



Legislation Text

File #: 12-0050, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Mosby

A BILL ENTITLED

AN ORDINANCE concerning
Sales to Minors in Proximity of Liquor Store

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

BY repealing and reordaining, with amendments
Article 19 - Police Ordinance
Section(s) 33-1 through 33-4
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 Code

Article 19. Police Ordinances

Subtitle 33. Minors - Alcoholic Beverages

§ 33□ “Minor” defined.

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

§ 332. 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:

- (I) CLASS A BEER, WINE, AND LIQUOR LICENSE (OFF-SALE); AND
- (II) CLASS A-2 BEER, WINE, AND LIQUOR OFF-SALE PACKAGE GOODS LICENSE.
- (3) “LIQUOR STORE” DOES NOT INCLUDES A LICENSEE WHO HOLDS:
 - (I) AN ON-SALE LICENSE; OR
 - (II) ONE OF THE FOLLOWING OFF-SALE LICENSES:
 - (A) CLASS A BEER AND LIGHT WINE LICENSE (OFF-SALE); AND
 - (B) CLASS A2 LIGHT WINE LICENSE (ON- AND OFF-SALE).

(B) PROHIBITED CONDUCT.

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

(C) PENALTIES.

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

§ 334 [§ 333] False representation.

(a) Prohibited conduct.

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

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

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

(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 his 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]..

§ 335. [§ 334.] Providing to or inducing minor.

(a) Prohibited conduct.

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

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

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

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

(b) Penalties.

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

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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art19/Sales to Minors/aa:me

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