



Legislation Details (With Text)

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On agenda: 11/9/2020 **Final action:** 11/9/2020
Title: Alcoholic Beverages - For the purpose of updating citations to the Maryland State Code in Chapter 7.12 of the Code of the City of Annapolis.
Sponsors: Fred Paone
Indexes: Economic Matters Committee
Code sections:
Attachments: 1. O-41-20 Alcoholic Beverages State Code Citations First Reader.pdf, 2. O-41-20 Staff Report.pdf, 3. O-41-20 Fiscal Impact Note.pdf, 4. O-41-20 SIGNED

Date	Ver.	Action By	Action	Result
11/9/2020	1	City Council	adopt on second reader	Pass
10/26/2020	1	City Council	declare the public hearing closed	
10/8/2020	1	Economic Matters Committee	recommend favorably	Pass
9/29/2020	1	City Council	adopt on first reader	Pass
9/29/2020	1	City Council	refer to Annapolis Education Commission	

Alcoholic Beverages - For the purpose of updating citations to the Maryland State Code in Chapter 7.12 of the Code of the City of Annapolis.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 41-20

Introduced by: Alderman Paone
Co-sponsored by:

**Referred to
Economic Matters Committee**

AN ORDINANCE concerning

Alcoholic Beverages

FOR the purpose of updating citations to the Maryland State Code in Chapter 7.12 of the Code of the City of Annapolis.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2020 Edition

7.12.020
7.12.050
7.12.060
7.12.070
7.12.080
7.12.090
7.12.120
7.12.320
7.12.350
7.12.420

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 7.12.020 - Applicability of State law.

Except as otherwise provided in this chapter, the provisions of ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, (~~1957 Edition and supplements~~) apply to the sale, consumption and licensing for sale of alcoholic beverages in the City.

Section 7.12.050 - Alcoholic Beverage Control Board-Rules and regulations.

The board shall adopt rules, not inconsistent with the provisions of this chapter or ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, as it deems necessary and desirable for the regulation and conduct of its meetings and administrative activities and as it deems necessary and proper for the proper operation and conduct of licensed establishments. Each rule and regulation shall have the force of law and shall become effective not less than forty-five days following its promulgation by the board, unless an objection to the rule or regulation, or to any portion, is registered by the City Council by a resolution adopted prior to the effective date of the rule or regulation. In addition to the foregoing, the City Council may adopt by resolution any rule recommended by the board for expedited implementation. If so adopted, each such rule shall become effective upon the approval of the resolution.

Section 7.12.060 - Alcoholic Beverage Control Board-Powers and duties generally.

- A. Subject to the provisions of this chapter and the provisions of ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, the board may:
1. Grant or deny an application for an alcoholic beverage license or for the upgrading, renewal or transfer of an alcoholic beverage license;
 2. Suspend or revoke an alcoholic beverage license, or take any other action permitted by law in order to secure the enforcement of all alcoholic beverage laws, ordinances, rules and regulations applicable to licensed establishments;
 3. Administer and enforce its rules and regulations.
- B. The board shall conduct a public hearing prior to:

1. Acting upon an application for an alcoholic beverage license or for the renewal, upgrading or transfer of an alcoholic beverage license;
 2. Acting upon any proposed suspension or revocation of an alcoholic beverage license, or taking any other enforcement action permitted by law; or
 3. Adopting any rule or regulation.
- C. The board, through its chairman, may administer oaths, summon any witness and require the testimony of any witness and the production of any books, documents, records, or any other tangible item which may be of value to the board in connection with any hearing or investigation it is authorized to conduct.

Section 7.12.070 - Alcoholic Beverage Control Board-Delegated authority.

Wherever in this chapter or in ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, any of the power and authority specified in Section 7.12.060 is granted to, or vested in, the City Council or the Board of License Commissioners for the City, that power and authority is delegated to the Alcoholic Beverage Control Board created by this chapter.

Section 7.12.080 - Alcoholic Beverage Control Board-Appeal from.

Any action or decision of the board taken under the authority of Section 7.12.060, may be appealed to the circuit court for the County, in accordance with the procedures and requirements of ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, and the Maryland Rules of Procedure relating to appeals from decisions of administrative agencies.

Section 7.12.090 - Alcoholic Beverage Control Board-Administration.

The City Clerk shall provide administrative support for the board. Testimony by a member of the board shall be inadmissible with regard to the exercise of the powers enumerated in Section 7.12.060(A)(1) and (2). Any and all investigations conducted to ascertain compliance with the provisions of ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, this Code, and the board's rules and regulations shall be performed by or at the direction of the Police Department.

Section 7.12.120 - License-Application.

- A. Every individual, partnership or corporation applying for a license to sell alcoholic beverages in the City shall file an application for a license. The application for the license shall conform with the requirements of ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, and, for two years next preceding the filing of the application, the applicant shall have been a resident, a taxpayer and a registered voter of the City and/or Anne Arundel County.
- B. Plans or drawings:
 1. In the case of a new enterprise, the application for any class of beer license, beer and light wine license and beer, wine and liquor license shall be accompanied by an architect's plans or drawings of the building, premises and lot for which a license is applied. The plans or drawings shall include all exterior as well as interior features of the building, including but not limited to the location where the food and beverages will be prepared and served and all other accommodations of the building, including the types of material to be used and signs to be posted. In the case of off-sale and distributor licenses, the locations of storage and sales shall be included. The license, if granted, shall not become

effective until the building is completed in accordance with the filed plans.

2. The application for the transfer of an existing beer, beer and light wine or beer, wine and liquor license shall not require the submission of an architect's plans or drawings.
- C. Every application for a new or transfer of an existing alcoholic beverage license shall be accompanied by a nonrefundable fee of two hundred dollars. In addition, the applicant shall pay all advertising fees necessary for publication.
- D. Application for refillable container license:
1. Every applicant for a class of license that permits the sale of draft beer in refillable containers shall:
 - a. Complete the form that the Alcoholic Beverage Control Board provides; and
 - b. Pay an annual license fee set by resolution of the City Council based upon whether the applicant holds a license with an off-sale privilege at the time of application.
 2. Every applicant for a class of license that permits the sale of draft beer in refillable containers whose license, at the time of application, does not include an off-sale privilege shall meet the same advertising, posting of notice and public hearing requirements as those for the license that the applicant holds at the time of application.

Section 7.12.320 - Licenses for consumption on the premises only.

Subject to all other applicable provisions contained in this chapter and in ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, pertaining to the issuance of alcoholic beverage licenses, the Alcoholic Beverage Control Board may issue a beer, wine and liquor license which authorizes the holder to keep for sale and sell beer, wine and liquor at any establishment within the City for consumption on the premises only.

Section 7.12.350 - Allowing alcohol consumption without license.

- A. No person may give or allow to be consumed on that person's premises, or on premises under the person's possession or control, if the premises constitute a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment, or on premises open to the general public, any alcoholic beverage other than as specifically permitted or provided in ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, and this chapter. This prohibition does not apply to:
1. The room of a registered guest in any hotel, motel or hospice; or
 2. Licensees holding a state-issued Class E steamboat license who intend to serve alcoholic beverages to paying passengers of a bone fide regularly scheduled or chartered tour while on a vessel made fast to a wharf or pier.
- B. Any owner, operator, manager or employee of any premises or places described in subsection A of this section who knowingly permits consumption in violation of this section is guilty of a misdemeanor and upon conviction shall be fined as established by resolution of the City Council.

Section 7.12.420 - Possession or consumption on public highways.

- A. For the purposes of this section:

1. "Alcoholic beverage" means the same as in ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, ~~as amended from time to time~~.
 2. "Container" means any object, regardless of shape or design or of material from which made, including but not limited to, a can, bottle, cup, carton or glassware, capable of holding and dispensing any substance.
 3. "Open" means any container not in sealed manufactured package form.
 4. "Public highway" includes any street, highway, shoulder, median, right-of-way, alley, sidewalk, road, parking lot or area, lane, path or public way, or any other land or portion of land owned or leased by the City, the County or the State, used, or intended or obtained for use, and whether or not in use, for public conveyance of vehicles or persons.
 5. "Vehicle" means the same as in the Transportation Article of the Annotated Code of Maryland, as MAY BE amended ~~from time to time~~.
- B. A person may not consume an alcoholic beverage on a public highway or in a vehicle while it is moving, stopped, standing or parked on a public highway.
- C. A person may not possess an open container of alcoholic beverage on a public highway in the City or in a vehicle while it is moving, stopped, standing or parked on a public highway.
- D. The prohibitions of this section do not apply to:
1. The consumption of alcoholic beverages or the possession of one or more alcoholic beverage containers by a nondriver passenger in a registered class B vehicle (for hire), as defined in Section 13-913 of the Transportation Article of the Annotated Code of Maryland, as MAY BE amended ~~from time to time~~;
 2. The possession or consumption of alcoholic beverages on any premises licensed for the consumption of alcoholic beverages under this chapter and ~~Article 2B~~ THE ALCOHOLIC BEVERAGES ARTICLE of the Annotated Code of Maryland, AS MAY BE AMENDED, ~~as amended from time to time~~;
 3. Consumption of alcoholic beverages or possession of open containers of alcoholic beverages on a public highway if allowed under the terms of a proper permit issued by an authorized State or local agency having jurisdiction over the highway;
 4. The carrying or transporting of open containers of alcoholic beverages in a part of any vehicle not within the immediate control of the driver or any passenger of the vehicle.
- E. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine, or imprisonment, or both as established by resolution of the City Council.

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.

Explanation:

UPPERCASE indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.