


FROM	NAME & TITLE	David E. Scott, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 08-0163		

DATE: February 26, 2009

TO

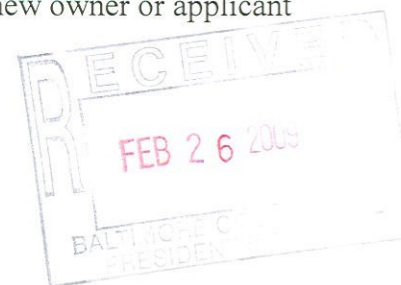
The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 - City Hall

I am herein reporting on City Council Bill 08-0163 introduced by Council President Rawlings Blake and Council Members Henry, Young, Curran, Branch, Middleton, Conaway, and Spector.

The purpose of the Bill is to delete live entertainment and dancing as a zoning use category; require the licensing of certain establishments that provide live entertainment or dancing; establish the Board of Licenses for Live Entertainment and an Office of Hospitality Services, and provide for their powers and duties; define certain terms, impose certain penalties; and generally relating to the licensing and regulation of live entertainment and to the promotion and coordination of hospitality services.

The Baltimore City Zoning Code allows for several categories of live entertainment in certain zoning districts: restaurants with live entertainment and dancing are permitted in B-3, B-4, and B-5 Districts, and as a Conditional Use granted by the Board of Municipal and Zoning Appeals (BMZA) in M-2 and M-3 Districts; taverns serving alcoholic beverages, with live entertainment and dancing, are permitted in B-3, B-4, and B-5 Districts, and as a Conditional Use granted by the BMZA in M-2 and M-3 Districts; after-hours establishments, with live entertainment and dancing, are a Conditional Use granted by the BMZA for B-3, B-4, and B-5 Districts; and adult entertainment is a Conditional Use, by ordinance, in B-5 Districts.

Except for adult entertainment, City Council Bill 08-0163, if approved, would delete live entertainment and dancing as a zoning use category and would replace it with a licensure process through a newly established Board of Licenses for Live Entertainment. The Board would create various classes of licenses, create an application process and appropriate fees, prescribe who may apply and investigate the qualifications of an applicant, and create a hearing process to consider approval, denial, suspension or revoking of live entertainment licenses. Civil fines may be assessed for offenses (not more than \$500 for first offense; not more than \$1,000 for subsequent offenses), or may be found guilty of a misdemeanor and fined not more than \$500. The license would not be transferable to a new owner or applicant or to a different venue.



The Board would be comprised of five members: two Mayoral appointees, the President of the City Council or her designee, one Council member appointed by the President, and the Director of Hospitality, who would chair the Board. Before any rules and regulations may be adopted by the Board, a public hearing must be advertised and held, and public commentary taken into consideration. The rules and regulations must delineate various classes of licenses and specify the types of entertainment that is allowed under the license, the days and hours of operation, the term of the license, and any other relevant limitations to that particular class of license. When designating the class of license and considering limitations to be imposed for that class of license, the Board must consider noise levels, amplification, and sound proofing; limitations posed by the venue's size, location, or the nature of the live entertainment within that venue; the number of live entertainers; whether to limit the live entertainment to dancing only; the maximum authorized occupant load; proximity to residences, schools, religious institutions, or parks; the volume and type of vehicular and pedestrian traffic in the area of the venue; exterior lighting; and ensuring plans for the management of traffic, parking, indoor and outdoor security, and sanitation.

An Office of Hospitality Services would also be created whose Director would act as the principal point of contact with citizens having issues with the hospitality industry. The Director would also coordinate the activities of City agencies that regulate or have oversight of live entertainment, one of which is the Department of Public Works. The Director would organize regular roundtable meetings with the general public and the hospitality industry, in an effort to mediate disputes. The Director would also provide orientations for new hospitality industry businesses. Each licensee will be required to compile a "white book", and the Director may adopt rules and regulations concerning the form and content of the book. At a minimum the white book would contain the name and contact information of the licensee; any of required parking, traffic, security or sanitation plans; and a copy of all necessary licenses to operate. The white book must be available for inspection during regular business hours.

The successful and not so successful application of live entertainment has been the concern of many communities and the City. Ensuring the proper use of a permitted or granted conditional use for live entertainment, along with the attendant outgrowth of noise, sanitation, and safety issues prompted the study of how live entertainment could be both an asset and a growth opportunity for Baltimore. A task force was established by City Council Resolution 07-0263R (Baltimore City Arts, Dining, and Entertainment Partnership Task Force) to do just that, and a cross section of communities, businesses, and other stakeholders were invited to the table to see how other cities manage live entertainment, what safeguards would be practical to implement, what community protections would be possible, and what administrative oversight and process makes sense for Baltimore. A consultant hired by the Planning Department in 2007 conducted a nightlife study and prepared a report that had, as one of its major recommendations, creating a system for licensing live entertainment establishments.