

HOUSE BILL 237

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By: **Delegates Oaks, Carter, and Rosenberg**
Introduced and read first time: January 23, 2013
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – License Renewal**

3 FOR the purpose of requiring the Baltimore City Board of Liquor License
4 Commissioners to consider certain factors in determining whether to grant an
5 application for a license renewal when a protest against the renewal is filed;
6 requiring the Board to deny an application for renewal if the Board makes a
7 certain finding; requiring the Board to make its findings in writing and
8 available to the public; and generally relating to an application for a renewal of
9 an alcoholic beverages license in Baltimore City.

10 BY repealing and reenacting, with amendments,
11 Article 2B – Alcoholic Beverages
12 Section 10–301(a)
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2012 Supplement)

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

17 **Article 2B – Alcoholic Beverages**

18 10–301.

19 (a) (1) (i) Except in Prince George’s County, the holder of any expiring
20 license, other than special licenses issued under the provisions of this article, shall,
21 not less than 30 nor more than 60 days before the first day of May of each and every
22 year, file a written application, duly verified by oath, for the renewal of the license
23 with the official authorized to approve the same.

24 (ii) 1. The renewal application shall state that the facts in
25 the original application are unchanged.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. It shall be accompanied by a statement signed by the
2 owner of the premises consenting to renewal of the license and to search and seizure
3 as in the case of original applications.

4 3. In the case of retail dealers applying for renewal, the
5 statement of consent by the owner of the premises may not be required if the owner
6 has previously signed such a statement in connection with an original application or
7 previous renewal application giving consent for the term of the owner's lease with the
8 applicant if the lease or renewal does not expire during the term of the renewal
9 license.

10 4. Subject to subparagraph 5 of this subparagraph,
11 on the filing of the renewal application and payment of the annual fee, the holder of
12 the expiring license is entitled to a new license for another year without the filing of
13 further statements or the furnishing of any further information unless specifically
14 requested by the official authorized to approve the license.

15 5. In the City of Annapolis, the Mayor, Counselor, and
16 Aldermen may determine a periodic basis on which payments for the renewal of a
17 license may be made.

18 (iii) 1. Subject to subparagraph 3 of this subparagraph, a
19 license by way of renewal may not be approved without a hearing before such official if
20 a protest has been filed against the granting of the new license at least 30 days before
21 the expiration of the license for which renewal is sought.

22 2. In Calvert County and Charles County:

23 A. A protest shall specify the basis on which the protest
24 is made; and

25 B. The protest shall be filed under oath.

26 3. In Charles County, the Board of License
27 Commissioners may approve the renewal of the license without a hearing if the Board
28 makes a finding that the basis of the protest lacks substance.

29 (iv) This protest shall be:

30 1. Signed by not less than ten residents, commercial
31 tenants who are not holders of or applicants for any license issued under this article,
32 or real estate owners in the immediate vicinity in which the licensed place of business
33 is located; or

34 2. Instituted by the board of licensing commissioners on
35 its own initiative.

1 (v) If the protest has been filed it shall be heard and determined
2 as in the case of original applications, except in Baltimore City it shall be heard and
3 determined [not as in the case of original application in regard to zoning but only on a
4 specific complaint as to the operation of the licensee's establishments] IN
5 ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

6 (2) (I) THIS PARAGRAPH APPLIES IN BALTIMORE CITY.

7 (II) IN DETERMINING WHETHER TO GRANT A LICENSE
8 RENEWAL WHEN A PROTEST AGAINST THE RENEWAL HAS BEEN FILED, THE
9 BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL CONSIDER:

10 1. THE PUBLIC NEED AND DESIRE FOR THE
11 RENEWAL;

12 2. THE NUMBER AND LOCATION OF EXISTING
13 LICENSEES AND THE EFFECT ON EXISTING LICENSEES OF THE RENEWAL;

14 3. THE COMMONALITY OR UNIQUENESS OF THE
15 SERVICES AND PRODUCTS OFFERED BY THE APPLICANT;

16 4. THE IMPACT OF THE RENEWAL ON THE GENERAL
17 HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, INCLUDING ISSUES
18 RELATING TO CRIME, TRAFFIC CONDITIONS, PARKING, AND CONVENIENCE TO
19 THE COMMUNITY; AND

20 5. ANY OTHER FACTOR THAT THE BOARD
21 CONSIDERS RELEVANT.

22 (III) THE BOARD OF LIQUOR LICENSE COMMISSIONERS
23 SHALL DENY AN APPLICATION FOR RENEWAL IF THE BOARD FINDS THAT:

24 1. THE RENEWAL IS NOT NECESSARY TO
25 ACCOMMODATE THE PUBLIC;

26 2. THE APPLICANT IS NOT A FIT PERSON TO BE
27 GRANTED THE RENEWAL;

28 3. THE APPLICANT HAS MADE A MATERIALLY FALSE
29 STATEMENT IN THE APPLICATION;

30 4. THE APPLICANT HAS PRACTICED FRAUD IN
31 CONNECTION WITH THE APPLICATION;

1 **5. THE OPERATION OF THE LICENSED PREMISES**
 2 **WILL UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE SURROUNDING**
 3 **NEIGHBORHOOD; OR**

4 **6. THERE ARE OTHER REASONS TO DENY THE**
 5 **APPLICATION.**

6 **(IV) THE BOARD OF LIQUOR LICENSE COMMISSIONERS**
 7 **SHALL MAKE ITS DECISION AND FINDINGS UNDER THIS PARAGRAPH IN WRITING**
 8 **AND AVAILABLE TO THE PUBLIC.**

9 **[(2)] (3)** (i) For all statewide licenses issued to a corporation by
 10 the State Comptroller and in each county and Baltimore City, notwithstanding any
 11 other provision of this article to the contrary, a corporation or club holding an alcoholic
 12 beverages license may, during the license year, substitute any or all names of its
 13 officers on the license if the deleted officer:

- 14 1. Is deceased;
- 15 2. Is retired;
- 16 3. Has been removed from office; or
- 17 4. No longer holds an office in the corporation or club.

18 (ii) The corporation or club shall file with the license issuing
 19 authority an affidavit that gives:

- 20 1. The substitution of the officer or officers;
- 21 2. An explanation for the substitution; and
- 22 3. In the case of a corporation, a statement that the
 23 ownership of the corporation has not changed.

24 (iii) Upon receipt of the affidavit and after making a
 25 determination that the applicant qualifies under the provisions of this article, the
 26 license issuing authority shall:

- 27 1. Amend its records; and
- 28 2. Issue a new license in corrected form.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 July 1, 2013.

