

**CITY OF BALTIMORE  
COUNCIL BILL 08-0163  
(First Reader)**

---

Introduced by: President Rawlings-Blake, Councilmembers Henry, Young, Curran, Branch,  
Middleton, Conaway, Spector

Introduced and read first time: July 21, 2008

Assigned to: Judiciary and Legislative Investigations Committee and Land Use and  
Transportation Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Commission, Department of Housing and Community Development,  
Department of Public Works, Police Department, Fire Department, Department of Finance,  
Board of Liquor Licenses Commissioners, Baltimore Development Corporation, Baltimore  
Office of Promotion and the Arts, Health Department, Baltimore Area Convention and Visitors  
Association, Baltimore City Parking Authority Board, Department of Transportation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Live Entertainment – Licensing and Regulation –**  
3 **Hospitality Services – Promotion and Coordination**

4 FOR the purpose of deleting live entertainment and dancing as a zoning use category; requiring  
5 the licensing of certain establishments that provide live entertainment or dancing;  
6 establishing the Board of Licenses for Live Entertainment and providing for its powers and  
7 duties; establishing an Office of Hospitality Services and providing for its powers and duties;  
8 defining certain terms; imposing certain penalties; and generally relating to the licensing and  
9 regulation of live entertainment and to the promotion and coordination of hospitality  
10 services.

11 BY repealing and reordaining, without amendments

12 Article - Zoning  
13 Section(s) 6-406(1), 6-506(1), 6-606(1)  
14 Baltimore City Revised Code  
15 (Edition 2000)

16 BY repealing

17 Article - Zoning  
18 Section(s) 1-153.1, 1-182.2, 1-194.2, 6-406(57) and (65), 6-506(27),  
19 7-307(9) and (12), 14-309  
20 Baltimore City Revised Code  
21 (Edition 2000)

22 BY repealing and reordaining, with amendments

23 Article - Zoning  
24 Section(s) 3A-106(8), 6-208(15), 6-306(71) and (82), 6-506(23),  
25 7-306(56) and (68), 8-407(b)(4)

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

**Council Bill 08-0163**

1 Baltimore City Revised Code  
2 (Edition 2000)

3 BY adding  
4 Article 15 - Licensing and Regulation  
5 Section(s) 10-1 to 10-36, to be under the subtitle designation,  
6 “Subtitle 10. Live Entertainment”  
7 Baltimore City Code  
8 (Edition 2000)

9 BY adding  
10 Article 1 - Mayor, City Council, and Municipal Agencies  
11 Section(s) 29-1 to 29-4, to be under the subtitle designation,  
12 “Subtitle 29. Office of Hospitality Services”  
13 Baltimore City Code  
14 (Edition 2000)

15 BY adding  
16 Article 8 - Ethics  
17 Section(s) 7-8(17a) and (27a)  
18 Baltimore City Code  
19 (Edition 2000)

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

22 **Baltimore City Revised Code**

23 **Article – Zoning**

24 **Title 1. Definitions; General Provisions**

25 **[§ 1-153.1. Live entertainment.]**

26 [(a) *In general.*

27 “Live entertainment” means any one or more of any of the following, performed live by  
28 one or more persons, whether or not done for compensation and whether or not admission  
29 is charged:

- 30 a. musical act (including karaoke);
- 31 b. theatrical act (including stand-up comedy);
- 32 c. play;
- 33 d. revue;
- 34 e. dance;
- 35 f. magic act;

**Council Bill 08-0163**

1 g. disc jockey; or

2 h. similar activity.]

3 [(b) *Exclusions.*

4 “Live entertainment” does not include adult entertainment, as defined in § 1-106 of this  
5 subtitle.]

6 **[§ 1-182.2. Restaurant – including live entertainment or dancing.]**

7 [“Restaurant – including live entertainment or dancing” means a restaurant at which live  
8 entertainment, dancing, or both may be provided as an accessory use.]

9 **[§ 1-194.2. Tavern – including live entertainment or dancing.]**

10 [“Tavern – including live entertainment or dancing” means a tavern at which live  
11 entertainment, dancing, or both may be provided as an accessory use.]

12 **Title 3A. Open Space Districts**

13 **§ 3A-106. Conditional uses – Board approval required.**

14 In an Open Space District, conditional uses that require Board approval are as follows:

15 (8) Restaurants – including [live entertainment or dancing, and] accessory outdoor table  
16 service – but only if located in a public park.

17 **Title 6. Business Districts**

18 **§ 6-208 {B-1} Conditional use — Board approval required.**

19 In a B-1 District, conditional uses that require Board approval are as follows:

20 (15) Restaurants — including accessory outdoor table service[, but not including live  
21 entertainment or dancing].

22 **§ 6-306. {B-2} Permitted uses.**

23 In a B-2 District, permitted uses are as follows:

24 (71) Restaurants — but not including [live entertainment or dancing, and not including]  
25 accessory outdoor table service.

26 (82) Taverns [— but not including live entertainment or dancing].

## Council Bill 08-0163

### § 6-406. {B-3} Permitted uses.

In a B-3 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

[(57) Restaurants — including live entertainment and dancing, but not including accessory outdoor table service.]

[(65) Taverns — including live entertainment and dancing.]

### § 6-506. {B-4} Permitted uses.

In a B-4 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

(23) Restaurants — including [live entertainment and dancing, and including] accessory outdoor table service.

[(27) Taverns — including live entertainment and dancing.]

### § 6-606. {B-5} Permitted uses.

In a B-5 District, permitted uses are as follows:

(1) As in a B-3 or B-4 District.

## Title 7. Industrial Districts

### § 7-306. {M-2} Permitted uses.

In an M-2 District, permitted uses are as follows:

(56) Restaurants — including accessory outdoor table service[, but not including live entertainment or dancing].

(68) Taverns[ — but not including live entertainment or dancing].

### § 7-307. {M-2} Conditional uses — Board approval required.

In an M-2 District, conditional uses that require Board approval are as follows:

[(9) Restaurants — including live entertainment and dancing— but only if located at least 500 feet from a residence district.]

[(12) Taverns — including live entertainment and dancing — but only if located at least 500 feet from a residence district.]

**Council Bill 08-0163**

**Title 8. Overlay Districts**

**§ 8-407. {Maritime Industrial} Use regulations.**

(b) *Prohibited uses.*

Notwithstanding any other provision of this article, the following uses are prohibited within the Overlay District:

(4) Restaurants, other than accessory [without live entertainment or dancing].

**Title 14. Conditional Uses**

**[§ 14-309. Live entertainment or dancing.]**

[For a restaurant or tavern operating with live entertainment or dancing as an accessory use, the Board must consider imposing conditions, as appropriate, concerning:

- (1) days and hours of operation;
- (2) use of amplification, noise levels, and need for noise proofing;
- (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;
- (4) number of live entertainers;
- (5) number of seats proposed for outdoor table service;
- (6) exterior lighting;
- (7) whether to limit the accessory use to live entertainment only or dancing only; and
- (8) the establishment and maintenance of:
  - (i) a traffic and parking management plan; and
  - (ii) an indoor and outdoor security plan.]

**Baltimore City Code**

**Article 15. Licensing and Regulation**

**SUBTITLE 10. LIVE ENTERTAINMENT**

***PART I. DEFINITIONS; GENERAL PROVISIONS***

**Council Bill 08-0163**

1    **§ 10-1. DEFINITIONS.**

2        (A) *IN GENERAL.*

3            IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4        (B) *BOARD.*

5            “BOARD” MEANS THE BOARD OF LICENSES FOR LIVE ENTERTAINMENT.

6        (C) *DANCE CLUB.*

7            “DANCE CLUB” MEANS AN ESTABLISHMENT THAT:

8                (1) PROVIDES PATRONS WITH AN OPPORTUNITY TO DANCE TO RECORDED OR LIVE  
9                MUSIC; AND

10               (2) MIGHT OR MIGHT NOT SERVE FOOD OR DRINKS.

11        (D) *INCLUDES; INCLUDING.*

12            “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF  
13            LIMITATION.

14        (E) *LIVE ENTERTAINMENT.*

15            (1) *IN GENERAL.*

16            “LIVE ENTERTAINMENT” MEANS ANY ENTERTAINMENT THAT IS PERFORMED LIVE BY  
17            ONE OR MORE PERSONS, WHETHER OR NOT DONE FOR COMPENSATION, WHETHER OR  
18            NOT ADMISSION IS CHARGED, AND WHETHER THE ENTERTAINMENT IS A PRINCIPAL,  
19            ACCESSORY, OR OTHER USE OF THE PREMISES.

20            (2) *INCLUSIONS.*

21            “LIVE ENTERTAINMENT” INCLUDES, EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
22            SUBSECTION, ANY:

23                (1) MUSICAL ACT, CONCERT, OR RECITAL;

24                (2) THEATRICAL ACT, PLAY, OR REVUE;

25                (3) CIRCUS, AERIAL, OR ACROBATIC PERFORMANCE;

26                (4) DANCE PERFORMANCE;

27                (5) PARTICIPATORY DANCING;

28                (6) MAGIC ACT;

29                (7) KARAOKE;

**Council Bill 08-0163**

- 1 (8) DISC JOCKEY;
- 2 (9) POETRY RECITAL OR BOOK READING;
- 3 (10) PERFORMANCE ART;
- 4 (11) STAND-UP OR OTHER COMEDY; OR
- 5 (12) SIMILAR ACTIVITY.

6 (3) *EXCLUSIONS.*

7 “LIVE ENTERTAINMENT” DOES NOT INCLUDE:

- 8 (1) ADULT ENTERTAINMENT, AS DEFINED IN § 1-1 OF THIS ARTICLE; OR
- 9 (2) A ONE-DAY, NONRECURRING EVENT EXEMPTED FROM THIS SUBTITLE BY A RULE
- 10 OR REGULATION OF THE BOARD; OR

11 (F) *PERSON.*

12 (1) *IN GENERAL.*

13 “PERSON” MEANS:

- 14 (I) AN INDIVIDUAL;
- 15 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
- 16 KIND; OR
- 17 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
- 18 OR REPRESENTATIVE OF ANY KIND.

19 (2) *EXCLUSIONS.*

20 “PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A

21 GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL

22 ENTITY.

23 (G) *RESTAURANT.*

24 “RESTAURANT” MEANS A BUSINESS ESTABLISHMENT THAT:

- 25 (I) PROVIDES FOOD TO THE PUBLIC, PRIMARILY FOR ON-PREMISES CONSUMPTION; AND
- 26 (II) MIGHT OR MIGHT NOT ALSO SERVE ALCOHOLIC BEVERAGES.

27 (H) *TAVERN.*

28 “TAVERN” MEANS A BUSINESS ESTABLISHMENT THAT:

**Council Bill 08-0163**

1 (1) PROVIDES ALCOHOLIC BEVERAGES TO THE PUBLIC FOR ON-PREMISES  
2 CONSUMPTION; AND

3 (2) MIGHT OR MIGHT NOT ALSO SERVE FOOD.

4 **§ 10-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.**

5 (A) *MANDATORY TERMS.*

6 “MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT  
7 OR TO IMPOSE A DUTY.

8 (B) *PROHIBITORY TERMS.*

9 “MUST NOT” AND “MAY NOT” ARE EACH MANDATORY NEGATIVE TERMS USED TO  
10 ESTABLISH A PROHIBITION.

11 (C) *PERMISSIVE TERMS.*

12 “MAY” IS PERMISSIVE.

13 **§§ 10-3 TO 10-5. {RESERVED}**

14 ***PART II. BOARD OF LICENSES FOR LIVE ENTERTAINMENT***

15 **§ 10-6. BOARD ESTABLISHED.**

16 THERE IS A BOARD OF LICENSES FOR LIVE ENTERTAINMENT.

17 **§ 10-7. COMPOSITION.**

18 (A) *IN GENERAL.*

19 THE BOARD COMPRISES THE FOLLOWING 5 MEMBERS:

- 20 (1) 2 MEMBERS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF  
21 THE CITY CHARTER;
- 22 (2) THE PRESIDENT OF THE CITY COUNCIL OR THE PRESIDENT’S DESIGNEE;
- 23 (3) 1 COUNCILMEMBER APPOINTED BY THE PRESIDENT OF THE CITY COUNCIL; AND
- 24 (4) THE DIRECTOR OF HOSPITALITY SERVICES.

25 (B) *QUALIFICATIONS.*

26 OF THE MEMBERS APPOINTED BY THE MAYOR:

- 27 (1) 1 MUST HAVE SUBSTANTIAL EXPERIENCE WITH THE LIVE-ENTERTAINMENT  
28 INDUSTRY; AND



**Council Bill 08-0163**

1 (2) THE OTHER MAY NOT HAVE ANY FINANCIAL INTEREST IN ANY ENTITY THAT OFFERS  
2 OR PROMOTES LIVE ENTERTAINMENT.

3 **§ 10-8. TENURE.**

4 THE TERM OF EACH MEMBER IS 4 YEARS, CONCURRENT WITH THE MAYOR'S TERM OF OFFICE,  
5 AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

6 **§ 10-9. QUORUM; VOTING.**

7 (A) *QUORUM.*

8 3 MEMBERS OF THE BOARD ARE A QUORUM.

9 (B) *VOTING.*

10 AN AFFIRMATIVE VOTE OF AT LEAST 3 MEMBERS IS NEEDED FOR ANY ACTION BY THE  
11 BOARD.

12 **§ 10-10. OFFICERS; EXPENSES.**

13 (A) *OFFICERS.*

14 (1) THE DIRECTOR OF HOSPITALITY SERVICES SERVES AS THE BOARD'S CHAIR.

15 (2) THE BOARD MAY ELECT, FROM AMONG ITS MEMBERS, ANY OTHER OFFICERS NEEDED  
16 FROM TIME TO TIME.

17 (B) *COMPENSATION.*

18 THE MEMBERS OF THE BOARD:

19 (1) RECEIVE NO COMPENSATION FOR SERVICES RENDERED AS MEMBERS OF THE  
20 BOARD; BUT

21 (2) ARE ENTITLED TO REIMBURSEMENT FOR NECESSARY AND PROPER EXPENSES  
22 INCURRED IN PERFORMING THEIR DUTIES AS A MEMBER.

23 **§ 10-11. STAFF.**

24 THE BOARD MAY APPOINT EMPLOYEES, ASSISTANTS, AND INVESTIGATORS AS PROVIDED IN  
25 THE ORDINANCES OF ESTIMATES.

26 **§ 10-12. RULES, REGULATIONS, AND FORMS.**

27 (A) *BOARD TO ADOPT.*

28 THE BOARD MUST ADOPT RULES, REGULATIONS, AND FORMS TO CARRY OUT THIS SUBTITLE.

**Council Bill 08-0163**

1 (B) *ADVERTISING FOR HEARING AND COMMENT.*

2 (1) THE BOARD MUST ADVERTISE FOR PUBLIC HEARING AND COMMENT ALL RULES AND  
3 REGULATIONS PROPOSED FOR ADOPTION OR AMENDMENT UNDER THIS SUBTITLE.

4 (2) THE ADVERTISEMENT:

5 (I) MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AT LEAST 15  
6 DAYS BEFORE THE HEARING; AND

7 (II) MUST INCLUDE:

8 (A) A DESCRIPTION OF THE PROPOSED RULES AND REGULATIONS;

9 (B) THE DATE, TIME, AND LOCATION OF THE PUBLIC HEARING; AND

10 (C) INFORMATION ON HOW A PERSON CAN OBTAIN A COPY OF THE PROPOSED  
11 RULES AND REGULATIONS BEFORE THE HEARING.

12 (C) *ADOPTION.*

13 AFTER THE PUBLIC HEARING, THE BOARD MAY ADOPT THE FINAL RULES, REGULATIONS, OR  
14 AMENDMENTS WITH AN EFFECTIVE DATE OF AT LEAST 15 DAYS AFTER THE DATE OF THEIR  
15 ADOPTION.

16 (D) *FILING.*

17 A COPY OF THE RULES, REGULATIONS, AND FORMS AND OF ANY AMENDMENTS TO THEM  
18 MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE  
19 EFFECT.

20 **§§ 10-13 TO 10-15. {RESERVED}**

21 ***PART III. LICENSING***

22 **§ 10-16. LICENSE REQUIRED.**

23 NO RESTAURANT, TAVERN, OR DANCE CLUB MAY PROVIDE LIVE ENTERTAINMENT OR DANCING  
24 WITHOUT HAVING FIRST OBTAINED A LICENSE TO DO SO FROM THE BOARD OF LICENSES FOR  
25 LIVE ENTERTAINMENT.

26 **§ 10-17. CLASSES AND SCOPE.**

27 (A) *IN GENERAL.*

28 IN ITS RULES AND REGULATIONS, THE BOARD MUST:

29 (1) DELINEATE THE VARIOUS CLASSES OF LICENSES TO BE ISSUED; AND

30 (2) FOR EACH CLASS OF LICENSE, SPECIFY:

**Council Bill 08-0163**

1 (I) THE TYPES OF ENTERTAINMENT THAT MAY BE PERFORMED UNDER THE  
2 LICENSE;

3 (II) THE DAYS AND HOURS OF OPERATION;

4 (III) THE TERM OF THE LICENSE; AND

5 (III) ALL OTHER LIMITATIONS APPLICABLE TO THAT CLASS.

6 (B) *REQUIRED CONSIDERATIONS.*

7 IN DESIGNATING CLASSES AND SPECIFYING LIMITATIONS, THE BOARD SHALL CONSIDER:

8 (1) USE OF AMPLIFICATION, NOISE LEVELS, AND NEED FOR NOISE PROOFING;

9 (2) LIMITS ON THE SIZE OF THE ESTABLISHMENT OR ON THE SIZE, LOCATION, OR  
10 CONFIGURATION OF THE ENTERTAINMENT OR DANCING VENUE WITHIN THE  
11 ESTABLISHMENT;

12 (3) NUMBER OF LIVE ENTERTAINERS;

13 (4) EXTERIOR LIGHTING;

14 (5) WHETHER TO LIMIT THE LIVE ENTERTAINMENT TO DANCING ONLY;

15 (6) THE PROXIMITY OF RESIDENCES, SCHOOLS, RELIGIOUS INSTITUTIONS, OR PARKS TO  
16 THE PROPOSED ENTERTAINMENT VENUE;

17 (7) THE MAXIMUM AUTHORIZED OCCUPANT LOAD OF THE VENUE;

18 (8) THE VOLUME AND TYPES OF VEHICULAR AND PEDESTRIAN TRAFFIC IN THE AREA OF  
19 THE PROPOSED ENTERTAINMENT VENUE; AND

20 (9) THE ESTABLISHMENT AND MAINTENANCE OF:

21 (i) A TRAFFIC MANAGEMENT PLAN;

22 (ii) A PARKING MANAGEMENT PLAN;

23 (iii) AN INDOOR AND OUTDOOR SECURITY PLAN; AND

24 (iv) A SANITATION PLAN.

25 **§ 10-18. APPLICATIONS – IN GENERAL.**

26 (A) *IN GENERAL.*

27 THE OWNER OF THE PROPOSED ENTERTAINMENT VENUE MUST APPLY TO THE BOARD FOR  
28 THE CLASS OF LICENSE SOUGHT.

**Council Bill 08-0163**

1 (B) *FORM.*

2 THE APPLICATION MUST BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE  
3 BOARD REQUIRES.

4 (C) *APPLICATION FEE.*

5 (1) THE APPLICATION MUST BE ACCOMPANIED BY A ONE-TIME, NON-REFUNDABLE  
6 APPLICATION FEE.

7 (2) THE AMOUNT OF THE FEE SHALL AS SET BY THE BOARD, WITH THE APPROVAL OF THE  
8 BOARD OF ESTIMATES, TO COVER BOARD EXPENSES.

9 **§ 10-19. APPLICATIONS – RESPONSIBLE PARTIES.**

10 (A) *BY WHOM MADE.*

11 (1) THE APPLICATION MUST BE MADE AS FOLLOWS:

12 (i) IF A CORPORATION, BY ITS CHIEF EXECUTIVE OFFICER;

13 (ii) IF A PARTNERSHIP, BY ITS MANAGING PARTNER; OR

14 (iii) IF A PROPRIETORSHIP, BY ITS OWNER.

15 (2) ALL INFORMATION REQUIRED IN THE APPLICATION ABOUT AN APPLICANT MUST BE  
16 GIVEN WITH RESPECT TO THE INDIVIDUALS MAKING THE APPLICATION, AND THE  
17 DETERMINATION OF THE BOARD MUST BE BASED ON THE ELIGIBILITY OF THOSE  
18 INDIVIDUALS.

19 (3) IF APPROVED, THE LICENSE MUST BE ISSUED IN THE NAME OF THE INDIVIDUAL  
20 APPLICANT FOR THE BENEFIT OF THE OWNER.

21 **§ 10-20. INVESTIGATION OF APPLICANTS.**

22 ON RECEIPT OF THE APPLICATION, THE BOARD MUST INVESTIGATE THE CHARACTER AND  
23 QUALIFICATIONS OF THE APPLICANT.

24 **§ 10-21. QUALIFICATIONS.**

25 (A) *MORAL CHARACTER; AGE.*

26 (1) A LIVE-ENTERTAINMENT LICENSE MAY NOT BE ISSUED FOR ANY PERSON UNLESS THE  
27 APPLICANT:

28 (i) BASED ON THE CONSIDERATIONS SPECIFIED IN SUBSECTION (B) OF THIS SECTION,  
29 IS OF GOOD MORAL CHARACTER; AND

30 (ii) IS AT LEAST 21 YEARS OLD.

31 (2) IN DETERMINING MORAL CHARACTER, THE BOARD MUST CONSIDER:

**Council Bill 08-0163**

1 (I) ALL CRIMINAL CONVICTIONS OF THE APPLICANT; AND

2 (II) THE BUSINESS HISTORY OF THE APPLICANT.

3 (B) *ZONING AUTHORIZATION.*

4 A LIVE-ENTERTAINMENT LICENSE MAY NOT BECOME EFFECTIVE UNLESS ALL ZONING  
5 AUTHORIZATIONS REQUIRED FOR THE USE HAVE BEEN OBTAINED AND ANY RIGHT OF  
6 APPEAL HAS BEEN EXHAUSTED.

7 **§ 10-22. POSTING; OBJECTIONS.**

8 (A) *POSTING REQUIRED.*

9 (1) ON FILING AN APPLICATION FOR AN INITIAL LICENSE, THE APPLICANT MUST POST THE  
10 PROPOSED VENUE FOR 30 DAYS, IN ACCORDANCE WITH THE BOARD'S RULES AND  
11 REGULATIONS.

12 (2) NOTICE OF THE APPLICATION MUST ALSO BE POSTED ON THE BOARD'S WEBSITE FOR AT  
13 LEAST 30 DAYS DURING THE PENDENCY OF THE APPLICATION.

14 (B) *9 OR FEWER OBJECTIONS.*

15 IF, WITHIN THE 30-DAY POSTING PERIODS, THE BOARD RECEIVES NO MORE THAN 9 WRITTEN  
16 OBJECTIONS FROM PROPERTY OWNERS OR RESIDENTS WITHIN A 10-BLOCK RADIUS OF THE  
17 PROPOSED VENUE, THE LICENSE MAY BE ISSUED.

18 (C) *10 OR MORE OBJECTIONS.*

19 (1) IF, WITHIN THE 30-DAY POSTING PERIODS, THE BOARD RECEIVES 10 OR MORE WRITTEN  
20 OBJECTIONS FROM PROPERTY OWNERS OR RESIDENTS WITHIN A 10-BLOCK RADIUS OF  
21 THE PROPOSED VENUE, THE BOARD MUST:

22 (I) REFER THE APPLICANT AND OBJECTORS TO THE DIRECTOR OF HOSPITALITY  
23 SERVICES FOR MEDIATION OF THEIR DIFFERENCES; AND

24 (II) IF THE MEDIATION IS UNSUCCESSFUL AS TO ONE OR MORE MATTERS, HOLD A  
25 HEARING ON THE UNRESOLVED MATTERS.

26 (2) UNLESS THE APPLICANT AGREES TO A LATER DATE, THE MEDIATION MUST BE  
27 CONCLUDED WITHIN 21 DAYS AFTER THE LAST DAY OF THE 30-DAY POSTING PERIODS.  
28 AT THE CONCLUSION OF THAT PERIOD, THE DIRECTOR OF HOSPITALITY SERVICES MUST  
29 CERTIFY TO THE BOARD THE RESULTS OF THE MEDIATION AND WHETHER A HEARING IS  
30 REQUIRED ON ONE OR MORE UNRESOLVED MATTERS.

31 (3) UNLESS THE APPLICANT AGREES TO A LATER DATE, IF A HEARING IS REQUIRED, IT MUST  
32 BE HELD WITHIN 15 DAYS AFTER THE CERTIFICATION OF MEDIATION RESULTS FROM THE  
33 DIRECTOR OF HOSPITALITY SERVICES.

34 (4) AT THE HEARING, PARTIES IN INTEREST AND CITIZENS MUST BE GIVEN AN OPPORTUNITY  
35 TO BE HEARD.

**Council Bill 08-0163**

1 **§ 10-23. DECISION ON APPLICATION.**

2 (A) *BOARD TO DECIDE.*

3 THE BOARD MUST NOTIFY THE APPLICANT IN WRITING OF ITS DECISION TO GRANT OR DENY  
4 THE LICENSE AS FOLLOWS:

5 (1) IF NO HEARING IS REQUIRED TO BE HELD UNDER § 10-22(C) OF THIS SUBTITLE OR  
6 UNDER SUBSECTION (C) OF THIS SECTION, WITHIN 15 DAYS AFTER THE LAST DAY OF  
7 THE 30-DAY POSTING PERIODS; AND

8 (2) IF A HEARING IS REQUIRED, WITHIN 15 DAYS AFTER CONCLUSION OF THE HEARING.

9 (B) *CONSIDERATIONS.*

10 IN REVIEWING AN APPLICATION, THE BOARD MUST CONSIDER THE FACTORS ENUMERATED  
11 IN § 10-17(B) {"CLASSES AND SCOPE: REQUIRED CONSIDERATIONS"}.

12 (C) *CONDITIONS.*

13 ON NOTICE TO THE APPLICANT AND AN OPPORTUNITY TO BE HEARD, THE BOARD MAY  
14 IMPOSE REASONABLE CONDITIONS ON A LICENSE TO PROTECT THE PUBLIC HEALTH, SAFETY,  
15 AND WELFARE.

16 **§ 10-24. TERM AND RENEWAL OF LICENSES.**

17 (A) *TERM.*

18 EXCEPT FOR SINGLE-EVENT, SHORT-TERM, OR SIMILAR LICENSES WITH A SPECIFIED  
19 EXPIRATION, EACH LIVE-ENTERTAINMENT LICENSE EXPIRES ANNUALLY ON THE  
20 ANNIVERSARY OF ITS ISSUANCE AND IS RENEWABLE AS PROVIDED IN THIS SECTION.

21 (B) *APPLICATION FOR RENEWAL.*

22 (1) TO RENEW A LIVE-ENTERTAINMENT LICENSE, THE LICENSEE MUST APPLY NO LESS THAN  
23 30 DAYS NOR MORE THAN 60 DAYS BEFORE THE LICENSE EXPIRES.

24 (2) THE RENEWAL APPLICATION MUST BE IN THE FORM AND CONTAIN THE INFORMATION  
25 THAT THE BOARD REQUIRES.

26 (C) *POSTING.*

27 NOTICE OF THE RENEWAL APPLICATION MUST BE POSTED ON THE BOARD'S WEBSITE FOR AT  
28 LEAST 25 DAYS DURING THE PENDENCY OF THE APPLICATION.

29 (D) *APPROVAL.*

30 ON FILING THE RENEWAL APPLICATION AND PAYMENT OF THE RENEWAL FEE, THE BOARD  
31 MAY APPROVE THE APPLICATION, EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS  
32 SECTION.

**Council Bill 08-0163**

1 (E) *10 OR MORE OBJECTIONS.*

2 (1) IF, BEFORE THE END OF THE RENEWAL PERIOD, 10 OR MORE WRITTEN OBJECTIONS FROM  
3 PROPERTY OWNERS OR RESIDENTS WITHIN A 10-BLOCK RADIUS OF THE LICENSED  
4 PREMISES ARE FILED WITH THE BOARD, THE BOARD MUST:

5 (I) REFER THE LICENSEE AND OBJECTORS TO THE DIRECTOR OF HOSPITALITY  
6 SERVICES FOR MEDIATION OF THEIR DIFFERENCES; AND

7 (II) IF THE MEDIATION IS UNSUCCESSFUL AS TO ONE OR MORE MATTERS, HOLD A  
8 HEARING ON THE UNRESOLVED MATTERS.

9 (2) THE MEDIATION MUST BE CONDUCTED AS PROVIDED IN § 10-22(C)(2) OF THIS SUBTITLE  
10 FOR AN INITIAL APPLICATION, EXCEPT THAT THE DEADLINE FOR ITS CONCLUSION RUNS  
11 FROM THE LAST DAY OF THE 25-DAY WEBSITE POSTING PERIOD.

12 (3) THE HEARING MUST BE CONDUCTED AS PROVIDED IN § 10-22(C)(3) OF THIS SUBTITLE  
13 FOR AN INITIAL APPLICATION.

14 (4) PARTIES IN INTEREST AND CITIZENS MUST BE GIVEN AN OPPORTUNITY TO BE HEARD.

15 **§ 10-25. LICENSE FEES.**

16 THE ANNUAL, SINGLE-EVENT, SHORT-TERM, OR SIMILAR LICENSE FEE FOR THE VARIOUS  
17 CLASSES OF LICENSES ARE AS SET BY THE BOARD, WITH THE APPROVAL OF THE BOARD OF  
18 ESTIMATES.

19 **§ 10-26. WAITING PERIOD AFTER DENIAL.**

20 IF THE BOARD DENIES A LIVE-ENTERTAINMENT LICENSE OR RENEWAL LICENSE, THE APPLICANT  
21 MAY NOT REAPPLY FOR AT LEAST 9 MONTHS FROM THE DATE OF THE BOARD'S FINAL DECISION  
22 OR, IF THAT DECISION WAS APPEALED, FROM THE DATE OF THE FINAL COURT DECISION.

23 **§ 10-27. TRANSFER OF LICENSE.**

24 A LIVE-ENTERTAINMENT LICENSE IS NOT TRANSFERABLE TO A NEW OWNER, TO A NEW  
25 APPLICANT, TO A DIFFERENT VENUE, OR OTHERWISE.

26 **§ 10-28. "WHITE BOOK".**

27 (A) *"WHITE BOOK" DEFINED.*

28 "WHITE BOOK" MEANS A COMPILATION, IN THE FORM REQUIRED BY RULE OR REGULATION  
29 OF THE DIRECTOR OF HOSPITALITY SERVICES, OF THE FOLLOWING INFORMATION ABOUT A  
30 LICENSEE:

31 (1) THE NAME OF AND CONTACT INFORMATION FOR THE LICENSEE;

32 (2) THE PARKING, TRAFFIC, SECURITY, AND SANITATION PLANS FOR THE LICENSED  
33 VENUE;

**Council Bill 08-0163**

1 (3) A COPY OF ALL LICENSES ISSUED TO OR FOR THE BENEFIT OF THE LICENSEE BY THE  
2 FEDERAL, STATE, OR CITY GOVERNMENTS; AND

3 (4) ANY OTHER INFORMATION THE DIRECTOR OF HOSPITALITY SERVICES REQUIRES BY  
4 RULE OR REGULATION.

5 (B) *LICENSEE TO MAINTAIN FOR INSPECTION.*

6 (1) EACH LICENSEE MUST MAINTAIN ON PREMISES AN UP-TO-DATE COPY OF ITS WHITE  
7 BOOK.

8 (2) THE LICENSEE MUST MAKE THE WHITE BOOK AVAILABLE FOR INSPECTION, AT ANY  
9 TIME DURING REGULAR BUSINESS HOURS, BY THE BOARD OR ANY AUTHORIZED CITY  
10 OFFICIAL.

11 **§§ 10-29 TO 10-30. {RESERVED}**

12 ***PART IV. ADMINISTRATIVE SANCTIONS***

13 **§ 10-31. DENIAL, SUSPENSION, OR REVOCATION.**

14 THE BOARD MAY DENY, SUSPEND, OR REVOKE A LIVE-ENTERTAINMENT LICENSE OR RENEWAL  
15 LICENSE FOR ANY OF THE FOLLOWING CAUSES:

16 (1) FAILING TO PAY THE APPLICABLE LICENSE FEE ON OR BEFORE THE DUE DATE;

17 (2) MAKING ANY MATERIAL FALSE STATEMENT IN ANY APPLICATION FOR AN INITIAL OR  
18 RENEWAL LICENSE;

19 (3) LACK OF ACCESSIBILITY FOR FIRE AND POLICE PROTECTION;

20 (4) FAILING TO COMPLY WITH ANY PROVISION OF THE BUILDING, FIRE, AND RELATED  
21 CODES OF BALTIMORE CITY, THE HEALTH CODE OF BALTIMORE CITY, OR THE ZONING  
22 CODE OF BALTIMORE CITY;

23 (5) FAILING TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR  
24 REGULATION ADOPTED UNDER THIS SUBTITLE; OR

25 (6) FAILING TO COMPLY WITH ANY PROVISION OF ANY OTHER LOCAL, STATE, OR FEDERAL  
26 LAW THAT AFFECTS OR RELATES TO LIVE ENTERTAINMENT.

27 **§ 10-32. FINES.**

28 FOR ANY VIOLATION THAT IS CAUSE FOR SUSPENDING OR REVOKING A LICENSE, THE  
29 BOARD MAY, INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE,  
30 IMPOSE A CIVIL FINE AS FOLLOWS:

31 (1) FOR A 1<sup>ST</sup> OFFENSE, NOT MORE THAN \$500; AND

32 (2) FOR ANY SUBSEQUENT OFFENSE, NOT MORE THAN \$1,000.



**Council Bill 08-0163**

1 **§ 10-33. NOTICE AND HEARING.**

2 (A) *IN GENERAL.*

3 NO LIVE-ENTERTAINMENT LICENSE OR RENEWAL LICENSE MAY BE DENIED, SUSPENDED, OR  
4 REVOKED AND NO FINE MAY BE IMPOSED UNLESS THE BOARD GIVES THE APPLICANT OR  
5 LICENSEE:

6 (1) AT LEAST 10 DAYS' WRITTEN NOTICE OF THE INTENT TO IMPOSE SANCTIONS; AND

7 (2) AN OPPORTUNITY TO BE HEARD AS TO WHY SANCTIONS SHOULD NOT BE IMPOSED.

8 (B) *DENIAL OF INITIAL LICENSE.*

9 FOR THE PROPOSED DENIAL OF AN INITIAL LICENSE, A HEARING MUST BE HELD WITHIN 30  
10 DAYS OF A TIMELY REQUEST, UNLESS THE APPLICANT AGREES TO A LATER DATE.

11 **§ 10-34. JUDICIAL AND APPELLATE REVIEW.**

12 (A) *JUDICIAL REVIEW.*

13 A PERSON AGGRIEVED BY A DECISION OF THE BOARD MAY SEEK JUDICIAL REVIEW OF THAT  
14 DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE  
15 WITH THE MARYLAND RULES OF PROCEDURE.

16 (B) *STAYS.*

17 (1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE DECISION OF THE  
18 BOARD.

19 (2) HOWEVER, ON MOTION AND AFTER HEARING, THE COURT MAY GRANT A STAY AS  
20 PROVIDED IN THE MARYLAND RULES OF PROCEDURE.

21 (C) *APPELLATE REVIEW.*

22 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE  
23 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF  
24 PROCEDURE.

25 **§ 10-35. {RESERVED}**

26 ***PART V. PENALTIES***

27 **§ 10-36. PENALTIES.**

28 (A) *IN GENERAL.*

29 ANY PERSON WHO VIOLATES OR WHO NEGLECTS OR REFUSES TO COMPLY WITH ANY  
30 PROVISION OF THIS SUBTITLE OR OF ANY RULE OR REGULATION ADOPTED UNDER THIS  
31 SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF  
32 NOT MORE THAN \$500.

**Council Bill 08-0163**

1 (B) *EACH DAY A SEPARATE OFFENSE.*

2 EACH DAY THAT A VIOLATION CONTINUES AFTER NOTIFICATION CONSTITUTES A SEPARATE  
3 OFFENSE.

4 **Article 1. Mayor, City Council, and Municipal Agencies**

5 **SUBTITLE 29. OFFICE OF HOSPITALITY SERVICES**

6 **§ 29-1. OFFICE ESTABLISHED.**

7 THERE IS AN OFFICE OF HOSPITALITY SERVICES IN THE OFFICE OF THE MAYOR.

8 **§ 29-2. DIRECTOR – APPOINTMENT.**

9 THE DIRECTOR OF THE OFFICE IS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE  
10 IV, § 6 OF THE CITY CHARTER.

11 **§ 29-3. DIRECTOR – POWERS AND DUTIES.**

12 (A) *IN GENERAL.*

13 THE DIRECTOR HAS THE FOLLOWING POWERS AND DUTIES.

14 (B) *BOARD CHAIR.*

15 THE DIRECTOR SERVES AS THE CHAIR OF THE BOARD OF LICENSES FOR LIVE  
16 ENTERTAINMENT.

17 (C) *COMMUNITY LIAISON.*

18 THE DIRECTOR IS THE PRINCIPAL CONTACT FOR MEMBERS OF THE PUBLIC WITH ISSUES  
19 INVOLVING THE HOSPITALITY INDUSTRY.

20 (D) *AGENCY COORDINATOR.*

21 (1) THE DIRECTOR SHALL COORDINATE THE ACTIVITIES OF THE VARIOUS AGENCIES THAT  
22 REGULATE OR HAVE OVERSIGHT OF LIVE ENTERTAINMENT.

23 (2) THESE AGENCIES INCLUDE, AMONG OTHERS:

24 (i) POLICE DEPARTMENT.

25 (ii) FIRE DEPARTMENT.

26 (iii) HEALTH DEPARTMENT.

27 (iv) PLANNING DEPARTMENT.

28 (v) BOARD OF MUNICIPAL AND ZONING APPEALS.

**Council Bill 08-0163**

- (VI) BALTIMORE DEVELOPMENT CORPORATION.
- (VII) BOARD OF LIQUOR LICENSE COMMISSIONERS.
- (VIII) CITY COUNCIL.
- (IX) PUBLIC WORKS DEPARTMENT.
- (X) BALTIMORE HOUSING.
- (XI) BALTIMORE OFFICE OF PROMOTION & THE ARTS.
- (XII) BALTIMORE AREA CONVENTION AND VISITORS ASSOCIATION.

(E) *COMMUNITY-INDUSTRY LIAISON.*

THE DIRECTOR SHALL:

- (1) ORGANIZE ROUNDTABLE MEETINGS FOR THE GENERAL PUBLIC AND THE HOSPITALITY INDUSTRY;
- (2) SEEK TO MEDIATE DISPUTES BETWEEN THE GENERAL PUBLIC AND THE HOSPITALITY INDUSTRY; AND
- (3) CONDUCT ORIENTATIONS FOR NEW BUSINESSES IN THE HOSPITALITY INDUSTRY.

(F) *CLOSING HOURS.*

TO THE EXTENT AUTHORIZED BY STATE LAW, THE DIRECTOR MAY REGULATE THE CLOSING HOURS OF ENTITIES OPERATING UNDER ALCOHOLIC BEVERAGE LICENSES.

(G) *“WHITE BOOKS”.*

- (1) THE DIRECTOR MAY ADOPT RULES AND REGULATIONS TO GOVERN THE FORM AND CONTENT OF THE “WHITE BOOKS” TO BE KEPT BY LIVE-ENTERTAINMENT LICENSEES UNDER CITY CODE ARTICLE 15, SUBTITLE 10 {“LIVE ENTERTAINMENT”}.
- (2) A COPY OF THESE RULES AND REGULATIONS AND OF ANY AMENDMENTS TO THEM MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

**§ 29-4. STAFF AND BUDGET.**

THE OFFICE MAY EMPLOY STAFF AND EXPEND FUNDS AS AUTHORIZED IN THE ORDINANCE OF ESTIMATES.

**Article 8. Ethics**

**§ 7-8. Persons required to file – Agency officials and staff.**

(17A) *HOSPITALITY SERVICES, OFFICE OF.*

**Council Bill 08-0163**

1 (I) DIRECTOR OF HOSPITALITY SERVICES.

2 (II) ALL NON-CLERICAL EMPLOYEES OF OFFICE.

3 (27A) *LIVE ENTERTAINMENT, BOARD OF LICENSES FOR.*

4 (I) MEMBERS OF BOARD.

5 (II) DIRECTOR.

6 (III) ALL NON-CLERICAL EMPLOYEES OF BOARD.

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

10 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
11 after the date it is enacted.