

Article - Alcoholic Beverages

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§10–208.

(a) (1) If a license is refused, except as provided in this section, other applications may not be considered from the applicant or for the premises, as the case may be, for a period of six months. If a subsequent application by the same applicant or for the same premises is refused within the two-year period immediately following the date of the first refusal, then other applications may not be considered from the applicant or for the premises, as the case may be, until the two-year period has elapsed.

(2) This section does not hold against:

(i) An applicant where a license was refused on the grounds it was not necessary for the accommodation of the public or because the premises were not suitable to the sale of alcoholic beverages under the license applied for; or

(ii) The premises set forth in an application when the license applied for was refused because the applicant personally was determined not to be a proper person to be issued the license applied for. In Charles County, the limitations of this section are not applicable to the refusal of a license on the grounds the license was not necessary for the accommodation of the public, because the premises were not suitable for sales of alcoholic beverages under the license applied for, or to the refusal of a license because the applicant was determined not to be a proper licensee.

(b) This subsection applies only in Anne Arundel County. If an application for a license is refused, other applications for a license for the same premises may not be made until a year expires from the date of the refusal. If a license for a certain premises is twice refused, a license may not be granted for the sale of alcoholic beverages upon the premises for a period of two years from the date of the second refusal.

(c) (1) This subsection applies only in Baltimore City.

(2) A class of license for which application was previously made for the retail sale of alcoholic beverages may not be issued to any person who has been refused the issue of any such class of license, nor to or for any premises for which a license has been so refused, within a period of six months from the refusal by the Board of License Commissioners or by the Circuit Court, as the case may be.

(3) The restriction against the issue of a license to or for any premises is not effective if in the judgment of the Board of License Commissioners the refusal was directed against the person or persons applying for the prior license, and not against the premises in question.

(d) In Baltimore County the provisions in subsection (a) of this section do not apply that specify that it does not hold against an applicant where a license is refused

on the grounds it is not necessary for the accommodation of the public.

(e) (1) This subsection applies only in Caroline County.

(2) If an application for a license is refused by the Board of License Commissioners on grounds relating to the suitability of the applicant or applicants, then other applications may not be received by the Board from the applicant or applicants, for any type of license at any premises, for six months after the date of the refusal.

(3) If an application for a license is refused on grounds relating to the suitability of the premises applied for, then other applications for any type of license for premises may not be received by the Board for one year from the date of the refusal.

(f) In Charles County, the limitations of this section are not applicable to the refusal of a license on the grounds the license was not necessary for the accommodation of the public because the premises were not suitable for sales of alcoholic beverages under the license applied for, or to the refusal of a license because the applicant was determined not to be a proper licensee.

(g) In Howard County, if a license is refused, other applications may not be considered from the applicant or for the premises for a period of 1 year from the date of the first refusal. If a subsequent application by the same applicant or for the same premises is again refused within the 2-year period immediately following the date of the first refusal, other applications may not be considered from that applicant or for those premises, as the case may be, until this 2-year period has elapsed.

(h) (1) This subsection applies only in Prince George's County.

(2) If an application for a new license is refused, other applications for a license for the same premises may not be made until a period of six months has expired from the date of the refusal.

(3) This subsection does not apply in the case of applications:

(i) That are rejected because of a legal defect or omission in the application;

(ii) If such refusal was solely directed against the person or persons applying for the prior license, and expressly stated as the reason for refusal, and not against the premises in question;

(iii) That, after a hearing, were denied on the grounds that the Board of License Commissioners determined that another applicant was better qualified to be a licensee; or

(iv) For transfers of licenses.

(i) This section does not apply to Montgomery County.

(j) (1) In Kent County:

(i) If an application for a license is refused, then the Board may not issue an alcoholic beverages license for the same premises until a year expires from the date of refusal; and

(ii) If a subsequent application for the same premises is refused, then the Board may not issue an alcoholic beverages license for the same premises until 2 years expire from the date of the second refusal.

(2) This subsection does not apply to applications:

(i) That are rejected because of a legal defect or an omission;

(ii) That are refused solely and expressly because the prior applicant personally was determined not to be a proper person to whom the license applied for should be issued; or

(iii) For license transfers.

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