

Article - Alcoholic Beverages

[Previous][Next]

§12-202.

(a) Except for piped-in background music or one television screen, in Anne Arundel County no holder of any class of alcoholic beverage license or the holder of a club license shall permit the playing of music of any kind, including live music, a karaoke machine, or a disc jockey, or dancing, floor shows, or any other similar type of entertainment on the licensed premises or on adjacent property over which the licensee has ownership or control, except:

(1) Any holder of a Class B, Class D, or Class H license shall be permitted to play recorded music of any kind, or live music with no more than two musicians if the licensee obtains a special music license. A special music license may be issued in the same manner as any other special license. The annual fee for the license shall be \$100. Dancing, floor shows, or other similar live entertainment may not be permitted.

(2) (i) Any holder of a Class B, Class D, or Class H license may allow the playing of more than one television, live music with not more than four musicians, karaoke, and a disc jockey, provided the licensee obtains a special entertainment license that shall be issued in the same manner as any other special license.

(ii) The annual fee for a special entertainment license is:

1. \$300 for a licensee holding a beer, wine and liquor license;
2. \$200 for a licensee holding a beer and wine license.

(iii) A holder of a special entertainment license may not allow dancing, floor shows, or similar live entertainment.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, any holder of a Class B, Class D or Class H license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any other special license. The annual fee shall be \$400 when issued to a licensee holding a beer, wine and liquor license and \$200 when issued to a licensee holding a beer and wine license.

(ii) A Class H license that is located within 1,000 feet in a straight line from entry to entry from a church or school may not obtain a special dancing license.

(4) Any holder of a Class C license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any other special license at no additional charge.

(5) (i) The Board may issue a special outdoor license to a holder of a Class B, Class C, Class D, or Class H license.

(ii) A special outdoor license under this paragraph entitles the holder to provide outdoor table service to customers on the grounds of the licensed establishment.

(iii) The annual fee for a special outdoor license is \$100.

(iv) Before a special outdoor license is renewed, a holder shall obtain approval from the Board.

(6) (i) The Board may issue a special outdoor entertainment license to a holder of a Class B, Class C, Class D, and Class H license who also holds a special dancing license, a special music license, or a special entertainment license under paragraph (1), (2), (3), or (4) of this subsection.

(ii) A special outdoor entertainment license under this paragraph entitles the holder to provide:

1. The same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's special dancing license, special music license, or special entertainment license; and

2. Outdoor table service or cafe service.

(7) All special licenses set forth in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection shall be authorized by the Board of License Commissioners for Anne Arundel County only when the Board finds:

(i) That the use of the licensed premises for such purposes shall not be in violation of any fire, health, or building regulation of Anne Arundel County,

(ii) That the applicant can adequately control the persons using the licensed premises,

(iii) That the granting of such special license is necessary for the accommodation of the public,

(iv) That the operation of the premises under such special license will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located, and

(v) That in the opinion of the Board the granting of such special license will not be detrimental to the general public welfare.

(b) (1) It is unlawful for any licensee or other person to sell spirituous, fermented or intoxicating liquor or to sell, give directly or indirectly, dispose of, barter,

furnish, hand over or deliver, within the corporate limits of the City of Annapolis, or within 5 miles of the City, any alcoholic beverages other than beer and light wine in any quantity whatever to any person under the age of 21 years for use by the underage person or for the use of any other person, either with or without the written order or consent of the parent or guardian of the person.

(2) Any person violating the provisions of this subsection is guilty of a municipal infraction as provided in the Code of the City of Annapolis.

(3) If any underage person wilfully represents that he is of full age and obtains any spirituous liquors, and the person selling the spirituous liquor is able to prove at the trial such misrepresentation, and that due caution was used in ascertaining the age of the underage person before giving the alcohol to the underage person and that in the exercise of reasonable caution he was deceived by the use of documentary evidence and that for this reason he was unable to ascertain that the underage person was in fact an underage person, then the person selling to the underage person shall be acquitted of the charge.

(c) No manufacturer or wholesaler, wherever he be located in Maryland, shall sell any beer to any retailer except for cash on delivery. Cash deposits for returnable containers shall be required at the time of delivery or sale. In addition to currency, checks accepted for payment which are not postdated and are promptly deposited for collection shall also be deemed to be cash. No suit or action ex contractu to enforce payment of any claim for credit extended, or to enforce payment of any check given for payment in violation of this section, shall be maintained in this State.

(d) In Anne Arundel County, a person 18 years of age or older may serve alcoholic beverages while acting in the capacity of a waiter or waitress. Persons under age 21 may not act as a bartender or barmaid or in any solely bar-related capacity, notwithstanding any provisions in this article to the contrary.

[Previous][Next]