

# HOUSE BILL 300

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EMERGENCY BILL

4lr0842

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By: **Charles County Delegation**

Introduced and read first time: January 21, 2014

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Alcoholic Beverages – Licenses**

3 FOR the purpose of specifying that a certain provision of law that prohibits the  
4 Charles County Board of License Commissioners from issuing certain licenses  
5 to sell alcoholic beverages in any building located within a certain distance of  
6 the property line of certain schools applies to licenses with on–sale privileges;  
7 prohibiting the Board of License Commissioners from issuing certain licenses  
8 with off–sale privileges to sell alcoholic beverages in any building located within  
9 a certain distance of the property line of certain schools; specifying that certain  
10 provisions of law do not apply to, affect, or prohibit the renewal or transfer of  
11 certain alcoholic beverages licenses issued prior to a certain date; requiring that  
12 certain contact information be included on a sign the Charles County Board of  
13 License Commissioners is required to supply to certain applicants for alcoholic  
14 beverages licenses; requiring certain license applicants, under certain  
15 circumstances, to post an additional notice on certain premises at a location  
16 that is easily accessible to the public; making stylistic changes; making this Act  
17 an emergency measure; and generally relating to alcoholic beverages licenses in  
18 Charles County.

19 BY repealing and reenacting, without amendments,  
20 Article 2B – Alcoholic Beverages  
21 Section 9–209(a) and (c) and 10–202(a)(1) and (2) and (a–1)  
22 Annotated Code of Maryland  
23 (2011 Replacement Volume and 2013 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article 2B – Alcoholic Beverages  
26 Section 9–209(d) and (e) and 10–202(b)(3)  
27 Annotated Code of Maryland  
28 (2011 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 2B – Alcoholic Beverages**

4 9–209.

5 (a) This section applies only in Charles County.

6 (c) When application for a liquor license is made to sell alcoholic beverages  
7 in a building which is not completed, the Board of License Commissioners may give  
8 tentative approval of the application on the basis of plans and specifications  
9 accompanying the application. Upon completion of the building in accordance with the  
10 plans and specifications, the Board may issue the license.

11 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, the  
12 Board of License Commissioners may not issue any license:

13 (I) **WITH AN ON-SALE PRIVILEGE**, to sell alcoholic beverages  
14 in any building the nearest wall of which measured in a direct line is within 500 feet of  
15 the property line of any school accredited by the State Board of Education; **AND**

16 (II) **WITH AN OFF-SALE PRIVILEGE, TO SELL ALCOHOLIC**  
17 **BEVERAGES IN ANY BUILDING THE NEAREST WALL OF WHICH MEASURED IN A**  
18 **DIRECT LINE IS WITHIN 1,000 FEET OF THE PROPERTY LINE OF ANY SCHOOL**  
19 **ACCREDITED BY THE STATE BOARD OF EDUCATION.**

20 (2) This subsection is not applicable in the event the school locates its  
21 building within 500 feet of any licensed premises after the licensed premises are  
22 located there.

23 (3) This subsection does not apply to a Class B (on-sale) beer, wine  
24 and liquor license that is issued for a premises located in a municipal corporation in  
25 Charles County.

26 (e) Subsections (c) and (d) **OF THIS SECTION** do not apply to [or], affect, or  
27 prohibit, in any manner, the renewal or transfer of any license issued prior to [June 1,  
28 1959] **MAY 1, 2014**.

29 10–202.

30 (a) (1) (i) Before the Board of License Commissioners for Baltimore  
31 City or any county approves any application for a license, the Board shall cause a  
32 notice of the application to be published two times in two successive weeks:

1                   1.     For Baltimore City licensee applicants – in three  
2 newspapers of general circulation in Baltimore City.

3                   2.     For county licensee applicants – in two newspapers of  
4 general circulation in the county where two newspapers are published, and if not, then  
5 in one newspaper having a general circulation in the county.

6                   (ii)    The notice shall specify the name of the applicant, the kind  
7 of license for which application is made, the location of the place of business proposed  
8 to be licensed, and the time and place fixed by the board for a hearing on the  
9 application.

10                  (iii)   The hearing may not be less than seven nor more than 30  
11 days after the last publication.

12                  (iv)    At the time fixed by the notice for a hearing on the  
13 application or on any postponement of the time, any person shall be heard on either  
14 side of the question.

15                  (2)    (i)     Before approving an application and issuing a license, the  
16 board shall consider:

17                               1.     The public need and desire for the license;

18                               2.     The number and location of existing licensees and the  
19 potential effect on existing licensees of the license applied for;

20                               3.     The potential commonality or uniqueness of the  
21 services and products to be offered by the applicant's business;

22                               4.     The impact on the general health, safety, and welfare  
23 of the community, including issues relating to crime, traffic conditions, parking, or  
24 convenience; and

25                               5.     Any other necessary factors as determined by the  
26 board.

27                  (ii)    The application shall be disapproved and the license for  
28 which application is made shall be refused if the Board of License Commissioners for  
29 the City or any county determines that:

30                               1.     The granting of the license is not necessary for the  
31 accommodation of the public;

32                               2.     The applicant is not a fit person to receive the license  
33 for which application is made;

1 his application;  
2

3. The applicant has made a material false statement in

3 the application;  
4

4. The applicant has practiced fraud in connection with

5  
6 The operation of the business, if the license is  
7 granted, will unduly disturb the peace of the residents of the neighborhood in which  
the place of business is to be located; or

8  
9 6. There are other reasons, in the discretion of the  
board, why the license should not be issued.

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

14 (a–1) Notwithstanding the provisions of subsection (a) of this section, in  
15 Charles County, before the Board of License Commissioners approves any license, the  
16 Board shall cause notice of the application to be published 2 times in 2 successive  
17 weeks, in 1 newspaper of general circulation in Charles County.

18 (b) (3) (i) In addition to the requirements set forth in subsection (a–1)  
19 of this section in Charles County, upon application for a new license, transfer of an  
20 existing license, or upgrade of an existing license, the applicant shall pay to the Board  
21 of License Commissioners a onetime posting fee of \$35.

22 (ii) The Board shall supply the applicant with the notice on a  
23 sign that:

24 1. Is not less than 12 by 18 inches in size; and

25 2. Includes the following information:

26 A. Class of license for which application is made;

27 B. Name and trade name of the applicant; [and]

28 C. Time, date, and place of the hearing; **AND**

29 **D. CONTACT INFORMATION FOR THE APPLICANT.**

30 (iii) For 20 consecutive days before the hearing, the applicant  
31 shall post the notice in a conspicuous place on the premises described in the  
32 application.

1                   **(iv) IF THE PREMISES DESCRIBED IN THE APPLICATION IS**  
2 **UNDER CONSTRUCTION OR RENOVATION OR IS NOT EASILY ACCESSIBLE TO THE**  
3 **PUBLIC, THE APPLICANT SHALL POST AN ADDITIONAL NOTICE AT A LOCATION**  
4 **ON THE PERIMETER OF THE PREMISES THAT IS EASILY ACCESSIBLE TO THE**  
5 **PUBLIC, SUCH AS:**

- 6                   **1. THE ENTRANCE TO THE PREMISES;**  
7                   **2. A DRIVEWAY TO THE PREMISES; OR**  
8                   **3. THE CURB OF THE PREMISES.**

9                   **[(iv)] (v)** Failure to comply with the posting requirements of  
10 this paragraph (3) shall not divest the Board with jurisdiction to conduct the hearing  
11 and to take action provided the applicant demonstrates by a preponderance of the  
12 evidence that the applicant has substantially complied with the notice requirement.

13                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
14 measure, is necessary for the immediate preservation of the public health or safety,  
15 has been passed by a yea and nay vote supported by three-fifths of all the members  
16 elected to each of the two Houses of the General Assembly, and shall take effect from  
17 the date it is enacted.