

EMERGENCY BILL

A2

7lr1784

CF 7lr1785

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

Introduced and read first time: February 3, 1997

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER _____

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~~ prohibiting a holder of any class of alcoholic beverages license in
8 Baltimore County from permitting adult entertainment on licensed premises or
9 certain property adjacent to licensed premises; requiring the Board of license
10 Commissioners for Baltimore County to impose certain sanctions for a violation of
11 this Act under certain circumstances; providing for the applicability of this Act;
12 specifying that this Act is severable; making this Act an emergency measure;
13 providing for the ~~application~~ construction of this Act; and generally relating to
14 alcoholic beverages in Baltimore County.

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 12-204
18 Annotated Code of Maryland
19 (1996 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

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1 **Article 2B - Alcoholic Beverages**

2 12-204.

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

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

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

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

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

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

14 (D) (1) (I) IN THIS SUBSECTION, "ADULT ENTERTAINMENT" MEANS
15 ~~EMPLOYEES OF THE HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE WHERE THE~~
16 ~~EMPLOYEE'S PERFORMANCES AT LICENSED PREMISES THAT ARE COMMONLY~~
17 ~~CALLED "GO-GO DANCERS DANCING", "MALE REVUES", "FEMALE REVUES", AND~~
18 ~~"EXOTIC DANCERS DANCING". IT INCLUDES EMPLOYEES OF THE HOLDER OF AN~~
19 ~~ALCOHOLIC BEVERAGES LICENSE~~

20 (II) "ADULT ENTERTAINMENT" INCLUDES PERFORMANCES BY
21 INDIVIDUALS WHO PERFORM IN ANY MANNER WHILE IN A STATE OF DRESS IN
22 WHICH CLOTHING COVERS NO MORE THAN THE GENITALS, PUBIC REGION, AND
23 AREOLA OF THE FEMALE BREAST, AS WELL AS PORTIONS OF THE BODY COVERED
24 BY SUPPORTING STRAPS AND DEVICES.

25 ~~(2) BEFORE A LICENSEE MAY PERMIT ADULT ENTERTAINMENT ON THE~~
26 ~~LICENSED PREMISES, THE LICENSEE SHALL FILE AN APPLICATION FOR A PUBLIC~~
27 ~~HEARING WITH THE BOARD OF LICENSE COMMISSIONERS. THE APPLICATION SHALL~~
28 ~~REQUEST THE PERMISSION OF THE BOARD FOR THE LICENSEE TO PRESENT ADULT~~
29 ~~ENTERTAINMENT ON THE LICENSED PREMISES.~~

30 ~~(3) AFTER THE PUBLIC HEARING, THE BOARD SHALL DETERMINE~~
31 ~~WHETHER TO GRANT PERMISSION FOR THE PERFORMANCES. IF THE BOARD~~
32 ~~PERMITS ADULT ENTERTAINMENT PERFORMANCES, IT MAY ATTACH WHATEVER~~
33 ~~CONDITIONS AND RESTRICTIONS IT DEEMS APPROPRIATE TO THE GRANT OF~~
34 ~~PERMISSION.~~

35 (2) THE HOLDER OF ANY CLASS OF ALCOHOLIC BEVERAGES LICENSE
36 MAY NOT PERMIT ADULT ENTERTAINMENT ON LICENSED PREMISES OR ON
37 PROPERTY ADJACENT TO THE LICENSED PREMISES OVER WHICH THE HOLDER HAS
38 OWNERSHIP OR CONTROL.

39 (3) IF THE BOARD FINDS THAT A VIOLATION OF THIS SUBSECTION HAS
40 OCCURRED, THE BOARD SHALL SUSPEND OR REVOKE THE LICENSE FOR THE

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1 PREMISES WHERE THE VIOLATION OCCURRED, IMPOSE A FINE ON THE HOLDER OF
2 THE LICENSE FOR THE PREMISES WHERE THE VIOLATION OCCURRED, OR BOTH.

3 (4) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO:

4 (I) THE HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE THAT
5 OFFERED ADULT ENTERTAINMENT ON LICENSED PREMISES FOR AT LEAST 5
6 CALENDAR DAYS BETWEEN MARCH 8, 1996 AND APRIL 8, 1996; OR

7 (II) A TRANSFEREE OF AN ALCOHOLIC BEVERAGES LICENSE FROM
8 A HOLDER DESCRIBED IN ITEM (1) OF THIS PARAGRAPH AS LONG AS THE
9 TRANSFEREE CONTINUES TO OFFER ADULT ENTERTAINMENT ON THE SAME
10 LICENSED PREMISES.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall be construed~~
12 ~~retroactively and shall be applied to licensees or licensed premises who, on July 1, 1996,~~
13 ~~both were providing adult entertainment performances and were less than 1,000 feet,~~
14 ~~from closest point to closest point, from a dwelling, church, park, child care center, or~~
15 ~~school~~ may not be construed to affect any current rules or regulations of the Board of
16 License Commissioners for Baltimore County or affect the authority of the Board to
17 adopt rules or regulations concerning prohibited practices for holders of alcoholic
18 beverages licenses.

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

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