

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 9

Bill No. 41-12

Councilmembers Huff, Marks & Oliver

By the County Council, May 7, 2012

A BILL
ENTITLED

AN ACT concerning

BYOB Establishments

FOR the purpose of requiring a license to operate a BYOB establishment in Baltimore County; defining terms; providing for the scope of the Act; providing exceptions; providing for a license application and license fee; providing for the issuance, denial, nonrenewal, suspension, revocation, and nontransferability of a license; providing for an administrative process to govern license decisions made by the Department; prohibiting certain acts; authorizing access to BYOB establishments by Department and law enforcement personnel; providing for hours of operation; providing for enforcement and penalties; and generally relating to BYOB establishments.

BY adding

Sections 21-22-101 to 21-22-112

Article 21 - Permits, Licenses, and Business Regulation

Title 22 - BYOB Establishments

Baltimore County Code 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the laws of Baltimore County read as follows:

3 Article 21 - Permits, Licenses, and Business Regulation

4 TITLE 22. BYOB ESTABLISHMENTS.

5 §21-22-101. DEFINITIONS.

6 (A) IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "ALCOHOLIC BEVERAGE" HAS THE MEANING STATED IN SECTION
9 1-102 OF ARTICLE 2B OF THE ANNOTATED CODE OF MARYLAND.

10 (C) "BYOB ESTABLISHMENT" MEANS A FACILITY THAT IS LICENSED
11 BY THE DIRECTOR TO ALLOW ADULT PATRONS TO BRING ALCOHOLIC
12 BEVERAGES ONTO THE PREMISES FOR POSSESSION AND CONSUMPTION.

13 (D) "DIRECTOR" MEANS THE DIRECTOR OF PERMITS, APPROVALS
14 AND INSPECTIONS.

15 §21-22-102. SCOPE.

16 (A) THIS TITLE APPLIES TO A FACILITY THAT:

17 (1) IS NOT LICENSED UNDER ARTICLE 2B OF THE ANNOTATED
18 CODE OF MARYLAND; AND

1 (2) ALLOWS ADULT PATRONS TO BRING ALCOHOLIC
2 BEVERAGES ON THE PREMISES FOR POSSESSION AND CONSUMPTION ON THE
3 PREMISES.

4 (B) THIS TITLE DOES NOT APPLY TO:

5 (1) A RESIDENCE;

6 (2) A PRIVATE CLUB ORGANIZED AND OPERATED
7 EXCLUSIVELY FOR EDUCATIONAL, SOCIAL, FRATERNAL, PATRIOTIC, POLITICAL,
8 OR ATHLETIC PURPOSES;

9 (3) AN ESTABLISHMENT OPERATED BY A GOVERNMENTAL,
10 RELIGIOUS, OR EDUCATIONAL INSTITUTION;

11 (4) A THEATER; OR

12 (5) A FACILITY THAT IS RENTED FOR A LIMITED PERIOD OF
13 TIME BY AN INDIVIDUAL OR ORGANIZATION FOR THE PURPOSE OF CONDUCTING
14 A PRIVATE EVENT IN WHICH ALCOHOLIC BEVERAGES ARE CARRIED ONTO AND
15 CONSUMED ON THE PREMISES.

16 (C) EXCEPT AS AUTHORIZED BY THIS TITLE, A COMMERCIAL
17 ESTABLISHMENT MAY NOT ALLOW CUSTOMERS OR PATRONS TO BRING
18 ALCOHOLIC BEVERAGES ONTO THE PREMISES.

19 §21-22-103. LICENSE REQUIRED.

1 A PERSON MAY NOT OPERATE A BYOB ESTABLISHMENT WITHOUT
2 HAVING FIRST OBTAINED AN ANNUAL LICENSE TO DO SO FROM THE DIRECTOR.

3 §21-22-104. LICENSE APPLICATION; FEE.

4 (A) AN APPLICATION FOR A LICENSE SHALL BE SUBMITTED TO THE
5 DEPARTMENT ON A FORM PROVIDED BY THE DIRECTOR.

6 (B) THE APPLICATION SHALL INCLUDE:

7 (1) THE NAMES, ADDRESSES, AND BIRTH DATES OF ALL
8 PERSONS WHO HAVE AN OWNERSHIP INTEREST IN, OR WHO WILL MANAGE, THE
9 BYOB ESTABLISHMENT;

10 (2) THE NAME AND ADDRESS OF THE BYOB ESTABLISHMENT;

11 (3) PROOF THAT THE APPLICANT HAS ALL OTHER PERMITS
12 AND APPROVALS REQUIRED TO OPERATE THE ESTABLISHMENT, INCLUDING A
13 FOOD SERVICE FACILITY LICENSE AND THE APPROPRIATE ZONING;

14 (4) A SCALE DRAWING OF THE SITE, INCLUDING A FLOOR
15 PLAN OF EACH BUILDING AND A DESIGNATION OF THE AREAS WHERE THE
16 CONSUMPTION OF ALCOHOL IS TO BE ALLOWED; AND

17 (5) SUCH OTHER INFORMATION REQUIRED BY THE DIRECTOR.

18 (C) THE DIRECTOR SHALL CHARGE A FEE FOR EACH LICENSE
19 REQUIRED BY THIS TITLE.

1 §21-22-105. APPROVAL.

2 THE DIRECTOR MAY APPROVE AN APPLICATION UNLESS:

3 (1) THE INFORMATION PROVIDED BY THE APPLICANT IS INCORRECT
4 OR INCOMPLETE; OR

5 (2) THE ESTABLISHMENT LISTED IN THE APPLICATION DOES NOT
6 MEET THE COUNTY'S HEALTH, ZONING, FIRE, OR BUILDING CODE
7 REQUIREMENTS.

8 §21-22-106. NON-TRANSFERABILITY OF LICENSE.

9 A LICENSE TO OPERATE A BYOB ESTABLISHMENT MAY NOT BE
10 TRANSFERRED FROM ONE PERSON TO ANOTHER.

11
12 §21-22-107. DENIAL; NONRENEWAL; REVOCATION; SUSPENSION OF
13 LICENSE.

14 (A) THE DIRECTOR MAY ISSUE AN ORDER DENYING, REFUSING TO
15 RENEW, REVOKING, OR SUSPENDING A LICENSE FOR THE FOLLOWING REASONS:

16 (1) THE INFORMATION PROVIDED BY THE LICENSEE OR
17 APPLICANT IN THE APPLICATION IS INCORRECT, INCOMPLETE, OR HAS NOT BEEN
18 UPDATED;

19 (2) A LICENSEE HAS FAILED TO COMPLY WITH A CORRECTION
20 NOTICE OR CITATION; OR

1 (3) THE LICENSEE OR APPLICANT HAS VIOLATED ONE OR
2 MORE OF THE PROVISIONS OF THIS TITLE.

3 (B) AN ORDER DENYING, REFUSING TO RENEW, REVOKING, OR
4 SUSPENDING A LICENSE SHALL BE SERVED ON THE LICENSEE OR APPLICANT BY
5 CERTIFIED MAIL, RESTRICTED DELIVERY OR BY PERSONAL SERVICE.

6 (C) THE ORDER SHALL CONTAIN THE REASONS FOR THE DENIAL,
7 REFUSAL TO RENEW, REVOCATION, OR SUSPENSION.

8 (D) WITHIN 15 DAYS AFTER THE DATE OF AN ORDER, A PERSON
9 AGGRIEVED MAY APPEAL THE ORDER AND REQUEST A HEARING BEFORE THE
10 DIRECTOR OR THE DIRECTOR'S DESIGNEE.

11 (E) THE FILING OF AN APPEAL SHALL STAY THE ORDER OF THE
12 DIRECTOR TO REVOKE OR SUSPEND A LICENSE.

13 (F) WITHIN 30 DAYS AFTER THE DATE OF THE DECISION OF THE
14 DIRECTOR OR THE DIRECTOR'S DESIGNEE ON THE APPEAL OF AN ORDER, A
15 PERSON AGGRIEVED MAY APPEAL THE DECISION TO THE BOARD OF APPEALS.

16 (G) THE FILING OF AN APPEAL WITH THE BOARD OF APPEALS SHALL
17 STAY THE ORDER OF THE DIRECTOR TO REVOKE OR SUSPEND A LICENSE.

18 §21-22-108. SALE OF ALCOHOLIC BEVERAGE; CONSUMPTION.

19 (A) A PERSON MAY NOT SELL AN ALCOHOLIC BEVERAGE AT A BYOB
20 ESTABLISHMENT.

1 (B) A LICENSEE, MANAGER, OR EMPLOYEE OF A BYOB
2 ESTABLISHMENT MAY NOT:

3 (1) CONSUME AN ALCOHOLIC BEVERAGE WHILE ON DUTY;

4 (2) PURCHASE OR OTHERWISE ACQUIRE AN ALCOHOLIC
5 BEVERAGE FOR A PATRON;

6 (3) GIVE AN ALCOHOLIC BEVERAGE TO A PATRON; OR

7 (4) PERMIT A PERSON UNDER THE AGE OF 21 TO CONSUME AN
8 ALCOHOLIC BEVERAGE.

9 §21-22-109. CONSENT TO INSPECTION; ACCESS.

10 (A) BY ACCEPTING A LICENSE UNDER THIS TITLE, THE LICENSEE
11 CONSENTS THAT THE DIRECTOR, OR HIS REPRESENTATIVE, AND LAW
12 ENFORCEMENT PERSONNEL MAY ENTER THE ESTABLISHMENT DURING THE
13 HOURS OF OPERATION TO CONDUCT AN INVESTIGATION OR INSPECT THE
14 PREMISES TO DETERMINE COMPLIANCE WITH THIS TITLE.

15 (B) A LICENSEE, MANAGER, OR EMPLOYEE OF A BYOB
16 ESTABLISHMENT SHALL PROVIDE THE DIRECTOR, OR HIS REPRESENTATIVE, AND
17 LAW ENFORCEMENT PERSONNEL WITH IMMEDIATE ACCESS TO ALL PORTIONS
18 OF THE ESTABLISHMENT.

19 §21-22-110. HOURS OF OPERATION.

20 A BYOB ESTABLISHMENT SHALL BE CLOSED BETWEEN 2:00 A.M.

1 AND 7:00 A.M. EACH DAY.

2 §21-22-111. ENFORCEMENT.

3 THE DEPARTMENT MAY INSTITUTE ANY ACTION AT LAW OR
4 EQUITY, INCLUDING INJUNCTION OR MANDAMUS, TO ENFORCE THE PROVISIONS
5 OF THIS TITLE.

6 §21-22-112. PENALTY.

7 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY
8 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

9 (1) A FINE NOT EXCEEDING \$500 FOR A FIRST OFFENSE; OR

10 (2) A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT
11 EXCEEDING (90) NINETY DAYS OR BOTH FOR A SUBSEQUENT OFFENSE.

12 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
13 the affirmative vote of five members of the County Council, shall take effect on June 18, 2012.