

Chapter 662

(House Bill 392)

AN ACT concerning

Baltimore City – Alcoholic Beverages Licenses – Memorandum of Understanding

FOR the purpose of ~~requiring~~ *authorizing* the Baltimore City Board of Liquor License Commissioners to make the issuance and renewal of certain alcoholic beverages licenses conditional on the *substantial* compliance of the license holder with a certain memorandum of understanding; making certain stylistic changes; establishing that the existence of a certain memorandum does not affect any requirement of any individuals to file a certain protest; *defining a certain term*; and generally relating to the issuance of alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–104(a) and (d)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

10–104.

(a) [The following requirements] **A REQUIREMENT** for AN application for [county licenses] **A LICENSE IN THIS SECTION** shall be applicable in [these counties,] **A COUNTY OR BALTIMORE CITY** as AN additional [requirements] **REQUIREMENT** except where inconsistent with [those listed elsewhere] **A REQUIREMENT OTHERWISE PROVIDED** in this subtitle[:].

(d) **(1)** In Baltimore City the certificate shall be signed by at least three citizens who shall be owners of real estate and registered voters of the City, setting forth a statement that the applicant is personally known to them and has been a resident or a taxpayer of the City for two years and a resident of the State of Maryland for two years preceding the presentation to them of the application, and in the case of a corporation at least one of the applicants is personally known to them and has been a resident or taxpayer of the City for a period of at least two years and a resident of the State of Maryland for two years preceding the presentation to them of the

application and is a registered voter; and in the case of a partnership that all members of the partnership have been residents or taxpayers of the City for at least a period of two years and a resident of the State of Maryland for two years preceding the presentation of the application to them.

(2) (I) IN THIS PARAGRAPH, “COMMUNITY ASSOCIATION” MEANS:

1. A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT IS:

A. COMPOSED OF RESIDENTS OF A COMMUNITY WITHIN WHICH A NUISANCE IS LOCATED;

B. OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT; AND

C. EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE; OR

2. A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT IS:

A. COMPOSED OF RESIDENTS OF A CONTIGUOUS COMMUNITY THAT IS DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES, WITHIN WHICH A NUISANCE IS LOCATED;

B. OPERATED FOR THE PROMOTION OF THE WELFARE, IMPROVEMENT, AND ENHANCEMENT OF THAT COMMUNITY; AND

C. IN GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

~~(I)~~ (II) IN BALTIMORE CITY, IF A COMMUNITY ASSOCIATION AND AN APPLICANT FOR THE ISSUANCE OR RENEWAL OF A CLASS B OR D ALCOHOLIC BEVERAGES LICENSE HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING THAT EXPRESSLY ACKNOWLEDGES THE AUTHORITY OF THE BOARD UNDER THIS ARTICLE, THE BOARD OF LIQUOR LICENSE COMMISSIONERS ~~SHALL~~ MAY MAKE THE ISSUANCE OR RENEWAL OF THE LICENSE CONDITIONAL ON THE SUBSTANTIAL COMPLIANCE OF THE APPLICANT WITH THE MEMORANDUM OF UNDERSTANDING.

~~(II)~~ (III) THE EXISTENCE OF A MEMORANDUM OF UNDERSTANDING DOES NOT AFFECT ANY REQUIREMENT OF ANY INDIVIDUALS TO FILE A PROTEST UNDER ~~§§ 10-301 OR 10-403~~ § 10-301 OR § 10-403 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.

Approved by the Governor, May 22, 2012.