

The Baltimore City Department of  
**HOUSING & COMMUNITY  
DEVELOPMENT**

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: November 21, 2018

Re: **City Council Bill 18-0302, Late-Night Commercial Operations – Licensing**

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The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0302, for the purpose of deleting an exception for the sale of motor vehicle fuels; authorizing the issuance of a conditional license for certain delivery services; and generally related to the licensing of late-night commercial operations.

If enacted, this bill will revise Article 15 of the Baltimore City Code to remove an exemption for the sale of motor vehicle fuel. It will also grant the Finance Department the authority to issue a late-night operations license for a business to operate a late-night delivery-only service, conditioned upon all indoor sales and dining areas being closed to the public during late-night hours.

In addition to these provisions, HCD would like the bill contain the following changes. These changes were discussed with the bill's sponsor and reflect a shared consensus of all parties involved.

1. Defining of key terms, specifically "Impact area." Defining the impact area of a business is essential to determining which residents are able to object to a business being granted a license.
2. Including in the scope of the bill specific references to "carry-out food shop" and "drive-through," as defined in the City Code. Inclusion of these definitions is necessary to prevent businesses from continuing to operate their businesses during late-night hours by serving customers at the door of their establishment.
3. Specifying that the bill pertains to businesses operating between midnight and 5am in the following zoning districts: Residential, Office-Residential, Commercial, I-MU Industrial, and Transit Oriented.
4. Establishing criteria by which the Finance Director can deny a license application on the grounds of objections – on the basis of public health or safety concerns – from real property owners, commercial tenants, or residents within the impact area of the business.
5. Allowing public health and safety agencies to object to the issuance of a license on the basis of tangible public health or safety concerns.

6. Establishing a process by which businesses can appeal being denied a license.
7. Establishing the term of the license and a process for renewal.
8. Defining criteria by which the Finance Department may deny, suspend, or revoke a license, and establishing a process for businesses to appeal the decision to the Finance Director.
9. Establishing criteria by which a business may seek judicial review in the event that they are aggrieved by a decision of the Finance Director.
10. Defining enforcement guidelines and penalties.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0302, conditioned upon the inclusion of the changes above.

MB:td

cc: Mr. Kyron Banks, *Mayor's Office of Government Relations*