

September 2, 2014 Law Office Summary of Changes to City of Annapolis Alcoholic Beverage Control Board Rules and Regulations

OVER-ARCHING REVISIONS

- *Grammar/Improved Writing:* Grammar mistakes, run-on sentences, disjointed sentences, and paragraphs that were generally not well written were improved upon to create a better flow and form to these Rules and Regulations.
- *Capitalization:* If a word or phrase was defined in Section 1.02, then it was capitalized throughout the entire Rules and Regulations.
- *Definitions:* All definitions in Section 1.02 were updated to comply with changes to the Maryland Annotated Code and the City Code (e.g. "Beer", "Institution for the Care of the Aged", "Refillable Container", "Sidewalk Café", "Taxpayer"). Additional definitions were added to Section 1.02 that were used throughout the Rules and Regulations, but not previously defined (e.g. "City", "City Clerk", "Day", "Deliver", "Give", "Furnish", "License", "Sell", "Serve", "Wine", "Written").
- *Maryland Annotated Code:* Definitions from the Maryland Annotated Code were incorporated into these Rules and Regulations (see top of Section 1.02), and Section 1.03 was expanded to address any conflicts between these Rules and Regulations with either the City Code or the Maryland Annotated Code.
- *Subheadings:* Subheadings were added where appropriate and to maintain consistency through these Rules and Regulations.

SPECIFIC REVISIONS

- *Section 1.07:* The previously existing Sections 1.06 (Lighting), 1.08 (Restroom Facilities), and 1.09 (Running Water) were deleted after confirmation with DNEP that all were out-of-date, and replaced with a more all-encompassing new Section 1.07 (Use and Operation of Premises).
- *Section 2.01(B) – (E):* These four subsections were re-worked to accomplish two goals. One, to make residency requirements clear and consistent. Two, to acknowledge that different types of entities operate differently (e.g. corporations have stockholders, LLCs have members).
- *Section 2.01(F):* Residency requirements were added to Class C Licenses to be consistent with other licenses. Subsection 2.01(F)(6) was added to address the number of public events that a Class C License may host each year.
- *Section 2.01(G):* This subsection was added to address a previously unaddressed topic – clubs with a Class C License hosting private events.
- *Section 2.01(J)(2):* This subsection was added to address a previously unaddressed topic – what happens to a license when the only named officer/employee dies, retires or otherwise leaves.
- *Section 2.01(K):* This subsection was re-written and updated to make it clear what City approvals are needed prior to applying for a license.
- *Section 2.01(L):* This subsection was re-written to delay approval of a license until proper fingerprinting and criminal background checks are completed by an applicant.
- *Sections 2.04 & 2.05:* These Sections were revised to better reflect how hearings, including oppositions and protests, actually operate before the Board.
- *Section 3.01(H)(10):* This subsection was expanded to better explain what happens upon the seizure of a license by any governmental authority.
- *Sections 3.02(B) & 3.02(F):* These subsections were re-written to make a licensee's record retention requirements consistent with general state and federal requirements.
- *Section 3.08:* This Section was updated to reflect state licensing requirements for trade names.
- *Section 3.09:* This Section was divided into two subsections for better readability.
- *Section 4.02(C):* This subsection was added to reflect a change to the City Code for sidewalk cafes.
- *Section 5.03:* This Section was expanded to better explain what happens upon the suspension of a license by the Board, and to make it consistent with what happens during a seizure (see Section 3.01(H)(10)).
- *Chapter 7:* This is brand new to address Admissions and Amusement Taxes collected by the State.
- *Appendix A:* To address new State and City laws, a new type of license (with corresponding fee) for refillable containers was added to this list – License D.g.

September 3, 2014 Supplemental Summary of Publically Requested Changes to City of Annapolis Alcoholic Beverage Control Board Rules and Regulations

These are changes requested by the general public at the September 3, 2014 Public Hearing before the Alcoholic Beverage Control Board.

SPECIFIC REVISIONS

- *Section 1.02*: Two (2) new definitions were added for "Private Function" and "Public Event."
- *Section 2.01(F)(3)*: This subsection was changed back to its previous wording to allow a club to rely on a license to support its operation.
- *Section 2.01(G)*: This was changed so that only 10 days prior notice must be given by a club to the City about a private function – rather than 45 days. A waiver provision to this notice was also added.
- *Section 3.02(B) & 3.02(F)*: These subsections were changed so that instead of a licensee's records always being available for inspection by any governmental inspector, the Board may subpoena select records for a licensee to produce and to provide the licensee with 10 days to produce them.