT ADVERSELY IMPACTS OR UNDULY DISTURBS THE COMMUNITY
10 AND IS NOT CONDUCTIVE TO THE PEACE, HEALTH, WELFARE, OR SAFETY OF THE
11 RESIDENTS OF THE COUNTY.

12 ~~(V)~~ (IX) THE ANNUAL FEE FOR THE PERMIT IS \$1,500,
13 WHICH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS B LICENSE.

14 (X) A PERMIT HOLDER MAY EMPLOY SWORN SECURITY
15 PERSONNEL AS PART OF THE SECURITY PLAN IF THE SWORN SECURITY
16 PERSONNEL HAVE FULL POLICE POWERS IN THE JURISDICTION WHERE THE
17 PREMISES OF THE PERMIT HOLDER IS LOCATED.

18 (XI) 1. THE CIRCUIT COURT MAY ISSUE A TEMPORARY
19 RESTRAINING ORDER TO IMMEDIATELY CLOSE TO THE PUBLIC THE ENTIRE
20 OPERATION OF THE PREMISES IF THE COUNTY ESTABLISHES THAT THE
21 SECURITY PLAN HAS NOT BEEN IMPLEMENTED AND THAT THE PUBLIC HEALTH,
22 SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

23 2. ON ISSUANCE OF A TEMPORARY RESTRAINING
24 ORDER UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COUNTY
25 SHALL GIVE THE PERMIT HOLDER WRITTEN NOTICE OF AND REASONS FOR THE
26 CLOSURE.

27 3. THE PERMIT HOLDER PROMPTLY SHALL BE GIVEN
28 AN OPPORTUNITY FOR A HEARING IN CIRCUIT COURT ON THE GRANTING OF THE
29 TEMPORARY RESTRAINING ORDER IN ACCORDANCE WITH CHAPTER 500 OF THE
30 MARYLAND RULES.

31 (XII) SUBJECT TO SUBPARAGRAPH (XIII) OF THIS
32 PARAGRAPH, THE BOARD MAY IMMEDIATELY SUSPEND A PERMIT IF THE BOARD
33 REASONABLY BELIEVES THAT THE PERMIT HOLDER VIOLATED THIS
34 PARAGRAPH.

35 (XIII) IF THE BOARD IMMEDIATELY SUSPENDS A PERMIT, THE
36 BOARD SHALL:

1 1. GIVE THE PERMIT HOLDER NOTICE OF THE
2 SUSPENSION AND A HEARING ON THE SUSPENSION AT WHICH THE PERMIT
3 HOLDER MAY BE HEARD AND PRESENT EVIDENCE; AND

4 2. HOLD THE HEARING WITHIN 30 DAYS AFTER THE
5 SUSPENSION IS IMPOSED.

6 (XIV) AT THE HEARING, THE BOARD SHALL DETERMINE:

7 1. WHETHER THE PERMIT HOLDER VIOLATED THIS
8 PARAGRAPH; AND

9 2. IF A VIOLATION OCCURRED, WHAT PENALTY TO
10 IMPOSE AMONG THOSE LISTED IN SUBPARAGRAPHS (XV) AND (XVI) OF THIS
11 PARAGRAPH.

12 (XV) SUBJECT TO SUBPARAGRAPH (XVI) OF THIS
13 PARAGRAPH, IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS
14 PARAGRAPH, THE BOARD:

15 1. MAY REVOKE OR CONTINUE THE SUSPENSION OF
16 THE PERMIT; AND

17 2. SHALL IMPOSE ON THE PERSON A PENALTY OF:

18 A. FOR A FIRST OFFENSE, AT LEAST \$1,000 BUT NOT
19 MORE THAN \$12,500; AND

20 B. FOR EACH SUBSEQUENT OFFENSE, AT LEAST
21 \$5,000.

22 (XVI) THE BOARD:

23 1. SHALL REVOKE THE PERMIT OF A PERSON WHO
24 THE BOARD DETERMINES VIOLATED THIS PARAGRAPH TWICE WITHIN A
25 24-MONTH PERIOD; AND

26 2. UNTIL AT LEAST 12 MONTHS AFTER THE ORDER
27 OF REVOCATION WAS ISSUED, MAY NOT CONSIDER AN APPLICATION FROM THE
28 PERSON FOR A NEW PERMIT OR AN APPLICATION FOR A NEW PERMIT FOR THE
29 PREMISES THAT WAS THE SUBJECT OF THE REVOCATION.

1 **(XVII) IF THE BOARD DETERMINES THAT THE PERMIT**
2 **HOLDER DID NOT VIOLATE THIS PARAGRAPH, THE BOARD SHALL IMMEDIATELY**
3 **REINSTATE THE PERMIT.**

4 ~~(VI)~~ **(XVIII) THE BOARD OF LICENSE COMMISSIONERS SHALL**
5 **ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH.**

6 9-217.

7 **(N) A HOLDER OF A LICENSE ISSUED BY THE BOARD MAY NOT IMPOSE A**
8 **COVER CHARGE, OFFER FACILITIES FOR PATRON DANCING, OR PROVIDE**
9 **ENTERTAINMENT UNLESS THE HOLDER IS SPECIFICALLY AUTHORIZED UNDER**
10 **THIS ARTICLE AND MEETS ALL REQUIREMENTS UNDER COUNTY LAW.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November
12 1, 2013, the Board of License Commissioners shall report to the Prince George’s
13 County House and Senate Delegations of the Maryland General Assembly, in
14 accordance with § 2-1246 of the State Government Article, on the activities of permit
15 holders and the impact of entertainment permits on Prince George’s County. The
16 Board shall include in the report the amount of revenue raised by the permit fees, and
17 the number of permits issued, suspended, or revoked, permit violations committed by
18 permit holders, and complaints lodged against permit holders during the period of
19 July 1, 2010, through June 30, 2013.

20 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.