

CITY OF BALTIMORE
COUNCIL BILL 12-0050
(First Reader)

Introduced by: Councilmembers Mosby, Kraft, Branch, Middleton, Holton, Scott, Spector,
Clarke, Cole, Reisinger, Stokes, President Young, Councilmembers Curran, Welch, Henry
Introduced and read first time: March 19, 2012

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Baltimore City
Board of Liquor Licenses Commissioners, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Sales to Minors in Proximity of Liquor Store**

3 FOR the purpose of prohibiting persons in close proximity to a liquor store from selling any food,
4 goods, wares, or merchandise to any person under the age of 21; defining certain terms;
5 imposing certain penalties; correcting, clarifying, and conforming related provisions; and
6 generally relating to preventing minors from accessing alcoholic beverages.

7 BY repealing and reordaining, with amendments

8 Article 19 - Police Ordinance

9 Section(s) 33-1 through 33-4

10 Baltimore City Code

11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 19. Police Ordinances**

16 **Subtitle 33. Minors - Alcoholic Beverages**

17 **§ 33-1. “Minor” defined.**

18 [The word] IN THIS SUBTITLE, “minor” [shall apply to every] MEANS ANY person under 21
19 years of age, except [to] FOR bona fide employees in the course of their employment and
20 whose employment is not prohibited by STATE CODE Article 2B [of the Maryland Code]
21 {“ALCOHOLIC BEVERAGES”}.

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

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§ 33-2. Purchase or possession by minor.

(a) *Prohibited conduct.*

[It shall be unlawful for any] NO minor MAY:

(1) [to] attempt to purchase alcoholic [beverages] BEVERAGE; or

(2) [to] drink or have in his or her possession any alcoholic [beverages] BEVERAGE:

(i) in any public place; or

(ii) on any public highway.

(b) *Penalties.*

Any [person violating the provisions] MINOR WHO VIOLATES A PROVISION of this section [shall be] IS guilty of a misdemeanor and, [upon] ON conviction [thereof], IS SUBJECT TO:

(1) [shall be subject to] FOR A 1ST CONVICTION, a fine OF not [exceeding] MORE THAN \$100 [for the minor's 1st conviction]; and

(2) for [the] A 2nd or [any] subsequent conviction [thereof], [the minor shall be subject to] a fine OF not [exceeding] MORE THAN \$250 or [to] imprisonment [in jail] for [a period] not [exceeding] MORE THAN 60 days or both [such] fine and imprisonment [in the discretion of the court].

§ 33-3. SALES IN PROXIMITY TO LIQUOR STORE.

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) *CLOSE PROXIMITY*

“CLOSE PROXIMITY TO LIQUOR STORE” MEANS LOCATED:

(I) ON THE PREMISES OF A LIQUOR STORE; OR

(II) ADJACENT TO A LIQUOR STORE WITH DIRECT ACCESS TO THE LIQUOR STORE.

(3) *LIQUOR STORE.*

(1) “LIQUOR STORE” MEANS ANY ESTABLISHMENT THAT SELLS LIQUOR FOR OFF-PREMISE CONSUMPTION.

(2) “LIQUOR STORE” INCLUDES ANY LICENSEE WHO HOLDS ONE OF THE FOLLOWING OFF-SALE LICENSES:

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1 (I) CLASS A BEER, WINE, AND LIQUOR LICENSE (OFF-SALE); AND

2 (II) CLASS A-2 BEER, WINE, AND LIQUOR OFF-SALE PACKAGE GOODS LICENSE.

3 (3) "LIQUOR STORE" DOES NOT INCLUDES A LICENSEE WHO HOLDS:

4 (I) AN ON-SALE LICENSE; OR

5 (II) ONE OF THE FOLLOWING OFF-SALE LICENSES:

6 (A) CLASS A BEER AND LIGHT WINE LICENSE (OFF-SALE); AND

7 (B) CLASS A2 LIGHT WINE LICENSE (ON- AND OFF-SALE).

8 (B) *PROHIBITED CONDUCT.*

9 NO PERSON IN CLOSE PROXIMITY TO A LIQUOR STORE MAY SELL ANY FOOD, GOODS,
10 WARES, OR MERCHANDISE (EVEN IF NON-ALCOHOLIC) TO ANY MINOR.

11 (C) *PENALTIES.*

12 ANY PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR
13 AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

14 **§ 33-4. [§ 33-3.] False representation.**

15 (a) *Prohibited conduct.*

16 [It shall be unlawful for any] NO minor MAY knowingly and falsely [to] represent HER- OR
17 himself to be 21 years of age to any [licensed] person [engaged in the sale of alcoholic
18 beverages,] for the purpose of:

19 (1) [procuring] PURCHASING or [having such] POSSESSING AN alcoholic [beverages]
20 BEVERAGE [furnished to him by sale, gift, or otherwise] IN VIOLATION OF § 33-2
21 {"PURCHASE OR POSSESSION BY MINOR"} OF THIS SUBTITLE; OR

22 (2) PURCHASING ANY GOOD, WARES, OR MERCHANDISE IN VIOLATION OF § 33-3
23 {"SALES IN PROXIMITY TO LIQUOR STORE"} OF THIS SUBTITLE.

24 (b) *Penalties.*

25 Any [person violating the provisions] MINOR WHO VIOLATES A PROVISION of this section
26 [shall be] IS guilty of a misdemeanor and, [upon] ON conviction [thereof], IS SUBJECT TO:

27 (1) [shall be subject to] FOR A 1ST CONVICTION, a fine OF not [exceeding] MORE THAN
28 \$100 [for his 1st conviction]; and

29 (2) for [the] A 2ND or [any] subsequent conviction [thereof], [the minor shall be subject
30 to] a fine OF not [exceeding] MORE THAN \$250 or [to] imprisonment [in jail] for [a

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1 period] not [exceeding] MORE THAN 60 days or both [such] fine and imprisonment
2 [in the discretion of the court].

3 **§ 33-5. [§ 33-4.] Providing to or inducing minor.**

4 (a) *Prohibited conduct.*

5 [It shall be unlawful for any] NO person MAY:

6 (1) [to] request or induce a minor to purchase or to attempt to purchase any alcoholic
7 [beverages] BEVERAGE; [or]

8 (2) [to] give to, supply with, or in any way furnish to a minor, on any street or public
9 way or in any place of public resort, any alcoholic beverage; OR

10 (3) REQUEST OR INDUCE A MINOR TO PURCHASE ANY GOODS, WARES, OR
11 MERCHANDISE IN VIOLATION OF § 33-3 {“SALES IN PROXIMITY TO LIQUOR
12 STORE”} OF THIS SUBTITLE.

13 (b) *Penalties.*

14 Any person [violating the provisions] WHO VIOLATES A PROVISION of this section [shall
15 be] IS guilty of a misdemeanor and, [upon] ON conviction [thereof], [shall be fined] IS
16 SUBJECT TO A FINE OF not more than \$500 for each [and every such violation] OFFENSE.

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

20 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
21 after the date it is enacted.