Unofficial Copy A2 2003 Regular Session 3lr0911

By: St. Mary's County Delegation Introduced and read first time: February 7, 2003 Assigned to: Economic Matters A BILL ENTITLED 1 AN ACT concerning 2 St. Mary's County - Alcoholic Beverages - License Applications 3 FOR the purpose of making applicable to the Alcohol Beverage Board of St. Mary's County the requirement that an application for an alcoholic beverages license 4 5 must be disapproved if certain findings are made and must be approved if the 6 findings are not made; and generally relating to applications for alcoholic beverages licenses in St. Mary's County. 7 BY repealing and reenacting, with amendments, 8 Article 2B - Alcoholic Beverages 9 10 Section 10-202(a) Annotated Code of Maryland 11 12 (2001 Replacement Volume and 2002 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 13 14 MARYLAND, That the Laws of Maryland read as follows: 15 **Article 2B - Alcoholic Beverages** 16 10-202. 17 (a) Before the Board of License Commissioners for Baltimore City (1) (i) 18 or any county approves any application for a license, the Board shall cause a notice of 19 the application to be published two times in two successive weeks: 20 For Baltimore City licensee applicants - in three 1. 21 newspapers of general circulation in Baltimore City. 22 For county licensee applicants - in two newspapers of 2. 23 general circulation in the county where two newspapers are published, and if not, 24 then in one newspaper having a general circulation in the county. 25 The notice shall specify the name of the applicant, the kind of (ii)

26 license for which application is made, the location of the place of business proposed to 27 be licensed, and the time and place fixed by the board for a hearing on the application.

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1 2	after the last publication.) The he	earing may r	not be less than se	ven nor more than	30 days
	(iv) or on any postponement o question.				hearing on the app ther side of the	olication
6 7	(2) (i) County, or St. Mary's Cou	-	aragraph do	es not apply in Ba	altimore City, Harfo	ord
8 9	shall consider:	Before	approving	an application and	d issuing a license,	the board
10		1.	The publ	ic need and desire	for the license;	
11 12	potential effect on existin	2. ig licensees of			of existing licensees	and the
13 14	and products to be offered	3. d by the appl			or uniqueness of the	he services
	the community, including convenience; and	4. g issues relat			health, safety, and s, parking, or	welfare of
18		5.	Any othe	r necessary factor	s as determined by	the board.
19 20	[(iii		(I)	THIS PARAGRA	PH DOES NOT A	PPLY IN BALTIMORI
	(II) The application shall be disapproved and the license for which application is made shall be refused if the Board of License Commissioners for the City or any county determines that:					
24 25	accommodation of the pu	1. ıblic;	The gran	ting of the license	is not necessary fo	or the
26 27	which application is made	2. e;	The appli	icant is not a fit po	erson to receive the	license for
28 29	application;	3.	The appli	icant has made a r	naterial false staten	nent in his
30 31	application;	4.	The appli	icant has practiced	d fraud in connection	on with the
	unduly disturb the peace business is to be located;				ess, if the license is nich the place of	granted, will

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1 2	6. There are other reasons, in the discretion of the board, why the license should not be issued.					
5	[(iv)] (III) Except as otherwise provided in this section, if no such findings are made by the board, then the application shall be approved and the license issuing authority shall issue the license for which application is made upon payment of the fee required to the local collecting agent.					
7 8	[(3)] (4) The provisions of this paragraph apply to the subdivisions listed and supersede conflicting provisions elsewhere in this subsection:					
11 12	(i) Baltimore City - The Board of License Commissioners shall issue a certificate of approval for presentation to the Director of Finance, who may not issue a license unless and until there is presented to the Director also a certificate, issued by the Bureau of Assessments, that shows that there are no unpaid taxes due the City or State on the merchandise, fixtures, and stock of the applicant.					
	(ii) Caroline County - If it approves the application, the Board of License Commissioners, rather than the clerk, shall issue the license after the applicant pays the fee.					
	(iii) Carroll County - If it approves the application, the Board of License Commissioners, rather than the clerk, shall issue the license after the applicant pays the fee.					
	(iv) Howard County - If it approves the application, the Board of License Commissioners, rather than the clerk, shall issue the license after the applicant pays the fee to the Director of Finance.					
23 24	(v) 1. Prince George's County - The certificate of approval may not be presented to nor payment made to the clerk of the court.					
	2. The application shall be approved and the license for which application is made shall be granted if at least three members of the Board of License Commissioners determine that:					
28 29	A. The granting of the license is necessary for the accommodation of the public;					
30 31	B. The applicant is a fit person to receive the license for which application is made;					
32 33	C. The applicant has not made a material false statement in the application;					
34 35	D. The applicant has not practiced fraud in connection with the application or the operation of the business;					

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	E. The operation of the business, if the license is granted, will not unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located; and				
5	of business is to be rocated, and				
4	F. There are no other reasons, in the discretion of the Board,				
5	why the license should not be issued.				
6	3. If these findings are made by at least three members of				
7	7 the Board, then the application shall be approved and the Board shall issue its				
8	8 certificate of approval. The Board shall issue the license for which application is made				
9	9 upon presentation of the certificate and payment of the required fee to the County				
10	Treasurer, and the Board shall maintain a record of licenses issued.				

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 12 effect October 1, 2003.