

HOUSE BILL 300

A2

EMERGENCY BILL

4lr0842

By: **Charles County Delegation**

Introduced and read first time: January 21, 2014

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2014

CHAPTER _____

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; altering the
12 size of a sign the Charles County Board of License Commissioners is required to
13 supply to certain applicants for alcoholic beverages licenses; requiring that
14 certain contact information be included on a sign the Charles County Board of
15 License Commissioners is required to supply to certain applicants for alcoholic
16 beverages licenses; requiring certain license applicants, under certain
17 circumstances, to post an additional notice on certain premises at a location
18 that is easily accessible to the public; making stylistic changes; making this Act
19 an emergency measure; and generally relating to alcoholic beverages licenses in
20 Charles County.

21 BY repealing and reenacting, without amendments,
22 Article 2B – Alcoholic Beverages
23 Section 9–209(a) and (c) and 10–202(a)(1) and (2) and (a–1)
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2011 Replacement Volume and 2013 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article 2B – Alcoholic Beverages
4 Section 9–209(d) and (e) and 10–202(b)(3)
5 Annotated Code of Maryland
6 (2011 Replacement Volume and 2013 Supplement)

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

9 **Article 2B – Alcoholic Beverages**

10 9–209.

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

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

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

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

22 (II) **WITH AN OFF–SALE PRIVILEGE, TO SELL ALCOHOLIC**
23 **BEVERAGES IN ANY BUILDING THE NEAREST WALL OF WHICH MEASURED IN A**
24 **DIRECT LINE IS WITHIN 1,000 FEET OF THE PROPERTY LINE OF ANY SCHOOL**
25 **ACCREDITED BY THE STATE BOARD OF EDUCATION.**

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

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

32 (e) Subsections (c) and (d) **OF THIS SECTION** do not apply to [or], affect, or
33 prohibit, in any manner, the renewal or transfer of any license issued prior to [June 1,
34 1959] **MAY 1, 2014.**

1 10-202.

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

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

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

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

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

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

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

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

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

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

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

29 5. Any other necessary factors as determined by the
30 board.

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

- 1 1. The granting of the license is not necessary for the
2 accommodation of the public;
- 3 2. The applicant is not a fit person to receive the license
4 for which application is made;
- 5 3. The applicant has made a material false statement in
6 his application;
- 7 4. The applicant has practiced fraud in connection with
8 the application;
- 9 5. The operation of the business, if the license is
10 granted, will unduly disturb the peace of the residents of the neighborhood in which
11 the place of business is to be located; or
- 12 6. There are other reasons, in the discretion of the
13 board, why the license should not be issued.

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

18 (a-1) Notwithstanding the provisions of subsection (a) of this section, in
19 Charles County, before the Board of License Commissioners approves any license, the
20 Board shall cause notice of the application to be published 2 times in 2 successive
21 weeks, in 1 newspaper of general circulation in Charles County.

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

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

- 28 1. Is not less than ~~12 by 18~~ **24 BY 36** inches in size; and
- 29 2. Includes the following information:
- 30 A. Class of license for which application is made;
- 31 B. Name and trade name of the applicant; [and]
- 32 C. Time, date, and place of the hearing; **AND**

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

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

5 **(IV) IF THE PREMISES DESCRIBED IN THE APPLICATION IS**
6 **UNDER CONSTRUCTION OR RENOVATION OR IS NOT EASILY ACCESSIBLE TO THE**
7 **PUBLIC, THE APPLICANT SHALL POST AN ADDITIONAL NOTICE AT A LOCATION**
8 **ON THE PERIMETER OF THE PREMISES THAT IS EASILY ACCESSIBLE TO THE**
9 **PUBLIC, SUCH AS:**

- 10 **1. THE ENTRANCE TO THE PREMISES;**
- 11 **2. A DRIVEWAY TO THE PREMISES; OR**
- 12 **3. THE CURB OF THE PREMISES.**

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.