

MEMORANDUM

TO: City Council

FROM: David J. Deutsch
City Manager

SUBJECT: ***Status Report***

DATE: August 2, 2012

Status Report

1. Contract Tree Trimming

The Adopted Fiscal Year 2013 Budget has allocated \$60,000 toward contracted street tree trimming within the City right of way. The City has piggybacked on an existing Prince George's County contract in fiscal years 2010, 2011 and 2012 with Lewis Tree Service, Inc. with satisfactory results. This contract has been renewed as Council of Governments contract PO 090684508065. All terms and conditions of the previous contract remain in place.

As provided by Section 62 of the City Charter, this will serve as the required seven (7) day notice of intent to issue a purchase order to Lewis Tree Service, Inc. for a total of \$60,000.

2. Bowie Dog Park

An objective in the Parks and Grounds Division of the Department of Community Services includes the renovation of the Bowie Dog Park during the month of August 2012. Signs were placed at the site effective Monday, July 30th advising users that the facility will be closed shortly for this work. The project will begin Monday, August 6th and is anticipated to be a three-week project, weather permitting. The project will require the removal and replacement of the existing fibar (ground cover), new filter cloth and additional drainage. Completion is anticipated by August 24, 2012.

3. Sewer Foam Injection for Root Control

The Public Works Department located a contract for sewer foam injection control services with Baltimore City through Dukes Root Control, Inc., upon which we will be able to piggyback. The City Attorney reviewed the contract and has approved the terms and conditions. The foam injection program has been very successful in controlling root growth inside City sewer lines and helping to prevent sewer backups.

This year we have budgeted \$65,000 for this program. We will sign a contract and issue a purchase order to Dukes Root Control, Inc. in an amount not to exceed \$65,000. This notification is consistent with Charter Section 62 of the City Code regarding cooperative bidding.

4. BGE Bowie Feeder Rankings

Attached is information showing the Bowie Feeder Rankings that was submitted to the PSC in May 2012. Chart 1 indicates that this represents the 2012 ranking, but this information actually covers the period from October 1, 2010 to September 30, 2011, so Charts 2 and 3 refer to this information as 2011 rather than 2012. This information excludes major storms impacting over 100,000 customers. Therefore, the outages that occurred during Hurricane Irene last August are not reflected in this information. This information continues to show that on a day-to-day basis, electric reliability in Bowie has improved considerably since 2006 after the implementation of the Bowie Electric Reliability Improvement Program (BERAP). For example:

- In 2006, 10 of the 21 (48%) feeders serving the City were in the bottom 10% of all feeders in the BGE system. In 2011, only 1 of the 22 (5%) City feeders were in the bottom 10%. This was the feeder serving Ensleigh/Essington/Heather Hills and a portion of Kenilworth. This is also one of the feeders serving MedAssurant, now called Inovalon. As Council is aware, considerable work has been done on this feeder to improve performance. The City went to the PSC to elicit their help to improve service on this feeder. Hopefully the work BGE did will result in improved performance on this feeder going forward.
- In 2006, two of the 21 (10%) feeders serving the City performed better than the average BGE feeder. In 2011, 15 out of the 22 (68%) feeders serving the City performed better than the BGE system average.

BGE is scheduled to come before City Council on September 18th to discuss outages suffered by Bowie residents in the June 29th derecho.

5. House of Delegates Alcohol Work Group

The six-member group met yesterday for the first time. A summary of alcohol regulations throughout Maryland was distributed; there is a copy in your package. Potential 2013 legislation will be discussed at the next meeting of the group.

Bowie Feeders' 2012 ranking (22 feeders)

Feeder	Neighborhood	2012 Ranking
7436	Forest Hills/Longleaf	376
7442	Pointer Ridge/Northview/GrovehurstAmber Meadows/Enfield Chase/Oak Pond/Oak Tree/Ternberry/Archstone/Tall Oaks CrossingRidgeview Estates	593
7418	Long Ridge/Princeton Square	843
8463	Bowie Commons/Enfield Chase	257
7438	Victoria Heights/Yorktown/Overbrook/Chapel Forge/Belair Town	788
8466	Ensleigh/Essington/Heather Hills/Kenilworth	8
7420	Foxhill/Someset/Tulip Grove	884
7421	Old Chapel Estates/Chapel Forge/Overbrook/Rockledge/Whitehall	743
7447	Evergreen Estates/Covington Manor/Mitchellville East/Mitchellville/Northview/Pin Oak Village	663
7417	Fairview/Highbridge Park/Stewart's Landing	910
7441	Glen Allen/Covington Manor/Heather Hills/Mitchellville/Mitchellville East	259
7422	Huntington/Huntington Crest/Rolling Hills/Rockledge/Belair Greens/Grady's Walk	738
8462	Ensleigh/Essington/Heather Hills/Kenilworth	869
8414	Meadowbrook/Chapel Forge	804
7444	Amber Meadows/Lake Village Manor/Oak Pond/Oak Tree/Mitchellville	924
7445	Collington Station/Collington Manor	900
7440	Pointer Ridge/Devonshire Estates/Lake Village Manor/Mitchellville/Ridgeview Estates	243
8413	Old Stage/Westview/Woodmore Highlands	206
7437	Idlewild/Bowie Forest	748
8465	Saddlebrook	658
7419	Tulip Grove	890
7434	Derbyshire/Bowie Forest/Buckingham	928

*2012 CRI = 75% of SAIFI 2011 + 25% of SAIFI 2010

Excludes Major Storms – Storms Impacting over 100,000 customers

Bowie Feeder Rank by Neighborhood 2006 Compared to 2010 and 2011

Feeder	Neighborhood	2006 Rank	2010 Rank	2011 Rank
7434	Derbyshire/Bowie Forest/Buckingham	8	915	928
8462	Ensleigh/Essington/Heather Hills/Kenilworth	17	612	869
8413	Old Stage/Westview/Woodmore Highlands	19	747	206
7417	Fairview/Highbridge Park/Stewart's Landing	22	588	910
7422	Huntington/Huntington Crest/Rolling Hills/Rockledge/Belair Greens/Grady's Walk	25	606	738
8414	Meadowbrook/Chapel Forge	29	646	804
7419	Tulip Grove	36	879	890
7420	Foxhill/Someset/Tulip Grove	50	534	884
7440	Pointer Ridge/Devonshire Estates/Lake Village Manor/Mitchellville/Ridgeview Estates	61	679	243
8463	Bowie Commons/Enfield Chase	63	401	257
7445	Collington Station/Collington Manor	136	666	900
7441	Glen Allen/Covington Manor/Heather Hills/Mitchellville/Mitchellville East	216	595	259
7442	Pointer Ridge/Northview/GrovehurstAmber Meadows/Enfield Chase/Oak Pond/Oak Tree/Ternberry/Archstone/Tall Oaks CrossingRidgeview Estates	220	163	593
7418	Long Ridge/Princeton Square	236	362	843
7438	Victoria Heights/Yorktown/Overbrook/Chapel Forge/Belair Town	249	461	788
7421	Old Chapel Estates/Chapel Forge/Overbrook/Rockledge/Whitehall	351	566	743
7437	Idlewild/Bowie Forest	354	755	748
7436	Forest Hills/Longleaf	464	62	376
7444	Amber Meadows/Lake Village Manor/Oak Pond/Oak Tree/Mitchellville	465	655	924
7447	Evergreen Estates/Covington Manor/Mitchellville East/Mitchellville/Northview/Pin Oak Village	507	570	663
8465	Saddlebrook	543	795	658
8466	Ensleigh/Essington/Heather Hills/Kenilworth		503	8

2006 - Represents the period from October 1, 2005 to September 30, 2006

2010 - Represents the period from October 1, 2009 to September 30, 2010

2011 - Represents the period from October 1, 2010 to September 30, 2011

Feeder 8466 is a new feeder and did not exist in 2006

Excludes Major Storms - Storms Impacting over 100,000 customers

Bowie Feeder Rankings in BGE System
2006 to 2011

BGE System	2006	2007	2008	2009	2010	2011
1-10% worst	10	7	3		1	1
10-20% worst	1	2	2		1	1
20-30% worst	4	2	5			3
30-40% worst	2	3	5		3	1
40-50% worst	2	2			5	1
50-60% worst	2	1			7	2
60-70% worst		2	3		3	5
70-80% worst		2	2		2	8
80-90% worst						
90-100% worst			1			
Total Feeders	21	21	21		22	22

This chart shows the aggregate of where all Bowie Feeders have ranked over the past six years when compared to the BGE System Average. The worst performing feeders are shown in the 1-10% worst category. The best performing feeders are located in the 90-100% worst category. As can be seen from the above chart, there is a pronounced movement from the worst categories to the better performing categories. Information for 2009 could not be located.

Summary of Alcohol Laws & Legislation

Alcohol Work Group
Prince George's County House Delegation
Aug. 1, 2012

Prepared by: Jodie Chilson,
Acting Counsel
Prince George's County Delegation

Retail Delivery

General Statewide Law: The general Statewide law regarding retail delivery is found in § 12-301 of Article 2B. It prohibits retail delivery to a purchaser unless:

- the delivery is made from the licensed premises by the license holder or employee of the license holder authorized to sell and distribute alcohol by the licensing authority in the jurisdiction where the delivery is made; and
- the license holder gets a letter of authorization from the local licensing authority and complies with any regulations adopted by the local licensing authority regarding those deliveries.

Prince George's County: There is no county-specific law regarding retail delivery. However, the Board of License Commissioners has rules (R.R. No. 76) regarding retail delivery in the county due to the Statewide retail delivery law. The rules require the licensee to get annual authorization for retail delivery. A hearing on the issue is required and the licensee is required to pay a \$250 fee. The licensee must meet certain requirements regarding retail delivery including:

- only delivering during the hours the licensee is authorized to sell alcoholic beverages at the store;
- completing a delivery form;
- confirming the name and age of the person accepting the delivery through identification; and
- reporting request for multiple deliveries to the same person on the same day.

Other Jurisdictions:

- **Garrett County:** Under § 12-301(e), the Board of License Commissioners is authorized to issue a delivery option that would allow a licensee to engage in retail delivery if 1) the deliverer is at least 21 and certified by an approved alcohol awareness program; and 2) the deliverer and purchaser endorse a delivery form certifying that the person receiving the delivery is at least 21 and is aware that it is a criminal offense to furnish alcoholic beverages to a person under 21. The certification regarding the age of the person receiving delivery must be supported by documentary proof. The certification form must be submitted to the board on or before the 10th day of the following month. To engage in retail delivery, a licensee must pay an issuing fee of \$150 plus an annual fee of \$150. The board is required to adopt regulations to carry out the statutory provisions.
- **Howard County:** Under § 12-301(c), retail delivery is prohibited unless the purchaser is physically present on the licensed premises when the order is made and makes payment at the time of the order.

- **Montgomery County:** Under § 12-301(d), retail delivery is prohibited unless the deliverer is at least 21 or at least 18 and accompanied by a supervisor who is at least 21. The person taking delivery must provide written certification supported by documentary proof that the person is of legal age. The certification must be retained by the licensee for at least 1 year and the certifications are subject to inspection. The Board of License Commissioners is required to adopt regulations to carry out the retail delivery statutory provisions.

Note: Due to time constraints, research regarding other jurisdictions' regulations that carry out the Statewide retail delivery law was not done.

Comparison of Prince George's County with Other Jurisdictions: Because of time constraints, the regulations of all jurisdictions could not be researched and, therefore, a full comparison cannot be made. Based on the information above, however, it appears there are some areas where the county is less restrictive than other jurisdictions. For example, Prince George's County allows delivery by individuals who are between 18 and 21 whereas, in Garrett County, the individual must be at least 21. Prince George's County is comparable to a few other jurisdictions regarding such issues as requiring a confirmation of the age of the person to whom the delivery is made.

Recent Failed Legislation: In a survey of legislation introduced from 1996-2012, there was only one failed bill that would have changed the retail delivery law as it applies to Prince George's County. There were no failed Statewide legislation during that time period.

- **2012 HB814 Prince George's County - Alcoholic Beverages Licensee - Retail Delivery to Consumer - Prohibition PG 301-12:** The bill would have prohibited retail delivery in Prince George's County except for businesses in National Harbor that delivery to locations in National Harbor.

Liquor Establishments Near Places of Worship

General Statewide Law: There is no Statewide law regarding liquor establishments near churches.

Comparison of Prince George's County with Other Jurisdictions: See attached chart for specifics.

The law regarding liquor establishments near places of worship as it applies to Prince George's County is somewhat comparable to the law as it applies to other jurisdictions. Although the exceptions that apply vary from jurisdiction to jurisdiction, there appears to be three common exceptions that Prince George's shares with other jurisdictions. One is that the restriction does not apply if the liquor establishment predates the place of worship. Another one is that the restriction does not apply to licenses in existence on a certain date. The date, of course, varies depending on the jurisdiction, but it appears to be the date that the restriction was enacted. Also, the restriction does not apply to certain types of licenses, such as on-sale licenses for restaurants and hotels. One exception that seems to be unique to Prince George's County is that a place of worship can consent to the waiver of the distance restriction. Prince George's County tends to be less restrictive in terms of the number of feet that must be between the liquor establishment and the place of worship. The county, along with three other jurisdictions, requires 500 feet. Eight jurisdictions require 300 feet. One requires 750 feet and one other requires 1,000 feet. It should be noted that how the distance is measured is different from most other jurisdictions. Most other jurisdictions measure between the nearest two points of the buildings. Prince George's County, however, measures from the front door or main entrance, whichever is nearest the street abutting the premise, of the proposed licensed establishment along the nearest usual pedestrian route to the door closest to the licensed premises which is used as an entrance or exit to the main entrance of the church

Recent Failed Legislation: In a survey of legislation introduced from 1996-2012, there were three failed bills that would have changed the law regarding liquor establishments near churches as it applies to Prince George's County. There was no failed Statewide legislation during that time period.

- **2012 SB840 Alcoholic Beverages – City of Laurel – Sales by License Holders:** The bill would have required the Council of the City of Laurel to determine if a license would be granted to sell alcoholic beverages within 500 feet of church that was consenting in writing under § 9-217(e)(2) to the license being granted for a location within the distance restriction.
- **2006 HB935 Prince George's County – Alcoholic Beverage License Restriction – Repeal of Exemption PG 326-06:** This bill would have repealed the 500-foot restriction exemption for a Class B (on-sale) beer, wine, and liquor license, Sunday "on-sale" permit, and special or temporary license issued under § 7-101. It should be noted that those licenses were the only types of license exempted from the 500-foot restriction at the time the bill was introduced.

- **2005 HB1126 Prince George's County – Alcoholic Beverages – Exception to Prohibition on Licensed Premises Near Churches PG 323-05:** The bill would have added a provision that stated that the 500-foot restriction did not apply in cases where the church was located in a commercial zone.

Jurisdiction	Distance Restriction	How Measured	Does Not Apply:
Anne Arundel § 9-203(c)	1000 feet	straight line from entry to entry	1. If the license for the same building is being renewed or extended 2. To the City of Annapolis 3. To any transfer or assignment of a license located within the 1,000-foot requirement 4. To any nonprofit club or nonprofit organization 5. To any restaurant destroyed by an act of God and which held a valid license at the time it was destroyed in a new church had not been constructed within the 1,000-foot requirement 6. To Any Class H beer and wine license (on-sale) or Class H beer, wine and liquor license (on-sale) 7. To any motel-restaurant complex, hotel-restaurant complex, beer, wine, and liquor license (on-sale) <i>Other:</i> A Class H license located within the 1,000 restriction cannot get a special dancing license.
Baltimore City §9-204.3(a)(1) and (b)	300 feet	nearest point of the buildings of a church	1. To a license that was held before the restriction was put into place and is renewing or extending the license for the same building 2. To the following licenses: • Class B beer and wine license (except in the 46th Legislative District) • Class B beer, wine, and liquor license (except in the 46th Legislative District) • Class C beer and wine license • Class C beer, wine, and liquor license

			3. If, except in the 46 th Legislative District, the church waives the restriction with respect to cafes or restaurants located within 250 feet of a theater having a capacity of not less than 300 seats and is operated by a nonprofit theater association
Baltimore City – 45 th Legislative District § 9-204.3(a)(2)	500	nearest point of buildings	None <i>Other:</i> Only applies to new Class A licenses of any type
Baltimore City - 46 th alcoholic beverages district § 9-204.1(f)(6)	300 feet from the nearest point of a church or no closer to the nearest point of a church than the licensed premises was on June 1, 2004		The transfer or issuance of a license to a licensed restaurant in 1) Ward 4, precinct 1; 2) Ward 22, precinct 1; or 3) a residential planned unit development for Silo Point as approved by the mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004.
Baltimore § 9-205	300 feet	nearest point of the buildings	1. To the renewal or transfer of a license where, subsequent to the original granting of the license, a church building was erected within the 300-foot requirement 2. To the issuance of special and temporary licenses 3. To the transfer for the purpose of moving the licensed premises within the same building or structure, a transfer of ownership of the same premises, or the renewal of a Class B beer, wine, and liquor on-sale license or a 7-day Class BDR (deluxe restaurant) on-sale beer, wine, and liquor license if the license is issued for use on premises with a seating capacity for more than 50 persons and is located within a town center
Carroll § 9-207 (c) through (g)	300 feet	nearest point of the building to the nearest point of the property line of the church	1. To any license except for micro-brewery licenses issued under § 2-208 2. To a renewal of a license if the licensed premises preceded the location of the church 3. To any licensed premises that existed on July 1, 1997
Dorchester § 9-210	300 feet	direct line of the nearest point of the main building of a	1. To the granting of a license for premises located within the 300-foot requirement if the license to sell alcoholic beverages on the premises existed

		place of worship	as of October 1, 1996 2. To an application for a Class B (on-sale) beer, wine, and liquor license for a premises in Cambridge or Secretary 3. To a premises issued a special or temporary license
Harford § 9-213(b)	300 feet	nearest point of the buildings	1. To any license existing on July 1, 1977 2. To the transfer or issuance of a Class B (on-sale) beer, wine, and liquor license for the use on any premises licensed on July 1, 1975 3. To the renewal, transfer, or upgrading of a license unless transferred to a new location 4. To a place of worship applying for a 1-day license to be used on their premises 5. In an incorporate municipality, to the issuance of a license to a bona fide hotel, motel, or restaurant, club, or caterer 6. To the issuance of a 1-day license for use within a building or to the issuance of a Class H beer, wine, and liquor license issued under § 7-04(d) to a caterer for use in a banquet facility located within a building if the construction of the building was completed after July 1, 1991 and the building is used for emergency operations by a volunteer fire company 7. To the issuance of a Class GC (golf course) license
Montgomery § 9-216(a)	750 feet	nearest point of the buildings	1. To the issuance, under the board's discretion and by unanimous action, of a license to sell alcoholic beverages more than 300 feet from a place of worship if the land is classified in a commercial or industrial zone and is adjacent or contiguous to other land which is similarly classified 2. To the renewal, transfer, or reissuance (under certain circumstances) of a

			prior license of any license of any establishment where subsequent to the original issuance a place of worship was erected within the 750-foot requirement 3. To a special culinary school license issued under § 8-216.3
Prince George's § 9-217(e)	500 feet	From the front door or main entrance, whichever is nearest the street abutting the premise, of the proposed licensed establishment along the nearest usual pedestrian route to the door closest to the licensed premises which is used as an entrance or exit to the main entrance of the church	1. If the church consents in writing and the consent is filed with the application 2. To the transfer or assignment of a license located within the distance of 1,000 feet of another place of business within the specified distance and/or to an assignee of the license within the distance of the same church. 3. To the issuance of a license to a business that doesn't currently have one but had one on June 1, 1965 if the license is of the same class of that which was in effect on June 1, 1965 and the business is in the same place 4. To the renewal of a license of any establishment where, subsequent to the original granting of the license, a church building was erected within 1,000 feet 5. To the following types of licenses: • Class B (on-sale) Hotels and Restaurants • Special Class B license known as a Class BH • Special Sunday "on-sale" permit • Class B-DD (Development District) 7-day beer, wine, and liquor license • Class B (TP) beer, wine, and liquor theme park license • Class B-AE (Arts and Entertainment) beer, wine, and liquor license • any license issued under § 7-101 <i>Other:</i> In the part of the Gateway Arts and Entertainment district in Hyattsville as designated by the Secretary of DBED, the front door or main entrance of a Class D beer and wine licensed establishment can be used if it

			is at least 350 feet from a place of worship
Queen Anne's § 9-218(b) and (c)	500 feet or 250 feet for a Class B (on-sale) hotel and restaurant beer, wine and liquor license	nearest point of licensed establishment to nearest point of the property line of the place of worship	To the renewal or transfer of any license issued prior to May 1, 1976
St. Mary's § 9-219(b)	300 feet	nearest wall of licensed establishment in a direct line to nearest point of the main buildings of the place of worship	1. To an application for a Class B (on-sale) beer, wine, and liquor license for a premises located in Leonardtown 2. In the event that a place of worship locates its building within 300 feet of the licensed premises after the licensed premises is established
Somerset § 9-220	300 feet	nearest point of the building to the nearest point of the property line of the place of worship	To the issuance of special or temporary licenses
Wicomico § 9-223	500 feet	the distance as a person could walk directly between the main entrance of building to the main entrance of the place of worship	1. To the application for a license within 6 months following the termination of a license at existing location that falls within the 500-foot requirement 2. To the issuance of a special or temporary license 3. To the Downtown Plaza

Entertainment Permits

General Statewide Law: There is no general Statewide law on entertainment permits.

Prince George's County: The entertainment permit law is in § 6-201(r)(19). The original Prince George's County entertainment permit law was passed in 2010. It was amended in 2011 and 2012.

- **What is the purpose of the permit?** The permit allows the holder that complies with all requirements under county law to impose a cover charge, offer facilities for patron dancing, and provide entertainment.
- **Who needs a permit?** A Class B (on-sale) license holder that seeks to provide entertainment.
- **When is the permit not required?**
 - The license holder holds one of the following licenses:
 - A Class B (on-sale) license issued under § 6-201(r)(3) to an agricultural association, an agricultural fair association, or other association authorized to conduct racing under the provisions of the Maryland Horse Racing Act;
 - Class B/ECF, which is an educational conference facility license issued to the University of Maryland, University College Center of Adult Education;
 - Class B-CI, which is issued to country inns;
 - Class B-ECR, which is a special 7-day license issued to the Maryland-National Capital Park and Planning Commission's equestrian Center restaurant located in the county;
 - Class B-ECF/DS, which is an education conference facility/dining service license issued to an individual authorized by the University of Maryland, College Park to act on its behalf and who is a resident and registered voter in the county;
 - Class B beer, wine and liquor stadium license issued for use in Redskins Stadium;
 - Class B(TP), which is issued for use at the theme park in Mitchellville; or
 - Class B-CC, which is issued to a convention center;

- Class B (on-sale) license issued for a restaurant and the restaurant provides entertainment for adults and children that is ancillary to the operation of the restaurant and is not the primary focus of marketing or promotion for the restaurant;
 - A veterans or fraternal Class C license if the license holder provides entertainment that (1) is under the direct supervision of the license holder; (2) is for adults, children, and families of the organization or the public; and (3) when offered, ends no later than midnight; or
 - The Board of License Commissioners determines that the holder's principal business is to provide family entertainment.
- **If a license holder has a permit, how many days a week can the permit holder offer entertainment?** The Board of License Commissioners determines the number of days in a week that a permit holder may exercise the privileges of the permit.
- **During what hours is the permit valid?** After 9 p.m. until 2 a.m. the following day.
- **What is the application process?**
 - The Board of Licensing Commissioners is required to hold a public hearing regarding the application.
 - The applicant is required to:
 - submit evidence that the applicant holds a Class B (on-sale) license, there are no unpaid taxes due from the applicant to the State, the county, or a municipal corporation, and meets all other permit requirements;
 - develop a security plan to prevent the premises from posing a threat to the peace and safety of the surrounding area; and
 - submit the security plan for review to the Board of License Commissioners and the Chief of the Prince George's County Police Department.
 - The Chief of the county's police department may submit comments regarding the adequacy of the security plan.
 - If the board decides to issue a permit despite the concerns of the Chief, then the board is required to specify in writing the reasons why the board has determined that the security plan is adequate.
- **What must the Board of Licensing Commissioners consider when determining whether to issue an entertainment permit?** The board must consider whether:

- approval and issuance is necessary for the accommodation of the public;
 - the applicant is a fit person to receive the permit;
 - the applicant has made any material false statement in the application;
 - the applicant has committed any fraudulent act in connection with the application;
 - the operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and
 - there are any other reasons that justify the disapproval of the application or the refusal to issue a permit.
- **What is the annual fee for the permit?** The annual fee is \$1,500, which is in addition to the annual fee for the Class B license.
 - **What are the requirements regarding security that a permit holder must meet?**
 - The security plan included in the application must be implemented.
 - When the privileges of the permit are being exercised, the permit holder cannot allow an individual under the age of 21 years on the premises unless the individual is employed by or is an immediate family member of the holder.
 - A permit holder may employ sworn security personnel if the sworn security personnel have full police powers in the jurisdiction where the premises is located.
 - **What are the penalties for violating the requirements regarding a permit?**
 - The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the county establishes that the security plan has not been implemented and that the public health, safety, or welfare requires emergency action. If a temporary restraining order is issued, the county is required to give the permit holder written notice of and reasons for the closure. The permit holder is required to be given an opportunity for a hearing in the circuit court. The opportunity for a hearing must be given promptly.
 - The board is authorized to immediately suspend a permit if the board reasonably believes that the permit holder has violated the requirements regarding a permit or is not in compliance with a county zoning property standard or use and occupancy requirement. If the board immediately suspends a permit, the board is required to give the holder notice and a hearing.
 - If the board finds that a person has violated the provisions of law regarding an entertainment permit, the board:

- is authorized to revoke or continue the suspension of the permit; and
 - is required to impose a penalty of at least \$1,000 but not more than \$12,500 for a first offense or at least \$5,000 for each subsequent offense.
- If the board determines that a permit holder has violated the provisions of law regarding an entertainment permit twice within a 24-month period, the board is required to revoke the permit and is prohibited from considering an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation until at least 12 months after the order of revocation was issued.
 - If the board has immediately suspended a permit and then determines that no violation occurred, the board is required to immediately reinstate the permit.
- **Other information regarding the permit:** The board at any time may prohibit, condition, or restrict the type of entertainment offered by a permit holder if, after a hearing, the board determines that the entertainment adversely impacts or unduly disturbs the community and is not conducive to the peace, health, welfare, or safety of the residents of the county. Also, the board is required to hold a public hearing on receipt of a petition to revoke a permit or protest the renewal of a permit.

Note: In the bill review letter for the 2010 entertainment permit legislation, the Office of the Attorney General pointed out several constitutional issues with the legislation. The issues related to due process concerns regarding the pre-hearing suspension of the permit and the lack of standards regarding the imposition of the legislation's civil penalties. These issues have not been addressed by any legislation.

Comparison of Prince George's County with Other Jurisdictions in the State: No other jurisdiction in the State has entertainment permits similar to those required in Prince George's County. Therefore, Prince George's County is unique in this respect.

Recent Failed Legislation: In a survey of legislation introduced from 1996-2012, there was no failed legislation, either specific to Prince George's County or Statewide, regarding entertainment permits.

Supermarket Alcohol Sales

General Statewide Law: Section 9-102(a-1) prohibits a Class A, B, or D beer license, beer and wine license, or beer, wine and liquor license, except by way of renewal, from being granted, transferred, or issued to a supermarket. The subsection does not apply to or affect a supermarket that already holds a license or the possibility of the licensee having the license transferred to a similar type of business.

Prince George's County:

- Under § 9-217(h), an alcoholic beverage license with an off-sale privilege of any class cannot be issued or transferred to a supermarket. However, if the supermarket had such a license when the ban was passed, the supermarket may keep the license and, at the discretion of the Board of Commissioners, may change the classification of the license. The prohibition on transferring a license does not apply to a transfer from the 47th alcoholic beverages district to the 21st alcoholic beverages district of one Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises.
- Section 6-201(r)(15)(viii) prohibits a Class B-DD license from being issued to a restaurant located within a supermarket.

Other Jurisdictions:

- **Allegany County:** Section 9-202(i) prohibits a Class A, B, or D beer wine and liquor license from being granted, transferred or issued to, or for use in conjunction with, or on the premises of, or on premises having any direct or indirect connection with or access to any supermarket.
- **Charles County:** Under § 10-503(j)(6), an alcoholic beverages license of any class cannot be transferred or issued to a supermarket.
- **Frederick County:** Section 9-211(d) prohibits a Class A alcoholic beverage license from being granted, transferred, or issued to a supermarket.
- **Harford County:** Under § 9-213(f), an alcoholic beverages license with an off-sale privilege of any class cannot be transferred or issued to a supermarket. If a supermarket held an alcoholic beverage license on July 1, 1976, the supermarket can continue to hold the license or apply to upgrade to Class A-1 or A-2.

Comparison of Prince George's County with Other Jurisdictions: Prince George's County appears to be in line with other jurisdictions in the State. There is a general ban on supermarket sales unless the supermarket already held a license when the ban was passed. This is true for the county-specific law. The laws that are specific to other jurisdictions also ban the issuance or

transfer of licenses to supermarkets. Only one other jurisdiction appears to have an exception for licenses held on a certain date.

Recent Failed Legislation: In a survey of legislation introduced from 1996-2012, there was only one failed bill that would have changed the law regarding alcoholic beverages licenses for supermarkets as it applies to Prince George's County. There was no failed Statewide legislation during that time period.

- **2012 HB817 Prince George's County – City of Bowie - Alcoholic Beverages Licenses for Supermarkets PG 307-12:** This bill would have authorized the Board of License Commissioners to issue a Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises within the corporate limits of the City of Bowie, if 1) a licensee does not have an ownership interest in more than one license issued under this paragraph; 2) the applicant for the license presents to the board a copy of a valid lease in the City of Bowie for a term not less than 5 years; 3) the applicant for the license already has occupied the premises that is the subject of the lease for at least 1 year; and 4) provided there is state, county, or municipal investment or other governmental economic participation in the licensed premises, the applicant seeks to obtain a memorandum of understanding with any labor organization that represents the employees of the licensed premises stating that the labor organization agrees to forbear from adverse economic action against the applicant's operations. The board is prohibited from approving a Class D beer and light wine license with an off-sale privilege for use by: 1) a business primarily engaged in the sale of general merchandise that also sells groceries; or 2) a business that allows the purchase of alcohol at any customer-operated machine or stand located on the business premises.

Liquor Store Sales (Sunday Sales, Opening Hours, and Other Laws)

General Statewide Law: Under §§ 11-301(a)(1), 11-302(a)(1), and 11-303(a)(1), the hours are 6 a.m. to midnight on every day except Sunday for Class A (off-sale) beer licenses, Class A (off-sale) beer and light wine licenses, and Class A (off-sale) beer, wine and liquor licenses.

Comparison of Prince George's County with Other Jurisdictions: See attached chart for specifics.

Other than the restriction on Sunday sales, Prince George's County falls in line with most other jurisdictions. Although the Statewide law prohibits Sunday sales, most jurisdictions have specific laws authorizing Sunday sales for at least certain classes of licenses or certain Sundays (e.g. when New Year's falls on a Sunday). However, Prince George's County is not one of those jurisdictions and, therefore, is more restrictive than most other jurisdictions. Prince George's County, however, does fall more in line with other jurisdictions that have operating hours different than the general Statewide hours. Most jurisdictions have longer operating hours and most of them appear to have hours from 6 a.m. to 2 a.m. the following morning, which is what Prince George's County has.

It should be noted that for those jurisdictions that allow sales on Sundays at some level, the jurisdictions are basically evenly split between those that have shorter sale hours on Sundays and those that have the same sale hours on Sundays as any other day. Only one jurisdiction appears to have longer hours which is due to the fact that the jurisdiction only allows Sunday sales if Christmas Eve and New Year's Eve fall on Sundays.

Recent Failed Legislation: In a survey of legislation introduced from 1996-2012, there were twelve failed bills that would have changed liquor store sales laws as they apply to Prince George's County. During that same time period, there were two failed Statewide bills.

- **2012 HB 1266 Alcoholic Beverages – Sunday Sales:** The bill would have allowed the local licensing boards to adopt rules that would allow a license holder to sell alcoholic beverages from 10 a.m. on Sunday to 2 a.m. on Monday. If such a rule was adopted, it would preempt the State law for that jurisdiction.
- **2011 HB 1313 Alcoholic Beverages – Class A Licenses – Closing Hours:** The bill would have changed the closing hours for all Class A license in the State to 11 p.m.
- **2011 HB 1096 Prince George's County – Alcoholic Beverages – Sunday Off-sale Permit PG 310-11:** The bill would have established a Sunday off-sale permit that could be issued to a holder of any Class A license or Class B beer, wine, and liquor license with an off-sale privilege. The permit would allow a holder to sell from 8 a.m. on Sunday to midnight the following day and for consumption off the premises only. The fee for the permit was set at \$450 in addition to the annual license fee. The Board of License Commissioners was authorized to adopt regulations to carry out the provision.

- **2009 HB 1050 Prince George's County – Bottles of Beer or Wine – Hours of Sale PG 319-09:** The bill would prohibited sales of bottles of beer equal to or less than 40 ounces in size after 9 p.m. on Sunday through Thursday and 10 p.m. on Friday and Saturday.
- **2006 HB 1356 Prince George's County – Alcoholic Beverages Licenses – Exercise of Off-sale Privileges PG 308-06:** The bill would have changed the hour that a licensee could exercise an off-sale privilege to 9 a.m.
- **2005 HB 1112 Prince George's County – Alcoholic Beverages Licenses (Off-Sale) – Hours for Sale PG 331-05:** The bill would have change the hour that a licensee must cease exercising an off-sale privilege to midnight.
- **2005 HB 1128 Prince George's County – Class A Alcoholic Beverages Licenses – Hours for Sale PG 318-05:** The bill would have prohibited a holder of a retail Class A (off-sale) license from selling from 10 p.m. to 6 a.m. the following day.
- **2005 HB 1134 Prince George's County – Alcoholic Beverages Licenses (Off-Sale) – Hours for Sale – 47th District PG 301-05:** The bill would have prohibited the exercise of an off-sale privilege in the 47th alcoholic beverages district on 1) Sunday between the hours of midnight and 6 a.m. or 11 p.m. and 6 a.m. the following day; 2) Monday through Thursday between 11 p.m. and 6 a.m. the following day; and 3) Saturday between midnight and 6 a.m.
- **2004 HB 595 Prince George's County – Class A Beer, Wine and Liquor Licenses – Sunday Sales – 21st District PG 332-04:** The bill would have allowed a holder of a Class A beer, wine and liquor license in the 21st alcoholic beverages district to make sales between 6 a.m. Sunday to 2 a.m. the following day.
- **2004 HB 599 Prince George's County – Alcoholic Beverages Licenses (Off-Sale) – Hours for Sale PG 312-04:** The bill would have change the hour that a licensee must cease exercising an off-sale privilege to midnight.
- **1999 HB 830 Prince George's County – Alcoholic Beverages (24th District – Limited Hours) PG 300-99:** The bill would have limited the hours of the exercise of an off-sale privilege in the 24th alcoholic beverages district to between 10 a.m. and 1 a.m.
- **1998 HB 780 Prince George's County – Alcoholic Beverages (24th District – Limited Hours) PG 319-98:** The bill would have limited the hours of the exercise of an off-sale privilege in the 24th alcoholic beverages district to between 10 a.m. and 1 a.m.
- **1997 HB 442 Prince George's County – Alcoholic Beverages (23rd District – Sunday Sales) PG 301-97:** The bill would have allowed Sunday sales in certain portions of the 23rd alcoholic beverages district during hours set by the Board of License Commissioners.

- **1996 HB 881 Prince George's County – Alcoholic Beverages (23rd District – Sunday Sales) PG 323-96:** The bill would have allowed Sunday sales in the 23rd alcoholic beverages district during hours set by the Board of License Commissioners.

Note: I focused on Class A (off-sale) licenses unless the hours applied to all licenses in the jurisdiction.

Jurisdiction	Statutory Provision	License Class	Hours and Days
Allegany	§§ 11-403(b)(4) and 11-402(b)	Any class	Board of License Commissioners determine the hours sales can occur on New Year's Eve and New Year's Day no matter what day of the week they fall
	§ 11-501	Any class	Cannot sell between 2 a.m. and 7 a.m. and cannot sell after 2 a.m. on Sunday until 7 a.m. on Monday
Annapolis	§ 11-303(a)(2)(i)	Class A (off-sale) beer, wine and liquor	Hours are city by the Mayor, Counselor, and Aldermen
Anne Arundel	§ 11-502	Any class	6 a.m. until 2 a.m. except Sundays unless the holder has a special Sunday license
Baltimore City	§ 11-403(3)(ii) and (iii)	Class A	May exercise privileges of off-sale license on: 1. the Sundays that fall between Thanksgiving Day and New Year's day from 1 p.m. to 9 p.m. if supplementary license fee has been paid before October 1; and 2. two additional Sundays during the calendar year if the holder pays a license fee at least 2 weeks before each time the privilege is exercised.
Baltimore City - Park Heights Redevelopment Area	§ 11-302(a)(2)	Class A (off-sale) beer and light wine	Hours begin at 9 a.m. each day
Baltimore County	§ 11-403(a)(4)(iii)	Any class of retail off-sale	May exercise privileges between 7 a.m. and 9 p.m. on the Sunday before Christmas Day, New Year's Day, Rosh Hashanah, and Yom Kippur
	§ 11-403(a)(4)(iv)	Class A beer and light wine or beer, wine and liquor	May exercise off-sale privilege on the 2 Sundays before Passover if: 1. the holder does not exercise the off-sae privilege on the 2 Saturdays before Passover; 2. the off-premises sales are conducted between 6 a.m. and midnight; and 3. the sales are limited to alcoholic beverages that are "kosher for Passover."
	§ 11-303(a)	Class A (off-	Hours begin at 9 a.m. each day

	(2)(ii)	sale) beer, wine and liquor	
Calvert	§ 11-505	Any class	6 a.m. to 2 a.m. the following day on Monday through Sunday
Caroline	§ 11-301(a)(2)	Class A (off-sale) beer	6 a.m. to 2 a.m. the following day on Monday through Sunday
	§ 11-302(a)(3)	Class A (off-sale) beer and light wine	6 a.m. to 2 a.m. the following day on Monday through Sunday
	§ 11-303(a)(2)(iii)	Class A (off-sale) beer, wine and liquor	6 a.m. to 2 a.m. the following day on Monday through Sunday
Carroll	§ 11-302(k)	Class A (off-sale) beer and light wine	In addition to the Statewide hours, 11 a.m. to 6 p.m. on Sundays
	§ 11-303(a)(2)(iv)	Class A (off-sale) beer, wine and liquor	In addition to the Statewide hours, 11 a.m. to 6 p.m. on Sundays
	§ 11-403(b)(2)(vi)	Class A 7-day	May sell beverages authorized under the license from 8 a.m. to midnight on Sunday, but if liquor is authorized under the license, it may only be sold from 1 p.m. to midnight.
	§ 11-507(b)(3)	Any off-sale license	8 a.m. and 11 p.m. on Monday through Saturday and between 11 a.m. and 11 p.m. on Sunday
Cecil	§ 11-508(a)(1)(ii) and (2)(i)	Any class	6 a.m. to 2 a.m. the following day Monday through Saturday and from 8 a.m. Sunday to 2 a.m. Monday for Class A and certain other classes
Charles	§ 11-509	Any class	6 a.m. to 2 a.m. the following day except on Sundays. On Sundays, 6 a.m. to midnight
Dorchester	§ 11-510	Class A (off-sale) beer, Class A beer	6 a.m. to midnight Monday through Sunday unless Christmas Eve or New Year's Eve is on a Sunday, then the hours are 6 a.m. Sunday to 2 a.m. Monday

		and light wine, and Class A beer, wine and liquor	
Frederick	§§ 11-301(a)(3) and 11-511(c)(4)	Class A (off- sale) beer	1. Monday through Saturday from 6 a.m. to 2 a.m. the following day; and 2. Sunday from 11 a.m. to 2 a.m. the following day if the licensee holds a special Sunday opening permit
	§§ 11-302(a)(4) and § 11- 511(c)(3)	Class A (off- sale) beer and light wine	1. Monday through Saturday from 6 a.m. to 2 a.m. the following day; and 2. Sunday from 11 a.m. to 2 a.m. the following day if the licensee holds a special Sunday opening permit
	§§ 11- 303(a)(2)(v) and 11-511(c)(2)	Class A (off- sale) beer, wine and liquor	1. Monday through Saturday from 6 a.m. to 2 a.m. the following day; and 2. Sunday from 11 a.m. to 2 a.m. the following day if the licensee holds a special Sunday opening permit
Garrett	§ 11-402(m), 11- 403(a)(9) and (b)(5), and 11- 512	Any off-sale class	Hours are 6 a.m. to 2 a.m. the following day except Sunday unless New Year's Eve or New Year's Day falls on a Sunday, in which case the Board of Licensing Commissioners decides the hours.
Harford	§ 11-513	Any class	8 a.m. to 2 a.m. Monday through Sunday
Howard	§ 11-514(a)(1)	Any Class A	6 a.m. to 2 a.m. the following day Monday through Saturday
	§ 11-514(a)(2)	7-day Class A	In addition to Monday through Saturday hours, 6 a.m. Sunday to 2 a.m. Monday
Kent	§§ 11- 303(a)(2)(vi) and 11-515(c)	Class A	1. Monday through Friday from 6 a.m. to 2 a.m. the following day; 2. Saturday from 6 a.m. to 1 a.m. the following day; and 3. Sunday from 9 a.m. to 2 a.m. the following day.
Montgomery	§ 11-301(a)(4) and § 11- 516(d)(1)	Class A (off- sale) beer	6 a.m. to 1 a.m. every day, including Sunday
	§ 11-302(a)(5) and § 11-	Class A (off- sale) beer and	6 a.m. to 1 a.m. every day, including Sunday

	516(d)(1)	light wine	
Prince George's	§ 11-301(a)(5)	Class A (off-sale) beer	6 a.m. to 2 a.m. on the following day, except Sundays
	§ 11-302(a)(6)	Class A (off-sale) beer and light wine	6 a.m. to 2 a.m. on the following day, except Sundays
	§ 11-517(b)(2)	Class A retail off-sale	May not sell for consumption off the premises between midnight and 6 a.m. but a holder of a Class A beer, wine and liquor license cannot sell on Sunday after midnight except on Christmas Eve and New Year's Eve if they fall on a Sunday
Queen Anne's	§ 11-518	All classes	May exercise privileges on Sunday from 8 a.m. until the closing hour permitted by the class of license during any other day of the week.
St. Mary's	§ 11-303(a)(2)(vii)	Class A (off-sale) beer, wine and liquor	Holders of a class A-1 license may sell on Sunday
	§ 11-519	Any class	6 a.m. to 2 a.m. the following day including Sunday
Somerset	§ 11-520	Any license	6 a.m. to 2 a.m. the following day except for between 2 a.m. on Sunday to 8 a.m. the following Monday. Holders of a 7-day Class A (off-sale) beer license and a 7-day Class A (off-sale) beer and light wine license may sell beverages as authorized by their license on Sunday from 8 a.m. to 2 a.m. the following day.
Talbot	§ 11-303(a)(2)(viii)	Class A (off-sale) beer, wine and liquor	Monday through Saturday 8 a.m. to midnight
	§ 11-403(b)(3)	Class A beer	8 a.m. and 10 p.m. on Sundays
Washington	§ 11-301(a)(6) and § 11-522	Class A (off-sale) beer	6 a.m. to 2 a.m. the following day
Wicomico	§ 11-524(b)	Class A	General rule is 9 a.m. to 2 a.m. the following day Monday through Saturday
	§§ 11-301(f) and 11-524(c)(1)	Class A beer	For a 6-day permit, 6 a.m. to 2 a.m. the following morning except Sunday For a 7-day permit, 6 a.m. to 2 a.m. every day

	§§ 11-302(f) and 11-524(c)(5)	Class A beer and light wine	For a 6-day permit, 6 a.m. to 2 a.m. the following morning except Sunday For a 7-day permit, 6 a.m. to 2 a.m. every day
	§§ 11-402(y) and 11-524(e)	Any establishment serving alcohol	Board of License Commissioners determines the hour the establishments must cease sales on New Year's Eve and New Year's Day regardless on which day of the week they fall.

Notes: There is a section of Baltimore City where the Board of License Commissioners is allowed to restrict the days and hours for the sale and consumption of beer, wine and liquor. The Talbot County Commissioners can adopt a law that changes the hours and days of sale and consumption.