



Legislation Details (With Text)

**File #:** O-46-17      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 9/5/2017      **In control:** City Council

**On agenda:** 10/23/2017      **Final action:** 10/23/2017

**Title:** Temporary Class C Alcoholic Beverage License - Theaters - For the purpose of establishing criteria for the issuance of a Temporary Class C Alcoholic Beverage License to Theaters CLUBS.

**Sponsors:** Michael J. Pantelides

**Indexes:** Alcoholic Beverage Control Board, Economic Matters Committee, Finance Committee

**Code sections:**

**Attachments:** 1. O-46-17 Theater ABCB License Subclass C Ordinance.pdf, 2. O-46-17 Staff Report.pdf, 3. O-46-17 ASC Summary.pdf, 4. O-46-17 Fiscal Impact.pdf, 5. O-46-17 ABCB Findings and Proposed Amended Ordinance.pdf, 6. O-46-17 SIGNED.pdf

Date	Ver.	Action By	Action	Result
10/23/2017	1	City Council	adopt on second reader	Pass
10/23/2017	1	City Council	amendment(s) approved	Pass
10/23/2017	1	City Council	amended	Pass
10/23/2017	1	City Council	adopt on third reader	Pass
10/16/2017	1	Economic Matters Committee	recommend with amendments	Pass
10/3/2017	1	Finance Committee	recommend favorably	Pass
9/25/2017	1	City Council	declare the public hearing closed	
9/11/2017	1	City Council	refer	
9/11/2017	1	City Council	refer	
9/11/2017	1	City Council	refer	
9/11/2017	1	City Council	adopt on first reader	Pass

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

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance O-46-17**

**Introduced by: Mayor Pantelides**

**Referred to  
Alcoholic Beverage Control Board  
Economic Matters Committee  
Finance Committee**

AN ORDINANCE concerning

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

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

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

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

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

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

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

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

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

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

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

**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 LICENSES, TAXES AND REGULATIONS**

**Chapter 7.12 - ALCOHOLIC BEVERAGES**

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

- A. All clubs which do not hold a one-year alcoholic beverage license as set forth in this chapter shall not sell, raffle or award by lottery any alcoholic beverage except after application for and receipt of a special license, class C, for the sale or awarding of beer or beer, wine and liquor in conjunction with any bona fide entertainment conducted by any club at the place described in the license.
- B. A special beer license, class C, or special beer, wine and liquor license, class C, entitles the licensee to exercise the privileges of a one-year class C license for a period not exceeding seven consecutive days, upon payment of a special beer license fee or of a special beer, wine and liquor license fee as established by resolution of the City Council.
- C. License applications under this section are expressly exempt from the provisions of Section 7.12.190.
- D. The license provided for by this section shall be applied for and be issued to three of the officers of the club, as individuals.
- E. The City Clerk shall issue the special one-day license on behalf of the City in accordance with the established policy and laws. Any denial by the City Clerk of the issuance of the special license may be appealed to the Alcoholic Beverage Control Board at its next meeting, and a hearing date shall be scheduled after that meeting.
- F. **TEMPORARY CLASS C ALCOHOLIC BEVERAGE LICENSE TO THEATERS CLUBS.**
1. PURSUANT TO THE AUTHORITY OF SECTION 6.16.050, A FEE SHALL BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL FOR A TEMPORARY CLASS C THEATER ALCOHOLIC BEVERAGE LICENSE ISSUED UNDER THIS PARAGRAPH. THE FEE SHALL BE ASSESSED TO A CLUB THAT IS ALSO A 501(C)(3) ORGANIZATION AS A PER DAY FEE WITH A MAXIMUM TOTAL ANNUAL AMOUNT OF \$100.00 FOR OBTAINING A ONE-DAY BEER, WINE AND LIQUOR LICENSE FOR EACH DAY THAT THE CLUB PRESENTS THERE IS A PRESENTATION OF A THEATRICAL PERFORMANCE THAT COMPLIES WITH THIS SECTION.
  2. THE ONE-DAY THEATER ALCOHOLIC BEVERAGE LICENSE FEE MAY ONLY BE CHARGED IF THE THEATER CLUB IS ALSO A 501(C)(3) ORGANIZATION THAT IS PRESENTING PERFORMANCES OF PLAYS, ACTS, DRAMAS, OR HISTRIONICS BY LIVE ACTORS OR ACTRESSES PERFORMING ON A STAGE AND PROVIDES WRITTEN IRS DOCUMENTATION TO THAT EFFECT FROM TIME TO TIME AS MAY BE REQUESTED BY THE CITY.

3. THE LOCATION WHERE ~~THEEACH~~ PERFORMANCE(S) SHALL BE CONDUCTED ~~MUST HAVE~~ SHALL LIMIT SEATING ~~FOR TO~~ 200 OR FEWER INDIVIDUALS PER PERFORMANCE.
4. ~~HOURS OF SALE.~~ SALE OF BEER, WINE, AND LIQUOR MAY ONLY BE CONSUMED AT THE PERFORMANCE LOCATION FROM ONE AND A HALF HOURS BEFORE TO ONE AND A HALF HOURS AFTER ~~EITHER:~~ (A) A REGULAR PERFORMANCE; OR (B) A FUND-RAISER PERFORMANCE THAT BENEFITS THE THEATER CLUB THAT IS ALSO A 501(C)(3) ORGANIZATION; OR (C) DURING THE PERFORMANCE; OR (D) DURING A CAST PARTY AND/OR RECEPTION BEFORE AND AFTER A PERFORMANCE, AND ANY EDUCATIONAL EVENT AFTER A PERFORMANCE.
5. ~~THEAN~~ ELIGIBLE THEATER CLUB THAT IS ALSO A 501(C)(3) ORGANIZATION MAY OBTAIN ONE DAY LICENSES FOR EACH DAY OF ~~THEA~~ PERFORMANCE FOR NO ADDITIONAL COST IF IT HAS PAID THE MAXIMUM \$100.00 ANNUAL AMOUNT.
6. THIS FEE SHALL BE SET FORTH IN THE FEES SCHEDULE AND IS SUBJECT TO AMENDMENT.

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

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

#### EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments.