The granting of the license is not necessary for the

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28 accommodation of the public;

1998 Regular Session 8lr1475

By: Senator McFadden Introduced and read first time: February 4, 1998 Assigned to: Economic and Environmental Affairs A BILL ENTITLED 1 AN ACT concerning 2 **Baltimore City - Alcoholic Beverages - License Applications** 3 FOR the purpose of requiring the Board of License Commissioners for Baltimore City to advertise and post notice on receipt of the application for certain licenses and 4 5 license modifications; requiring that the notice be posted on the premises 6 described in the application; requiring the Board to hold a public hearing on certain requests; requiring the Board to use certain standards in deciding 7 8 whether to approve certain requests; making this Act an emergency measure; and generally relating to alcoholic beverages licenses in Baltimore City. 9 10 BY repealing and reenacting, without amendments, Article 2B - Alcoholic Beverages 11 12 Section 10-202(a)(2) Annotated Code of Maryland 13 14 (1996 Replacement Volume and 1997 Supplement) 15 BY repealing and reenacting, with amendments, Article 2B - Alcoholic Beverages 16 17 Section 10-202(e) 18 Annotated Code of Maryland (1996 Replacement Volume and 1997 Supplement) 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 20 21 MARYLAND, That the Laws of Maryland read as follows: 22 Article 2B - Alcoholic Beverages 23 10-202. The application shall be disapproved and the license for which 24 25 application is made shall be refused if the Board of License Commissioners for the 26 City or any county determines that:

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1 2	which application is made;	2.	The applicant is not a fit person to receive the license for
3	application;	3.	The applicant has made a material false statement in his
5 6	application;	4.	The applicant has practiced fraud in connection with the
		5. residents	The operation of the business, if the license is granted, will sof the neighborhood in which the place of
10 11	why the license should not be i	6. ssued.	There are other reasons, in the discretion of the Board,
	shall be approved and the licen	se issuin	ch findings are made by the Board, then the application g authority shall issue the license for which e fee required to the local collecting agent.
17 18 19 20 21 22 23 24 25 26 27 28 30 31 32 33 34 35 36 37 38 39 40	(e) (1) In Baltimore City if it appears that more than 50 percent in numbers of the owners of real or leasehold property situated within 200 feet of the place of business for which application is made are opposed to the granting of the license, or if more than 50 percent of those owners and tenants in combination of real or leasehold property located within 200 feet of the place of business for which an application for a license is made are opposed to the granting of the license, then the application may not be approved, and the license applied for shall be refused. This subsection does not apply to any application for license by way of renewal or by way of transfer for the same premises. This subsection does apply to an application for a license transfer when the license to be transferred is of a broader scope or more permissive class than the license presently issued for the same premises. For the purpose of this subsection "owners of real or leasehold property" includes holders of leasehold improvements upon ground rents, the City of Baltimore and the State of Maryland but excludes the owner of the subject premises. For the purpose of this subsection, a tenant is a person who rents a single-family dwelling and is residing there for at least one year immediately preceding the hearing of the Board. Should any owner of the dwelling participate as a protestant or proponent of the application, then the owner(s) and the tenant of the dwelling shall each have one-half vote. In case of property rented jointly, if one tenant appears in person at the hearing as a protestant, the other tenant's protest may be recorded by an affidavit. The City of Baltimore and the State of Maryland each shall be included as an owner of real or leasehold property when it owns title to a building, and it may protest through an authorized representative of the Mayor and City Council. If the City of Baltimore or the State of Maryland owns more than one building within 200 feet of the place of business for which application is made may be t		
41 42			CEIPT OF AN APPLICATION FOR A NEW LICENSE, A NGE IN THE CLASS OF THE LICENSE, A REQUEST FOR

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- 1 LIVE ENTERTAINMENT ON THE LICENSED PREMISES, OR AN EXTENSION OF THE
- 2 LICENSED PREMISES, THE BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE
- 3 CITY SHALL ADVERTISE AND POST NOTICE OF THE APPLICATION OR REQUEST IN
- 4 ACCORDANCE WITH THIS PARAGRAPH.
- 5 (II) THE NOTICE SHALL BE POSTED ON THE PREMISES DESCRIBED
- 6 IN THE APPLICATION.
- 7 (III) THE BOARD SHALL HOLD A PUBLIC HEARING ON EACH
- 8 REQUEST LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE BOARD
- 9 RECEIVES.
- 10 (IV) THE BOARD SHALL USE THE STANDARDS LISTED IN
- 11 SUBSECTION (A)(2) OF THIS SECTION IN DECIDING WHETHER TO APPROVE A
- 12 REQUEST MADE UNDER THIS PARAGRAPH.
- 13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
- 14 measure, is necessary for the immediate preservation of the public health and safety,
- 15 has been passed by a yea and nay vote supported by three-fifths of all the members
- 16 elected to each of the two Houses of the General Assembly, and shall take effect from
- 17 the date it is enacted.