
By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages - Informational Notices**
3 **PG 343-05**

4 FOR the purpose of requiring that a person in Prince George's County who applies for
5 an alcoholic beverages license or license transfer or who makes a certain request
6 of the Board of License Commissioners must first obtain a certain application or
7 request number and send an informational notice to governing bodies of certain
8 municipal corporations; requiring that the number be obtained and the
9 informational notice be sent during a certain time frame; requiring that a
10 person submit a certain affidavit of mailing; specifying the contents of an
11 informational notice; specifying certain actions that certain governing bodies
12 may take under certain circumstances; specifying the actions that the Board
13 may take after the Board determines that informational notice requirements
14 are met or are not met; requiring the Board to adopt regulations for a certain
15 purpose; making stylistic changes; defining certain terms; and generally
16 relating to informational notices in Prince George's County in connection with
17 certain proceedings related to alcoholic beverages licenses.

18 BY repealing and reenacting, with amendments,
19 Article 2B - Alcoholic Beverages
20 Section 10-202(i)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2004 Supplement)

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

25 **Article 2B - Alcoholic Beverages**

26 10-202.

27 (i) (1) (I) In Prince George's County, if the applicant proposes to do
28 business in an incorporated town, written notice of the application shall be given to
29 the governing body of the [municipality] MUNICIPAL CORPORATION.

1 (II) The [municipality] MUNICIPAL CORPORATION has standing to
2 appear at any hearing before the Board of License Commissioners.

3 (III) If it appears that more than 50 percent in numbers of the
4 owners of real or a leasehold property situated within 1,000 feet of the place of
5 business for which application is made are opposed to the granting of the license, then
6 the application may not be approved, and the license applied for shall be refused.

7 (IV) The provisions of [the preceding sentence] SUBPARAGRAPH (III)
8 OF THIS PARAGRAPH do not apply to any application for license by way of renewal or
9 by way of transfer for the same premises.

10 (2) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 2. "APPLICATION" MEANS AN APPLICATION FOR AN
13 ALCOHOLIC BEVERAGES LICENSE OR TRANSFER OF A LICENSE.

14 3. "BOARD" MEANS THE BOARD OF LICENSE
15 COMMISSIONERS FOR PRINCE GEORGE'S COUNTY.

16 4. "REQUEST" MEANS A REQUEST THAT THE BOARD DENY A
17 LICENSE, REPRIMAND A LICENSEE, SUSPEND OR REVOKE A LICENSE, OR TAKE ANY
18 OTHER ACTION CONCERNING THE SALE OF ALCOHOLIC BEVERAGES OR A LICENSEE.

19 (II) AT LEAST 30 BUT NOT MORE THAN 90 DAYS BEFORE A PERSON
20 SUBMITS AN APPLICATION OR REQUEST TO THE BOARD, THE PERSON SHALL OBTAIN
21 AN APPLICATION OR REQUEST NUMBER FROM THE BOARD AND SEND AN
22 INFORMATIONAL NOTICE TO THE GOVERNING BODY OF EACH MUNICIPAL
23 CORPORATION WITHIN A 1-MILE RADIUS OF THE PREMISES THAT IS THE SUBJECT OF
24 THE APPLICATION OR REQUEST.

25 (III) THE PERSON SHALL SUBMIT WITH THE APPLICATION OR
26 REQUEST AN AFFIDAVIT OF MAILING THAT INCLUDES THE NAMES AND ADDRESSES
27 OF ALL GOVERNING BODIES THAT WERE SENT INFORMATIONAL NOTICES AND THE
28 DATES ON WHICH THE INFORMATIONAL NOTICES WERE SENT.

29 (IV) AN INFORMATIONAL NOTICE SHALL CONTAIN AT LEAST:

30 1. THE APPLICATION OR REQUEST NUMBER;

31 2. A STATEMENT OF THE PURPOSE OF THE APPLICATION OR
32 REQUEST;

33 3. A DESCRIPTION AND THE LOCATION OF THE PREMISES
34 THAT IS THE SUBJECT OF THE APPLICATION OR REQUEST;

35 4. THE ADDRESS AND TELEPHONE NUMBER OF THE BOARD;

1 5. THE TELEPHONE NUMBER OF THE PERSON WHO SENT
2 THE INFORMATIONAL NOTICE AND A STATEMENT THAT THE PERSON, IF ASKED,
3 WILL EXPLAIN FURTHER THE APPLICATION OR REQUEST; AND

4 6. A STATEMENT THAT A GOVERNMENT AGENCY HAS NOT
5 YET RULED ON THE APPLICATION OR REQUEST.

6 (V) THE GOVERNING BODY OF A MUNICIPAL CORPORATION THAT
7 IS ENTITLED TO AN INFORMATIONAL NOTICE MAY:

8 1. WAIVE THE REQUIREMENT OF AN INFORMATIONAL
9 NOTICE; OR

10 2. ASK FOR A COPY OF THE APPLICATION OR REQUEST FROM
11 THE PERSON THAT SENT THE INFORMATIONAL NOTICE.

12 (VI) 1. IF THE BOARD DETERMINES THAT THE INFORMATIONAL
13 NOTICE REQUIREMENTS FOR AN APPLICATION OR REQUEST UNDER THIS
14 PARAGRAPH ARE MET, THE BOARD MAY HOLD A HEARING ON THE APPLICATION IN
15 ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION OR ON THE
16 REQUEST UNDER REGULATIONS IT ADOPTS.

17 2. IF THE BOARD DETERMINES THAT THE INFORMATIONAL
18 NOTICE REQUIREMENTS FOR AN APPLICATION OR REQUEST UNDER THIS
19 PARAGRAPH ARE NOT MET, THE BOARD MAY REJECT THE APPLICATION OR DENY
20 THE REQUEST.

21 (VII) ON OR BEFORE JANUARY 1, 2006, THE BOARD SHALL ADOPT
22 REGULATIONS TO CARRY OUT THIS PARAGRAPH.

23 [(2)] (3) An application must be submitted not less than 60 days prior to
24 the date set for a hearing for a new license or a transfer hearing.

25 [(3)] (4) (i) In Prince George's County, the Board of License
26 Commissioners may adopt a calendar for establishing the following dates for the
27 issuance of licenses:

28 1. A hearing date;

29 2. An application filing date; and

30 3. An application filing deadline date.

31 (ii) 1. The Board of License Commissioners shall determine the
32 number of licenses of each class that may be applied for at a hearing.

33 2. The number of licenses that the Board makes available for
34 issuance at a hearing may be less than the total number of licenses in each class that
35 remain unissued by the Board.

1 (iii) 1. The Board of License Commissioners shall post a hearing
2 notice in not less than 2 newspapers of general circulation in Prince George's County.

3 2. The hearing notice shall be posted not less than 30 days
4 before the filing deadline date for the hearing.

5 3. The notice shall contain:

6 A. The number of licenses of each class that are available for
7 issuance;

8 B. A description of each of these classes of licenses;

9 C. The filing deadline for the hearing; and

10 D. The scheduled hearing date.

11 (iv) If after a hearing, there are more applicants who are qualified
12 for the issuance of a license than there are licenses of that class authorized to be
13 issued at that hearing, then the Board of License Commissioners shall determine the
14 applicants who are best qualified to be licensees.

15 (v) The Board may not grant any additional licenses of any class
16 that were not determined and posted as available for the hearing under this section.

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