

LIVE ENTERTAINMENT LICENSES BILL



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President

Baltimore City Council

THE ISSUES:

- Lack of Accountability
 - Lack of Community Involvement
 - Lack of Enforcement
 - Inconsistent Response to Complaints
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THE ISSUES:

- Currently, in order to provide live entertainment, an establishment must be zoned for it.
 - Because live entertainment is in the zoning code, it is an all or nothing proposition for both the establishment and the community.
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ALL OR NOTHING PROPOSITION

- All or nothing means that if an establishment is zoned for live entertainment then it is a **MATTER OF RIGHT**.
 - Cannot be taken away for any reason.
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RIGHT vs. PRIVILEGE

- This legislation removes live entertainment from the zoning code.
 - A business must apply for a license which gives the community an opportunity to be heard.
 - An entertainment license will be a privilege that can be denied, revoked, suspended or not renewed.
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THE PROCESS...

- Creates a Board of Live Entertainment Licenses.
- This Board will consist of:
 - The Director of Hospitality Services (see next slide)
 - The City Council President or President's designee
 - A Member of the City Council
 - Two citizen representatives appointed by the Mayor

THE DIRECTOR

- The Director of Hospitality Services will be the Agency-Community-Industry Liaison within the Mayor's office.
- Director's duties will include but not limited to:
 - Adopt rules & regulations to govern form & content of "White Books" (*see 2-slides down*)
 - Point of contact for the community and City agencies

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THE DIRECTOR

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- Organize Roundtable Meetings *(see 2-slides down)* for the General Public, the Hospitality Industry and City Agencies.
- Seek to mediate disputes between the General Public and the Hospitality Industry.
- Conduct Orientations for new businesses in the Hospitality Industry.
- Ensure Agency Enforcement.

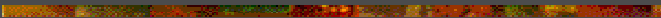
THE WHITE BOOK

- Currently at time of inspection at late hours, inspectors complain that there is no point of contact and no proof of what is permissible on site.
 - The White Book is kept on premise by licensee for any Authorized City Official to examine, to include:
 - Name & Contact Information for Licensee
 - Parking, Traffic, Security and Sanitation Plans
 - Any other government-issued licenses
 - Any other information as set by Director
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ROUNDTABLES



Public forums involving:

- Police Department
 - Fire Department
 - Health Department
 - Planning Department
 - Public Works Department
 - Baltimore Housing
 - Bd. Of Municipal & Zoning Appeals
 - Baltimore Development Corporation
 - Bd. Of Liquor License Commissioners
 - City Council
 - Department of Transportation
 - Parking Authority
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THE APPLICATION

- When an establishment applies for a live entertainment license, they must submit:
 - Sanitation Plan
 - Traffic Plan
 - Security Plan
 - Parking Plan
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REQUIRED CONSIDERATIONS

In designating classes and specifying limitations, the Board shall consider, but not limited to:

- Amplification, noise levels & sound proofing
- Limits on size of premises or area within premises to be used for live entertainment
- Number of live entertainers
- Exterior lighting
- Whether to limit live entertainment to dancing only
- Proximity of residences, schools, religious institutions or parks to proposed entertainment venue

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REQ. CONSIDERATIONS

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- Maximum authorized occupancy load of venue
- Volume & types of vehicular & pedestrian traffic in the area of proposed entertainment venue
- Establishment & maintenance of:
 - Traffic Management Plan
 - Parking Plan
 - Indoor & Outdoor Security Plan
 - Sanitation Plan

THE PROTEST

- Submit Application
 - Post Notice
 - On Site
 - On Boards Website
 - Protests can be filed by affected community members
 - If 10 or more protests received, the matter may be referred to mediation
 - If mediation is unsuccessful then there will be a hearing before the Board.
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MEDIATION

- Details to be finalized as part of Board Regulations but striving for:
 - Nominal fee or no fee
 - Process that is fair to all parties
 - Open to suggestions
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THE HEARING

- Successful mediation = Agreement between the community and the establishment will be a condition upon which the license is granted.
 - Unsuccessful mediation = Hearing before the board who will make final determination as to whether to deny or create conditions to the license.
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ENFORCEMENT

- Call to 3-1-1
 - Director of Hospitality Services to coordinate agencies with focus on services and enforcement:
 - Police, DPW, DOT, Fire, Liquor Board, Health, Parking
 - Agencies to develop staffing to respond to nightlife complaints
 - Ongoing problems – suspension, non-renewal, revocation
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REVOKED, SUSPENDED, OR NOT RENEWED

- Annual renewal process
 - Renewal denied if establishment doesn't abide by conditions of the agreement.
 - Revocation or suspension of license if the Board receives persistent complaints
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RENEWALS

- Each live entertainment license expires annually (except short-term licenses).
 - Renewal application submitted no less than 30 days but not more than 60 days prior to expiration.
 - Notice of renewal application to be posted on Board's website.
 - Renewal procedures are the same as application process (i.e. protests and mediation).
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CHANGE OF OWNERSHIP

- A live entertainment license is NOT transferable to:
 - A new owner
 - A new applicant
 - A different venue
 - Or otherwise
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TYPES OF LIVE ENTERTAINMENT

MYTH:

Live entertainment only means live music.

FACT:

Live entertainment means many different things and includes:

Musical Act, Concert or Recital

Theatrical Act, Play or Revue

Performance Art

Dance Performance

Participatory Dancing

Magic Act

Karaoke

Disc Jockey

Poetry Reading or Book Recital

Stand Up Comedy

BOARD REGULATIONS

- Zoning code makes no distinctions between the different types of live entertainment.
 - **EXAMPLE:** A poetry recital is treated the same as a rock concert.
 - The Board has the authority to create classes of live entertainment based on a number of factors, including impacts on the community.
 - **EXAMPLE:** a poetry reading will require a lower level of scrutiny while a rock concert will require a higher level of scrutiny.
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THE GOALS

- This Bill accomplishes two goals:
 - First, it enhances entertainment, artistic and cultural opportunities for all citizens of Baltimore.
 - Secondly, and equally as important, it empowers communities by making them part of the process.
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NEXT STEPS

- We are at the **beginning** of the process
- The Bill is assigned to the Judiciary and Legislative Investigations Committee and to Land Use and Transportation Committees
- Committees will hold public hearings and will vote on the Bill
- If “favorable” by Committees, returned to City Council for “2nd Reader”
- At 2nd Reader, vote take to move it to 3rd Reader
 - If favorable vote, placed on agenda at following council meeting for 3rd Reader
- At 3rd Reader, vote taken to pass ordinance
 - If favorable vote, bill sent to Mayor for signature
- Becomes law upon Mayor’s signature

CONCLUSION

- I believe that a community means more than a collection of homes. It is a place where, as consistent with the City's Comprehensive Master Plan, people are able to live, work, learn and play. I am committed towards making Baltimore a better place in which to accomplish those things and believe that live entertainment is one component. I look forward to working with the Council and the community, as this Bill moves through the legislative process.
 - Should you have any further questions or concerns, please contact my Legislative Director, Andrew Smullian, at (410) 396-4804 or at andrew.smullian@baltimorecity.gov.
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