

EMERGENCY BILL

A2

7r1784

CF 7r1785

By: Delegate Minnick (Baltimore County Administration) and Delegates Arnick and Mohorovic

Introduced and read first time: February 3, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages**
3 **(Adult Entertainment)**

4 FOR the purpose of defining "adult entertainment" for the holders of alcoholic beverages
5 licenses in Baltimore County; requiring a certain hearing and approval; permitting
6 the Board of License Commissioners to attach conditions and restrictions to their
7 approval, if given; specifying that this Act is severable; making this Act an
8 emergency measure; providing for the application of this Act; and generally relating
9 to alcoholic beverages in Baltimore County.

10 BY repealing and reenacting, with amendments,
11 Article 2B - Alcoholic Beverages
12 Section 12-204
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

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 12-204.

19 (a) This section applies only in Baltimore County.

20 (b) A holder of a beer, wine, and liquor license, Class D, for the sale of alcoholic
21 beverages on any premises, shall provide an entrance to the premises which shall be
22 unlocked at all times during which sales are being made or while consumption is
23 occurring.

24 (c) (1) In granting a license, the Board of License Commissioners may:

25 (i) Limit the license to a Class B (SB) restaurant - service bar beer,
26 wine, and liquor (on-sale) license only; or

27 (ii) Restrict off sale privileges of the licensee.

1 (2) The provisions of paragraph (1) of this subsection do not apply to a
2 holder of a Class A beer, wine, and liquor license.

3 (D) (1) IN THIS SUBSECTION, "ADULT ENTERTAINMENT" MEANS
4 EMPLOYEES OF THE HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE WHERE THE
5 EMPLOYEE'S PERFORMANCES ARE COMMONLY CALLED "GO-GO DANCERS", "MALE
6 REVUES", "FEMALE REVUES", AND "EXOTIC DANCERS". IT INCLUDES EMPLOYEES OF
7 THE HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE WHO PERFORM IN ANY
8 MANNER WHILE IN A STATE OF DRESS IN WHICH CLOTHING COVERS NO MORE THAN
9 THE GENITALS, PUBIC REGION, AND AREOLA OF THE FEMALE BREAST, AS WELL AS
10 PORTIONS OF THE BODY COVERED BY SUPPORTING STRAPS AND DEVICES.

11 (2) BEFORE A LICENSEE MAY PERMIT ADULT ENTERTAINMENT ON THE
12 LICENSED PREMISES, THE LICENSEE SHALL FILE AN APPLICATION FOR A PUBLIC
13 HEARING WITH THE BOARD OF LICENSE COMMISSIONERS. THE APPLICATION SHALL
14 REQUEST THE PERMISSION OF THE BOARD FOR THE LICENSEE TO PRESENT ADULT
15 ENTERTAINMENT ON THE LICENSED PREMISES.

16 (3) AFTER THE PUBLIC HEARING, THE BOARD SHALL DETERMINE
17 WHETHER TO GRANT PERMISSION FOR THE PERFORMANCES. IF THE BOARD
18 PERMITS ADULT ENTERTAINMENT PERFORMANCES, IT MAY ATTACH WHATEVER
19 CONDITIONS AND RESTRICTIONS IT DEEMS APPROPRIATE TO THE GRANT OF
20 PERMISSION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
22 retroactively and shall be applied to licensees or licensed premises who, on July 1, 1996,
23 both were providing adult entertainment performances and were less than 1,000 feet,
24 from closest point to closest point, from a dwelling, church, park, child care center, or
25 school.

26 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this Act
27 or the application thereof to any person or circumstance is held to be invalid for any
28 reason in a court of competent jurisdiction, the invalidity does not affect other provisions
29 or any other application of this Act which can be given effect without the invalid provision
30 or application, and for this purpose the provisions of this Act are declared severable.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
32 measure, is necessary for the immediate preservation of the public health and safety, has
33 been passed by a ye and nay vote supported by three-fifths of all the members elected to
34 each of the two Houses of the General Assembly, and shall take effect from the date it is
35 enacted.