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By: St. Mary's County Delegation Introduced and read first time: February 7, 2003 Assigned to: Economic Matters Committee Report: Favorable with amendments House action: Adopted Read second time: March 11, 2003						
1 AN ACT concerning						
2 St. Mary's County - Alcoholic Beverages - License Applications						
FOR the purpose of making applicable to the Alcohol Beverage Board of St. Mary's County the requirement requirements that the board must consider certain factors before approving an application for an alcoholic beverages license, that the application must be disapproved if certain findings are made, and that the application must be approved if the findings are not made; and generally relating to applications for alcoholic beverages licenses in St. Mary's County.						
9 BY repealing and reenacting, with amendments, 10 Article 2B - Alcoholic Beverages 11 Section 10-202(a) 12 Annotated Code of Maryland 13 (2001 Replacement Volume and 2002 Supplement)						
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
16 Article 2B - Alcoholic Beverages						
17 10-202.						
18 (a) (1) (i) Before the Board of License Commissioners for Baltimore City 19 or any county approves any application for a license, the Board shall cause a notice of 20 the application to be published two times in two successive weeks:						
21 1. For Baltimore City licensee applicants - in three 22 newspapers of general circulation in Baltimore City.						

HOUSE BILL 740

	general circulation in the count then in one newspaper having a	y where t	For county licensee applicants - in two newspapers of two newspapers are published, and if not, circulation in the county.				
	(ii) The notice shall specify the name of the applicant, the kind of license for which application is made, the location of the place of business proposed to be licensed, and the time and place fixed by the board for a hearing on the application.						
7 8	(iii) after the last publication.	The hear	aring may not be less than seven nor more than 30 days				
	(iv) or on any postponement of the question.		ime fixed by the notice for a hearing on the application by person shall be heard on either side of the				
12 13	(2) (i) County , or St. Mary's County .	This para	ragraph does not apply in Baltimore City , OR Harford				
14 15	(ii) shall consider:	Before a	approving an application and issuing a license, the board				
16		1.	The public need and desire for the license;				
17 18	potential effect on existing lice		The number and location of existing licensees and the fthe license applied for;				
19 20	and products to be offered by	3. the applic	The potential commonality or uniqueness of the services cant's business;				
	the community, including issu convenience; and	4. es relatin	The impact on the general health, safety, and welfare of ng to crime, traffic conditions, parking, or				
24		5.	Any other necessary factors as determined by the board.				
25 26	[(iii)] CITY OR HARFORD COUN	(3) TY.	(I) THIS PARAGRAPH DOES NOT APPLY IN BALTIMORE				
	(II) application is made shall be re City or any county determines	fused if the	olication shall be disapproved and the license for which the Board of License Commissioners for the				
30 31	accommodation of the public;	1.	The granting of the license is not necessary for the				
32 33	which application is made;	2.	The applicant is not a fit person to receive the license for				
34 35	application;	3.	The applicant has made a material false statement in his				

HOUSE BILL 740

1 2	application;	4.	The applicant has practiced fraud in connection with the			
		5. residents	The operation of the business, if the license is granted, will s of the neighborhood in which the place of			
6 7	why the license should not be is	6. ssued.	There are other reasons, in the discretion of the board,			
10		issue the	Except as otherwise provided in this section, if no such application shall be approved and the license for which application is made upon collecting agent.			
12 13	and supersede conflicting prov	The provisions ele	visions of this paragraph apply to the subdivisions listed sewhere in this subsection:			
16 17	(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.					
			County - If it approves the application, the Board of e clerk, shall issue the license after the			
		than the	County - If it approves the application, the Board of e clerk, shall issue the license after the Finance.			
28 29	(v) not be presented to nor paymen	1. nt made t	Prince George's County - The certificate of approval may 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:					
33 34	accommodation of the public;	A.	The granting of the license is necessary for the			
35 36	which application is made;	B.	The applicant is a fit person to receive the license for			

HOUSE BILL 740

1 2 the application;	C.	The applicant has not made a material false statement in		
3 4 the application or the operat	D. ion of the	The applicant has not practiced fraud in connection with business;		
5 E. The operation of the business, if the license is granted, will 6 not unduly disturb the peace of the residents of the neighborhood in which the place 7 of business is to be located; and				
8 9 why the license should not be	F. be issued.	There are no other reasons, in the discretion of the Board,		
12 certificate of approval. The	Board sha rtificate ar	If these findings are made by at least three members of the approved and the Board shall issue its all issue the license for which application is made and payment of the required fee to the County aim a record of licenses issued.		
15 SECTION 2. AND BE 16 effect October 1, 2003.	IT FURT	THER ENACTED, That this Act shall take		