



Legislation Details (With Text)

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Title: Live Entertainment - Licensing and Regulation - Hospitality Services - Promotion and Coordination

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

Sponsors: Stephanie President Rawlings-Blake, Bill Henry, President Young, Robert Curran, Warren Branch, Sharon Green Middleton, Belinda Conaway, Rochelle Spector

Indexes: Coordination, Entertainment, Hospitality Services, Licensing, Live Entertainment, Promotion, Regulation

Code sections:

Attachments: 1. 08-0163 - 1st Reader.pdf, 2. Planning - 08-0163.pdf, 3. BDC - 08-0163.pdf, 4. BMZA - 08-0163.pdf, 5. DPW - 08-0163.pdf, 6. Finance - 08-0163.pdf, 7. HCD - 08-0163.pdf, 8. Transportation - 08-0163.pdf, 9. Fire - 08-0163.pdf, 10. Liquor Board - 08-0163.pdf, 11. Health - 08-0163.pdf, 12. Police - 08-0163.pdf, 13. Parking Authority - 08-0163.pdf, 14. Law - 08-0163.PDF, 15. BACVA - 08-0163.pdf, 16. Police - 08-0163 - proposed amend.pdf, 17. DPW - 08-0163 - Proposed Amendment.pdf, 18. Parking Authority amendments- 08-0163.pdf, 19. Law - 08-0163 - Revised.pdf, 20. Planning - 08-0163 - REVISED.pdf, 21. BDC - 08-0163.pdf, 22. Finance - 09-0331.pdf, 23. Environmental Control - 08-0163.pdf, 24. BOPA - 08-0163.pdf, 25. Law - 08-0163.pdf, 26. Liquor Bd. - 08-0163.pdf, 27. Law - 08-0163.pdf, 28. Police - 08-0163.pdf, 29. 08-0163 - 3rd Reader.pdf

Table with 5 columns: Date, Ver., Action By, Action, Result. Rows include dates from 5/4/2009 to 11/23/2009 and various actions like 'Signed by Mayor', 'Brought out from the Council floor', 'Approved and Sent to the Mayor', etc.

4/15/2009	0	Land Use and Transportation Committee	Advertising
3/23/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/26/2009	0	Judiciary and Legislative Investigations/Land Use and Transportation Committee	Scheduled for a Public Hearing
1/26/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/26/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/26/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/26/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/26/2009	0	Judiciary and Legislative Investigations/Land Use and Transportation Committee	Scheduled for a Public Hearing
7/24/2008	0	The City Council	Referred for a Report
7/24/2008	0	The City Council	Referred for a Report
7/24/2008	0	The City Council	Referred for a Report
7/24/2008	0	The City Council	Referred for a Report
7/24/2008	0	The City Council	Referred for a Report
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7/24/2008	0	The City Council	Referred for a Report
7/24/2008	0	The City Council	Referred for a Report
7/24/2008	0	The City Council	Referred for a Report
7/24/2008	0	The City Council	Referred for a Report
7/21/2008	0	City Council	Introduced
7/21/2008	0	City Council	Assigned

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: President Rawlings-Blake

A BILL ENTITLED

AN ORDINANCE concerning

Live Entertainment - Licensing and Regulation - Hospitality Services - Promotion and Coordination

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

BY repealing and reordaining, without amendments

Article - Zoning

Section(s) 6-406(1), 6-506(1), 6-606(1)

Baltimore City Revised Code
(Edition 2000)

BY repealing

Article - Zoning

Section(s) 1-153.1, 1-182.2, 1-194.2, 6-406(57) and (65), 6-506(27),
7-307(9) and (12), 14309

Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 3A-106(8), 6-208(15), 6-306(71) and (82), 6-506(23),
7-306(56) and (68), 8407(b)(4)

Baltimore City Revised Code
(Edition 2000)

BY adding

Article 15 - Licensing and Regulation

Section(s) 10-1 to 10-36, to be under the subtitle designation,
“Subtitle 10. Live Entertainment”

Baltimore City Code
(Edition 2000)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 29-1 to 29-4, to be under the subtitle designation,
“Subtitle 29. Office of Hospitality Services”

Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics

Section(s) 7-8(17a) and (27a)

Baltimore City Code
(Edition 2000)

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

Baltimore City Revised Code

Article - Zoning

Title 1. Definitions; General Provisions

[§ 1-153.1. Live entertainment.]

[(a) In general.

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

1. musical act (including karaoke);
2. theatrical act (including stand-up comedy);
3. play;
4. revue;
5. dance;
6. magic act;
7. disc jockey; or
8. similar activity.]

[(b) Exclusions.

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

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

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

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

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

Title 3A. Open Space Districts

§ 3A-106. Conditional uses - Board approval required.

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

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

Title 6. Business Districts

§ 6208 {B-1} Conditional use - Board approval required.

In a B1 District, conditional uses that require Board approval are as follows:

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

§ 6306. {B-2} Permitted uses.

In a B2 District, permitted uses are as follows:

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

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

§ 6406. {B-3} Permitted uses.

In a B3 District, permitted uses are as follows:

(1) As in a B2 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.]

§ 6506. {B-4} Permitted uses.

In a B4 District, permitted uses are as follows:

(1) As in a B2 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.]

§ 6606. {B-5} Permitted uses.

In a B5 District, permitted uses are as follows:

(1) As in a B3 or B4 District.

Title 7. Industrial Districts

§ 7306. {M-2} Permitted uses.

In an M2 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].

§ 7307. {M-2} Conditional uses - Board approval required.

In an M2 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.]

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

§ 101. DEFINITIONS.

(A) IN GENERAL.

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

(B) BOARD.

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

(C) DANCE CLUB.

“DANCE CLUB” MEANS AN ESTABLISHMENT THAT:

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

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

(D) INCLUDES; INCLUDING.

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

(E) LIVE ENTERTAINMENT.

(1) IN GENERAL.

“LIVE ENTERTAINMENT” MEANS ANY ENTERTAINMENT THAT IS PERFORMED LIVE BY ONE OR

MORE PERSONS, WHETHER OR NOT DONE FOR COMPENSATION, WHETHER OR NOT ADMISSION IS CHARGED, AND WHETHER THE ENTERTAINMENT IS A PRINCIPAL, ACCESSORY, OR OTHER USE OF THE PREMISES.

(2) INCLUSIONS.

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

- (1) MUSICAL ACT, CONCERT, OR RECITAL;
- (2) THEATRICAL ACT, PLAY, OR REVUE;
- (3) CIRCUS, AERIAL, OR ACROBATIC PERFORMANCE;
- (4) DANCE PERFORMANCE;
- (5) PARTICIPATORY DANCING;
- (6) MAGIC ACT;
- (7) KARAOKE;
- (8) DISC JOCKEY;
- (9) POETRY RECITAL OR BOOK READING;
- (10) PERFORMANCE ART;
- (11) STAND-UP OR OTHER COMEDY; OR
- (12) SIMILAR ACTIVITY.

(3) EXCLUSIONS.

“LIVE ENTERTAINMENT” DOES NOT INCLUDE:

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

(F) PERSON.

(1) IN GENERAL.

“PERSON” MEANS:

- (I) AN INDIVIDUAL;

(II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; OR

(III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

(2) EXCLUSIONS.

“PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(G) RESTAURANT.

“RESTAURANT” MEANS A BUSINESS ESTABLISHMENT THAT:

(i) provides food to the public, primarily for on-premises consumption; and

(ii) might or might not also serve alcoholic beverages.

(h) Tavern.

“Tavern” means a business establishment that:

(1) provides alcoholic beverages to the public for on-premises consumption; and

(2) might or might not also serve food.

§ 102I. Mandatory, prohibitory, and permissive terms.

(a) Mandatory terms.

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) Prohibitory terms.

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) Permissive terms.

“May” is permissive.

§§ 10-3 to 10-5. {Reserved}

PART II. BOARD OF LICENSES FOR LIVE ENTERTAINMENT

§ 106I. BOARD ESTABLISHED.

THERE IS A BOARD OF LICENSES FOR LIVE ENTERTAINMENT.

§ 107I. COMPOSITION.

(A) IN GENERAL.

THE BOARD COMPRISES THE FOLLOWING 5 MEMBERS:

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

(B) QUALIFICATIONS.

OF THE MEMBERS APPOINTED BY THE MAYOR:

- (1) 1 MUST HAVE SUBSTANTIAL EXPERIENCE WITH THE LIVE-ENTERTAINMENT INDUSTRY; AND
- (2) THE OTHER MAY NOT HAVE ANY FINANCIAL INTEREST IN ANY ENTITY THAT OFFERS OR PROMOTES LIVE ENTERTAINMENT.

§ 10-8. TENURE.

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

§ 10-9. QUORUM; VOTING.

(A) QUORUM.

3 MEMBERS OF THE BOARD ARE A QUORUM.

(B) VOTING.

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

§ 1010. OFFICERS; EXPENSES.

(A) OFFICERS.

- (1) THE DIRECTOR OF HOSPITALITY SERVICES SERVES AS THE BOARD'S CHAIR.
- (2) THE BOARD MAY ELECT, FROM AMONG ITS MEMBERS, ANY OTHER OFFICERS NEEDED FROM TIME TO TIME.

(B) COMPENSATION.

THE MEMBERS OF THE BOARD:

- (1) RECEIVE NO COMPENSATION FOR SERVICES RENDERED AS MEMBERS OF THE BOARD; BUT
- (2) ARE ENTITLED TO REIMBURSEMENT FOR NECESSARY AND PROPER EXPENSES INCURRED IN PERFORMING THEIR DUTIES AS A MEMBER.

§ 1011. STAFF.

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

§ 1012. RULES, REGULATIONS, AND FORMS.

(A) BOARD TO ADOPT.

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

(B) ADVERTISING FOR HEARING AND COMMENT.

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

(2) THE ADVERTISEMENT:

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

(II) MUST INCLUDE:

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

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

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

(C) ADOPTION.

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

(D) FILING.

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

§§ 10-13 TO 10-15. {RESERVED}

PART III. LICENSING

§ 1016. LICENSE REQUIRED.

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

§ 1017. CLASSES AND SCOPE.

(A) IN GENERAL.

IN ITS RULES AND REGULATIONS, THE BOARD MUST:

- (1) DELINEATE THE VARIOUS CLASSES OF LICENSES TO BE ISSUED; AND
- (2) FOR EACH CLASS OF LICENSE, SPECIFY:
 - (I) THE TYPES OF ENTERTAINMENT THAT MAY BE PERFORMED UNDER THE LICENSE;
 - (II) THE DAYS AND HOURS OF OPERATION;
 - (III) THE TERM OF THE LICENSE; AND
- (III) ALL OTHER LIMITATIONS APPLICABLE TO THAT CLASS.

(B) REQUIRED CONSIDERATIONS.

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

- (1) USE OF AMPLIFICATION, NOISE LEVELS, AND NEED FOR NOISE PROOFING;
- (2) LIMITS ON THE SIZE OF THE ESTABLISHMENT OR ON THE SIZE, LOCATION, OR CONFIGURATION OF THE ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT;
- (3) NUMBER OF LIVE ENTERTAINERS;
- (4) EXTERIOR LIGHTING;
- (5) WHETHER TO LIMIT THE LIVE ENTERTAINMENT TO DANCING ONLY;
- (6) THE PROXIMITY OF RESIDENCES, SCHOOLS, RELIGIOUS INSTITUTIONS, OR PARKS TO THE PROPOSED ENTERTAINMENT VENUE;
- (7) THE MAXIMUM AUTHORIZED OCCUPANT LOAD OF THE VENUE;
- (8) THE VOLUME AND TYPES OF VEHICULAR AND PEDESTRIAN TRAFFIC IN THE AREA OF THE PROPOSED ENTERTAINMENT VENUE; AND
- (9) THE ESTABLISHMENT AND MAINTENANCE OF:

- (I) A TRAFFIC MANAGEMENT PLAN;
- (II) A PARKING MANAGEMENT PLAN;
- (III) AN INDOOR AND OUTDOOR SECURITY PLAN; AND
- (IV) A SANITATION PLAN.

§ 10-18. APPLICATIONS - IN GENERAL.

(A) IN GENERAL.

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

(B) FORM.

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

(C) APPLICATION FEE.

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

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

§ 10-19. APPLICATIONS - RESPONSIBLE PARTIES.

(A) BY WHOM MADE.

(1) THE APPLICATION MUST BE MADE AS FOLLOWS:

- (I) IF A CORPORATION, BY ITS CHIEF EXECUTIVE OFFICER;
- (II) IF A PARTNERSHIP, BY ITS MANAGING PARTNER; OR
- (III) IF A PROPRIETORSHIP, BY ITS OWNER.

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

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

§ 1020. INVESTIGATION OF APPLICANTS.

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

§ 1021. QUALIFICATIONS.

(A) MORAL CHARACTER; AGE.

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

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

(II) IS AT LEAST 21 YEARS OLD.

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

(I) ALL CRIMINAL CONVICTIONS OF THE APPLICANT; AND

(II) THE BUSINESS HISTORY OF THE APPLICANT.

(B) ZONING AUTHORIZATION.

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

§ 1022. POSTING; OBJECTIONS.

(A) POSTING REQUIRED.

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

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

(B) 9 OR FEWER OBJECTIONS.

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

(C) 10 OR MORE OBJECTIONS.

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

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

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

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

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

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

§ 1023. DECISION ON APPLICATION.

(A) BOARD TO DECIDE.

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

(1) IF NO HEARING IS REQUIRED TO BE HELD UNDER § 1022(C) OF THIS SUBTITLE OR UNDER SUBSECTION (C) OF THIS SECTION, WITHIN 15 DAYS AFTER THE LAST DAY OF THE 30DAY POSTING PERIODS; AND

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

(B) CONSIDERATIONS.

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

(C) CONDITIONS.

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

§ 1024. TERM AND RENEWAL OF LICENSES.

(A) TERM.

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

(B) APPLICATION FOR RENEWAL.

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

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

(C) POSTING.

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

(D) APPROVAL.

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

(E) 10 OR MORE OBJECTIONS.

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

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

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

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

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

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

§ 1025. LICENSE FEES.

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

§ 1026. WAITING PERIOD AFTER DENIAL.

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

§ 1027. TRANSFER OF LICENSE.

A LIVEENTERTAINMENT LICENSE IS NOT TRANSFERABLE TO A NEW OWNER, TO A NEW APPLICANT, TO A DIFFERENT VENUE, OR OTHERWISE.

§ 1028. “WHITE BOOK”.

(A) “WHITE BOOK” DEFINED.

“WHITE BOOK” MEANS A COMPILATION, IN THE FORM REQUIRED BY RULE OR REGULATION OF THE DIRECTOR OF HOSPITALITY SERVICES, OF THE FOLLOWING INFORMATION ABOUT A LICENSEE:

- (1) THE NAME OF AND CONTACT INFORMATION FOR THE LICENSEE;
- (2) THE PARKING, TRAFFIC, SECURITY, AND SANITATION PLANS FOR THE LICENSED VENUE;
- (3) A COPY OF ALL LICENSES ISSUED TO OR FOR THE BENEFIT OF THE LICENSEE BY THE FEDERAL, STATE, OR CITY GOVERNMENTS; AND
- (4) ANY OTHER INFORMATION THE DIRECTOR OF HOSPITALITY SERVICES REQUIRES BY RULE OR REGULATION.

(B) LICENSEE TO MAINTAIN FOR INSPECTION.

- (1) EACH LICENSEE MUST MAINTAIN ON PREMISES AN UP-TO-DATE COPY OF ITS WHITE BOOK.
- (2) THE LICENSEE MUST MAKE THE WHITE BOOK AVAILABLE FOR INSPECTION, AT ANY TIME DURING REGULAR BUSINESS HOURS, BY THE BOARD OR ANY AUTHORIZED CITY OFFICIAL.

§§ 1029 TO 1030. {RESERVED}

PART IV. ADMINISTRATIVE SANCTIONS

§ 1031. DENIAL, SUSPENSION, OR REVOCATION.

THE BOARD MAY DENY, SUSPEND, OR REVOKE A LIVEENTERTAINMENT LICENSE OR RENEWAL LICENSE FOR ANY OF THE FOLLOWING CAUSES:

- (1) FAILING TO PAY THE APPLICABLE LICENSE FEE ON OR BEFORE THE DUE DATE;
- (2) MAKING ANY MATERIAL FALSE STATEMENT IN ANY APPLICATION FOR AN INITIAL OR RENEWAL LICENSE;
- (3) LACK OF ACCESSIBILITY FOR FIRE AND POLICE PROTECTION;
- (4) FAILING TO COMPLY WITH ANY PROVISION OF THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY, THE HEALTH CODE OF BALTIMORE CITY, OR THE ZONING CODE OF BALTIMORE CITY;

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

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

§ 1032. FINES.

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

(1) FOR A 1ST OFFENSE, NOT MORE THAN \$500; AND

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

§ 1033. NOTICE AND HEARING.

(A) IN GENERAL.

NO LIVEENTERTAINMENT LICENSE OR RENEWAL LICENSE MAY BE DENIED, SUSPENDED, OR REVOKED AND NO FINE MAY BE IMPOSED UNLESS THE BOARD GIVES THE APPLICANT OR LICENSEE:

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

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

(B) DENIAL OF INITIAL LICENSE.

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

§ 1034. JUDICIAL AND APPELLATE REVIEW.

(A) JUDICIAL REVIEW.

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

(B) STAYS.

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

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

(C) APPELLATE REVIEW.

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

§ 1035. {RESERVED}

PART V. PENALTIES

§ 1036. PENALTIES.

(A) IN GENERAL.

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

(B) EACH DAY A SEPARATE OFFENSE.

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

Article 1. Mayor, City Council, and Municipal Agencies

SUBTITLE 29. OFFICE OF HOSPITALITY SERVICES

§ 291. OFFICE ESTABLISHED.

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

§ 292. DIRECTOR - APPOINTMENT.

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

§ 293. DIRECTOR - POWERS AND DUTIES.

(A) IN GENERAL.

THE DIRECTOR HAS THE FOLLOWING POWERS AND DUTIES.

(B) BOARD CHAIR.

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

(C) COMMUNITY LIAISON.

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

(D) AGENCY COORDINATOR.

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

(2) THESE AGENCIES INCLUDE, AMONG OTHERS:

(I) POLICE DEPARTMENT.

(II) FIRE DEPARTMENT.

(III) HEALTH DEPARTMENT.

(IV) PLANNING DEPARTMENT.

(V) BOARD OF MUNICIPAL AND ZONING APPEALS.

(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.

§ 294. 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.

(I) DIRECTOR OF HOSPITALITY SERVICES.

(II) ALL NON-CLERICAL EMPLOYEES OF OFFICE.

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

(I) MEMBERS OF BOARD.

(II) DIRECTOR.

(III) ALL NON-CLERICAL EMPLOYEES OF BOARD.

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

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

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