



MEMORANDUM

STEPHANIE
RAWLINGS-BLAKE,
Mayor

PAUL T. GRAZIANO,
Executive Director, HABC,
Commissioner, HCD

To: The Honorable President and Members of the Baltimore City Council
c/o Karen Randle, *Executive Secretary*

From: Paul T. Graziano, *Commissioner*

Date: April 4, 2012

Re: **City Council Bill 11-0004 – Late-Night Commercial Operations – Licensing**

The Department of Housing and Community Development has reviewed City Council Bill 11-0004, which was introduced for the purpose of requiring certain late-night commercial operations to be licensed; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the licensing and regulation of late-night commercial operations.

City Council Bill 11-0004 would require every business that is located within any residence zoning district, office-residence zoning district, or B-1 or B-2 zoning district to obtain a late-night operations license in order to operate between the hours of midnight and 6:00a.m., excepting certain businesses. Businesses for which there are exceptions to this new licensure requirement include those: (1) engaged in the sale of pharmaceuticals and related health needs; (2) restaurants or taverns operating during hours authorized by their alcoholic beverage licenses; (3) engaged in the sale of motor vehicle fuels and related automotive needs; or (4) engaged in the provision of emergency medical or veterinary care.

The Department of Housing and Community Development (HCD) acknowledges that the licensing regime created within this legislation may offer neighborhoods an administrative mechanism to hold businesses accountable for possible nuisance actions such as noise, traffic, and trash. However, concerning enforcement, HCD is unable to identify any specific actor assigned to enforcing the penalties section of the legislation, and, as such, foresees this provision as a possible area of confusion.

The Department of Housing and Community Development defers to the Department of Finance and the Board of Municipal and Zoning Appeals as these agencies are more directly impacted by City Council Bill 11-0004.

cc: Ms. Angela Gibson, *Mayor's Office of Government Relations*
Ms. Kaliope Parthemos, *Deputy Mayor*

