



Alcoholic Beverage Control Board
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

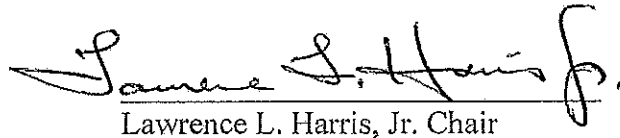
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To: The Mayor and City Council

From: The Alcoholic Beverage Control Board

Date: October 12, 2017

The Alcoholic Beverage Control Board met on October 4, 2017, to discuss O-46-17 and R-31-17. The Board voted in favor of R-31-17 and in favor of, with amendments, O-46-17. Please see the attached Ordinance with recommended amendments.


Lawrence L. Harris, Jr. Chair

1 **..Title**

2 **Temporary Class C Alcoholic Beverage License - Theaters** – For the purpose of establishing
3 criteria for the issuance of a Temporary Class C Alcoholic Beverage License to Theaters
4 CLUBS.

5 **..Body**

6 **CITY COUNCIL OF THE**
7 **City of Annapolis**

8
9 **Ordinance O-46-17**

10
11 **Introduced by: Mayor Pantelides**

12
13 **Referred to**
14 **Alcoholic Beverage Control Board**
15 **Economic Matters Committee**
16 **Finance Committee**

17
18 **AN ORDINANCE** concerning

19
20 **Temporary Class C Alcoholic Beverage License - Theaters**

21
22 **FOR** the purpose of establishing criteria for the issuance of a Temporary Class C Alcoholic
23 Beverage License to Theaters CLUBS

24
25 **BY** repealing and re-enacting with amendments the following portions of the Code of the
26 City of Annapolis, 2017 Edition
27 7.12.330

28
29
30 **WHEREAS**, pursuant to Section 6.16.010 and Section 6.16.050, respectively, the proposed
31 annual budget and schedule of fees was approved by the Mayor and City Council
32 effective July 1, 2017; and

33
34 **WHEREAS**, SECTION 1-101(c) OF THE ALCOHOLIC BEVERAGES ARTICLE OF THE
35 ANNOTATED CODE OF MARYLAND DEFINES A “CLUB” AS A NOT FOR
36 PROFIT ASSOCIATION OR CORPORATION ORGANIZED AND
37 OPERATED EXCLUSIVELY FOR EDUCATION, SOCIAL, FRATERNAL,
38 PATRIOTIC, POLITICAL OR ATHLETIC PURPOSES; AND

39
40 **WHEREAS**, THE CITY COUNCIL BELIEVES THAT A SMALL NOT FOR PROFIT
41 THEATER PRESENTING THEATRICAL PERFORMANCES LIVE ON A
42 STAGE, SUCH AS PLAYS, ACTS, DRAMAS OR HISTRIONICS, IS WITHIN
43 THE STATE OF MARYLAND DEFINITION OF A CLUB; AND

44

1 **WHEREAS**, it is not economically viable for a THEATER club that is ~~also~~ a 501(c)(3)
2 organization that presents performances in small theaters to pay the current fee
3 pursuant to Section 7.12.330; and
4

5 **WHEREAS**, other Maryland jurisdictions have established a less costly alcoholic beverage
6 license fee for small theater performances presented by a THEATER club that is
7 ~~also~~ a 501(c)(3) organization; and
8

9 **WHEREAS**, the Mayor and City Council have authority to set fees for a one-day alcoholic
10 beverage license as part of the budget; and
11

12 **WHEREAS**, the Mayor has introduced a companion Resolution 30-17 to amend the fee
13 schedule to establish a fee for a Temporary Class C Alcoholic Beverage License
14 to Theaters; and
15

16 **WHEREAS**, criteria must be established for eligibility for paying the new fee for a Temporary
17 Class C Alcoholic Beverage License to Theaters.
18

19 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
20 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
21

22 **TITLE 7 – BUSINESS LICENSES, TAXES AND REGULATIONS**
23

24 **Chapter 7.12 - ALCOHOLIC BEVERAGES**
25

26 **Section 7.12.330 - Temporary special class C license to clubs.**
27

- 28 A. All clubs which do not hold a one-year alcoholic beverage license as set forth in this chapter
29 shall not sell, raffle or award by lottery any alcoholic beverage except after application for
30 and receipt of a special license, class C, for the sale or awarding of beer or beer, wine and
31 liquor in conjunction with any bona fide entertainment conducted by any club at the place
32 described in the license.
33
- 34 B. A special beer license, class C, or special beer, wine and liquor license, class C, entitles the
35 licensee to exercise the privileges of a one-year class C license for a period not exceeding
36 seven consecutive days, upon payment of a special beer license fee or of a special beer, wine
37 and liquor license fee as established by resolution of the City Council.
38
- 39 C. License applications under this section are expressly exempt from the provisions of Section
40 7.12.190.
41
- 42 D. The license provided for by this section shall be applied for and be issued to three of the
43 officers of the club, as individuals.
44
- 45 E. The City Clerk shall issue the special one-day license on behalf of the City in accordance
46 with the established policy and laws. Any denial by the City Clerk of the issuance of the

1 special license may be appealed to the Alcoholic Beverage Control Board at its next
2 meeting, and a hearing date shall be scheduled after that meeting.

3
4 F. TEMPORARY CLASS C ALCOHOLIC BEVERAGE LICENSE TO THEATERS
5 CLUBS.

- 6
7 1. PURSUANT TO THE AUTHORITY OF SECTION 6.16.050, A FEE SHALL BE
8 ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL FOR A
9 TEMPORARY CLASS C THEATER ALCOHOLIC BEVERAGE LICENSE
10 ISSUED UNDER THIS PARAGRAPH. THE FEE SHALL BE ASSESSED ~~TO~~
11 ~~A CLUB THAT IS ALSO A 501(C)(3) ORGANIZATION AS~~ A PER DAY FEE
12 WITH A MAXIMUM TOTAL ANNUAL AMOUNT OF \$100.00 FOR
13 OBTAINING A ONE-DAY BEER, WINE AND LIQUOR LICENSE FOR EACH
14 DAY THAT ~~THE CLUB PRESENTS~~ THERE IS A PRESENTATION OF A
15 THEATRICAL PERFORMANCE THAT COMPLIES WITH THIS SECTION.
16
- 17 2. THE ~~ONE DAY THEATER ALCOHOLIC BEVERAGE~~ LICENSE FEE MAY
18 ONLY BE CHARGED IF THE THEATER CLUB IS ALSO A 501(C)(3)
19 ORGANIZATION THAT IS PRESENTING PERFORMANCES OF PLAYS,
20 ACTS, DRAMAS, OR HISTRIONICS BY LIVE ACTORS OR ACTRESSES
21 PERFORMING ON A STAGE AND PROVIDES WRITTEN IRS
22 DOCUMENTATION TO THAT EFFECT FROM TIME TO TIME AS MAY BE
23 REQUESTED BY THE CITY.
24
- 25 3. THE LOCATION WHERE ~~THEEACH~~ PERFORMANCE(S) SHALL BE
26 CONDUCTED ~~MUST HAVE~~ SHALL LIMIT SEATING ~~FOR TO~~ 200 OR
27 FEWER INDIVIDUALS PER PERFORMANCE.
28
- 29 4. ~~HOURS OF SALE.~~ SALE OF BEER, WINE, AND LIQUOR MAY ONLY BE
30 CONSUMED AT THE PERFORMANCE LOCATION FROM ONE AND A
31 HALF HOURS BEFORE TO ONE AND A HALF HOURS AFTER EITHER:
32 (A)—A REGULAR PERFORMANCE; OR (B)—A FUND-RAISER
33 PERFORMANCE THAT BENEFITS THE THEATER CLUB THAT IS ALSO A
34 501(C)(3) ORGANIZATION; OR (C) DURING THE PERFORMANCE; OR (D)
35 DURING A CAST PARTY AND/OR RECEPTION BEFORE AND AFTER A
36 PERFORMANCE, AND ANY EDUCATIONAL EVENT AFTER A
37 PERFORMANCE.
38
- 39 5. ~~THEAN~~ ELIGIBLE THEATER CLUB THAT IS ALSO A 501(C)(3)
40 ORGANIZATION MAY OBTAIN ONE DAY LICENSES FOR EACH DAY OF
41 THEA PERFORMANCE FOR NO ADDITIONAL COST IF IT HAS PAID THE
42 MAXIMUM \$100.00 ANNUAL AMOUNT.
43

1 6. THIS FEE SHALL BE SET FORTH IN THE FEES SCHEDULE AND IS
2 SUBJECT TO AMENDMENT.

3
4 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
5 **ANNAPOLIS CITY COUNCIL** that the City Council shall establish the license fee by
6 resolution.

7
8 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
9 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from October 9, 2017.

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.

