

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-30-09 Amended**

4
5 **Introduced by Alderman Cordle**

LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
06/08/09	07/28/09	07/25/09	10/06/09
Referred To:	Meeting Date:	Action Taken:	
Economic Matters			
Public Safety			
Alcoholic Bev Com	08/21/09	Favorable w/ Amd	Travels with R-39-09

7
8 **AN ORDINANCE concerning**

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10 **Class A Liquor Licenses**

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12 **FOR** the purposes of creating a Class A liquor license that allows on-premises
13 consumption of wine, specifying permitting standards, and directing the
14 City Council to set the licensing fee.

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18 **BY** repealing and reenacting with amendments the following portions of the
19 Code of the City of Annapolis, 2009 Edition:
20 Section 7.12.210
21 Section 7.12.220

22 * * * * *

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25 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE**
26 **ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be
27 amended to read as follows:

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29 **Chapter 7.12 ALCOHOLIC BEVERAGES**

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31 **7.12.210 License—Types and classes.**

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33 A. The following types and classes of alcoholic beverage licenses may be issued
34 in the City:

- 35 1. Beer: B;
- 36 2. Beer and light wine: BW;
- 37 3. Beer, wine and liquor: BWL.

38 B. In addition, each alcoholic beverage license shall be of the class:

1 1. Package goods retail stores:

- 2 Class A-1,
- 3 Class A-1.b,
- 4 Class A-1.c,
- 5 Class A-2,
- 6 Class A-2.b;
- 7 Class A-2.c;

8 2. Restaurants:

- 9 Class B-1,
- 10 Class B-1.X,
- 11 Class B-2,
- 12 Class B-2.X,
- 13 Class B-3,
- 14 Class B-3.a,
- 15 Class B-3.X,
- 16 Class B-3.X.a,
- 17 Class B-4,
- 18 Class B-4.a,
- 19 Class B-4.a.b,
- 20 Class B-4.X,
- 21 Class B-4.X.a,
- 22 Class B-4.X.a.b;

23 3. Clubs:

- 24 Class C;

25 4. Taverns:

- 26 Class D-1,
- 27 Class D-1.a,
- 28 Class D-1.a.b;

29 5. Hotels:

- 30 Class E-1,
- 31 Class E-1.a,
- 32 Class E-1.a.b,
- 33 Class E-1.X,
- 34 Class E-1.X.a,
- 35 Class E-1.X.a.b;

36 6. Yacht clubs:

- 37 Class F;

38 7. (Expired)

39 8. Institutions for the care of the aged;

- 40 Class ICA.

41 9. Wine bars:

- 42 Class WB.

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44 **7.12.220 Package goods retail stores.**

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- 46 A. This section applies to package goods retail stores.

1 B. There shall be no display of the stock of alcoholic beverages on the days, or
2 during the hours, when sales are prohibited. At those times, the stock of alcoholic
3 beverages upon any premises which remains open shall be hidden from view by
4 substantial, nontransparent shutters, blinds or doors, or within nontransparent
5 closets or cabinets, and locked with visible padlocks. A notice shall be
6 prominently displayed to be easily readable by purchasers of alcoholic beverages
7 and shall contain the following statement: "Consumption of alcoholic beverages
8 on the public streets, parks and other public ways of the City of Annapolis is
9 prohibited by law."

10 C. Package goods retail stores license classes are as follows:

11 1. Class A-1: Off sale only of package goods from six a.m. to twelve midnight,
12 Monday through Saturday;

13 2. Class A-2: Off sale only of package goods from six a.m. to twelve midnight,
14 seven days a week;

15 3. Class A-1.b and Class A-2.b: In addition to the off sale of package goods as
16 authorized, the license permits the consumption for tasting or sampling purposes
17 only, on premises, of beer, light wine and liquor. The licensee may not serve
18 more than three ounces of beer or one ounce of wine or one ounce of liquor from
19 each given brand to any one person.

20 4. Class A-1.c and Class A-2.c: In addition to the off sale of package goods as
21 authorized, the license permits the on-premises consumption of wine. Licensee
22 must maintain no less than ~~five thousand (5,000)~~ two thousand, two hundred
23 (2200) square feet of retail space open to the public.

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25 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED**
26 **BY THE ANNAPOLIS CITY COUNCIL** that the City Council shall establish the
27 license's fee by resolution.

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29 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED**
30 **BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect upon
31 date of final passage.

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33 **ADOPTED** this 12th day of October, 2009.

34
35 **ATTEST:**

THE ANNAPOLIS CITY COUNCIL

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37
38
39 _____
40 **Regina C. Watkins-Eldrige, MMC**
41 **CITY CLERK**

42
BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Highlighting indicates matter added to exiting law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

Staff Reports

O-30-09, Class A Liquor Licenses

&

R-39-09, Amending Fees Schedule for Class A Liquor Licenses

The proposed ordinance establishes a Class A liquor licenses that permits the on-premises consumption of wine at retailers with 5,000 or more square feet open to the public. Currently, in addition to the sale of beer, wine, and liquor, Title 7 of the City Code permits package goods retail stores to serve beer, light wine and liquor for “tasting or sampling purposes only” should the licensee obtain a Class A-1.b or A-2.b license. The Code defines “tasting or sampling” as no more “than three ounces of beer or one ounce of wine or one ounce of liquor from each given brand to any one person.” See ANNAPOLIS, MD., CODE § 7.12.220(C)(3) (2009). The three-ounce restriction is inapplicable to the new license created under the proposed ordinance, and licensees are permitted to serve wine for on-premises consumption. It should be noted that it remains an offense to serve alcohol to an individual who is visibly intoxicated. *Id.*, at § 7.12.360.

As the proposed ordinance creates a new Class A liquor license, it is necessary for the City Council to specify the license’s fee. The attendant fees resolution, R-39-09, sets the new licensing fee at fifty percent (50%) of the Class A license base fee. Thus, for a licensee who holds an A-1 beer and light wine license (FY2010 fee \$1,810.00), the fee for the A-1.c license permitting the on-premises consumption of wine would be \$905.00.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 263-1184