



Legislation Text

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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 Kraft

A BILL ENTITLED

AN ORDINANCE concerning

Late-Night Commercial Operations - Multiple Businesses

FOR the purpose of repealing exceptions for certain multiple businesses from the application, notice, objections, and hearing processes otherwise required to obtain and renew late-night operations licenses; providing for the application of this Ordinance to multiple businesses previously licensed under these exceptions; providing for a special effective date; and generally relating to the licensing and regulation of late-night commercial operations.

BY repaling and reordaining, with amendments

Article 15 - Licensing and Regulation
Section(s) 9-7, 9-8, and 9-10
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 15. Licensing and Regulation

Subtitle 9. Late-Night Commercial Operations

§ 97. Applications.

[(a) In general.]

The application for a license must be in the form and contain the information that the Finance Department requires.

[(b) Multiple businesses owned or franchised by same person.]

[(1) Any person that owns or is the franchisor of 2 or more businesses subject to this subtitle may submit a joint application to license each of those businesses.]

[(2) On compliance with paragraph (3) of this subsection, the applicant is entitled to immediately obtain and annually renew these licenses, without the posting, notice, objections, and hearing processes of § 9-8 and § 9-10(d) of this subtitle.]

[(3) The applicant must agree, in a form satisfactory to the Finance Director, that a business covered by the joint application will become subject to the renewal protest and hearing process of § 9-10(d) of this subtitle if that business:

- (i) fails to abate within 30 days of receipt any notice or citation for violating 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; or
- (ii) fails to pay when due any fee, fine, or penalty to the City for the license issued under this subtitle or for any other license issued by the City.]

§ 98. Posting and notice; Objections.

[(a) Scope of section.

This section does not apply to multiple businesses that have applied jointly under § 97(b)(1) of this subtitle and have entered into the agreement described in § 9-7(b)(3) of this subtitle.]

(A) [(b)] Posting and notice required.

On filing an application for an initial license, the applicant must, in accordance with the Finance Department's rules and regulations:

- (1) post the premises for 15 days; and
- (2) within 5 days of the filing, send notice of the application to the City Councilmember who represents the Councilmanic District in which the business is located.

(B) [(c)] 9 or fewer objections.

(1) If, within the 15day posting period, the Department receives no more than 9 written objections from property owners or residents within the impact area of the business, the Department must grant or deny the license within 15 days after the last day of the 15-day posting period.

(2) A denial must be based solely on one or more of the following factors:

- (i) any cause for denial that is specified in § 9-16 {"Denial, suspension, or revocation"} of this subtitle;
- (ii) the specific days and hours proposed for late-night operations;
- (iii) the lack or inadequacy of an indoor and outdoor security plan; and

(iv) the inability or unwillingness of the applicant to accept reasonable conditions on the license to protect the public

health, safety, and welfare

- (3) The notice of a denial must:
 - (i) state the reasons for the denial; and
 - (ii) notify the applicant of the applicant's right to appeal to the Board of Municipal and Zoning Appeals.
- (4) Within 30 days of receiving the notice of denial, the applicant may appeal to the Board of Municipal and Zoning Appeals for a public hearing on the application.

(C) [(d)] 10 or more objections.

- (1) If, within the 15day posting period, the Department receives 10 or more written objections from property owners or residents within the impact area of the business, the Department must:
 - (i) deny the application; and
 - (ii) within 7 days after the last day of the 15-day posting period, notify the applicant of the denial and of the applicant's right to appeal to the Board of Municipal and Zoning Appeals.
- (2) Within 30 days of receiving the notice of denial, the applicant may appeal to the Board of Municipal and Zoning Appeals for a public hearing on the application.

§ 910. Term and renewal of license.

(a) Term.

Each late-night operations 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 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 Finance Department requires.

(c) Approval.

On filing the renewal application and payment of the renewal fee, the Finance Department may approve the application, except as provided in subsection (d) of this section.

(d) Protest and hearing.

[(1) This subsection does not apply to multiple businesses that have applied jointly under § 97(b) of this subtitle, except as specified in that section.]

(1) [(2)] If, before the end of the renewal period, 10 or more written objections from property owners or

residents within the impact area of the business, the Department must:

- (I) [1.] deny the application; and
- (II) [2.] within 7 days after the last day of the 15-day posting period, notify the applicant of the denial and of the applicant's right to appeal to the Board of Municipal and Zoning Appeals.
- (2) [(3)] Within 30 days of receiving the notice of denial, the applicant may appeal to the Board of Municipal and Zoning Appeals for a public hearing on the application.
- (3) [(4)] If the applicant timely appeals to the Board, the applicant may continue its hours of operation pending a hearing and decision by the Board.
- (4) [(5)] The considerations and decision of the Board shall be as provided in § 9-9 of this subtitle.

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, for a business previously licensed under the repealed exceptions for multiple business (former §§ 97(b), 9-8(a), and 9-10(d)(1) of Article 15), this Ordinance and the application, notice, objections, and hearing processes required by it, will apply to the renewal of any license that is due to expire on or after the 30th day after the effective date of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

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