

Article - Alcoholic Beverages

[Previous][Next]

§10–301.

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

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

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

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

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

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

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

2. In Calvert County and Charles County:

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

B. The protest shall be filed under oath.

3. In Charles County, the Board of License Commissioners may approve the renewal of the license without a hearing if the Board makes a finding

that the basis of the protest lacks substance.

(iv) This protest shall be:

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

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

(v) If the protest has been filed it shall be heard and determined as in the case of original applications, except in Baltimore City it shall be heard and determined not as in the case of original application in regard to zoning but only on a specific complaint as to the operation of the licensee's establishments.

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

1. Is deceased;

2. Is retired;

3. Has been removed from office; or

4. No longer holds an office in the corporation or club.

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

1. The substitution of the officer or officers;

2. An explanation for the substitution; and

3. In the case of a corporation, a statement that the ownership of the corporation has not changed.

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

1. Amend its records; and

2. Issue a new license in corrected form.

(a-1) In Prince George's County, the procedures for the renewal of applications, protests, and hearings are provided in § 10-302 of this subtitle.

(b) If the licensing official finds that the license holder is not qualified to obtain a renewal of the expiring license said official shall not renew said expiring license but shall issue to him by way of renewal the class or type of license for which they find him qualified. If an expiring license is subject to any order of restriction or suspension the new license shall be issued subject to said order. All applications for renewal received otherwise than as herein stated shall be treated as original applications.

(c) No renewal of any license shall be granted any person who during the license year has been convicted of any offense against the laws of the State or of the United States which in the judgment of the local licensing officials is of such a nature as to render such person unfit or disqualified to obtain said renewal; provided that in such a case a public hearing shall be held by such local licensing officials prior to renewal at which all relevant facts and circumstances of such offense may be inquired into.

(c-1) (1) This section applies only in Prince George's and St. Mary's counties.

(2) In this section, "Board" means:

(i) In Prince George's County, the Prince George's County Board of License Commissioners; or

(ii) In St. Mary's County, the Alcohol Beverage Board of St. Mary's County.

(3) A renewal of a license may not be granted, at the discretion of the Board, if the licensee or any of the stockholders of the corporation having the use of a license has been convicted of a felony. A public hearing shall be held by the Board prior to the renewal of that license. All relevant facts and circumstances of the offense may be inquired into at that hearing.

(d) (1) A license issuing authority may issue such new licenses for the ensuing year as hereinabove provided, at any time between April 15th and May 1st, of each and every year, but all such licenses shall be dated May 1st.

(2) Notwithstanding paragraph (1) of this subsection, in St. Mary's County new licenses may be issued at any time between April 1st and May 1st.

(d-1) The Garrett County Liquor Control Board may issue new licenses for the ensuing year as provided in this section at any time between June 15 and July 1 of each and every year, but all licenses shall be dated July 1. During the first calendar year, the Board shall prorate all class licenses for a period of 14 months. Thereafter, licenses shall be prorated on a 12-month basis.

(e) In Harford County applications for a renewal of license shall be in such form as the Liquor Control Board may prescribe by rules and regulations duly adopted.

Renewal applications received after April 1st may be considered by the Board for a period of thirty days before final action on the application is taken.

(f) In Prince George's County and in Montgomery County, any licensee may obtain a renewal license without obtaining a certificate of approval of the owner of the building in which the business is conducted, provided the licensee is the holder of a lease upon the entire building for not less than the term of the renewal license.

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

(2) Subject to paragraph (4) of this subsection, before a license may be renewed, the Board of License Commissioners shall verify:

(i) 1. Through the Office of the Comptroller, that the current license holder has paid all undisputed taxes payable to the Comptroller; and

2. Through Prince George's County, that the current license holder has paid all undisputed taxes payable to Prince George's County; or

(ii) That the current license holder has provided for payment of the taxes described in item (i) of this paragraph in a manner satisfactory to the governmental unit responsible for the collection.

(3) If the information provided to the Board of License Commissioners states that the current license holder owes undisputed taxes and has not provided for payment in a manner satisfactory to the governmental unit responsible for collection, the Board of License Commissioners may not renew the license.

(4) If the license was issued on behalf of a corporation, club, or other entity, the verification requirements specified in paragraph (2) of this subsection apply to undisputed taxes payable by each owner or principal of the entity.

(g) In Prince George's County notwithstanding any other provision of this article, any corporation or club holding a Class C beer, wine and liquor license may, during any license year, substitute the name of one of its officers for the name of any other officer on the license when the deleted officer has died, retired, been removed from office, or no longer holds an office in said corporation. Said corporation shall file an affidavit with the Board of License Commissioners showing the substitution of an officer or officers with an explanation for said substitution. Upon receipt of said affidavit the Board shall amend its record and issue a new license with the corrected names thereon.

(h) (1) In Worcester, Wicomico, Dorchester, Somerset, and Howard counties, notwithstanding any other provision of this article, any corporation or club holding any class of alcoholic beverage license may, during any license year, substitute the name of one of its officers for the name of any other officer on the license when the deleted officer has died, retired, been removed from office, or no longer holds an office in the corporation or club if the substitute is a fit person approved by the Board and can meet

all the requirements the substitute would have to meet if the substitute were named in the original application. The corporation or club shall file an affidavit with the Board of License Commissioners showing the substitution of the officer or officers with an explanation of the substitution. Upon receipt of the affidavit the Board shall amend its records and issue a new license with the corrected names on it. The corporation or club shall pay a fee of \$5 to the Board of License Commissioners for this service. In Somerset and Wicomico counties, the fee is \$50 and is payable to the local collecting agent. In Worcester County, this section applies only to Class C (clubs) establishments for which the fee is \$5. In Wicomico County, an application for renewal of a restaurant license is subject to requirements specified in § 6-201(x) of this article, as amended from time to time.

(2) In Howard County, failure to file renewal applications for alcoholic beverages licenses by April 1 of each year shall result in nonrenewal of the license or a penalty of \$50 per day for each day the application is late.

(i) (1) In Charles County, the Board of License Commissioners may not renew any license as authorized in subsection (a) of this section unless there is presented to the Board a certification from the Treasurer of the county showing:

(i) The value of the merchandise, fixtures, and stock-in-trade, as certified to the county by the State Department of Assessments and Taxation, for the business for which the application is made for the calendar year next preceding the year the license is to be issued;

(ii) That there are no unpaid taxes due from the applicant to the county, incorporated city, or town where the licensed premises is to be located; and

(iii) That there are no unpaid taxes due from the applicant to the county or the State of Maryland on the merchandise, fixtures and stock-in-trade where the licensed premises is to be located.

(2) (i) A renewal application for an alcoholic beverages license is due on or before March 31 of each year.

(ii) Subject to subparagraph (iii) of this paragraph, a person who files a renewal application after March 31 is subject to a penalty of \$50 for each day that the application is late.

(iii) The maximum amount that the Board of License Commissioners may charge a person under this paragraph is \$500 per renewal application.

(iv) A renewal application may not be submitted later than the date of the next meeting of the Board of License Commissioners following March 31.

(j) (1) In Baltimore City, unless a licensee presents to the Board of Liquor License Commissioners by June 30 of the respective year, a certificate issued by the Director of Finance, showing that there are no unpaid taxes on the merchandise,

fixtures and stock of the applicant due to the City of Baltimore or the State of Maryland, the renewal license shall be immediately suspended without a hearing but thereafter shall be immediately returned without a hearing upon presentation of such a certificate.

(2) (i) Each year, between March 1 and March 31, both inclusive, each licensee shall file an application for license renewal with the Board.

(ii) An applicant for a renewal of a license issued by the Board shall pay a renewal application fee of \$50 to the Director of Finance.

(iii) A license renewal application received by the Board after March 31 may be subject to:

1. Rejection; or
2. A late charge of \$50 for each day the application is filed late, not to exceed \$1,500.

(3) (i) This paragraph applies only to a license that is issued in, transferred into, or transferred to a different location within the following areas of the 46th alcoholic beverages district if the application for the issuance or transfer was received by the Board of License Commissioners after December 31, 1995:

1. Ward 1, precincts 2, 3, 4, and 5;
2. Ward 2, in its entirety;
3. Ward 3, precinct 3; and
4. Ward 26, precinct 10.

(ii) A licensee shall file with each license renewal application a copy of a valid capacity rating issued by the Baltimore City Fire Department for the licensed establishment.

(iii) 1. If the seating capacity rating for the licensed establishment exceeds 150 persons, the Board of Liquor License Commissioners may require the licensee to obtain an accounting, in accordance with generally accepted accounting principles, of the gross sales for the license year immediately preceding the filing of the license renewal application.

2. The accounting described in sub-subparagraph 1 of this subparagraph shall, at a minimum, specify separate figures for each of the following:

A. Total sales, not including sales of novelty items, income from vending machines, or other sales not directly related to food or beverages;

B. Alcoholic beverages sales; and

C. Food sales.

(4) Notwithstanding any other provision of this article, and except where extenuating circumstances exist, before a licensed premises in Baltimore City that has been closed for at least 3 consecutive months may be reopened:

(i) The Board of Liquor License Commissioners shall hold a public hearing; and

(ii) The licensee shall obtain approval from the Board of Liquor License Commissioners to reopen.

(k) (1) This subsection applies only in Wicomico County.

(2) In this subsection “Board” means the Board of License Commissioners.

(3) An applicant for a renewal of a license issued by the Board shall pay an additional renewal application fee of \$50 to the local collecting agent.

(4) The Board may not renew an alcoholic beverages license until the licensee has presented the Board with a certificate of receipt from the County Finance Office that shows that there are not unpaid taxes on the merchandise, fixtures, and stock of the applicant due to the county or State.

(l) (1) In Montgomery County a licensee shall annually, between February 1 and March 31, file an application for renewal in accordance with subsection (a) of this section. The Board of License Commissioners may receive late applications during April, and may fine the licensee an amount not to exceed \$50 for each day the application is late.

(2) Each renewal application shall satisfy the requirements of § 10–104(q) of this article, as the Board may prescribe.

(m) (1) In Baltimore County, the Board of License Commissioners may not renew an alcoholic beverages license until the applicant has presented to the Board a receipt or certificate from the office of finance showing that there are no unpaid taxes on the merchandise, fixtures, and stock of the applicant due to Baltimore County or the State of Maryland.

(2) A licensee shall annually, between February 1 and March 31, file an application for renewal in accordance with provisions of this section.

(3) The Board of License Commissioners may receive late applications during April, and may fine the licensee an amount not to exceed \$50 for each day the application is late up to a maximum cumulative amount of \$500.

(n) (1) This subsection applies only in Calvert County.

(2) (i) The term of a license is 1 year.

(ii) To renew a license, a licensee shall file an application for license renewal with the Board of License Commissioners at any time beginning on April 1 and ending on May 1.

(iii) A license renewal application received by the Board on or after July 1 is subject to a late fine of \$50 for each day the application is late.

(iv) A late fine may not exceed \$500.

(3) An application for a license renewal shall be accompanied by:

(i) A statement of the hours of operation of the licensed premises;

(ii) A statement of the name of the manager; and

(iii) A copy of the current statement for the licensed business that shows that all applicable taxes are paid.

(4) In addition to the requirements of paragraph (3) of this subsection, an application for a Class B license renewal shall be accompanied by a statement that shows the average monthly sales of food and alcoholic beverages for the licensed premises.

(o) (1) This subsection applies only in Washington County.

(2) The Board of License Commissioners may not renew an alcoholic beverages license until the licensee has paid all county taxes that are due and owing under the license and has certified by affidavit to the Board that no county taxes are due and owing.

(3) A holder of an alcoholic beverages license who files a completed application for renewal of the license:

(i) After April 1, but on or before April 11, is subject to a penalty of \$100; or

(ii) On or after April 12, is subject to a penalty of \$400.

(p) (1) In Queen Anne's County, notwithstanding any other provision of this article to the contrary, a corporation or club holding a Class C alcoholic beverages license may, during the license year, substitute any or all names of its officers on the license if the deleted officer:

(i) Is dead;

- (ii) Is retired;
- (iii) Has been removed from office; or
- (iv) No longer holds an office in the corporation or club.

(2) The corporation or club shall file an affidavit with the Board of License Commissioners that gives:

- (i) The substitution of the officer or officers; and
- (ii) An explanation for the substitution.

(3) Upon receipt of the affidavit the Queen Anne's County Board of License Commissioners shall:

- (i) Amend its records; and
- (ii) Issue a new license in corrected form.

(q) In Carroll County the Board of License Commissioners may impose a late fee of \$50 per day for each day a licensee fails to renew the license after the application is due. The total amount of the fees may not exceed \$500.

(r) (1) This subsection applies only in St. Mary's County.

(2) Unless an alcoholic beverages license is renewed for a 1-year term as provided in this subsection, the license expires on the first April 30 that comes after its effective date.

(3) Before a license expires, the licensee may renew it for an additional term if the licensee applies for renewal to the Administrator of the Alcohol Beverage Board of St. Mary's County from February 1 through March 3, both inclusive.

(4) A holder of an expired license may apply to the Board for a new license.

(s) (1) This subsection applies only in Somerset County.

(2) In this subsection, "Board" means the Board of License Commissioners.

(3) An applicant for a renewal of a license issued by the Board shall pay a renewal application fee of \$50 to the local collecting agent.

(4) The Board may not renew an alcoholic beverages license until the licensee has presented the Board with a certificate of receipt from the County Finance Office that shows that there are not unpaid taxes on the merchandise, fixtures, and stock of the applicant due to the county or State.

(5) If an applicant fails to renew an alcoholic beverages license in a timely

manner as determined by the Board, the applicant shall pay a late renewal fee of \$100 in addition to the renewal application fee of \$50 required by paragraph (3) of this subsection.

(t) In Worcester County, the Board of License Commissioners may receive late applications during April and fine the licensee an amount not exceeding \$50 for each day the application is late.

(u) In Anne Arundel County, an applicant for a renewal of a license shall pay to the local collecting agent a nonrefundable renewal fee of \$50 in addition to the annual license fee.

[Previous][Next]