
By: **Delegate Edwards**

Introduced and read first time: February 2, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2005

CHAPTER _____

1 AN ACT concerning

2 **Garrett County - Special Event Permit**

3 FOR the purpose of authorizing the County Commissioners of Garrett County to
 4 require any person seeking to hold a special event in the county to obtain a
 5 permit from the ~~Clerk of the Circuit Court~~ County Commissioners of Garrett
 6 County; defining a term; authorizing the County Commissioners to set a fee for
 7 the permit, to require the posting of certain security, and to adopt certain
 8 regulations; establishing certain penalties; and generally relating to a permit for
 9 special events in Garrett County.

10 BY repealing

11 The Public Local Laws of Garrett County

12 Section 5-1 and 5-2

13 Article 12 - Public Local Laws of Maryland

14 (1985 Edition and October 2001 Supplement, as amended)

15 BY adding to

16 The Public Local Laws of Garrett County

17 Section 5-1 to be under the amended chapter "Chapter 5. Special Event
 18 Licenses"

19 Article 12 - Public Local Laws of Maryland

20 (1985 Edition and October 2001 Supplement, as amended)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

1

Article 12 - Garrett County

2

Chapter 5

3

[Amusement] SPECIAL EVENT Licenses

4 [5-1.

5 A. License required; fee; penalty. No person, firm, association or corporation
6 shall give any circus, carnival, sporting or theatrical performance or amusement of
7 any kind for which an admission is charged in the open air or under a tent or other
8 temporary enclosure without first securing a license therefor from the Clerk of the
9 Circuit Court of Garrett County. Said license shall be ten dollars (\$10.) for the first
10 tent or enclosure and five dollars (\$5.) for each additional tent or enclosure, plus a fee
11 of fifty cents (\$0.50) to cover the cost of issuance. Any person, firm, association or
12 corporation violating the provisions of this section shall be guilty of a misdemeanor
13 and, upon conviction thereof, shall be punished by a fine of not less than twenty-five
14 dollars (\$25.) nor more than one hundred dollars (\$100.).

15 B. Applicability. The provisions of this section shall not apply to religious,
16 fraternal or agricultural associations holding fairs, carnivals or amusements where
17 the proceeds derived therefrom are used to further the work of said associations.]

18 [5-2.

19 A. License required; fee; exception; issuance. Every person or corporation that
20 shall maintain a dance hall or floor or shall hereafter hold in Garrett County any
21 dance, picnic or other form of amusement or entertainment for pecuniary profit and
22 gain to said person, persons or corporation for which no license is now provided by law
23 shall, before operating said dance hall or floor or giving or holding any dance, picnic or
24 other form of amusement or entertainment, first obtain from the Clerk of the Circuit
25 Court for Garrett County, Maryland, a license or permit therefore, for which said
26 Clerk shall charge a fee of fifty dollars (\$50.) per annum, except that in the case of
27 restaurants or other places of business maintaining a dance floor on which not more
28 than three (3) couples are permitted to dance at any one time and for which no
29 orchestra is provided, the fee for said license shall be ten dollars (\$10.) per annum;
30 provided, however, that no dance shall be held on Sunday. The Clerk of the Court
31 shall pay all receipts from said licenses to the County Treasurer for the use of Garrett
32 County. Every license issued hereunder shall be dated as of the date of issue and shall
33 expire at the end of the 30th day of April next after its issuance, and when issued at
34 any time after the beginning of the license year, the fee therefor shall be at the rate of
35 one-twelfth (1/12) of the full license fee for each month or part of a month between
36 the date of issue and the date of expiration.

37 B. Inspection authorized. Before the license shall be granted, the applicant
38 shall file with the Clerk of the Court a statement, duly executed and acknowledged by
39 the owner of the premises in which the dance, amusement or entertainment is to be
40 conducted, authorizing the County Commissioners or any peace officer of Garrett
41 County to inspect and search, without warrant, the premises upon which said dance,

1 amusement or entertainment is being conducted and any and all parts of the building
2 in which the same is being conducted during the hours in which the dance,
3 amusement or entertainment is being given.

4 C. Penalties; exception. Any person or corporation who shall violate the
5 provisions of this section shall be deemed guilty of a misdemeanor and, upon
6 conviction thereof, shall be punished by a fine of not less than twenty-five dollars
7 (\$25.) nor more than one hundred dollars (\$100.), and in default of the payment
8 thereof, shall be sentenced to the county jail for a period of not less than sixty (60)
9 days nor more than six (6) months; provided, however, that nothing in this section
10 shall apply to any such entertainment given or held for religious, educational or
11 fraternal organizations nor to volunteer fire departments giving or sponsoring any of
12 the forms of amusement or entertainment mentioned herein.]

13 5-1.

14 (A) IN THIS SECTION, "SPECIAL EVENT" MEANS A GATHERING THAT:

15 (1) IS OPEN TO THE PUBLIC;

16 (2) IS EXPECTED TO HAVE AN ATTENDANCE OF 250 OR MORE
17 INDIVIDUALS;

18 (3) IS NOT HELD ON A REGULAR BASIS;

19 (4) MAY OR MAY NOT INCLUDE AN ADMISSION CHARGE; AND

20 (5) INCLUDES THE SALE OF FOOD OR BEVERAGE FOR PUBLIC
21 CONSUMPTION.

22 (B) THE COUNTY COMMISSIONERS OF GARRETT COUNTY ARE HEREBY
23 AUTHORIZED TO REQUIRE ANY PERSON SEEKING TO HOLD A SPECIAL EVENT IN THE
24 COUNTY TO OBTAIN A PERMIT FROM THE ~~CLERK OF THE CIRCUIT COURT~~ COUNTY
25 COMMISSIONERS OF GARRETT COUNTY.

26 (C) THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY:

27 (1) SET A REASONABLE FEE FOR THE PERMIT; AND

28 (2) REQUIRE THE PERSON THAT SECURES A PERMIT TO POST A BOND OR
29 OTHER SECURITY.

30 (D) THE COUNTY COMMISSIONERS OF GARRETT COUNTY MAY ADOPT
31 REGULATIONS TO IMPLEMENT THIS SECTION.

32 (E) A PERSON WHO SPONSORS OR HOLDS A SPECIAL EVENT IN VIOLATION OF
33 THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO
34 A PENALTY OF NOT LESS THAN \$25 NOR MORE THAN \$100 OR CONFINEMENT IN THE
35 COUNTY JAIL FOR NOT LESS THAN 60 DAYS NOR MORE THAN 6 MONTHS OR BOTH.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2005.