

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

Senate Bill 344

(Senator Della)

Education, Health, and Environmental Affairs

Economic Matters

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

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This bill requires the Baltimore City Board of Liquor License Commissioners to consider, before approving an application and issuing an alcoholic beverages license: (1) the public need and desire for the license; (2) the number and location of existing licenses and the potential effect on existing licensees of the license applied for; (3) the potential commonality or uniqueness of the services and products to be offered by the applicant's business; (4) the impact on the general health, safety, and welfare of the community; and (5) any other necessary factors as determined by the board.

The bill takes effect June 1, 2006.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** The bill's provisions are procedural in nature and would not materially impact Baltimore City finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The license application must be disapproved and the license for which the application is made must be refused if the board finds that (1) the granting of the license is not necessary for the accommodation of the public; (2) the applicant is not fit to receive the license; (3) the applicant has made a material false statement in the

application; (4) the applicant has practiced fraud in connection with the application; (5) the operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the establishment is to be located; or (6) there are other reasons, in the board's discretion, why the license should not be issued.

**Current Law:** Before the Baltimore City Board of Liquor License Commissioners approves any application for a license, the board must publish a notice of the application two times in two successive weeks in three newspapers of general circulation in the city.

In Baltimore City, if it appears that more than 50% of the owners of real or leasehold property or a combination of owners and tenants located within 200 feet of a place of business for which an alcoholic beverages license is applied are opposed to the granting of the license, the license application may not be approved. However, this restriction does not apply to the application for a license by way of renewal or transfer for the same premises. However, these restrictions do apply to a license transfer if the license to be transferred is of a broader scope or more permissive class than the license presently issued for the same premises.

Upon receipt of an application for a new license, a license transfer, a license class change, a request for live entertainment on the licensed premises, or an extension of the licensed premises, the Baltimore City Board of Liquor License Commissioners must advertise and post notice of the application or request. The board must hold a public hearing on each request for a new license, a license class change, a request for live entertainment, or an expansion of the licensed premises. The board must also hold a public hearing on the transfer of ownership of a license when the transfer includes a transfer of location or the premises have been closed for at least 90 days, except where the closing is caused by fire, casualty, act of God, or when the transfer is due to the action of a creditor.

**Background:** The Baltimore City Board of Liquor License Commissioners advises that it follows these standards on license transfers where a hearing is required and where public need and accommodation are issues.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2006  
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