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By: **Senator Della**

Introduced and read first time: January 30, 2006

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 14, 2006

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - License Application Procedures**

3 FOR the purpose of making applicable to the Board of Liquor License Commissioners  
4 for Baltimore City the requirements that the board must consider certain factors  
5 before approving an application for an alcoholic beverages license, that the  
6 application must be disapproved if certain findings are made, and that the  
7 application must be approved if the findings are not made; and generally  
8 relating to applications for alcoholic beverages licenses in Baltimore City.

9 BY repealing and reenacting, with amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 10-202(a)(2)  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume)

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

16 **Article 2B - Alcoholic Beverages**

17 10-202.

18 (a) (2) (i) This paragraph does not apply in [Baltimore City or] Harford  
19 County.

20 (ii) Before approving an application and issuing a license, the board  
21 shall consider:

- 1                                   1.       The public need and desire for the license;
  - 2                                   2.       The number and location of existing licensees and the  
3 potential effect on existing licensees of the license applied for;
  - 4                                   3.       The potential commonality or uniqueness of the services  
5 and products to be offered by the applicant's business;
  - 6                                   4.       The impact on the general health, safety, and welfare of  
7 the community, including issues relating to crime, traffic conditions, parking, or  
8 convenience; and
  - 9                                   5.       Any other necessary factors as determined by the board.
- 10                           (iii)     The application shall be disapproved and the license for which  
11 application is made shall be refused if the Board of License Commissioners for the  
12 City or any county determines that:
- 13                                   1.       The granting of the license is not necessary for the  
14 accommodation of the public;
  - 15                                   2.       The applicant is not a fit person to receive the license for  
16 which application is made;
  - 17                                   3.       The applicant has made a material false statement in his  
18 application;
  - 19                                   4.       The applicant has practiced fraud in connection with the  
20 application;
  - 21                                   5.       The operation of the business, if the license is granted, will  
22 unduly disturb the peace of the residents of the neighborhood in which the place of  
23 business is to be located; or
  - 24                                   6.       There are other reasons, in the discretion of the board,  
25 why the license should not be issued.

26                           (iv)     Except as otherwise provided in this section, if no such findings  
27 are made by the board, then the application shall be approved and the license issuing  
28 authority shall issue the license for which application is made upon payment of the  
29 fee required to the local collecting agent.

30     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 June 1, 2006.

