

SENATE BILL 304
EMERGENCY BILL

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A2

1998 Regular Session
8r1475

By: **Senator McFadden**

Introduced and read first time: February 4, 1998

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 1998

CHAPTER _____

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
4 to advertise and post notice on receipt of the application for certain licenses and
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
7 certain requests; requiring the Board to use certain standards in deciding
8 whether to approve certain requests; making this Act an emergency measure;
9 and generally relating to alcoholic beverages licenses in Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 10-202(a)(2)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 10-202(e)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

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

1 **Article 2B - Alcoholic Beverages**

2 10-202.

3 (a) (2) (i) The application shall be disapproved and the license for which
4 application is made shall be refused if the Board of License Commissioners for the
5 City or any county determines that:

- 6 1. The granting of the license is not necessary for the
7 accommodation of the public;
- 8 2. The applicant is not a fit person to receive the license for
9 which application is made;
- 10 3. The applicant has made a material false statement in his
11 application;
- 12 4. The applicant has practiced fraud in connection with the
13 application;
- 14 5. The operation of the business, if the license is granted, will
15 unduly disturb the peace of the residents of the neighborhood in which the place of
16 business is to be located; or
- 17 6. There are other reasons, in the discretion of the Board,
18 why the license should not be issued.

19 (ii) If no such findings are made by the Board, then the application
20 shall be approved and the license issuing authority shall issue the license for which
21 application is made upon payment of the fee required to the local collecting agent.

22 (e) (1) In Baltimore City if it appears that more than 50 percent in numbers
23 of the owners of real or leasehold property situated within 200 feet of the place of
24 business for which application is made are opposed to the granting of the license, or if
25 more than 50 percent of those owners and tenants in combination of real or leasehold
26 property located within 200 feet of the place of business for which an application for a
27 license is made are opposed to the granting of the license, then the application may
28 not be approved, and the license applied for shall be refused. This subsection does not
29 apply to any application for license by way of renewal or by way of transfer for the
30 same premises. This subsection does apply to an application for a license transfer
31 when the license to be transferred is of a broader scope or more permissive class than
32 the license presently issued for the same premises. For the purpose of this subsection
33 "owners of real or leasehold property" includes holders of leasehold improvements
34 upon ground rents, the City of Baltimore and the State of Maryland but excludes the
35 owner of the subject premises. For the purpose of this subsection, a tenant is a person
36 who rents a single-family dwelling and is residing there for at least one year
37 immediately preceding the hearing of the Board. Should any owner of the dwelling
38 participate as a protestant or proponent of the application, then the owner(s) and the
39 tenant of the dwelling shall each have one-half vote. In case of property rented
40 jointly, if one tenant appears in person at the hearing as a protestant, the other

1 tenant's protest may be recorded by an affidavit. The City of Baltimore and the State
2 of Maryland each shall be included as an owner of real or leasehold property when it
3 owns title to a building, and it may protest through an authorized representative of
4 the Mayor and City Council. If the City of Baltimore or the State of Maryland owns
5 more than one building within 200 feet of the place of business for which application
6 is made, then only the building of each which is closest to the place of business for
7 which application is made may be the basis for making protest under this subsection.

8 (2) (I) ON RECEIPT OF AN APPLICATION FOR A NEW LICENSE, A
9 TRANSFER OF A LICENSE, A CHANGE IN THE CLASS OF THE LICENSE, A REQUEST FOR
10 LIVE ENTERTAINMENT ON THE LICENSED PREMISES, OR AN EXTENSION OF THE
11 LICENSED PREMISES, THE BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE
12 CITY SHALL ADVERTISE AND POST NOTICE OF THE APPLICATION OR REQUEST IN
13 ACCORDANCE WITH THIS PARAGRAPH.

14 (II) THE NOTICE SHALL BE POSTED ON THE PREMISES DESCRIBED
15 IN THE APPLICATION.

16 (III) THE BOARD SHALL HOLD A PUBLIC HEARING ON EACH
17 ~~REQUEST LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE BOARD~~
18 ~~RECEIVES FOR A NEW LICENSE, A CHANGE IN THE CLASS OF LICENSE, A REQUEST OF~~
19 LIVE ENTERTAINMENT, OR AN EXPANSION OF THE LICENSED PREMISES.

20 (IV) THE BOARD SHALL HOLD A PUBLIC HEARING ON THE
21 TRANSFER OF OWNERSHIP OF A LICENSE WHEN THE TRANSFER INCLUDES A
22 TRANSFER OF LOCATION, OR THE PREMISES HAVE BEEN CLOSED FOR MORE THAN 90
23 DAYS, EXCEPT WHERE THE CLOSING IS CAUSED BY FIRE, CASUALTY, OR ACT OF GOD
24 OR WHEN THE TRANSFER IS DUE TO AN ACTION OF A CREDITOR.

25 ~~(IV)~~ (V) THE BOARD SHALL USE THE STANDARDS LISTED IN
26 SUBSECTION (A)(2) OF THIS SECTION IN DECIDING WHETHER TO APPROVE A
27 REQUEST MADE UNDER THIS PARAGRAPH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health and safety,
30 has been passed by a ye and nay vote supported by three-fifths of all the members
31 elected to each of the two Houses of the General Assembly, and shall take effect from
32 the date it is enacted.