

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-20-25

AN ORDINANCE concerning alcoholic beverages on public property

FOR the purpose of regulating the possession and consumption of alcoholic beverages on public property; making violation a civil offense, and generally relating to alcoholic beverages on public property within The City of Frederick.

BY repealing

Sec. 6-19

The Code of the City of Frederick, 1966 (as amended)

BY adding

Sec. 6-19

The Code of the City of Frederick, 1966 (as amended)

BY repealing

Sec. 15-26.2

The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Section 6-19 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and a new Sec.6-19 is hereby added to read as follows:

Sec. 6-19. Alcoholic beverages.

- (a) **Authority.** Pursuant to Maryland Code, Alcoholic Beverages, § 6-321, an individual may consume an alcoholic beverage on public property only if authorized by the governmental entity that has authority over the property.
- (b) **Definitions.** For purposes of this section, the following terms have the meanings indicated.
- (1) "Alcoholic beverage" has the meaning given in MD Code, Alcoholic Beverages, § 1-101.
- (2) "Public property" includes property that is:
- (A) a structure, road, parking area, or grounds; and
- (B) located on land owned, leased, or operated by:
- (i) the City;
- (ii) the County; or
- (iii) the State.

(c) **Prohibition.** Except as otherwise provided in this section, an individual may not consume an alcoholic beverage or possess an alcoholic beverage in an open container in a park or upon any other public property, including in a parked vehicle located on public property, within the City.

(d) **Special Events.**

(1) Upon request, the Board of Aldermen may authorize the consumption of alcoholic beverages in a park or on any other public property:

(A) in connection with a special event determined by the Board of Aldermen to be of significance to the City; or

(B) if, in the judgment of the Board of Aldermen, the consumption would not be contrary to the public interest.

(2) The Board of Aldermen may attach to the authorization any conditions deemed necessary to protect the public health, safety, or welfare.

(3) Upon request, the Mayor may authorize the consumption of alcoholic beverages in connection with a special event taking place entirely within a structure.

(e) **Carroll Creek Linear Park.**

(1) This subsection applies to any portion of Carroll Creek Linear Park that is authorized by the City, through a lease or license, to be used as a portion of a restaurant or other business primarily engaged in the preparation and sale of food and beverages for consumption on the premises.

(2) Unless otherwise stated in an applicable lease or license, an individual may consume an alcoholic beverage in accordance with a valid liquor license and all other applicable laws and regulations.

(f) **Outdoor dining.**

(1) This subsection applies to sidewalk cafes, parklets, and any other outdoor dining areas operating under valid permits issued by the City.

(2) An individual may consume an alcoholic beverage in accordance with a valid liquor license and all other applicable laws and regulations.


(g) **Violations.** Violation of this section is a municipal infraction punishable by a fine not to exceed \$100.

SECTION II. AND BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Section 15-26.2 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed in its entirety.


SECTION III. AND BE IT FURTHER ENACTED AND ORDAINED, That this ordinance shall take effect on the date it is signed by the Mayor and all other ordinances or parts of ordinances

inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.


APPROVED: November 19, 2020


Michael C. O'Connor, Mayor

PASSED: November 19, 2020


Michael C. O'Connor, President,
Board of Aldermen

Approved for Legal Sufficiency:


Sandra A. Nichols
City Attorney