

**CITY OF BALTIMORE  
COUNCIL BILL 14-0361  
(First Reader)**

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Introduced by: Councilmembers Kraft, Stokes, Reisinger, Branch, Middleton, Henry,  
President Young, Councilmembers Holton, Scott, Mosby

Introduced and read first time: April 7, 2014

Assigned to: Housing and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Commission, Health Department, Department of Housing and Community  
Development, Department of Finance, Police Department

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Late-Night Commercial Operations – Multiple Businesses**

3 FOR the purpose of repealing exceptions for certain multiple businesses from the application,  
4 notice, objections, and hearing processes otherwise required to obtain and renew late-night  
5 operations licenses; providing for the application of this Ordinance to multiple businesses  
6 previously licensed under these exceptions; providing for a special effective date; and  
7 generally relating to the licensing and regulation of late-night commercial operations.

8 BY repaling and reordaining, with amendments

9 Article 15 - Licensing and Regulation  
10 Section(s) 9-7, 9-8, and 9-10  
11 Baltimore City Code  
12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
14 Laws of Baltimore City read as follows:

15 **Baltimore City Code**

16 **Article 15. Licensing and Regulation**

17 **Subtitle 9. Late-Night Commercial Operations**

18 **§ 9-7. Applications.**

19 [(a) *In general.*]

20 The application for a license must be in the form and contain the information that the Finance  
21 Department requires.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 [(b) *Multiple businesses owned or franchised by same person.*]

2 [(1) Any person that owns or is the franchisor of 2 or more businesses subject to this  
3 subtitle may submit a joint application to license each of those businesses.]

4 [(2) On compliance with paragraph (3) of this subsection, the applicant is entitled to  
5 immediately obtain and annually renew these licenses, without the posting, notice,  
6 objections, and hearing processes of § 9-8 and § 9-10(d) of this subtitle.]

7 [(3) The applicant must agree, in a form satisfactory to the Finance Director, that a  
8 business covered by the joint application will become subject to the renewal protest  
9 and hearing process of § 9-10(d) of this subtitle if that business:

10 (i) fails to abate within 30 days of receipt any notice or citation for violating any  
11 provision of the Building, Fire, and Related Codes of Baltimore City, the  
12 Health Code of Baltimore City, or the Zoning Code of Baltimore City; or

13 (ii) fails to pay when due any fee, fine, or penalty to the City for the license issued  
14 under this subtitle or for any other license issued by the City.]

### 15 § 9-8. Posting and notice; Objections.

16 [(a) *Scope of section.*

17 This section does not apply to multiple businesses that have applied jointly under  
18 § 9-7(b)(1) of this subtitle and have entered into the agreement described in § 9-7(b)(3) of  
19 this subtitle.]

20 (A) [(b)] *Posting and notice required.*

21 On filing an application for an initial license, the applicant must, in accordance with the  
22 Finance Department's rules and regulations:

23 (1) post the premises for 15 days; and

24 (2) within 5 days of the filing, send notice of the application to the City  
25 Councilmember who represents the Councilmanic District in which the business  
26 is located.

27 (B) [(c)] *9 or fewer objections.*

28 (1) If, within the 15-day posting period, the Department receives no more than 9 written  
29 objections from property owners or residents within the impact area of the business,  
30 the Department must grant or deny the license within 15 days after the last day of the  
31 15-day posting period.

32 (2) A denial must be based solely on one or more of the following factors:

33 (i) any cause for denial that is specified in § 9-16 {"Denial, suspension, or  
34 revocation"} of this subtitle;

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- 1 (ii) the specific days and hours proposed for late-night operations;
- 2 (iii) the lack or inadequacy of an indoor and outdoor security plan; and
- 3 (iv) the inability or unwillingness of the applicant to accept reasonable conditions
- 4 on the license to protect the public health, safety, and welfare

5 (3) The notice of a denial must:

- 6 (i) state the reasons for the denial; and
- 7 (ii) notify the applicant of the applicant’s right to appeal to the Board of
- 8 Municipal and Zoning Appeals.

9 (4) Within 30 days of receiving the notice of denial, the applicant may appeal to the

10 Board of Municipal and Zoning Appeals for a public hearing on the application.

11 (C) ~~[(d)]~~ *10 or more objections.*

12 (1) If, within the 15-day posting period, the Department receives 10 or more written

13 objections from property owners or residents within the impact area of the business,

14 the Department must:

- 15 (i) deny the application; and
- 16 (ii) within 7 days after the last day of the 15-day posting period, notify the
- 17 applicant of the denial and of the applicant’s right to appeal to the Board of
- 18 Municipal and Zoning Appeals.

19 (2) Within 30 days of receiving the notice of denial, the applicant may appeal to the

20 Board of Municipal and Zoning Appeals for a public hearing on the application.

21 **§ 9-10. Term and renewal of license.**

22 (a) *Term.*

23 Each late-night operations license expires annually on the anniversary of its issuance and

24 is renewable as provided in this section.

25 (b) *Application for renewal.*

26 (1) To renew a license, the licensee must apply no less than 30 days nor more than 60

27 days before the license expires.

28 (2) The renewal application must be in the form and contain the information that the

29 Finance Department requires.

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1 (c) *Approval.*

2 On filing the renewal application and payment of the renewal fee, the Finance  
3 Department may approve the application, except as provided in subsection (d) of this  
4 section.

5 (d) *Protest and hearing.*

6 [(1) This subsection does not apply to multiple businesses that have applied jointly under  
7 § 9-7(b) of this subtitle, except as specified in that section.]

8 (1) [(2)] If, before the end of the renewal period, 10 or more written objections from  
9 property owners or residents within the impact area of the business, the Department  
10 must:

11 (I) [1.] deny the application; and

12 (II) [2.] within 7 days after the last day of the 15-day posting period, notify the  
13 applicant of the denial and of the applicant's right to appeal to the Board of  
14 Municipal and Zoning Appeals.

15 (2) [(3)] Within 30 days of receiving the notice of denial, the applicant may appeal to the  
16 Board of Municipal and Zoning Appeals for a public hearing on the application.

17 (3) [(4)] If the applicant timely appeals to the Board, the applicant may continue its hours  
18 of operation pending a hearing and decision by the Board.

19 (4) [(5)] The considerations and decision of the Board shall be as provided in § 9-9 of  
20 this subtitle.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
22 are not law and may not be considered to have been enacted as a part of this or any prior  
23 Ordinance.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That, for a business previously licensed under  
25 the repealed exceptions for multiple business (former §§ 9-7(b), 9-8(a), and 9-10(d)(1) of Article  
26 15), this Ordinance and the application, notice, objections, and hearing processes required by it,  
27 will apply to the renewal of any license that is due to expire on or after the 30<sup>th</sup> day after the  
28 effective date of this Ordinance.

29 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
30 enacted.