



Legislation Details (With Text)

**File #:** O-10-23      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 3/9/2023      **In control:** City Council  
**On agenda:** 10/23/2023      **Final action:** 10/23/2023

**Title:** Allowing Cigar Lounges to Serve Alcoholic Beverages - For the purpose of creating a definition of Cigar Lounge as a unique category of Tobacco Shop; and allowing cigar lounges to serve alcoholic beverages in conjunction with the consumption of premium cigars, pipe tobacco, and related products; and generally related to tobacco shops.

**Sponsors:** Elly Tierney, Gavin Buckley, Brooks Schandelmeier, Sheila Finlayson

**Indexes:** Economic Matters Committee, Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-10-23 First Reader, 2. O-10-23 Staff Report, 3. O-10-23 Fiscal Impact Note, 4. O-10-23 The Capital Public Hearing Notice Affidavit, 5. O-10-23 Signed (color), 6. O-10-23 Signed (b&w)

Date	Ver.	Action By	Action	Result
10/23/2023	1	City Council	adopt on second reader	Pass
10/23/2023	1	City Council	adopt on third reader	Pass
10/6/2023	1	Rules & City Government Committee	recommend favorably	Pass
10/3/2023	1	Economic Matters Committee	recommend favorably	Pass
9/11/2023	1	City Council	declare the public hearing closed	
9/11/2023	1	City Council	Cosponsor added	
3/13/2023	1	City Council	adopt on first reader	Pass
3/13/2023	1	City Council	refer	
3/13/2023	1	City Council	refer	
3/13/2023	1	City Council	refer	

**Allowing Cigar Lounges to Serve Alcoholic Beverages -** For the purpose of creating a definition of Cigar Lounge as a unique category of Tobacco Shop; and allowing cigar lounges to serve alcoholic beverages in conjunction with the consumption of premium cigars, pipe tobacco, and related products; and generally related to tobacco shops.

CITY COUNCIL OF THE  
City of Annapolis

Ordinance 10-23

Introduced by: Alderwoman Tierney

Co-sponsored by: Mayor Buckley, Aids. Schandelmeier, Finlayson

Referred to:

Planning Commission  
Economic Matters Committee  
Rules and City Government Committee

AN ORDINANCE concerning

**Allowing Cigar Lounges to Serve Alcoholic Beverages**

**FOR** For the purpose of creating a definition of Cigar Lounge as a unique category of Tobacco Shop; and allowing cigar lounges to serve alcoholic beverages in conjunction with the consumption of premium cigars, pipe tobacco, and related products; and generally related to tobacco shops.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2023 Edition  
7.12.010  
7.12.250  
21.64.150  
21.72.010

**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 7.12.010 - Definitions.**

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

- A. "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.
- B. "Cigar lounge" means an area or areas within a tobacco shop that primarily sells Premium Cigars and Pipe Tobacco, as defined in Maryland Business Regulation Code Annotated § 16.5-101, and other related products, where customers of the tobacco shop may use the products sold by the tobacco shop and where a bar or tavern use for the sale of alcohol by the tobacco shop may be permitted as accessory to the primary activities of the tobacco shop, notwithstanding requirements for bars or taverns as a primary use.
- BC. "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.
- CD. "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.

- DE. "Refillable container" means a jug or other vessel used to transport draft beer.
- EF. "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.
- EG. "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.
- EH. "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 LICENSES, TAXES AND REGULATIONS

### Chapter 7.12 - Alcoholic Beverages

#### Section 7.12.250 - Taverns

##### 7.12.250 Taverns.

- A. This section applies to taverns, [which include tobacco shops operating a cigar lounge as defined in § 12.010 of this Chapter](#).
- B. The premises of any licensed tavern shall be closed from twelve midnight to six a.m.
- C. Tavern-class licenses are as follows:
1. Class D-1: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week.
  2. Class D-1.a: In addition to the on sale of alcoholic beverages, off sale is permitted Monday through Saturday from six a.m. to twelve midnight.
  3. Class D-1.a.b: In addition to the on sale of alcoholic beverages and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on Sunday during authorized hours.
  4. Class D-1.a.b.c.: In addition to the on-sale of alcoholic beverages and off-sale of alcoholic beverages Monday through Sunday, the License permits the on-premises consumption of light wine for tasting or sampling purposes only. The Licensee shall not serve more than one ounce of wine from each given brand to any one person.

## Division VI GENERAL TERMS AND RULES OF MEASUREMENT

### Chapter 21.72 TERMS AND DEFINITIONS

#### Section 21.64.150 - Reserved

##### ~~21.64.150 Reserved~~ - Cigar Lounges.

Cigar lounges shall:

1. Be permitted by special exception subject to the requirements of this Section.
2. Exist only as accessory uses within tobacco shops that primarily sell Premium Cigars and Pipe Tobacco, as defined in Maryland Business Regulation Code Annotated § 16.5-101, and be operated only as an accessory to the primary operation of a tobacco shop in which a cigar lounge is located.
3. Sell alcohol only as paired with the tobacco products sold by the tobacco shop in which a cigar lounge is located and in accordance with all other applicable requirements of the City Code.
4. Be operated only during the hours of operation of a tobacco shop in which a cigar lounge is located and in accordance with all noise requirements of the city code.

**Division VI GENERAL TERMS AND RULES OF MEASUREMENT**  
**Chapter 21.64 - STANDARDS FOR USES SUBJECT TO STANDARDS**  
**Section 21.72.010 Terms.**

"Car wash" means an area or structure equipped with facilities for washing automobiles.

"Charitable institution" means a building or group of buildings devoted to and supported by the charity.

"Cigar lounge" means an area or areas within a tobacco shop that primarily sells Premium Cigars and Pipe Tobacco, as defined in Maryland Business Regulation Code Annotated § 16.5-101, and related products, where customers of the tobacco shop may use the products sold by the tobacco shop and where a bar or tavern use for the sale of alcohol by the tobacco shop may be permitted as accessory to the primary activities of the tobacco shop, notwithstanding requirements for bars or taverns as a primary use.

"Clearing" means any activity that removes the vegetative ground cover while leaving the root mat intact.

"Cluster development" means a residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.