



Legislation Details (With Text)

File #: O-22-23 **Version:** 1 **Name:**

Type: Ordinance **Status:** Second Reader

File created: 7/17/2023 **In control:** City Council

On agenda: 1/8/2024 **Final action:** 1/8/2024

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

Sponsors: Elly Tierney

Indexes: Alcoholic Beverage Control Board, Economic Matters Committee

Code sections:

Attachments: 1. O-22-23 First Reader, 2. O-22-23 Legislative Summary, 3. O-22-23 Staff Report, 4. O-22-23 & R-38-23 Fiscal Impact Note, 5. O-22-23 Alcoholic Beverage Control Board Recommendation, 6. R-38-23 First Reader, 7. R-38-23 Appendix A, 8. Maryland Alcoholic Beverages Title, Section 10-1001 - Art establishment beer and wine license (1), 9. House Bill 352 - Art Establishment Liquor License in Annapolis, 10. O-22-23 Staff Report to Planning Commission, 11. O-22-23 Planning Commission Recommendation, 12. FY 24 FEES SCHEDULE - Alcohol License Fees, 13. O-22-23 Signed (color), 14. O-22-23 Signed (b&w)

Date	Ver.	Action By	Action	Result
1/8/2024	1	City Council	adopt on second reader	Pass
1/8/2024	1	City Council	adopt on third reader	Pass
12/11/2023	1	City Council	postpone	Pass
11/27/2023	1	City Council	declare the public hearing closed	
10/3/2023	1	Economic Matters Committee	recommend favorably	Pass
9/11/2023	1	City Council	declare the public hearing closed	
7/24/2023	1	City Council	adopt on first reader	Pass
7/24/2023	1	City Council	refer to Annapolis Education Commission	
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Business License, Taxes and Regulation - Creation of Art Establishment Beer and Wine License - For the purpose of creating a City of Annapolis beer and wine license for specific art venues as authorized by MD. Alcoholic Beverages Code § 10-1002 per House Bill 353 and Senate Bill 472, signed by Governor Wes Moore on May 3, 2023; and generally related to the Alcoholic Beverages chapter of the City Code.

CITY COUNCIL OF THE
City of Annapolis

Ordinance 22-23

Introduced by: Alderwoman Tierney
Co-sponsored by:

Referred to

Planning Commission
Economic Matters Committee
Rules & City Government Committee
Alcoholic Beverage Control Board

AN ORDINANCE concerning

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

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

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

7.12.010

7.12.210

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

7.12.278

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

Title 7 - BUSINESS LICENSE, TAXES AND REGULATIONS

Chapter 7.12 - Alcoholic Beverages

Section 7.12.010 - Definitions

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

A1. "Alcoholic beverage" means alcohol, brandy, whiskey, rum, gin, beer, ale, porter, stout, wine and cider, and in addition, any spirituous, vinous, malt or fermented liquor, liquids and compounds, by whatever name called, containing one-half of one percent or more of alcohol by volume, which are fit for beverage purposes. "Alcoholic beverage" does not include (1) wine and cider manufactured for home consumption and which are not sold for the maker or manufacturer, nor by the maker or manufacturer; and (2) alcohol used exclusively for the manufacture of medicinal, antiseptic or toilet preparations, flavoring extracts and other preparations unfit for beverages.

B2. "Art establishment":

a. Means a nonprofit organization primarily engaged in:

- i. The display, sale or demonstration of art by individual artists or a group of artists;
- ii. The instruction of participating clients in creating art; or
- iii. Live performances, including musical acts or theater performances.

b. Does not mean:

- i. An organization that displays and sells commercially prepared or mass-produced artistic products; or
- ii. Has a corporate purpose that is not dedicated to the activities described.

- ~~B~~3. "Club" means an association or corporation which is organized and operated exclusively for education, social, fraternal, charitable, civic, political, patriotic or athletic purposes, and not for profit.
- ~~C~~4. "Hotel" means any establishment for the accommodation of the public equipped with not less than twenty bedrooms, containing not less than one bed in each room, with sufficient covering for each bed, and one room with toilet and bathing facilities for each seven bedrooms, and containing a restaurant as defined by this section.
- ~~D~~5. "Refillable container" means a jug or other vessel used to transport draft beer.
- ~~E~~6. "Restaurant" means any lunchroom, café or other establishment located in a permanent building with ample space and accommodations in which hot meals habitually are prepared, sold and served to the public during the hours it is open regularly for business. It shall be equipped with a public dining room with sufficient tables, chairs, cutlery and glassware to serve the meals prepared, and with a kitchen having complete facilities and utensils for preparing and serving hot and cold meals to the public. Each restaurant shall maintain a menu or card advertising the serving of a variety of hot meals. There shall be maintained on the premises at all times sufficient food to fill orders made from the menus. No drugstore or grocery store shall be construed to be a restaurant.
- ~~F~~7. "Tavern" means any properly licensed premises used and operated primarily for the sale of alcoholic beverages; provided, however, that nuts, pretzels, potato chips, sausages, sandwiches, salads and other foodstuffs generally associated with taverns may be sold and consumed in taverns.
- ~~G~~8. "Wine bar" means any properly licensed premises used and operated for the sale of wine and to a lesser extent the sale of beer; provided, however, light fare generally associated with wine bars may be sold and consumed in wine bars.

Title 7 - BUSINESS LICENSE, TAXES AND REGULATIONS

Chapter 7.12 - Alcoholic Beverages

Section 7.12.210 - License--Types and classes.

- A. The following types and classes of alcoholic beverage licenses may be issued in the City:
- 1. Beer: B;
 - 2. Beer and light wine: BW;
 - 3. Beer, wine and liquor: BWL.

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

1. Package goods retail stores:

10. Art Establishment: Class G

Title 7 - BUSINESS LICENSE, TAXES AND REGULATIONS

Chapter 7.12 - Alcoholic Beverages

7.12.278 Art Establishment

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

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

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

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

Title 21 - PLANNING AND ZONING

Chapter 21.64 - Standards for uses subject to standards

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

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

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

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

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