

Article - Alcoholic Beverages

§10–104.

(a) A requirement for an application for a license in this section shall be applicable in a county or Baltimore City as an additional requirement except where inconsistent with a requirement otherwise provided in this subtitle.

(b) In Allegany County the application shall also contain (1) a statement that the applicant is not less than twenty–one years of age; (2) a statement by the applicant that as a condition for the issuance and/or continuance of said license he will produce all records required to be kept under the provisions of this article to the Comptroller, his deputies or the Sheriff of Allegany County or the police officers of any municipal corporation therein, or as may be required in any proceeding before the Board of Alcoholic Beverages License Commissioners or the Circuit Court for Allegany County relating to said license or said place of business; (3) the name of two persons, or a bonding company, authorized under the provisions of this article, who will act as sureties upon the bond required in Allegany County; (4) a statement of all persons interested or to be interested, and, if the said license is to be taken out for a corporation, partnership or unincorporated association, the name of such corporation, partnership or unincorporated association; (5) a statement by the applicant as a condition for the issue of said license that he will produce all records required to be kept under the provisions of this article to the Comptroller or his deputies, or to the Sheriff of Allegany County, or to the police officers of any municipal corporation therein, or as may be required in any proceedings before the Board or before the court, relating to said license or place of business; (6) a certification from the Office of the Supervisor of Assessments of Allegany County showing the values of the merchandise, fixtures and stock–in–trade for the business for which said license is applied for, for the calendar year next preceding the year for which said license is to be issued. Said certification shall also show that there are no unpaid taxes due to the incorporated city or town or county in which the licensed activity is carried on or to the State of Maryland on the merchandise, fixtures and stock–in–trade as aforesaid. The petition shall be verified by the affidavit of the applicant or applicants made before a notary public, or the clerk of the Circuit Court. There shall be annexed to the application a petition signed by at least ten citizens or voters or property holders who have not signed any other petition for license granted under this article living or owning property in the vicinity of the place for which license is applied, stating the full name, residence, or property owned of each person and certifying that they have been acquainted with the petitioner or petitioners for more than one year preceding said application for license, and that they have good reason to believe that all the statements contained in said petition are true, and they, therefore, pray that said petition be granted and that the license be issued as prayed for.

(c) (1) In Anne Arundel County, any administrative action that requires a hearing, including an application for a new license, a transfer of a license to a third party, or a change of ownership of a majority interest in a license, shall be accompanied by payment of an administrative fee of \$200 payable to the Board. This

sum is in addition to any other fee required for a license in Anne Arundel County, and the administrative fee may not be returned whether the requested administrative action is granted or denied. The administrative fee shall be used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection do not apply to any application for a license by way of renewal.

(2) In Anne Arundel County, an application for an alcoholic beverage license is not prima facie evidence that the applicant is entitled to the license. The burden of proof is on the applicant to show the Board of License Commissioners that approval of the issuance of a license is necessary for the accommodation of the public at the applicant's premises.

(d) (1) In Baltimore City the certificate shall be signed by at least three citizens who shall be owners of real estate and registered voters of the City, setting forth a statement that the applicant is personally known to them and has been a resident or a taxpayer of the City for two years and a resident of the State of Maryland for two years preceding the presentation to them of the application, and in the case of a corporation at least one of the applicants is personally known to them and has been a resident or taxpayer of the City for a period of at least two years and a resident of the State of Maryland for two years preceding the presentation to them of the application and is a registered voter; and in the case of a partnership that all members of the partnership have been residents or taxpayers of the City for at least a period of two years and a resident of the State of Maryland for two years preceding the presentation of the application to them.

(2) (i) In this paragraph, "community association" means:

1. A nonprofit association, corporation, or other organization that is:

A. Composed of residents of a community within which a nuisance is located;

B. Operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

C. Exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

2. A nonprofit association, corporation, or other organization that is:

A. Composed of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located;

B. Operated for the promotion of the welfare, improvement, and enhancement of that community; and

C. In good standing with the State Department of Assessments and Taxation.

(ii) In Baltimore City, if a community association and an applicant for the issuance or renewal of a Class B or D alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article, the Board of Liquor License Commissioners may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.

(iii) The existence of a memorandum of understanding does not affect any requirement of any individuals to file a protest under § 10–301 or § 10–403 of this title.

(e) Repealed.

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

(2) The Board of License Commissioners shall have power to waive the two years residence requirement contained in § 10–103 hereinabove in any case in which a person applying for the transfer of a license of a going business is the bona fide purchaser and proprietor thereof if the person can submit to the satisfaction of the Board proper persons who know him and can vouch for his good character or if he can submit to the satisfaction of the Board other evidence that he is a fit and proper person to hold the license.

(3) In addition to any other fee required for a license, an application for a new license or a transfer of an existing license shall be accompanied by payment of \$250 to the Board.

(g) In Caroline County the application shall also contain a statement (1) that the applicant is not less than twenty–one years of age; (2) that the applicant intends to carry on the business authorized by the license for himself or for a firm, corporation or association and not as an agent of any other individual, or anyone else, and that if licensed he will not carry on such business as the agent of any other individual, or anyone else; (3) that the applicant intends to superintend in person the management of the business licensed, and if so licensed he will superintend in person the management of the business. If the license is issued to a corporation or association the application must specify the name of the individual who will superintend or manage the said business; (4) that the applicant will not sell any of the beverages herein designated to any person under the age of twenty–one (21) years; (5) that any evidence discovered during any lawful inspection of licensed premises shall be admissible in any prosecution for the violation of the provisions of this or any other act, or upon any hearing for a revocation, suspension or restriction of the license of the person, firm, corporation or association who has obtained a license to sell beverages in such building or premises; (6) the application must be verified by an affidavit of the applicant made before a notary public or other person duly authorized by law to

administer oaths. If any false statement is made in any part of said application the said applicant or applicants shall be deemed guilty of perjury, and upon conviction thereof his license shall be revoked and the applicant subjected to the penalties provided by law for that crime.

(h) (1) This subsection applies only in Carroll County.

(2) The Board of License Commissioners may charge a fee not to exceed \$500 for the processing of an application for a new alcoholic beverages license.

(i) Reserved.

(j) (1) In Charles County, the application shall contain:

(i) A statement that the applicant is at least 21 years old;

(ii) A certification from the Treasurer of the county showing 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; and

(iii) A certification from the Treasurer of the county showing:

1. 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

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

(2) (i) In addition to the license fee, the Board shall charge a \$200 application fee for transfers and new licenses, which fee may not be returned whether the application is granted or denied.

(ii) The application fee includes the processing expense of the application which shall be used by the Board for this purpose.

(iii) The application fee is in addition to other fees that the Board may require to be paid at the time of making application.

(3) The provisions of this subsection do not apply to renewals of licenses.

(k) Repealed.

(l) Reserved.

(m) Reserved.

(n) In Harford County, an applicant for an alcoholic beverage license shall be a

bona fide resident for at least 1 year before filing the application and shall remain a resident as long as the license is in effect, but does not have to be a registered voter.

(o) In Howard County:

(1) The certificate shall be signed by at least three citizens who shall be owners of real estate and registered voters of the district in which the business is to be conducted, setting forth a statement that the qualifying applicant, or applicants, as the case may be, is personally known to them and has been a resident of the county for two years next preceding the presentation to them of the application; provided, however, that notwithstanding the provisions as hereinbefore set forth and also as contained in § 10–103 of this article, concerning the two–year residence requirement for applicants hereunder, the said Board of License Commissioners of Howard County shall have power to waive the said two years’ residence requirement in any case in which the applicant, or applicants, is the bona fide purchaser of a going business for which a license is in existence or has owned the premises for which a license is sought for a period of at least two years next preceding the filing of the application. Such applicant shall be a resident of the county and the Board shall be satisfied that he is of good character.

(2) (i) The application shall state that the applicant is 18 years of age or older; and

(ii) The application shall be accompanied by a checklist and police consent form.

(p) Reserved.

(q) In Montgomery County the application for an alcoholic beverage license shall be accompanied by clear and recent photographs of the applicant or applicants and the person who will be actively in charge of the business to be conducted under the license. In addition, the applicant or applicants and the person who will be actively in charge of the business to be conducted under the license shall have their fingerprints taken. The provisions of this subsection shall not apply to applications for special and temporary licenses issued pursuant to § 7–101 of this article.

(r) In Prince George’s County, the application for a new license of any class shall be accompanied by payment of a fee of \$300, which sum shall be in addition to any other fee required for a license in Prince George’s County, and which application fee provided for herein shall not be returned whether the license is granted or denied; such application fee provided for herein shall be used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection shall not apply to any application for a license by way of renewal or by way of transfer for the same premises.

(s) In Queen Anne’s County (1) the application shall also contain a statement that the applicant is not less than twenty–one years of age; and (2) each application for

a license must be verified by the affidavit of the applicant.

(t) Reserved.

(u) In Somerset County the Board of License Commissioners may require applications for licensing to contain such other information in addition to that required in § 10–103 of this article, as the Board may from time to time deem necessary.

(v) Reserved.

(w) In Washington County the certificate shall be signed by at least three citizens who shall be owners of real estate and registered voters in Washington County, setting forth a statement that the qualifying applicant, or applicants, as the case may be, is personally known to them and has been a resident of the county for two years next preceding the presentation to them of the application.

(x) (1) The provisions of this subsection apply only to Wicomico County.

(2) Where three officers of a club as individuals apply for a Class C club license, a statement indicating a pecuniary interest in the business to be conducted under the proposed license is not required.

(3) All license applications shall contain a statement that the applicant is at least 21 years old. Where there is more than one applicant, at least one of them shall be at least that age.

(4) The Board of License Commissioners may give tentative approval of an application on the basis of plans and specifications accompanying the application when an application is made to sell alcoholic beverages in an incompleated building, or portion of it, or a building or portion of it which is to be remodeled or renovated. Final approval may be given only upon the completion of construction or remodeling according to the plans.

(5) The application for a new license of any class shall be accompanied by payment of a fee of \$75 payable to the local collecting agent. This sum is in addition to any other fee required for a license in Wicomico County, and the application fee may not be returned whether the license is granted or denied. The application fee shall be used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection do not apply to an application for a license by way of renewal or transfer for the same premises.

(y) In Worcester County when application for a liquor license is made to sell alcoholic beverages in a building, or portion thereof, which is not completed, or in a building, or portion thereof, which is to be renovated or remodeled for such purpose, the Board of License Commissioners may give tentative approval of the application on the basis of plans and specifications accompanying the application. Upon completion of the construction or renovation or remodeling of the building, or any portion thereof, for which application has been made in accordance with the aforesaid plans and

specifications, the Board of License Commissioners may give final approval of the application.