

1 **..Title**

2 **Business License, Taxes and Regulation - Creation of Art Establishment Beer and Wine**
3 **License** – For the purpose of creating a City of Annapolis beer and wine license for specific art
4 venues as authorized by MD. Alcoholic Beverages Code § 10-1002 per House Bill 353 and
5 Senate Bill 472, signed by Governor Wes Moore on May 3, 2023; and generally related to the
6 Alcoholic Beverages chapter of the City Code.

7 **..Body**

8 **CITY COUNCIL OF THE**
9 **City of Annapolis**

10 **Ordinance 22-23**

11 **Introduced by: Alderwoman Tierney**
12 **Co-sponsored by:**

13 **Referred to**

14 Planning Commission
15 Economic Matters Committee
16 Rules & City Government Committee
17 Alcoholic Beverage Control Board

18 **AN ORDINANCE** concerning

19 **Business License, Taxes and Regulation -**
20 **Creation of Art Establishment Beer and Wine License**

21 **For** the purpose of creating a City of Annapolis beer and wine license for specific art venues as
22 authorized by MD. Alcoholic Beverages Code § 10-1002 per House Bill 352 and Senate
23 Bill 472, signed by Governor Wes Moore on May 3, 2023; and generally related to the
24 Alcoholic Beverages chapter of the City Code.

25 **BY** repealing and reenacting with amendments the following portions of the Code of the City
26 of Annapolis, 2023 Edition

27 **7.12.010**

28 **7.12.210**

29 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,
30 2023 Edition

31 **7.12.278**

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

34 **Title 7 - BUSINESS LICENSE, TAXES AND REGULATIONS**
35 **Chapter 7.12 - Alcoholic Beverages**

1 **Section 7.12.010 - Definitions**
2

3 For the purposes of this chapter, the following words and phrases have the meanings
4 indicated:

5 ~~A~~1. "Alcoholic beverage" means alcohol, brandy, whiskey, rum, gin, beer, ale, porter,
6 stout, wine and cider, and in addition, any spirituous, vinous, malt or fermented
7 liquor, liquids and compounds, by whatever name called, containing one-half of
8 one percent or more of alcohol by volume, which are fit for beverage purposes.
9 "Alcoholic beverage" does not include (1) wine and cider manufactured for home
10 consumption and which are not sold for the maker or manufacturer, nor by the
11 maker or manufacturer; and (2) alcohol used exclusively for the manufacture of
12 medicinal, antiseptic or toilet preparations, flavoring extracts and other
13 preparations unfit for beverages.

14 ~~B~~2. "Art establishment":

15 a. Means a nonprofit organization primarily engaged in:

16 i. The display, sale or demonstration of art by individual artists or a
17 group of artists;

18 ii. The instruction of participating clients in creating art; or

19 iii. Live performances, including musical acts or theater performances.

20 b. Does not mean:

21 i. An organization that displays and sells commercially prepared or
22 mass-produced artistic products; or

23 ii. Has a corporate purpose that is not dedicated to the activities
24 described.

25 ~~B~~3. "Club" means an association or corporation which is organized and operated
26 exclusively for education, social, fraternal, charitable, civic, political, patriotic or
27 athletic purposes, and not for profit.

28 ~~E~~4. "Hotel" means any establishment for the accommodation of the public equipped with
29 not less than twenty bedrooms, containing not less than one bed in each room, with
30 sufficient covering for each bed, and one room with toilet and bathing facilities for
31 each seven bedrooms, and containing a restaurant as defined by this section.

32 ~~D~~5. "Refillable container" means a jug or other vessel used to transport draft beer.

33 ~~E~~6. "Restaurant" means any lunchroom, café or other establishment located in a
34 permanent building with ample space and accommodations in which hot meals
35 habitually are prepared, sold and served to the public during the hours it is open
36 regularly for business. It shall be equipped with a public dining room with sufficient
37 tables, chairs, cutlery and glassware to serve the meals prepared, and with a kitchen
38 having complete facilities and utensils for preparing and serving hot and cold meals
39 to the public. Each restaurant shall maintain a menu or card advertising the serving

Explanation:

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

Underlining & black indicate copyediting or reformatting of existing law

Underlining & red indicate new matter added to code.

1 of a variety of hot meals. There shall be maintained on the premises at all times
2 sufficient food to fill orders made from the menus. No drugstore or grocery store
3 shall be construed to be a restaurant.

4 ~~F~~7. "Tavern" means any properly licensed premises used and operated primarily for the
5 sale of alcoholic beverages; provided, however, that nuts, pretzels, potato chips,
6 sausages, sandwiches, salads and other foodstuffs generally associated with taverns
7 may be sold and consumed in taverns.

8 ~~G~~8. "Wine bar" means any properly licensed premises used and operated for the sale of
9 wine and to a lesser extent the sale of beer; provided, however, light fare generally
10 associated with wine bars may be sold and consumed in wine bars.

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13 **Title 7 - BUSINESS LICENSE, TAXES AND REGULATIONS**

14 **Chapter 7.12 - Alcoholic Beverages**

15 **Section 7.12.210 - License--Types and classes.**

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17 A. The following types and classes of alcoholic beverage licenses may be issued in the City:

- 18 1. Beer: B;
19 2. Beer and light wine: BW;
20 3. Beer, wine and liquor: BWL.

21 B. In addition, each alcoholic beverage license shall be of the class:

- 22 1. Package goods retail stores:

23 10. Art Establishment: Class G

24
25
26 **Title 7 - BUSINESS LICENSE, TAXES AND REGULATIONS**

27 **Chapter 7.12 - Alcoholic Beverages**

28
29 **7.12.278 Art Establishment**

30
31 A. This section applies to art establishments, as defined in § 12.010 of this Title.

32 B. An Art Establishment license is a Class G license.

33 C. The license holder is authorized to sell or serve beer and wine at retail for on-premises
34 consumption during the hours and days set for beer and light wine licenses by the City of
35 Annapolis Alcoholic Beverage Control Board.

36 D. The license may not be transferred to another location.

37
38 **Title 21 - PLANNING AND ZONING**

39 **Chapter 21.64 - Standards for uses subject to standards**

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1 **21.64.500 Philanthropic and charitable institutions, civic nonprofit organizations, and**
2 **social and fraternal organizations.**

3
4 ~~This use does not include businesses sponsored by those institutions, except businesses~~
5 ~~accessory or incidental to and located in the same building as the institution proper.~~

6 A. This use does not include businesses sponsored by those institutions, except businesses
7 accessory or incidental to and located in the same building as the institution proper.

8 B. **Art Establishment. Nonprofits meeting the requirements set in Maryland Code,**
9 Alcoholic Beverages § 10-1001 (Art establishment beer and wine license) may serve beer
10 and wine upon approval of a license by the City of Annapolis Alcoholic Beverage
11 Control Board per Title 7 § 12.278 of the City Code.

12
13 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
14 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.

Explanation:

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