

Chapter 36

(Senate Bill 222)

AN ACT concerning

Baltimore City – Board of License Commissioners – Licensee Hours of Operation and Enforcement

FOR the purpose of prohibiting a holder of a Class A license, a Class B–D–7 license, or an adult entertainment license issued by the Board of License Commissioners for Baltimore City from operating in a certain area in Baltimore City later than a certain time unless the license holder takes certain security measures; requiring the Downtown Commercial District Authority to enter into a contract with the Baltimore Police Department for the hiring of certain police officers for a certain purpose; and generally relating to the hours of operation for alcoholic beverages and adult entertainment licensees in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 12–102
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 12–2009
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

The Charter of Baltimore City
Article II – General Powers
Section (61)(a)(1)
(2007 Replacement Volume, as amended)

BY repealing and reenacting, with amendments,

The Charter of Baltimore City
Article II – General Powers
Section (61)(b)
(2007 Replacement Volume, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

12-102.

This title applies only in Baltimore City.

12-2009.

(A) IN THIS SECTION, “ADULT ENTERTAINMENT” HAS THE MEANING STATED IN ARTICLE 15, § 1-1 OF THE BALTIMORE CITY CODE.

(B) THIS SECTION APPLIES ONLY TO:

(1) A HOLDER OF A CLASS A LICENSE;

(2) A HOLDER OF A CLASS B-D-7 LICENSE; AND

(3) A HOLDER OF AN ADULT ENTERTAINMENT LICENSE ISSUED BY THE BOARD UNDER § 12-2102 OF THIS TITLE AND ARTICLE 15, SUBTITLE 1 OF THE BALTIMORE CITY CODE.

(C) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY NOT OPERATE AN ESTABLISHMENT LATER THAN 10 P.M. IF THE ESTABLISHMENT IS IN AN AREA BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF HOLLIDAY STREET AND EAST FAYETTE STREET, EAST ON EAST FAYETTE STREET TO THE INTERSECTION WITH NORTH GAY STREET, SOUTH ON NORTH GAY STREET TO THE INTERSECTION WITH EAST BALTIMORE STREET, SOUTH ON SOUTH GAY STREET TO THE INTERSECTION WITH WATER STREET, WEST ON WATER STREET TO THE INTERSECTION WITH COMMERCE STREET, NORTH ON COMMERCE STREET TO THE INTERSECTION WITH EAST BALTIMORE STREET, THEN NORTH ON HOLLIDAY STREET BACK TO THE INTERSECTION OF HOLLIDAY STREET AND EAST FAYETTE STREET.

(D) (1) THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION THAT OPERATES AN ESTABLISHMENT BOUNDED IN THE AREA DESCRIBED IN SUBSECTION (C) OF THIS SECTION MAY OPERATE THE ESTABLISHMENT WITHIN THE HOURS OF OPERATION AUTHORIZED BY THE LICENSE IF THE HOLDER SUBMITS TO THE BOARD A SECURITY PLAN THAT IS APPROVED BY THE BOARD AFTER CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT.

(2) THE SECURITY PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE HIRING OF SECURITY PERSONNEL TO BE PRESENT AT THE LICENSED PREMISES DURING ALL HOURS OF OPERATION;

(II) THE PLACEMENT OF SECURITY PERSONNEL INSIDE AND IMMEDIATELY OUTSIDE THE LICENSED PREMISES;

(III) PROCEDURES FOR SECURING THE ESTABLISHMENT AND EACH ENTRYWAY INTO THE ESTABLISHMENT, INCLUDING THE CONSISTENT USE OF METAL DETECTORS, AND THE AREA IMMEDIATELY AROUND THE ESTABLISHMENT;

(IV) A PLAN FOR COMMUNICATION BETWEEN SECURITY AND THE BALTIMORE POLICE DEPARTMENT;

(V) A PLAN FOR NOT EXCEEDING A CAPACITY LIMIT FOR THE LICENSED PREMISES DETERMINED BY THE BALTIMORE CITY FIRE MARSHAL; AND

(VI) THE NAME OF AND DIRECT CONTACT INFORMATION FOR THE OWNER AND MANAGER OF THE LICENSED PREMISES.

(3) THE HOLDER OF A LICENSE UNDER THIS SUBSECTION SHALL, FOR SECURITY PERSONNEL HIRED IN ACCORDANCE WITH PARAGRAPH (2)(I) OF THIS SUBSECTION:

(I) PROVIDE THE IDENTIFYING INFORMATION, INCLUDING NAME, BIRTHDATE, HOME ADDRESS, AND TELEPHONE NUMBER, OF SECURITY PERSONNEL WHO ARE REGULAR OR PART-TIME EMPLOYEES, INCLUDING TEMPORARY EMPLOYEES DURING THE PRECEDING QUARTER, OF THE LICENSED PREMISES TO THE BALTIMORE POLICE DEPARTMENT ON A QUARTERLY BASIS; AND

(II) ENSURE THAT A SECURITY GUARD WHO WORKS FOR A THIRD-PARTY SECURITY CONTRACTOR CARRIES DOCUMENTATION SHOWING THEIR SECURITY GUARD CERTIFICATION WITH THE MARYLAND STATE POLICE WHILE THEY ARE WORKING.

(4) (I) THE HOLDER OF A LICENSE UNDER THIS SUBSECTION SHALL SUBMIT AN UPDATED SECURITY PLAN TO THE BOARD EACH YEAR WITH AN APPLICATION FOR LICENSE RENEWAL UNDER § 12-1802 OF THIS TITLE.

(II) THE BOARD, IN CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT, SHALL CONSIDER THE LICENSE HOLDER'S COMPLIANCE WITH THE PREVIOUS YEAR'S SECURITY PLAN BEFORE DETERMINING WHETHER TO APPROVE THE LICENSE HOLDER'S UPDATED SECURITY PLAN.

(E) (1) THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION THAT OPERATES AN ESTABLISHMENT BOUNDED IN THE AREA DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL MAINTAIN AND OPERATE A DIGITAL SURVEILLANCE SYSTEM ON THE EXTERIOR OF THE LICENSED PREMISES.

(2) THE DIGITAL SURVEILLANCE SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE EQUIPPED WITH HIGH-DEFINITION CAMERAS THAT PROVIDE CONTINUOUS, 24-HOUR VIDEO MONITORING WITHOUT AUDIO RECORDING CAPACITY PLACED OUTSIDE THE LICENSED PREMISES IN SUCH A WAY THAT THE EXTERIOR OF EACH ENTRYWAY INTO AND EXIT AWAY FROM THE LICENSED PREMISES IS MONITORED;

(II) RETAIN VIDEO RECORDED FROM THE SURVEILLANCE SYSTEM FOR NOT LESS THAN 14 DAYS; AND

(III) BE REGISTERED WITH AND ACCESSIBLE BY THE BALTIMORE CITY INTELLIGENCE CENTER.

(3) THE LICENSE HOLDER SHALL, ON REQUEST, PROVIDE A RECORDING CREATED BY THE DIGITAL SURVEILLANCE SYSTEM IN THIS SUBSECTION TO THE BALTIMORE POLICE DEPARTMENT.

(F) THE BOARD, AFTER CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT, MAY AUTHORIZE AN EXEMPTION FROM THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION FOR AN ESTABLISHMENT OPERATING UNDER A CLASS A LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

The Charter of Baltimore City

Article II – General Powers

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing, shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(61)

(a) (1) To establish a Downtown Commercial District Management Authority within the City of Baltimore to do any or all of the following: promote or market the district; provide supplementary security and maintenance services; and provide amenities in public areas.

(b) (1) AS PROVIDED BY ORDINANCE, THE AUTHORITY SHALL ENTER INTO A CONTRACT WITH THE BALTIMORE POLICE DEPARTMENT TO HIRE TWO OFFICERS OF THE BALTIMORE POLICE DEPARTMENT TO EXCLUSIVELY PATROL THE 400 UNIT BLOCK OF BALTIMORE STREET AND THE UNIT BLOCK OF CUSTOM HOUSE AVENUE BETWEEN THE HOURS OF 10 P.M. AND 3 A.M. ON THE THURSDAY, FRIDAY, AND SATURDAY OF EACH WEEK.

(2) As provided by ordinance, the Authority may have the power:

[(1)] (I) to be a special tax district or special benefits assessment district and to conduct the functions which are assigned to it by the City.

[(2)] (II) to acquire, hold and use property necessary to achieve its purposes.

[(3)] (III) to make contracts; to sue and be sued.

[(4)] (IV) to accept grants.

[(5)] (V) to borrow for purposes consistent with the public purposes of the Authority.

[(6)] (VI) to propose in its annual budget the taxes or charges on properties within the district. No such amounts shall be levied against residential property with fewer than four dwelling units. Property which is exempt under State law from ordinary property taxes shall be exempt from assessments by the district. Before adopting its proposed budget and before making its recommendation to the City, the Authority shall hold a public hearing on taxes or charges proposed for the district. The Authority shall publish notice of the hearing in a newspaper of general circulation in Baltimore City at least once a week for three consecutive weeks before the hearing.

[(7)] (VII) to do all things necessary or convenient to carry out its powers.

[(8)] (VIII) to adopt, amend and modify by-laws, all of which shall be subject to the approval of the Board of Estimates.

[(9)] (IX) to establish and elect officers and provide for their terms and duties.

[(10)] (X) to contract for and purchase goods and services, not subject to the City requirements regarding wage scales, competitive bidding or other local procurement laws; however the Authority shall be subject to City ordinances and City policy requiring achievement of goals regarding minority and women's business enterprises.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted shall take effect July 1, 2022. Section 2 of this Act shall remain effective for a period of 5 years and, at the end of June 30, 2027, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(b) of the Maryland Constitution, April 9, 2022.