



**Committee:** Joint  
**Committee Review:** Completed  
**Staff:** Ludeen McCartney-Green, Legislative Attorney  
**Purpose:** Final action – vote expected  
**Keywords:** #LateNightEstablishments

AGENDA ITEM #2A  
April 2, 2024  
**Action**

## SUBJECT

Expedited Bill 3-24, Late Night Establishments – Hours of Operation

Lead Sponsors: Council Vice-President Stewart, Councilmembers Albornoz and Glass  
Co-Sponsors: Councilmembers Luedtke, Katz, Fani-González, and Balcombe, and Council President Friedson

## EXPECTED ATTENDEES

Dr. Earl Stoddard, Assistant Chief Administrative Officer (Invited)

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Council action; vote required.
- The joint Committee (PS and ECON) with a 6-1 vote, Councilmember Sayles opposed, recommends adoption of Expedited Bill 3-24, as amended.

## DESCRIPTION/ISSUE

Expedited Bill 3-24 would:

- (1) define hookah lounge;
- (2) limit the hours of operation for a hookah lounge, tobacco shop, and vape shop;
- (3) establish penalties for violation of this Chapter; and
- (4) generally amend the law governing certain establishments in the County.

## SUMMARY OF KEY DISCUSSION POINTS

- The Public Safety and Economic Development Committee held a joint worksession on March 14 and amended the bill to include the following:
  - clarify that restrictions on operating hours apply to vape and tobacco shops that include an area for onsite smoking of tobacco products and other related substances (lines 51-55);
  - strike the legislative findings that include references to Baltimore County case law and other jurisdictions, and instead, replace with calls for service data in the County (lines (23-42); and
  - modify the bill to become expedited legislation (lines 74-76). (6-1, Councilmember Sayles opposed).

### This report contains:

Staff Report  
Expedited Bill 3-24, as recommended by the Joint Committee

Pages 1-12  
© 1

Climate Assessment	© 5
Economic Impact Statement	© 8
Racial Equity and Social Justice Impact Statement	© 11
Fiscal Impact Statement	© 15
Letter from Maryland Delegation	© 17
Public Testimony	
Stephanie Helsing – Greater Silver Spring Chamber of Commerce	© 18
Lofts24 Board and Safety Committee	© 20
Lee Holland – FOP Lodge 35	© 23
Becky Sherblom	© 24
Chris Reese	© 25
Claudia Torrico	© 26
Daniel Meijer	© 27
David Heller	© 30
Greg Silsbee	© 31
Iris Peabody	© 32
Josaih Duran	© 33
Karen Williamson	© 34
Kristen Conte	© 35
Mary Ellen O’Brian	© 37
Mercina Tillemann	© 38
Stefan Babich	© 39
Theresa Mazzaro	© 41
Dr. Earl Stoddard (County Executive Rep)	© 44
Councilmember Sayles Committee Amendments	© 46
Power point slides from MCPD	© 48
MCPD Beat Map/Geography	© 55

**Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at [adacompliance@montgomerycountymd.gov](mailto:adacompliance@montgomerycountymd.gov)**

**M E M O R A N D U M**

March 28, 2024

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: **Action:** Bill 3-24, Late Night Establishments – Hours of Operation

**Committee Recommendation: The Public Safety and Economic Development Committee voted (6-1) to recommend enactment of Bill 3-24, as amended, Councilmember Sayles opposed.**

**Expected Attendees**

Dr. Earl Stoddard, Assistant Chief Administrative Officer (Invited)  
Captain Dan Reed, Montgomery County Police Department (Invited)

Bill 3-24, Late Night Establishments – Hours of Operation, sponsored by Lead Sponsors Council Vice-President Stewart, and Councilmembers Alborno and Glass, with Co-Sponsors Councilmembers Luedtke, Katz, Fani-González, and Balcombe and Council President Friedson was introduced on February 13, 2024. A public hearing was held on March 5, 2024 at 1:30 p.m. where 11 speakers testified. A joint Economic Development and Public Safety Committee worksession was held on March 14, 2024.

Bill 3-24 would define a “hookah lounge;” set restrictions on the operating hours for certain late night establishments, hookah lounges, tobacco shops, and vape shops; and establish penalties for a violation.

**PURPOSE**

Bill 3-24 is intended to address issues of public safety concerns relating to secondary effects like crime, which has increased significantly because of late night hookah establishments. There has been an increase in the number of arrests, police presence in central business districts, and excess overtime expenditure for the police department.

Data from the Montgomery County Police Department (MCPD) shows in the past two years between the hours of 2 a.m. and 7 a.m., Downtown Silver Spring (DTSS) had the highest

number of service calls (2974) compared to all other areas in Montgomery County. See ©51. There are at over 10 licensed hookah lounges located in DTSS the service call area.

## BACKGROUND

The State has primary jurisdiction over the sale of tobacco and cigarettes and licensure of hookah shops; however, this authority does not preempt local jurisdictions from enacting legislations to regulate hookah bars and/or lounges.

Accordingly, the County has the authority to pass local laws upon all matters covered by its grant of express powers from the General Assembly. Those express powers specify that, as a charter county, the County may pass any ordinance, resolution, or bylaw that is not inconsistent with State law and may aid in maintaining the peace, good government, health, and welfare of the county. Md. Code Ann., Local Government Article, § 10-206(a)(2). In short, the County has the express power to pass laws to protect the public's health and safety.

The Court of Special Appeals<sup>1</sup> in *Baddock, et al., v. Baltimore County*, 239 Md. App. 467 (2018), held that: 1) restricting a hookah lounge was a valid exercise of police power; and 2) requiring hookah lounges in the [Baltimore] County to close at midnight was rationally related to public safety concerns, as well as to public health concerns about exposure to tobacco smoke, and therefore did not violate due process.

There are few local and surrounding jurisdictions that have passed legislation to restrict the hours of operation for hookah lounges, tobacco and vape shops ([Baltimore County](#), close by midnight; [Prince George's County](#), close by 8pm every day; and [City of Norfolk, Virginia](#), hookah lounge zoning application included closing by midnight); and for establishments in [Washington, D.C.](#) approved by the Department of Health for indoor hookah use have aligned their business closing hours with other businesses that provide onsite alcohol consumption (e.g. restaurant and bars).

Under §25-2005 of the Maryland Alcoholic Beverage Article, the State restricts the days and hours for an establishment that holds a Class B license (beer, wine, and liquor). The general restriction prohibits the consumption and sale of alcohol between certain hours (Monday – Thursday between 2am – 9am; Friday and Saturday between 3am – 9am; and Sunday between 2am – 9am unless the next day is a public holiday then 3am – 9am).

Bill 3-24 seeks to align and restrict the hours of operation for hookah lounges, smoke shops, and vape shops to mirror the same hours of operation for establishments that serve alcohol (beer, wine, or liquor).

### *Prior County Legislation Regulating Business Hours of Operation - Bill 14-23 – Police – Late Night Safety Plan*

---

<sup>1</sup> In December 2022, the Court of Special Appeals was renamed the Appellate Court of Maryland by constitutional amendment ratified by the voters on November 8, 2022. Maryland State Archives: <https://msa.maryland.gov/msa/mdmanual/30sp/html/spf.html>. Last accessed on February 6, 2024.

The Council enacted Bill 14-23<sup>2</sup> (Code Section 35-13D), which requires a late night business to obtain an approved late night business safety plan to operate between the hours of 2am – 5am, or if open to the public anytime between midnight and 2am and has been subject to at least 2 service calls during the past 12 months. The law defines a business as “...has an “other tobacco products retailer” license, a food license, a license for on-site cannabis consumption, or a liquor license where the products sold are consumed on-site at tables or at other areas designated for consumption.” A business without an approved late night safety plan must not operate after 2am, or if certain circumstances are met after midnight.<sup>3</sup>

## **BILL SPECIFICS**

This Bill would set certain days and time for the hours of operation for a hookah lounge, tobacco shops, and vape shops. Specifically, a hookah lounge, tobacco shop, or vape shop may only allow patrons to smoke, vape, or use hookah pipes during these hours:

- (1) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;
- (2) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and
- (3) on Sunday:
  - (A) from 9 a.m. to 2 a.m. the following day; or
  - (B) from 9 a.m. to 3 a.m. the following day, if the federal government has designated the following day as a public holiday.

An owner that operates after the permitted hours would be subject to Class A penalty (\$500 for the initial offense and \$750 for a repeated offense). Each day the violation occurs is considered a separate offense.

The County Executive may designate a specific department to enforce the provisions under this Chapter.

## **IMPACT STATEMENTS**

### **CLIMATE ASSESSMENT**

The Office of Legislative Oversight (OLO) anticipates Bill 3-24 will have no impact on the County’s contribution to addressing climate change as it is proposing restrictions on the operating hours of certain late night establishments. See © 5.

### **ECONOMIC IMPACT**

OLO anticipates that Bill 3-24 would have a negative impact on economic conditions in the County in terms of the Council’s priority economic indicators. By limiting the hours of operation for hookah lounges, tobacco shops, and vape shops in the County, the Bill may decrease revenues and income for certain businesses whose hours of operation currently extend beyond

---

<sup>2</sup> [Montgomery County Council - Legislative Information Management System – bill details \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/legislative-information-management-system/bill-details)

<sup>3</sup> Montgomery County Code Section 35-13D(b).

these limits. Also, the restrictions may reduce work hours for certain residents employed by these businesses, which could lower household income. See © 8.

However, OLO was unable to ascertain or calculate the actual dollar amount that would affect each business because it lacked additional information. Therefore, it is unclear whether closure by 2am (weekday) or 3am (weekends) would drastically affect profits, if late night establishments are currently closing around 4am or 5am (roughly a 2 hour difference in business hours). Council staff notes an owner of a hookah bar establishment in Baltimore County reported that most revenue is made starting at 10pm.<sup>4</sup>

### **RACIAL EQUITY SOCIAL JUSTICE (RESJ)**

OLO's analysis included a review of the Bill's impact on owners, employees, patrons, and the surrounding community members near hookah lounges. As identified in the RESJ statement (©11), OLO surmised that while Black-owned hookah lounges may experience decreased revenues from reduced operating hours, the benefit to BIPOC community members likely outweighs these costs coupled with the strong support for the policy among community members that are disproportionately Black.

OLO anticipates Bill 3-24 will have a positive impact on racial equity and social justice (RESJ) in the County. See © 11.

Further, OLO made a recommendation for the Council to continue monitor the impact of the Bill and address any potential consequences, including the need for funding to support small business if the restriction of hours procure negative impacts, or other alternative consider other measures to reduce public safety concerns.© 13.

Note, the RESJ did not address any impact related to tobacco and vape shops (also included in the Bill); however, a general search of these establishments in the County demonstrated that closing hours are typically much earlier (before 12am) than the hours proposed in the bill. Therefore, there is insufficient data to analyze whether the bill would have a determinative RESJ impact on such establishments.

### **FISCAL IMPACT**

OMB estimates the bill may result in minimal increases to fine revenue for business that violate the law. Any fine revenue generated would be dependent on the number of violations per year, which is indeterminate at this point. © 15.

OMB predicts that Bill 3-24 may reduce the number of businesses that are required to submit a safety plan under Section 35-13D and mitigate the demand on the late safety plan grant program because of the reduced operating hours.

---

<sup>4</sup> <https://www.wbal.com/new-restrictions-on-hookah-lounges-in-baltimore-county/>

## SUMMARY OF PUBLIC HEARING

The Council received over 27 testimonies: 16 written and 11 oral testimony – all which largely in support of the Bill. There were two speakers that testified in opposition.

The Council also received a letter of support by Montgomery County District 20 Delegation members (Senator Will Smith; Delegate Lorig Charkoudian; Delegative David Moon; and Delegate Jheanelle Wilkins), See testimony at © 17.

Dr. Earl Stoddard, on behalf of the County Executive, expressed support for the Bill. Dr. Stoddard testimony highlighted the need for nighttime economy but stated it must be balanced against the need for public safety. Further, he testified, the data provided by MCPD would demonstrate the number of increase calls and the need for the Police Chief to reallocate resources and personnel to DTSS because of illicit activity in the area. The limiting the hours of operation would allow equitable distribution of County resources and improve the public health for late-night employees. See testimony at © 44.

In addition, several individuals and organizations that testified in support expressed similar viewpoints, which included the following:

- *Increased in different types of crime.*
  - Stephanie Helsing of Greater Silver Spring Chamber of Commerce (Chamber) testified, Bill 3-24 would align and mirror nearby jurisdictions that also limit the operating hours for establishments that serve and consume alcohol. Further, hookah lounges are unregulated and do not have closing time, and the activities between 2am-7am pose a problem, danger to the community, and have overall increased crime. © 18
  - Lee Holland, Montgomery County FOP, written testimony provides that “the issue of public safety remains paramount for residents and visitors of Montgomery County. Regrettably, statistics and our firsthand observations indicate that "hookah lounges" often serve as hubs for dangerous illicit criminal activities during the early morning hours. These include drug dealing and use, alcohol consumption without proper permitting, violence, and a range of gang-related activities.” © 23.
  - The Lofts 24 Board and Safety Committee © 20.
  - Daniel Meijer, a resident, provided photos that depicted bullet holes near Bonifant Street in DTSS. © 27.
  - Kathy Stevens, an individual, testified an increase crime is a deterrent for building a diverse and thriving community.
  - Criminal risk associated with early morning hours, include excessive noise and music, loitering, assaults, homicides, drug dealing, prostitution, illegal food trucks arriving at 3 am to service the crowds, caravan of cars lined up on Bonifant and Thayer streets with drug dealers approaching cars. The resulting mayhem is unsupportable. Theresa Mazzaro © 41.
  - Extended late-night operating hours have correlated with increased street crime and calls to police, at a time when the MCPD is under-resourced.
  - Chris Reese (© 25); Claudio Torrico (© 26);

- *Align and mirror the closing times for hookah lounges with other similar late night establishments.*
  - Sligo Park Hills Community Association (© 30).
  - Becky Sherblom (© 24)
- *Improve safety and quality of life for residents, visitors, and workers.*
  - Jan Brown, resident, concerned about safety and quality of life. The late night establishments result in large crowds, illicit activity, consumption of alcohol, and loss of property value.

Allan Ebert, who spoke on behalf of 3 hookah lounges in the County. Allan testified that the owners raised no challenges to the data regarding the increase crime in the area but denied that their businesses are the cause of crime. Further, Allan testified, hookah lounges have experienced a business loss due to COVID-19 and are still trying to recover lost revenue. Lastly, Allan requested the Bill be considered and implemented next year to allow adjustments for business and employee needs.

Ahmed Kamal, testified as an owner of 7 hookah lounges and several tobacco shops in the County. Ahmed is in opposition of Bill 3-24. Ahmed testified that no crime in the DTSS area has been attributed to crimes that occur within a hookah lounges, rather outside or other establishments that are contributing factor. Ahmed also raised several adverse effects of the bill for Black and Brown owners.

#### **SUMMARY OF JOINT COMMITTEE WORKSESSION – MARCH 14**

Participating in the worksession was Council staff, Ludeen McCartney-Green. Representatives present on behalf of the Executive Branch were Dr. Earl Stoddard, Captain Dan Reed, Commander McBain, and Dr. Nina Ashford.

The Committee discussed the requirements of Bill 3-24 for certain late night establishments (hookah lounges, vape shops, and tobacco shops) must close by 2am - 9am on the weekdays (Monday – Thursday) and by 3am-9am on the weekends (Friday – Sunday).

Councilmembers Sayles made two separate motions that were not supported by a second; therefore, the Committee did not debate or discuss the amendments. Councilmember Sayles motions for amendments included: 1) implementing a sunset for the limitation on operating hours after one year of enactment; and 2) reestablishing a nighttime taskforce to study the impact of restricted hours of operation. See Councilmember Sayles memo for more details (© 46).

The joint Committee reviewed the issues raised in the staff report and decided on the following amendments:



- clarify that restrictions on operating hours applies to a vape or tobacco shop that includes onsite smoking of tobacco products and other related substances (lines 51-55). (7-0, without objection);
- strike legislative findings that include reference to case law and closing time for establishments in other jurisdictions and replace with data related to the County (lines (23-42). (7-0, without objection); and
- modify the bill to expedited legislation (lines 74-76). (6-1, Councilmember Sayles opposed).

The joint Committee voted recommends adoption of Expedited Bill 3-24, as amended with Councilmember Sayles voting in opposition. (6-1).

### ISSUES DISCUSSED AT JOINT COMMITTEE WORKSESSION

#### 1. What data is available regarding public safety concerns associated with late night establishments?

MCPD shared various data points on service calls, arrest locations, weapon-related incidents, and general observations to illustrate rising public safety concerns, particularly regarding increased crime due to late-night establishments. *See*, Power Point slides prepared by MCPD at page © 48–54.

Council staff has highlighted a few data points below, but the Council should review the comprehensive data on each slide.

**A. Calls for Service (CFS) Heat Map** - indicates that between the hours of 2am and 7am there are significant (shaded in yellow) number of calls to MCPD near hookah establishments. The map reflects data for the past two years (2022-2024). © 49. Most notable, the **3G1Beat** (DTSS) has the highest overall count of CFS (**2,974**) between 200 hrs–700 hrs, more calls than across all of Montgomery County.

**B. Arrest Heat Map** – depicts the **high level** of arrests made by MCPD near DTSS hookah establishments. © 50.

#### C. EJS<sup>5</sup> Incidents with Weapons Involved

- the number of weapons involved near hookah lounges in DTSS between 2am-7am were 63 in 2022; 82 in 2023; and 14 so far in 2024.** The charts provided also identify weapons and offenses involved in residential v. non-residential areas. © 51.
- The George 1 (**3G1**) Beat, which is largely comprised of the geographic footprint of DTSS, has the highest overall count of EJS incidents (**159**),

---

<sup>5</sup> EJS means Electronic Justice System database used by MCPD to document a police report regarding an incident.

with a weapon in the weapon property field and a start time between 0200 hrs–0700 hours, across all of Montgomery County, MD.© 52.

**D. CFS at Hookah Establishments By Address** – this data point specifically identifies a culminative number of calls for service near specific hookah lounge addresses in the DTSS area. The beat chart indicates 67 calls in 2022; 78 calls in 2023, and 10 in January and February of 2024. © 53.

**E. Publicly Posted Hours of Operation for Hookah Establishments.** As provided by MCPD, of the 13 hookah lounge addresses in 3G1 with publicly posted hours of operation, 5 AM is the latest posted closing time. Only 2 of 13 addresses have the latest posted closing time of 5:00 AM. Observations from officers in DTSS conflict with the publicly posted hours of observation, as lounges are often observed operating until 7:00 AM. © 53.

The data and information provided above shows the extent to which the police are required to respond to numerous large-scale calls, report criminal offenses, conduct arrests, retrieve weapons, and allocate a significant amount of police resources to respond to incidents occurring in or near hookah establishments. As evidenced by the public testimony, this strain on resources resulting in overtime expenditure impairs the Department’s capacity to effectively address crime in other parts of the County and poses a public safety risk.

## **2. What are the public health concerns related to hookah, tobacco, and vaping exposure?**

### *Effects of hookah and tobacco use*

According to the Center for Disease and Control and Prevention (CDC), hookahs are water pipes that are used to smoke specially made tobacco that comes in different flavors, such as apple, mint, cherry, chocolate, coconut, licorice, cappuccino, and watermelon.<sup>1</sup>

Although many users think it is less harmful, hookah smoking has many of the same health risks as cigarette smoking.<sup>6</sup> Further, the CDC quantifies that **one hour of smoking hookah is the equivalent of smoking 100 – 200 times the amount of smoke they would inhale from a single cigarette.** In a single water pipe session, users are exposed to up to 9 times the carbon monoxide and 1.7 times the nicotine of a single cigarette.

Specifically, in the Baltimore region studies have showed that indoor airborne concentrations of particulate matter and carbon monoxide were not only “markedly elevated in waterpipe cafes,” but “markedly greater than expected compared with venues allowing cigarette smoking.”<sup>7</sup>

---

<sup>6</sup> CDC Fact Sheet – Hookahs. April 22, 2021.

[https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/hookahs/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs/index.htm)

<sup>7</sup> Christine M. Torrey, et al., *Waterpipe Cates in Baltimore, Maryland: Carbon Monoxide, Particulate Matter, and Nicotine Exposure*, 25(4) J. Exposure Sci. & Envtl Epidemiology 405, 405-10 (2014), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4333110/>

The study further found that the mean concentrations of particulate matter measured in the Baltimore region's hookah lounges "greatly and consistently exceeded" the EPA and World Health Organization's 24-hour ambient air quality standards, and that the overall average concentration of carbon monoxide was twice the EPA's 8-hour standard *Id.*

The charcoal used to heat the tobacco can raise health risks by producing high level of carbon monoxide, metals, and cancer-causing chemicals. Some of the health risks associated with hookah smoking are lung, bladder, oral cancers, periodontal disease, low birth weight, decrease fertility, and respiratory disease.

#### *Secondhand smoke for late night establishment workers*

While the Montgomery County Code under Section 24-9 prohibits smoking in a restaurant and bars, hookah lounges and tobacco and vape shops are permitted establishments allowed to have indoor smoking – this poses a public health risk for employees of the establishment. The CDC explains that, "exposure to secondhand smoke from burning tobacco products causes disease and premature death among people who do not smoke. There is no safe level of exposure to secondhand smoke, even brief exposure can cause immediate harm."<sup>8</sup>

The RESJ statement also identifies that, **employees of hookah lounges** may experience decreased income from changes to work hours resulting from reduced operating hours. However, this may be offset at least in part by health benefits from reduced exposure to secondhand hookah smoke. One study published in 2017 found that hookah lounges "have elevated concentrations of indoor air pollutants that appear to cause adverse health effects in employees." © 12.

#### *Exposure of hookah, tobacco, and vaping shops among adolescents*

The joint Education & Culture and Health & Human Services Committee held a worksession for a briefing and discussion in 2019 on "*Vaping in Schools Among Adolescents and Young Adult*," in which, the [Council staff report](#) provided data from the 2011-2018 National Youth Tobacco Survey, that showed among high school students current use increased from 1.5% (2011) to 20.8% (2018). Among middle school students current use increased from 0.6% (2011) to 4.9% (2018).

A brief from the University of Michigan's Institute for Social Research on the results of the Monitoring the Future Survey says, "Increases in adolescent vaping from 2017 to 2018 were the largest ever recorded in the past 43 years for any adolescent substance use outcome in the U.S." This survey shows that among 10<sup>th</sup> grade students, use doubled from 8% to 16%. It also states that the increase in nicotine use in 12<sup>th</sup> graders (from 23.7% to 28.5%) is entirely driven by vaping.<sup>9</sup>

---

<sup>8</sup> CDC Secondhand Smoke. November 29, 2022. <https://www.cdc.gov/tobacco/secondhand-smoke/index.html>

<sup>9</sup> Briefing on Vaping in School Among Adolescents and Youth. June 19, 2019.

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190620/20190620\\_ECHHS1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190620/20190620_ECHHS1.pdf)

Further, CDC reports that **90% of lifelong hookah and tobacco users start before the age of 18.**<sup>10</sup> With information provided to the Council, that late night establishments are open even until 7AM, after hours may pose a public health risk because it provides exposure to adolescence that are traveling to middle and high school in the vicinity of hookah lounges.<sup>11</sup>

### **3. Amendment to modify the restrictions of operating hours for certain tobacco and vape shops.**

Council staff recommended the joint Committee narrow the scope of the bill for tobacco and vape shops that allow onsite smoking within the premises. A shop that solely provides tobacco products for sale should not fall under the scope of this bill, but rather, the bill should be narrowly tailored for businesses that allow smoking on premises during late night hours.

As a general practice and observation by MCPD – patrons will visit a hookah lounge, tobacco, and vape shop after bars have closed, mostly intoxicated, to engage in smoking. However, this creates a problem because an after-hour establishment may fail to observe liquor laws, exceed maximum capacity, noise levels, and allow narcotics. The goal of the Bill is to limit the “spill out” that creates a disorderly environment where patrons smoke on-premises and it fuel secondary problems in the community.

Council staff recommends the following amendment:

*Amend line 50, as follows:*

Tobacco shop has the same meaning as in Section 24-9 and includes an area or room that allows for onsite smoking of tobacco products or other related substances.

Vape shop has the same meaning as in Section 24-9 and includes an area or room that allows for onsite smoking of tobacco products or other related substances.

Decision Point: Whether to amend the definition for tobacco and vape shops? **Committee, without objection, adopted the amendment.**

### **4. Amendment regarding legislative findings.**

For consistency with other provisions in the Code, strike lines 18-37 from the legislative findings. The case law in *Baddock*, although persuasive authority, does not connect the need for restrictions to the public health and safety concerns specifically in Montgomery County.

---

<sup>10</sup> CDC Fact Sheet – Hookahs. April 22, 2021.

[https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/hookahs/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs/index.htm)

<sup>11</sup> Chapter 59 of the Zoning Code Ordinance restricts a vape shop in a Commercial/Residential zone (CRN, CRT, CR), Employment zone (GR, NR, LSC, EOF), Industrial zone (IL, IM, IH) and R-10. The requirements for a Vape Shop prohibits access to any person under 21 and it must be located at least 0.5 miles from a property on which a middle or high school is located as a principal use, but the ordinance does not limit hours of operation.

Therefore, a recommendation by Council staff to replace with the following language regarding increase service calls:

“The number of police calls received as a result of late night establishments operating in the downtown Silver Spring area between 2 a.m. and 7 a.m. increased by 16% from 2022 to 2023, with the highest overall count of 2,974 service calls when compared to other areas in the County.”

Decision Point: Whether to strike lines 18-37 and replace with data on calls for service? **The Committee, without objection, adopted the amendment.**

## **5. Enforcement and imposition of fees.**

The Bill provides that an owner that operates after the permitted hours would be subject to Class A penalty (\$500 for the initial offense and \$750 for a repeated offense). Each day the violation occurs is considered a separate offense.

Written testimony provided by Silver Spring Chamber of Commerce requested an amendment to increase fees and penalties under the law (© 19); however, as a local jurisdiction, the County is preempted from increasing fines above the allowed amount set by State law.

The Bill also provides for the County Executive may, under Method (2), adopt regulations to designate an agency or department for the implementation, administration, and enforcement this Chapter.

**Next Steps:** Whether to recommend Bill 3-24 for enactment, as amended by the joint Committee? **By a 6-1 vote, the joint Committee recommends enactment, with Councilmember Sayles opposing.**

This packet contains:

	<u>Circle #</u>
<u>Expedited</u> Bill 3-24, as recommended by the Joint Committee	1
Climate Assessment	5
Economic Impact Statement	8
Racial Equity and Social Justice Impact Statement	11
Fiscal Impact Statement	15
Letter from Maryland Delegation	17
Public Testimony	
Stephanie Helsing – Greater Silver Spring Chamber of Commerce	18
Lofts24 Board and Safety Committee	20
Lee Holland – FOP Lodge 35	23
Becky Sherblom	24
Chris Reese	25
Claudia Torrico	26
Daniel Meijer	27
David Heller	30
Greg Silsbee	31

Iris Peabody	32
Josaih Duran	33
Karen Williamson	34
Kristen Conte	35
Mary Ellen O'Brian	37
Mercina Tillemann	38
Stefan Babich	39
Theresa Mazzaro	41
Dr. Earl Stoddard	44
Councilmember Sayles Committee Amendments	46
Power point slides from MCPD	48
MCPD Beat Map/Geography	55

Expedited Bill No. 3-24  
Concerning: Late Night Establishments  
                  – Hours of Operation  
Revised: 03/18/2024 Draft No. 5  
Introduced: February 13, 2024  
Expires: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

Lead Sponsors: Council Vice President Stewart and Councilmembers Alborno and Glass  
Co-Sponsors: Councilmembers Luedtke, Katz, Fani-González, and Balcombe and Council  
President Friedson

---

**AN EXPEDITED ACT** to:

- (1) define hookah lounge;
- (2) limit the hours of operation for a hookah lounge, tobacco shop, and vape shop;
- (3) establish penalties for violation of this Chapter; and
- (4) generally amend the law governing certain establishments in the County.

By adding  
Montgomery County Code  
Chapter 32, Offenses - Victim Advocate  
Section 32-19D

<b>Boldface</b>	<i>Heading or a defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland, approves the following act:*

Sec 1. Section 32-19D is added as follows:

**Sec. 32-19D. Hookah lounge, vape shop, and tobacco shop - hours of operation.**

**(a) Legislative Findings.**

(1) The County has a responsibility to address public safety issues in an effective and rapid manner. There has been a rise in certain crimes, including armed robberies, carjackings, drug use, drunk driving, and car rallies, especially in central business districts (CBD) in Montgomery County with heightened risks during the early morning hours.

(2) The Montgomery County Police Department have responded to these challenges by deploying more police officers in CBDs; however, the increased police presence during overnight hours has led to significant overtime cost for the Department, reaching tens of thousands of dollars per month with a high point of \$70,000 in overtime expenses. In addition, because of the concentration of police officers in CBDs there are also opportunity costs that have led to longer police response times during late nights for incidents outside of the CBD areas.

(3) The number of police calls received as a result of late night establishments operating in the downtown Silver Spring area between 2 a.m. and 7 a.m. increased by 16% from 2022 to 2023, with the highest overall count of 2,974 service calls when compared to other areas in the County.

[(4) In *Baddock, et al., v. Baltimore County*, 239 Md. App. 467 (2018), the Court of Special Appeals held that requiring hookah lounges in the County to close at midnight was rationally related to public safety concerns, as well as to public health concerns about exposure to tobacco smoke, and therefore did not violate due process; and that “requiring



hookah lounges - but not similar businesses [...] to close at midnight was not an arbitrary distinction that violated [the] Equal Protection Clause and the Maryland Declaration of Rights.” *Id.* at 480.

(4) There are neighboring jurisdictions that have implemented certain restrictions on the operation of hours, including:

(A) Baltimore County require hookah lounges close between the hours of 12 p.m. and 6 a.m.; and

(B) Prince George’s County has limited the operation of tobacco and electronic cigarette shops to close at 8 p.m. seven days a week and has made changes to its zoning law to require certain related business operate only in light industrial areas due to public safety concerns.

(5) Jurisdictions across the country and region routinely require restaurants and bars that serve alcohol to stop serving or close its operation late at night in recognition of the public safety and health benefits.]]

(b) Definitions. As used in this Section:

Hookah lounge means any facility, establishment, or place whose business operation, whether as its primary use or as an ancillary use, includes the smoking of tobacco, flavored tobacco, nicotine, or other substances, including vaping liquid, through one or more hookah pipes (also known as a hookah, electronic hookah, waterpipe, shisha or narghile). A hookah lounge may include a hookah bar or hookah cafe.

Tobacco shop has the same meaning as in Section 24-9 and includes an area or room that allows for onsite smoking of tobacco products or other related substances.

Vape shop has the same meaning as in Section 24-9 and includes an area or room that allows for onsite smoking of tobacco products or other related

substances.

(c) Hours of operation - limited. A hookah lounge, tobacco shop, or vape shop may operate:

(1) on Monday through Thursday, from 9 a.m. to 2 a.m. the following day;

(2) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day; and

(3) on Sunday:

(A) from 9 a.m. to 2 a.m. the following day; or

(B) from 9 a.m. to 3 a.m. the following day, if the federal government has designated the following day as a public holiday.

(d) A hookah lounge, tobacco shop, or vape shop that operates outside of the hours permitted under subsection (c) is in violation of this Section.

(e) Penalty. A violation of this Section is a Class A violation. Each day a violation occurs is a separate offense.

(f) Enforcement.

(1) The Executive may, under Method (2), adopt regulations to designate an agency or department for the implementation, administration, and enforcement this Chapter.

(2) The County Attorney may file an action in a court with jurisdiction to enjoin a violation of this Section.

**Sec. 2. Effective date.** The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

# Climate Assessment

## Office of Legislative Oversight

### Bill 3-24: Late Night Establishments – Hours of Operation

#### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 3-24 will have no impact on the County's contribution to addressing climate change as it is proposing restrictions on the operating hours of certain late night establishments.

---

#### BACKGROUND AND PURPOSE OF BILL 3-24

Bill 3-24 proposes to define what a hookah lounge is and set restrictions on the operating hours for hookah lounges, tobacco shops, and vape shops to mirror the hours of operation of establishments where alcohol is consumed, such as bars.

If enacted, Bill 3-24 would allow a hookah lounge, tobacco or vape shop in the County to operate only during the following hours:

- Monday through Thursday, from 9 A.M. to 2 A.M. on the following day;
- Friday and Saturday, from 9 A.M. to 3 A.M. the following day; and
- Sunday from 9 A.M. to 2 A.M. the following day; however, if the following day is a federal holiday, the hours are from 9 A.M. to 3 A.M.

Any owner that operates after the permitted hours would be subject to a Class A penalty, which is \$500 for the initial offense and \$750 for each repeated offense.

Bill 3-24 is intended to address public safety concerns, which has "increased significantly because of late night hookah establishments."<sup>1</sup> The bill cites increased police presence in central business districts during overnight hours and excess overtime expenditure for MCPD in its legislative findings.<sup>2</sup> The bill's legislative findings also note that other jurisdictions in Maryland, including Baltimore County and Prince George's County, have passed similar legislation restricting the operating hours for hookah lounges.<sup>3</sup>

Bill 3-24, Late Night Establishments – Hours of Operation was introduced by the County Council on February 13, 2024.<sup>4</sup>

## ANTICIPATED IMPACTS

As the bill proposes changes to operating hours of certain late night establishments, OLO anticipates Bill 3-24 will have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

---

## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>5</sup> OLO does not offer recommendations or amendments as Bill 3-24 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

---

## CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

---

## PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

---

## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

---

<sup>1</sup> [Introduction Staff Report for Bill 3-24](#), Montgomery County Council, Introduced February 13, 2024.

<sup>2</sup> Introduction Staff Report for Bill 3-24

<sup>3</sup> Introduction Staff Report for Bill 3-24

<sup>4</sup> Ibid.

<sup>5</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

# Economic Impact Statement

Montgomery County, Maryland

## Bill 3-24

## Late Night Establishments – Hours of Operation

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 3-24 would have a negative impact on economic conditions in the County in terms of the Council’s priority economic indicators. By limiting the hours of operation for hookah lounges, tobacco shops, and vape shops in the County, the Bill may decrease revenues and income for certain businesses whose hours of operation currently extend beyond these limits. Also, the restrictions may reduce work hours for certain residents employed by these businesses, which could lower household income.

### BACKGROUND AND PURPOSE OF BILL 3-24

Bill 3-24 is intended to address public safety concerns, which has “increased significantly because of late night hookah establishments.”<sup>1</sup> According to data from the Montgomery County Police Department (MCPD), there has been an increase in the number of arrests and excess overtime expenditure for the police department. Other jurisdictions in Maryland, including Baltimore County and Prince George’s County, have passed similar legislation restricting the operating hours for hookah lounges.<sup>2</sup>

Bill 3-24 would define what a hookah lounge is and set restrictions on the operating hours for certain late night establishments, including hookah lounges, tobacco shops, and vape shops, to mirror the hours of operation with establishments where alcohol is consumed, such as bars.

Specifically, the hours where patrons are allowed to smoke, vape, or use hookah pipes in a hookah lounge, tobacco or vape shop would be:

- Monday through Thursday, from 9 A.M. to 2 A.M on the following day;
- Friday and Saturday, from 9 A.M. to 3 A.M. the following day; and
- Sunday from 9 A.M. to 2 A.M the following day; however in the case of the following day being a federal holiday, the hours are from 9 A.M. to 3 A.M.

Any owner that operates after the permitted hours would be subject to a Class A penalty, which is \$500 for the initial offense and \$750 for each repeated offense.

Bill 3-24, Late Night Establishments – Hours of Operation was introduced by the County Council on February 13, 2024.<sup>3</sup>

---

<sup>1</sup> “Introduction Staff Report for Bill 3-24.”

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

## **INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS**

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess, both, the impacts of Bill 3-24 on residents and private organizations in terms of the Council's priority economic indicators and whether the Bill would have a net positive or negative impact on overall economic conditions in the County.<sup>4</sup>

Using Google maps, OLO viewed the hours of operation of certain hookah lounges, tobacco shops, and vape shops in the County to determine if there are businesses whose hours of operation currently extend beyond these limits.

## **VARIABLES**

The primary variables that would affect the economic impacts of enacting Bill 3-24 are the following:

- Hours of operation; and
- Business revenue.

## **IMPACTS**

**WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS**

### **Businesses, Non-Profits, Other Private Organizations**

OLO anticipates that Bill 3-24 would have negative impacts on certain private organizations in the County in terms of the Council's priority economic indicators.

Using Google maps, OLO viewed the hours of operation of certain hookah lounges, tobacco shops, and vape shops in the County. OLO identified several businesses whose hours of operation currently extend beyond these limits. By limiting the hours of operation for these businesses, the Bill may decrease revenues, which, holding all else equal, would reduce business profits.

Beyond these potential impacts, OLO does not expect the Bill to affect private organizations in terms of the Council's other priority indicators.

### **Residents**

OLO anticipates that Bill 3-24 may have negative impacts on certain residents in the County in terms of the Council's priority economic indicators.

Limiting the hours of operation of certain hookah lounges, tobacco shops, and vape shops may reduce work hours for certain residents employed by these businesses. Holding all else equal, fewer hours would reduce household income.

Beyond this potential impact, OLO does not expect the Bill to affect residents in terms of the Council's other priority indicators.

---

<sup>4</sup> Montgomery County Code, Sec. 2-81B, Economic Impact Statements.

## Net Impact

OLO anticipates that enacting Bill 3-24 would have a negative impact on economic conditions in the County in terms of the Council's priority economic indicators. By limiting the hours of operation of certain hookah lounges, tobacco shops, and vape shops in the County, the Bill may decrease revenues and income of businesses whose hours of operation currently extend beyond these limits. In addition, the restrictions may reduce work hours for certain residents employed by these businesses, which may reduce household income.

## DISCUSSION ITEMS

Not applicable

## WORKS CITED

["Introduction Staff Report for Bill 3-24, Late Night Establishments – Hours of Operation."](#) Montgomery County Council. February 13, 2024.

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements.](#)

## CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

## AUTHOR

Stephen Roblin (OLO) prepared this report.



# Racial Equity and Social Justice (RESJ) Impact Statement

## Office of Legislative Oversight

### BILL 3-24: LATE NIGHT ESTABLISHMENTS – HOURS OF OPERATION

#### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 3-24 will have a positive impact on racial equity and social justice (RESJ) in the County. While Black-owned hookah lounges may experience decreased revenues from reduced operating hours, Bill 3-24 appears to reflect the needs and priorities of BIPOC community members living in the area surrounding hookah lounges.

---

#### PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

---

#### PURPOSE OF BILL 3-24

Bill 3-24 proposes to define what a hookah lounge is and set restrictions on the operating hours for hookah lounges, tobacco shops, and vape shops to mirror the hours of operation of establishments where alcohol is consumed, such as bars. If enacted, Bill 3-24 would allow a hookah lounge, tobacco or vape shop in the County to operate only during the following hours:<sup>3</sup>

- Monday through Thursday, from 9 am to 2 am on the following day;
- Friday and Saturday, from 9 am to 3 am the following day; and
- Sunday from 9 am to 2 am the following day; however if the following day is a federal holiday, the hours are from 9 am to 3 am.

Any owner that operates after the permitted hours would be subject to a Class A penalty, which is \$500 for the initial offense and \$750 for each repeated offense.<sup>4</sup>

Bill 3-24 is intended to address public safety concerns, which has “increased significantly because of late night hookah establishments.”<sup>5</sup> The Bill cites increased police presence in central business districts during overnight hours and excess overtime expenditure for MCPD in its legislative findings.<sup>6</sup> The Bill’s legislative findings also note that other jurisdictions in Maryland, including Baltimore County and Prince George’s County, have passed similar legislation restricting the operating hours for hookah lounges.<sup>7</sup>

Bill 3-24, Late Night Establishments – Hours of Operation was introduced by the County Council on February 13, 2024.

In March 2023, OLO published a RESJIS for Bill 14-23, Police – Late Night Business Safety Plan.<sup>8</sup> Please refer to this RESJIS for background on nightlife, policing, and racial equity.

# RESJ Impact Statement

## Bill 3-24

### ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 3-24 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

To answer these questions, OLO considered the various stakeholders that would be impacted by a requirement for hookah lounges to close by 2 am or 3 am depending on the day week:

- **Owners of hookah lounges** may experience decreased revenues from reduced operating hours. OLO located thirteen hookah lounges operating throughout the County using Google search results. Based on the operating hours that are currently advertised, seven hookah lounges in the County would be subject to Bill 3-24 and they are all located in downtown Silver Spring, zip code 20910. OLO estimates the impacted hookah lounges could lose anywhere from one to twelve operating hours per week if Bill 3-24 is enacted. Anecdotal information suggests that most hookah lounges in downtown Silver Spring are Black immigrant-owned, which is consistent with the well-known hub of Ethiopian-owned businesses in this area.<sup>9</sup>
- **Employees of hookah lounges** may experience decreased income from changes to work hours resulting from reduced operating hours. However, this may be offset at least in part by health benefits from reduced exposure to secondhand hookah smoke. One study published in 2017 found that hookah lounges “have elevated concentrations of indoor air pollutants that appear to cause adverse health effects in employees.”<sup>10</sup> There is not enough information to determine whether there are disproportionalities by race and ethnicity among hookah lounge employees.
- **Patrons of hookah lounges** will have less nightlife options after 2 am and 3 am. There is not enough information to determine whether there are disproportionalities by race and ethnicity among hookah lounge patrons. However, OLO assesses that reduced nightlife options for patrons in the early morning hours would have a minimal impact on RESJ.
- **Community members living near hookah lounges** may experience decreased disruptions related to the operation of hookah lounges beyond 2 am and 3 am. For several years, residents of downtown Silver Spring have voiced public safety concerns over bars and hookah lounges being open into the early morning hours and have pushed for restrictions to operating hours.<sup>11</sup> Table 1 below demonstrates that Black people are overrepresented among community members living in downtown Silver Spring, while White people are proportionately represented and Asian and Latinx people are underrepresented.

**Table 1: Percent of Residents by Race and Ethnicity, Montgomery County, Downtown Silver Spring<sup>12</sup>**

Race and Ethnicity	Montgomery County	Silver Spring, 20910
Asian	15.2	7.2
Black	18.2	30.1
Native American	0.1	0.0
Pacific Islander	0.0	0.0
White	41.4	43.8
Latinx	20.0	11.8

Source: Table DP05, 2022 American Community Survey 5-Year Estimates, Census Bureau.

# RESJ Impact Statement

## Bill 3-24

In communications with OLO staff, a lead sponsor for Bill 3-24 described that various stakeholders in downtown Silver Spring were engaged for over a year to develop the Bill. The sponsor noted:

“Councilmembers have met with nearly every civic association in the Silver Spring region, groups of concerned residents (not formally organized but more organic in nature) and condo associations in the Silver Spring Core, with about 4-5 meetings a month. These meetings reflected the demographics of downtown Silver Spring with diverse representation of age, race and income status.”

In March 2023, a lead sponsor of Bill 3-24 organized a public meeting to discuss the public safety concerns in downtown Silver Spring. The sponsor noted that, instead of the traditional town hall format, the event was structured to create an inclusive environment for participants to share input through providing trauma-informed facilitation, small group discussions, and translation services. According to the sponsor, the event was attended by over 250 community members and reflected the diversity of the downtown Silver Spring core.

OLO anticipates Bill 3-24 will have a positive impact on RESJ in the County. Black-owned hookah lounges may experience decreased revenues from reduced operating hours. However, the benefit to BIPOC community members likely outweighs this cost given apparent strong support for the policy among community members living in the surrounding area that is disproportionately Black. Further, OLO assesses Bill 3-24 likely reflects the needs and priorities of BIPOC community members given extensive community engagement for developing the Bill that was racially and ethnically representative, according to the Bill’s sponsor.

---

## RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>13</sup> OLO anticipates Bill 3-24 will have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this Bill, OLO offers one policy option for Council consideration:

- **Monitor the impact of Bill 3-24 and address potential consequences.** The Council could consider monitoring the impact of Bill 3-24 on the financial sustainability of hookah lounges in downtown Silver Spring, as well as changes to public safety in the area. The Council could then consider options to mitigate any negative impacts that are found, such as funding small business support services for hookah lounge owners, considering other public safety measures for the area, or changing the enacted restrictions on operating hours.

---

## CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

---

## CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

# RESJ Impact Statement

## Bill 3-24

---

<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid.

<sup>3</sup> [Introduction Staff Report for Bill 3-24](#), Montgomery County Council, Introduced February 13, 2024.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Bill 3-24, Introduction Staff Report for Bill 3-24

<sup>7</sup> Ibid.

<sup>8</sup> [RESJ Impact Statement for Bill 14-23](#), Office of Legislative Oversight, March 17, 2023.

<sup>9</sup> [Silver Spring Downtown and Adjacent Communities Plan](#), Montgomery Planning, June 2022, pg. 10.

<sup>10</sup> Sherry Zhou, et. al., [“Secondhand Hookah Smoke: An Occupational Hazard for Hookah Bar Employees,”](#) Tobacco Control, January 2017.

<sup>11</sup> Dan Schere, [Downtown Silver Spring Condo Residents Press County for Limits on Bars, Hookah Lounges](#), MoCo360, March 18, 2022.

<sup>12</sup> Latinx ethnicity is not included in other racial groups for this data point. Demographic data is on based on U.S. Census Bureau’s Zip Code Tabulation Areas (ZCTA), which may have slightly different boundaries than USPS zip codes.

<sup>13</sup> Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council



# Fiscal Impact Statement

Office of Management and Budget

Bill 3-24Late Night Establishments - Hours of Operation	
Bill Summary	<p>Bill 3-24 restricts the hours of operation of a hookah lounge, tobacco or vape shop in the County to the following hours:</p> <ul style="list-style-type: none"><li>Monday through Thursday, from 9 A.M. to 2 A.M on the following day;</li><li>Friday and Saturday, from 9 A.M. to 3 A.M. the following day; and</li><li>Sunday from 9 A.M. to 2 A.M the following day; however, if the following day is a federal holiday, the hours are from 9 A.M. to 3 A.M. Any owner that operates after the permitted hours would be subject to a Class A penalty, which is \$500 for the initial offense and \$750 for each repeated offense.</li></ul>
Fiscal Impact Summary	<p>As described below, the bill may result in minimal increases to fine revenue for businesses who violate this law. Any fine revenue generated would be dependent on the number of violations in a year, which is difficult to determine at this time. This bill is not expected to directly impact County expenditures but could mitigate the demand for the late-night business safety grant program.</p>
Fiscal Impact Analysis	<p>Bill 3-24 could increase revenues to the County based on the number of businesses convicted of Class A violations that carry a \$500 initial offense fine and a \$750 fine for repeat offenses. However, without experience under the bill, the number of violators cannot be estimated.</p> <p>A related bill, No. 14-23 was signed into law on 05/24/2023. This legislation requires persons who own late night businesses that operate between the hours of 2:00 a.m. and 5:00 a.m. or between the hours of midnight and 2:00 a.m. if within the previous 12 months, the business has been subject of 2 or more service calls for law enforcement regarding alleged serious incidents occurring on the premises, to submit a late-night business safety plan to be approved by the Montgomery County Police Department. This bill also established a late-night business safety grant program that allows businesses that are required to submit a safety plan to qualify to receive a grant under the program. Qualifying business owners may be reimbursed up to \$10,000. By limiting the hours of operation of hookah bars, tobacco shops and vape shops, Bill 3-24 could reduce the number of businesses required to submit a safety plan and mitigate demand on the late-night safety plan grant program.</p> <p>Bill 3-24 could also mitigate the need for police presence during overnight hours resulting in reduced overtime cost for the Montgomery County Police Department.</p>
Staff Impact	<p>The bill is not expected to impact staff time or duties.</p>
Actuarial Analysis	<p>The bill is not expected to impact retiree pension or group insurance costs.</p>
Information Technology Impact	<p>The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.</p>
Other Information	
Later actions that may impact revenue or expenditures if future spending is projected	<p>The bill does not authorize future spending.</p>



*Contributors*

Michelle Iezzi, Montgomery County Police Department  
Cathy LaDana, Montgomery County Police Department  
Derrick Harrigan, Montgomery County Office of Management and Budget  
Julie Knight, Montgomery County Office of Management and Budget





THE MARYLAND GENERAL ASSEMBLY  
LEGISLATIVE DISTRICT 20  
MONTGOMERY COUNTY

March 1, 2024

Montgomery County Council  
100 Maryland Ave  
Rockville, MD 20850

Dear Councilmembers,

We write to express our support for Bill 3-24, Late Night Establishments – Hours of Operation, which seeks to standardize the operating hours of specific late-night establishments across Montgomery County. Bill 3-24 is a data-driven policy solution and a step towards addressing this important issue impacting our community.

The essence of Bill 3-24 lies in its commitment to addressing pressing public safety concerns. Bill 3-24 defines a hookah lounge and sets restrictions on the operating hours for hookah lounges, tobacco shops, and vape shops to be the same as establishments where alcohol is consumed, such as bars. The disparate hours of operation among these late-night establishments have exacerbated issues requiring police intervention during the middle of the night. The data provided underscores the urgency of this matter, revealing a correlation between extended operating hours and heightened incidents of crime and disturbances, particularly in Downtown Silver Spring.

Through standardizing closing times for these establishments, Bill 3-24 not only mitigates public safety risks but also alleviates undue strain on our already understaffed law enforcement resources. By redistributing police presence more effectively, we can better serve all communities within Montgomery County, ensuring prompt responses to incidents and protecting the well-being of our residents.

Moreover, this legislation fosters equitable treatment among businesses that remain open late, leveling the playing field for all stakeholders. It is imperative that we act decisively to curb the negative externalities associated with unregulated late-night operations, which impact both local businesses and residents alike.

We urge your full support for Bill 3-24. Its enactment is not only a matter of public safety but also a testament to our commitment to fostering thriving and secure communities across Montgomery County.

Sincerely,

A handwritten signature in black ink, appearing to read "William Smith".

Senator William Smith

A handwritten signature in black ink, appearing to read "Lorig Charkoudian".

Delegate Lorig Charkoudian

A handwritten signature in black ink, appearing to read "David Moon".

Delegate David Moon

A handwritten signature in black ink, appearing to read "Jheanelle Wilkins".

Delegate Jheanelle Wilkins





#### OUR MISSION:

Working to enhance the economic prosperity of greater Silver Spring through robust promotion of our member businesses and unrelenting advocacy on their behalf.

February 29, 2024

The Honorable Andrew Friedson, Kate Stewart,  
and Members of the Montgomery County Council  
100 Maryland Avenue, Sixth Floor  
Rockville, Maryland 20850

Dear Council President Friedson, Vice President Stewart, and Members of the Council:

On behalf of the Greater Silver Spring Chamber of Commerce, representing more than 300 employers, mostly small and minority owned businesses, in greater Silver Spring and surrounding areas in Montgomery County, we are submitting these comments of strong support of Bill 3-24 Late Night Establishments – Hours of Operation. We urge the County Council to support this legislation which will align and restrict the hours of operation for hookah lounges, smoke shops, and vape shops to mirror the same hours for establishments where alcohol (beer, wine, or liquor) is consumed.

The Chamber has always been about making greater Silver Spring a thriving business community, a place where people want to live, work, and come to enjoy what so many of us love about Silver Spring – our wonderful arts and entertainment venues, our breweries, and what I like to call our “United Nations” of restaurants. We believe that the County Council can and **should be an active advocate for our businesses** to ensure their continued safety and growth and the passing of Bill 3-24 will do that.

At present, Hookah lounges and smoke shops are entities that do not fit any County business definitions. As a result, they are unregulated and do not have a required closing time. This effectively allows them to operate throughout the night. Those with liquor licenses, however, are supposed to adhere to County policy on what time liquor service has to stop (even if the establishment does not close). Despite this, there are activities that are occurring in Silver Spring, between 2:00 a.m. and 7:00 a.m., that have become problematic and dangerous for the community as a whole. The Chamber has been very involved in the issue of rising crime in Silver Spring, and as you may recall, worked diligently with other stakeholders to begin the crafting of the Late-Night Safety Bill, which successfully passed last session. The hope was that the Late-Night Safety Bill would allow the County and MCPD to work with these businesses to create a safe late-night economic environment for all, in keeping with the overall mission of the Chamber.

The reality since then, however, has been far from that in Silver Spring. It has become undeniable that the unregulated times during which these establishments are open continue to wreak havoc on the community and the reputation of Silver Spring. Recent data of the number of police calls performed, between 2:00 a.m. – 7:00 a.m., from MCPD data substantiates this. The Chamber has continued to have conversations with stakeholders, including County Council VP Kate Stewart and others regarding issues of public safety. After several discussions it became clear that the Late-Night Safety Bill alone was not enough and that these specific, currently undefined entities, need to be defined and regulated in keeping with the restaurant and bar industry. The Greater Silver Spring Chamber of Commerce applauds Council Vice-President Stewart, and Councilmembers Albornoz and Glass for the introduction of Bill 3-24. We would also like to thank Councilmembers Luedtke, Katz, Fani-Gonzalez, and Balcombe for their support of this Bill.

The Chamber supports the defining of “Hookah Lounges” and the establishment of operating hours commensurate with the restaurant and bar industry (closing at 2:00 a.m.) based on the data and information from MCPD. This, like the Late-Night Safety Bill, is a starting point. Bill 3-24 puts these newly-regulated businesses on the same footing, with the corresponding same responsibilities, as existing businesses, allowing the new businesses to stand up and fly right with everyone else, or face penalties of further regulation. At present there has been no data presented to the Chamber that indicates an overabundance of issues to support closing the Hookah lounges and smoke shops at an earlier time. If the situation does not appear to be helped by the passing of Bill 3-24, and the data continues to indicate issues, then the



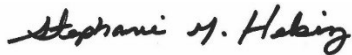
Chamber will advocate very loudly for the establishments in question to be further restricted. The Chamber will continue to work with MCPD and the County to support initiatives and legislation that make the community safer.

In Closing, the Chamber would like to advocate for a few additional items. First, the Chamber requests stiffer penalties than Class A allows for violaters of the new regulations. We don't see these low dollar amount fines being a major deterrent and can be easily absorbed by some of the offending businesses. Perhaps a tracking system that combines these fines, but if you get three or more citations you lose your liquor license for a year. The Chamber would also like to advocate for the reallocation of MCPD patrols to coincide with the 2:00/3:00 a.m. closing times as a deterrent for criminal behavior. Lastly, we request that the implementation of this bill be expedited.

With the above-mentioned points taken into consideration, the Greater Silver Spring Chamber of Commerce believes that Bill 3-24 is a step in the right direction for ensuring the safety of our businesses and the greater Silver Spring community. Therefore, we ask that the County Council support this Bill!

Should you have questions, don't hesitate to contact us.

Sincerely,



Stephanie Helsing  
President & CEO



March 2, 2024

Re: Montgomery County Public Hearing: Bill 3-24, Late Night Establishments - Hours of Operation

To All Concerned,

The proposed legislation's reduction of the morning hours of operation of Hookah lounges from 5 am to 3 am on weekends is a step in the right direction. However, we are advocating for closure of these establishments at midnight. At a minimum, we believe the County should want the hours of operation of Hookah establishments to be uniformly consistent with the hours of closure of bars in Montgomery County and that is 2 am. Closure at 3 am is far too lenient considering neighboring jurisdictions (i.e., Washington, DC, Prince George's County and Baltimore County) have stricter legislation related to hours of operation and zoning for Hookah establishments. Moreover, as noted in your legislation, it has been proven that crime and calls to police have been found to increase during the hours that the bars and late-night establishments such as Hookah lounges are open.

Counties play a critical role in protecting the health of people and the communities in which they live, learn, work and play. Additionally, Montgomery County has a history of being at the forefront of health concerns for its residents. In accordance with that legacy, lessening the hours of operation of the lounges would reduce the amount of exposure our young people have to carcinogens and addictive nicotine contained in Hookah smoke. Indeed, the Centers for Disease Control have warned that the amounts of carcinogens and nicotine from Hookah smoke is 100 times the exposure of one cigarette while the World Health Organization has warned it is 200 times the exposure of a single cigarette. Hookah smoke has also been known to be [frequently laced with other highly regulated products](#) including marijuana, hashish, and shisha. Illegal drug use is also [more common](#) among [hookah smokers](#).

Criminal risks associated with early morning hours of operation of Hookah lounges include:

- High density of Hookah lounges on a one block radius in downtown Silver Spring drawing patrons from surrounding jurisdictions once their bars close at 2 am. Many patrons are inebriated once they arrive in the downtown area and some are carrying guns on their person and in their cars.
- Consequences of high volume of patrons in early morning are: loitering, assaults, homicides, drug dealing, prostitution, illegal food trucks arriving at 3 am to

service the crowds, caravan of cars lined up at Bonifant and Thayer with drug dealers approaching cars. The resulting mayhem is unsupportable.

- The sheer density of Hookah lounges open in the early morning and the large number of people milling around provides an ideal environment for the drug dealers to operate.

We know the Council wants Montgomery County and specifically downtown Silver Spring to be a safe, healthy, and vibrant place to live. However, the current environment says otherwise. This is not a safe place for children, seniors, or even the young professionals that your plan originally sought to attract to the downtown silver spring area. That original vision set out in the Montgomery County Master Plan for downtown Silver Spring was a revitalized community where people work, live, consume, and play in a multi-use, inclusive and diverse community next to a regional transit center fostering healthy living options, diversity, green spaces, comfort for residents, safety, and both tangible and intangible connectivity achieved through thoughtful design of the built environment. Intangible connectivity was to take form through harmonious and respectful co-existence of all the stakeholders...residents, businesses, and visitors. Instead, the current conditions have brought us:

- Increased crime (e.g., assaults, homicides, robberies and carjackings);
- Property values that are stagnant or declining;
- Constrained future economic development;
- Vacant ground floor retail in parts of the DTSS;
- Decreased employment options;
- Low to vacant occupancy in commercial buildings;
- Residents who are scared to walk in the community to retail like our local Safeway and Whole Foods, Ellsworth Place retail, the Metro, or other places;
- Genuine concern that when the Purple Line opens, if not comprehensively addressed, the crime level will increase;
- Quality of life disruptions ---night-time sleep interrupted by patrons lining Bonifant to head to Hookah or restaurants/food trucks, other disturbances, noise, gunshots, apprehension walking the community etc.; and
- An already decimated street thanks to Purple Line construction is even more unappealing as a result of ongoing patron loitering.

We propose the following:

- Hookah lounges close at midnight. At a minimum, closure should be consistent with the closure time that bars and restaurants close, which is 2 am. This is far more generous than neighboring Prince George's County which now requires Hookah lounges to close at 8 pm. It's counterintuitive to maintain longer hours as it will only serve to draw patrons who would have otherwise gone to DC, Prince George's County, or Baltimore. Extended Hookah hours will create a dumping ground of late-night revelers from other jurisdictions increasing loitering, quality of life crimes and violent crime.

- The county provides subsidies and grants over a period of time allocated to these establishments to facilitate their move to more appropriately zoned areas such as light industrial zoning similar to the smart plan that Prince George's County has approved in their legislation.
- Montgomery County government identifies its priorities in a "renewed" revitalization plan that includes remedies to the current lawlessness and permissiveness for lawless conduct in the downtown area. This is especially important before the Purple Line opens and gets renamed as the "Crime Line".
- This plan should represent a coordinated effort executed by an interdisciplinary team across County Departments to include Park & Planning, the Montgomery County Police Department, and Economic Development and your constituents that have invested in and pay property taxes to ensure that the county thrives.

This new proposed legislation reflects that there is concern for the safety, health, and well-being of the County and especially Silver Spring. We remind you that we are your voting constituents – not the individuals who come from surrounding jurisdictions to frequent the Hookah establishments. We deserve legislation that will have both an immediate and lasting positive impact on the community we love.

We also remind you that we are not anti-business. In fact, many of the residents chose this neighborhood because of the mixed-use zoning that included residential and business development making a vibrant and walkable community. However, community safety is a basic human right and a critical aspect of the quality of life that is becoming non-existent in Downtown Silver Spring. The Council must strike the appropriate balance that keeps the community safe and prosperous and that includes stronger restrictive hours of operation for Hookah Lounges and other all-night establishments.

Respectfully,  
 The Lofts 24 Board and Safety Committee  
 Lofts 24  
 Fenton and Bonifant Streets  
 Silver Spring, MD 20910



Fraternal Order of Police  
Montgomery County Lodge 35

---

FOP35MAIL@FOP35.COM

Phone 301.948.4286 Fax 301.590.0317

February 27, 2024

Distinguished members of the Montgomery County Council,

On behalf of Montgomery County Fraternal Order of Police Lodge 35, representing over 1500 active and retired Montgomery County law enforcement officers, we express our SUPPORT for Council Bill 3-24 Late Night Establishments – Hours of Operation.

The issue of public safety remains paramount for residents and visitors of Montgomery County. Regrettably, statistics and our firsthand observations indicate that "hookah lounges" often serve as hubs for dangerous illicit criminal activities during the early morning hours. These include drug dealing and use, alcohol consumption without proper permitting, violence, and a range of gang-related activities.

This recurring pattern places additional strain on the already stretched resources of the Montgomery County Police Department, leading to heightened tensions and unnecessary confrontations between law enforcement officers and the public. Tragically, incidents of gun violence have occurred at these establishments, including most recently this past weekend and in December 2022, resulting in officer-involved shootings.

Aligning the operating hours of "hookah lounges" and smoke shops with those established for alcohol consumption would facilitate more consistent oversight by regulatory agencies such as the alcohol, tobacco, and cannabis commission. This parity in operational hours would streamline business checks and enforcement efforts.

We extend our gratitude to the sponsors and co-sponsors of this legislation for introducing measures aimed at curbing criminal activity during late-night hours. Implementing these regulations will contribute to making Montgomery County a safer and more secure community for all residents and visitors alike.

Sincerely,

Lee Holland

President

Montgomery County Fraternal Order of Police Lodge 35

March 4, 2024

I am writing in support of Bill 3-24, Late Night Establishments – hours of operation, and urge the entire Council to vote in support of this bill.

This is a commonsense bill that will bring these unregulated, increasingly common establishments in alignment with similar regulated establishments. As a resident of Downtown Silver Spring I enjoy the variety of restaurants, bars, and other social opportunities that downtown offers. However, I want it to be both safe and have a perception of safety, and not be a significant drain on our public resources. There is no clear reason why these hookah establishments should not be regulated, and it seems most appropriate that not only should they be regulated, but their hours should align with those of restaurants and bars within the same community.

Thank you for considering this important bill, and I look forward to it being passed and implemented in a timely manner.

A handwritten signature in cursive script that reads "B. Sherblom".

Becky Sherblom

To : Montgomery County Council

Subject: Bill 3-24, Late Night Establishments – Hours of Operation

I am writing to support the effort to restrict the late-night operation of Hookah bars in Montgomery County. However, it does not go far enough. The current governance is not working. We live six blocks from downtown Silver Spring, and we get to enjoy an ongoing symphony of police and ambulance sirens seven nights a week as our first responders try to respond to the chaos that has become the norm.

The County has had some success in getting new housing built in downtown Silver Spring. However, the tenants in several of the buildings adjacent to and along Georgia avenue cannot feel safe right now living there. The crowds, loud music blaring from the roof of the Society Lounge, the wide-open block party and “food trucks” set up on the street. The Council seems more concerned with reducing impact on the club owners than in enhancing the safety and quality of life of the residents.

The County Council needs to go further. The clubs should be restricted to much earlier hours in line with what other jurisdictions like Prince George’s County have done. Midnight at the latest. In addition, the number of such establishments should be limited. If members of the Council are concerned about the economic impact on the Hookah Bar owners and employees, the county could provide them with financial support to move to underserved communities like Bethesda or Potomac.

The Council needs to focus on the needs and safety of the community that lives in the area, pays taxes, and votes in elections. Not the roving street party in downtown Silver Spring.

Chris Reese and Iris Peabody

Dale Dr.

Silver Spring, Md.

20910

To:  
Council member At-Large Evan Glass  
Council Vice President Stewart  
Council member Albornoz

Re: Bill 3-24 Late Nite Establishments Hours of Operation

I am writing to express my concerns about the proposed legislation. While it is a step in the right direction, it falls short of addressing the issues our community faces. The rapid increase of nightlife establishments, in particularly those offering the same services like hookah lounges and vape shops, has led to an increase in crime. Notably, neighboring jurisdictions like PG county, DC, and Baltimore county have implemented earlier closing times for similar establishments (PG and DC close at 8pm, Baltimore County at 12am), which seems reasonable. I question the rationale behind Silver Spring proposing 2 am closing time. I urge you to reconsider and align our legislation with the more measured approaches taken by our neighboring jurisdictions.

Sincerely,

Claudia Torrico



Daniel Meijer  
929 Gist Avenue  
Silver Spring Maryland 20910  
dmeijer@hotmail.com

March 5, 2024

Montgomery County Council  
100 Maryland Avenue  
Rockville Maryland 20850

**Support: Bill 3-24 "Late Night Establishments- Hours of Operation"**

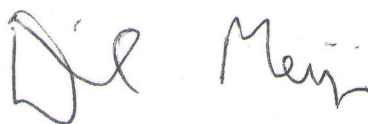
I support Bill 3-24 whose "Purpose" is accurately stated on page two of the staff report:

*"Bill 3-24 is intended to address issues of public safety concerns relating to secondary effects like crime, which has increased significantly because of late night hookah establishments. There has been an increase in the number of arrests, police presences in central business districts, and excess overtime expenditure for the police department"*

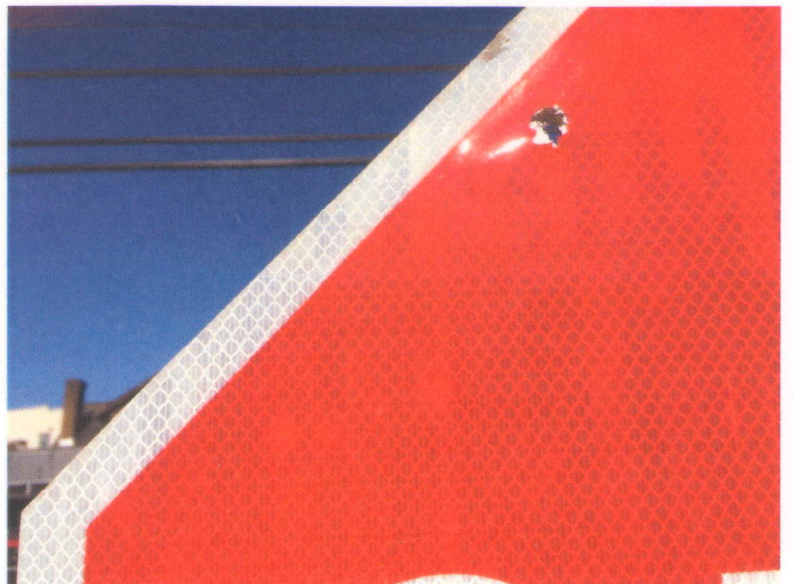
Attached is a photo collage I made of the bullet holes on the 900 block of Bonifant Street in downtown Silver Spring that exemplify this problem.

Be aware that State law forbids smoking in business establishments, with only one exemption: as an "incidental activity" in a tobacco shop (see second attachment). By limiting the hours Hookah bars may operate as proposed, this Bill then also helps ensure that such establishment comply with the Maryland *no-smoking in public places* laws.

Thank you for addressing this important public safety issue,



Daniel Meijer





[All Services](#) » [Department of Health & Human Services](#)

Hookah facilities possess a trader license for a tobacco shop, and therefore operating as a tobacco shop the business may be called a Hookah facility. Hookah facilities are permitted to sell tobacco and other incidentals (lighters, hookah pipes and other tobacco products), but not food and drink. The basis under which this operates is under the regulation by Maryland COMAR 10.19.04, which is the "Clean Indoor Air Act", and the Montgomery County Code, Chapter 24. These codes state: it is illegal to smoke in an indoor area that is open to the public. The regulation and code define smoking as the burning of a lighted cigarette, cigar, pipe, or another matter or substance that contains tobacco. Montgomery County defines smoking as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe, of any kind. **As a result, a Hookah facility serving food and drink would be illegal.**

### Here is more from that site:

Under the Montgomery County Code, Chapter 24, a variety of smoking related topics are covered: smoking and tobacco products; availability and distribution to minors and enforcement. The code also says a person must not smoke or use any electronic cigarette in an indoor area open to the public except in a tobacco shop or a vape shop. A vape shop does not include an area of a larger store in which electronic cigarettes are sold. Vape shops cannot serve food and drink. Click link below for complete information and contacts. For complaints regarding establishment issues including violations and underage sales, online users may submit a request by clicking on the **Create Service Request** button below. Please complete all of the fields in the **Contact Information** section then scroll down to the bottom of the page and provide a brief description of the request in the **Brief Description** field. **Tobacco Violations are handled by Department of Liquor Control.**

Also see COMAR Sec. 10.19.04.03. "Exclusions"

[to the State no-smoking in public places laws]

---

D. A retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in which:

- (1) **The primary activity is the retail sale of tobacco-containing products and accessories; and**
- (2) **The sale of other products is incidental;**

This implies to me that the [zoning?] code may only allow [on-site] hookah [smoking] as an incidental activity of/in a tobacco business/shop - which I suspect may not be the case for such establishments in DTSS that currently very loudly advertise/display "Hookah" on their store front window[s]?

Sligo Park Hills is a residential community about one mile from downtown Silver Spring. The downtown area is a destination for our residents, for shopping, dining, public events, and entertainment.

The SPH Community Association's Board is in favor of Bill 3-24, which would regulate all late-night establishments in Silver Spring and elsewhere in the Montgomery County. We advocate for all late-night closing times to adhere to the same standard, no matter the nature of the establishment's sales – alcohol, tobacco, marijuana, etc. We also advocate for these closing times to not be later than any adjacent jurisdiction's corresponding regulations, specifically those closest to downtown Silver Spring, the District of Columbia and Prince George's County.

Extended late-night operating hours have correlated with increased street crime and calls to police, at a time when the MCPD is under-resourced.

Extended hours might increase the revenue of some specific establishments, but we believe that the absence of any regulation, or allowing establishments to stay open later than neighboring municipalities, will have a net negative effect on the economy of the rest of downtown Silver Spring. Every business in Silver Spring, including those that only operate during the day and early evening, will lose customers and revenue if the downtown district is perceived as unsafe. Bill 3-24 is a positive step toward preserving safe experiences in downtown Silver Spring.

Thank you for the opportunity to present this testimony.

March 5, 2024

Dear Council Members:

I am writing to convey my support for proposed legislation, Bill 3-24, to reduce operating hours for hookah lounges, vape shops, smoke shops and related businesses. I have lived in Silver Spring for the past 39 years, and the area has become increasingly unsafe, especially during the overnight hours. This measure will help to address this issue and I urge you to pass it as soon as possible.

Sincerely,

Greg Silsbee

March 5, 2024

To: Montgomery County Council

Re: Bill 3-24 Late Night Establishments - Hours of Operation

I am writing in support of legislative efforts to restrict the hours of the hookah lounges in Montgomery County. Unfortunately Bill 3-24 does not go far enough. If stronger measures are not put into place we will only be re-visiting this issue again as crime continues to escalate in downtown Silver Spring.

The numerous hookah lounges in downtown Silver Spring are a magnet for a range of illegal activity. At a recent Safe Silver Spring meeting, where Commander McBain, Captain Reed, and Lieutenant Gallagher spoke, we learned that in Downtown Silver Spring, between the hours of 2AM and 7AM, officers typically field twice as many calls as any other spot in the county. These clubs are taxing the resources of our police department and degrading the quality of life for local residents. It also appears downtown Silver Spring is now on the map as an attractive spot for drug dealing at all times of the day. Just walk through the Whole Foods parking lot or stroll up Ellsworth in the afternoon and you will often see open air drug dealing. Of even greater concern are the recent shootings - including late night gun battles - in downtown Silver Spring. Having lived in Petworth at the height of the crack wars in the 1990s, I am disturbed to witness a general degradation of the quality of life for Silver Spring residents in large part as a result of conditions created by these late night lounges.

I respectfully ask that legislation be written to close the lounges at midnight and request a moratorium on the opening of new lounges.

I would also like to see proposed zoning that moves lounges to industrial areas, away from residential neighborhoods and that would also limit club density. We need need sensible laws restricting these businesses, laws similar to those passed in PG County & Baltimore County .

Finally, we need increased funding to support our police department and the exceptional work they are doing.

Iris Peabody

Dale Drive

Silver Spring, Md. 20910

I'm grateful to Montgomery County for allowing me to participate in this hearing by means of written testimony.

I live in downtown Silver Spring. I've never once so much as stepped inside a hookah lounge, but we have plenty of them here. Bill 3-24 proposes to restrict the hours of operation of these spaces (along with those of vape and tobacco shops). I believe this would be a mistake.

There's no law of the universe that says streets must be dangerous at night. Urban streets become dangerous when they're abandoned—when there are no passersby to monitor them. What makes nighttime streets unsafe is this lack of passersby.

That's why it's actually helpful to safety to have establishments that can attract nighttime patrons. The presence of these people coming and going increase the life of the streets and thereby make them safer. It's a sheltered and moralistic fantasy to imagine that we can improve our streets by restricting the hours of hookah lounges. By removing an innocent reason to be out late at night, we would only be abandoning our nighttime streets to non-innocent uses. That hardly makes the streets safer.

There's a temptation for those of us who were raised in white middle-class suburbia to look down on our neighbors and their nocturnal visits to hookah lounges or vape shops as something irregular and morally-crooked. But this isn't right. Cities thrive when citizens have diverse habits and lifestyles. The fact that I would never make an early-morning visit to a hookah lounge is no reason to suspect that my neighbor who does so is a dangerous character. He and those like him are doing us all a service by peopling our nighttime streets.

There are many things we could do to increase safety and improve urbanism in our county, but shutting down nighttime establishments is a step in the wrong direction. I urge everyone to oppose Bill 3-24.

Josiah Duran

## RE: Bill 3-24, Late Night Establishments – Hours of Operation

As a citizen of downtown Silver Spring, I am in favor of limiting hours of operation for the hookah, vape shops, etc. to mirror those of establishments that serve alcohol, or, like Baltimore, to midnight closing time.

Considering the increasing late-night violence in my neighborhood, it seems preposterous that these establishments are allowed to stay open all night with no restrictions. Nothing good happens at 3am.

Thank you,

Karen Williamson



February 29, 2024

Dear Councilmembers:

I have lived in my house on Pershing Drive since 1982. I've seen many great improvements in this area of Montgomery County and appreciate the investment that has been made to keep this area vibrant, lively and interesting. However, I have several concerns to raise with you and some suggestions on how to maintain order.

First, I am perplexed by the ultra-late operating hours of some of the businesses located in downtown Silver Spring. Last night I attended a Zoom briefing by the District 3 police and learned that closing these businesses earlier would help curb crime and could possibly deter some of the other activity that crops up on our streets in the early morning hours. Much of the activity is illegal, some of it is violent, and while the police are doing an admirable job, sometimes there is little they can do when they are significantly outnumbered. There is no level of police staffing that could prevent illegal activity 100% of the time so **not** creating an environment where it is more likely to happen is one of the few solutions left to us. Therefore, I write in support of changing the operating hours for businesses in our area that are currently allowed to remain open all night. I understand that you are considering having them close at 2 am on weeknights and 3 am on weekends. That still is wrong. All that would do is move the trouble to an earlier part of the evening. A midnight closing time seems most reasonable and I urge you to adopt it.

I also hope there are other measures you will consider. Perhaps the budget for the Silver Spring Police District needs to be double or triple the size of other Districts' budgets. The additional resources could be used to have more officers on duty at all times since crime occurs throughout the day and night, provide more and different training for the unique challenges the County Council has created in our area of the County with the laws it has passed, offer a different mix of "traditional" police and officers that are focused on societal ills (homelessness, mental problems, drug use, etc.).

You also need to strengthen the County's noise ordinances/public nuisance ordinances. There are groups that set up microphones and amplifiers in downtown Silver Spring and amplify their voices and music so much that no one can have a conversation or conduct in the vicinity, and trying to sit and relax at the outdoor spaces is a joke when this is happening. I have been told that the amplification is so bad that customers and vendors are being driven from the Farmers' Market at Veteran's Plaza/Ellsworth Drive. Downtown Silver Spring already has a lot of turnover in its businesses and I worry about

the day that no business will want to come here due to concerns about the safety and comfort of its employees and customers.

I anxiously await your action to support this part of Montgomery County.

A handwritten signature in cursive script that reads "Kristen Conte".

Kristen Conte



Another year has passed and the crime in downtown Silver Spring grows, as does the crime in overall Montgomery County for the third year in a row as compared with national statistics of falling crime. So again, there is another hearing in which the residents of both the community and the county are asked to provide testimony to support the Council to do its primary duty of providing public safety. Such an incremental and experiential approach toward implementing a strategy might be appropriate for solving other public issues, but to address crime it appears to be a strategy of avoidance and weak wills.

Historically Montgomery County has been considered as one of the best places to live in the United States. Do you really want this to be part of your legacy under your guidance and changes in legislation, it loses that status?

My concern has grown beyond addressing the dreadful crime problem, to now fearing that we simply do not have the appropriate governance to solve many of the even more complex problems local governments face. I recommend that at this point if the Council still cannot pass legislation that solves the problem for the long-term and makes common sense, please seek the counsel of your colleagues in the surrounding jurisdictions who appear to have responded appropriately to the seriousness of the issue. Otherwise, in the interim, as you legislatively inch your way toward addressing this issue, assaults, murder, shootings, carjackings, and residents' sleepless nights accompanied by high anxiety will continue to occur. Besides having a duty to provide safety for the general public, somewhere here you have a moral imperative to do the right thing.

PS. 8 hours ago 3/4/24 3:30am more shooting at the Metro area in DSS.

I write today in strong support of Bill 3-24, "Late Night Establishments – Hours of Operation," a legislation crucial for the restoration of safety, peace, and the very character of our neighborhoods. These core aspects of our community have been increasingly compromised by the unchecked operations of late-night establishments, notably hookah bars, leading to a precipitous rise in unsafe and raucous activities.

The implications of this situation have become personal and profound for my family and me. We find ourselves less inclined to frequent establishments in downtown Silver Spring, a direct result of the unsafe atmosphere fostered by the current policies. The presence of hookah bars operating into the early hours has not only marred the tranquility of our nights but also attracted criminal activities, heightening unease and anxiety among residents. This laissez-faire approach to the operation of these venues directly undermines the fabric of our community, eroding the sense of security that every citizen rightfully deserves.

Having moved from the Capitol Hill neighborhood in D.C., where the regulation of late-night establishments has shown tangible benefits, I was surprised to find a lack of similar measures in Montgomery County. The success stories from other cities and counties serve as a testament to the effectiveness of such regulations, raising the question: Why should our community be deprived of the peace and protection these measures can provide?

Bill 3-24 offers more than just noise reduction and crime prevention; it is a commitment to preserving the character of our neighborhoods, promoting responsible business practices, and fostering a sense of well-being among residents. It speaks to our collective aspiration for a community where safety and tranquility are not merely ideals, but lived realities.

Therefore, I urge our elected representatives to stand with the community by supporting Bill 3-24. By doing so, you take a principled stand for the safety, peace, and prosperity of our neighborhoods. Let us not delay in adopting proven measures that prioritize the well-being of our citizens and ensure our community remains a beacon of safety and tranquility.

In closing, I express my sincere hope that you will act swiftly and decisively in favor of Bill 3-24, thereby reaffirming your unwavering commitment to the safety and well-being of our community. Let's shape a future for Montgomery County where every resident feels secure and valued, a future we can all look forward to with confidence.

Sincerely,

Mercina Tillemann

**Re: Bill 3-24, Late Night Establishments – Hours of Operation  
February 24, 2024**

Dear Montgomery County Council,

I am writing regarding Bill 3-24, which proposes to limit the hours of operation of hookah lounges from 9:00am to 2:00am on weeknights and to 3:00am on weekends. I live at the Lofts 24 building in downtown Silver Spring, an area in close proximity to many of the businesses that are the subject of this bill. I know that my community will be submitting a statement on behalf of all the residents here, but I also wanted to provide an additional, personal statement.

While this bill is undoubtedly an improvement over the current status quo, I think it would be a tremendous improvement if the weekend hours, in particular, were pushed back a little farther.

Allowing businesses to close at 3:00am means that the level of noise, disruption, and chaos in Silver Spring will persist to the point where residents who live near these establishments will still struggle to get a reasonable night's sleep. While I am lucky enough to be insulated from this noise, I know many residents in my building who struggle to sleep and are repeatedly awoken by the commotion surrounding these businesses; with this bill in place, they will continue to struggle. Even a couple of hours' difference (such as allowing these businesses to close at 1am or even 2am) would at least provide them the chance to get the recommended 7 hours of uninterrupted sleep, assuming they wake at the relatively late hour of 9am on Saturdays and Sundays. I should note that a senior living facility (the Bonifant) is located right next to many of these lounges, so one would think that would be more of a concern...

More importantly, the 3am closing time is unlikely to actually achieve the intended effect of the bill—preventing crime by stopping intoxicated individuals who exit closing bars and restaurants from congregating at the hookah lounges. A lot of the criminal incidents observed already occur around or shortly after 3am, so keeping the closing time at 3am may just lead to these same crimes continuing as normal. I note that a huge number of bars close much earlier than 3am. For example—the Quarry House Tavern closes at 1am or 2am, McGinty's at midnight, the Society at 2am, etc. Allowing the hookah lounges to close at 3 does little to prevent one of the major problems that prompted this bill in the first place—intoxicated individuals flowing from closing bars to congregate around hookah lounges and other late-night establishments in the wee hours of the morning--and sometimes committing crimes, or, at the very least, making it easier for crimes to go unnoticed, given the chaotic environment in which they occur. This can still happen, since there will still be a gap of time between the closing hours of the bars and the late-night lounges, albeit a slightly shorter one. Again, most people tend to already leave the hookah lounges between 3-3:30am. Most crime also tends to occur around this time—including the shooting that nearly resulted in injury to my wife inside our home and from which I still have a bullet as a souvenir (what a conversation piece when people ask my wife and I how life in Silver Spring is!).

For this reason, a closing time of 3 is not ideally situated to address the underlying problem. In addition to letting people come from closing bars, it also has the potential to attract overflow from other jurisdictions that close earlier—or worse, serve as a magnet for all the people looking for a place to get wild who might be turned off by the more regulated, earlier closing hours of places like Baltimore, Washington, DC, or Prince George's, all with significantly earlier closing

times. Worst case scenario, Silver Spring could continue to build its reputation as the unregulated, “wild west” of late-night partying and drugs.

I hope the Council will reconsider the specific closing hours. I would advocate for a closing time of midnight, but I understand that the County is highly sympathetic to these lounges, so I implore the Council to at the very least implement a 2am closing time across the board.

Finally, I want to express that regarding said sympathy for these lounges, as with any kind of establishment, there are different forms a business can take. Obviously, not all hookah lounges are inherently bad. There are—I know because I have seen been to them—nice restaurants/hookah lounges. It comes down to a place’s overall vibe, and in an alternate universe where Silver Spring’s hookah lounges were like the one I grew up with down the street in St. Louis, Missouri, I might not mind them being open so late. But as far as I can tell from personal observation and what I have been told by the police, the majority of the hookah lounges in downtown Silver Spring, unfortunately, are of the shady variety. I’m not sure if that is entirely their fault, or merely the result of a confluence of factors partially outside their control, such as: 1) the fact they are located so close to so many bars and therefore draw a high proportion of intoxicated, low-inhibition individuals; 2) the fact that the Purple Line construction had given the area an increasingly run-down, shady vibe that in turns results in an increase of illegal activity in the surrounding area; 3) the fact that they draw bad actors not from Silver Spring due to the disparity between their operating hours and those of surrounding jurisdictions. But whatever the cause, it’s become pretty clear that hookah lounges and other late-night businesses are serving as magnets for criminal activity and disruption, and that their closing at 3am is contributing to an atmosphere of chaos that is a perfect environment for crime to flourish. The Council now has the chance to do something about it, and it would be a big shame to waste that chance by passing a law that, with a few tweaks, could exponentially increase its effectiveness. 3am is so late a curfew as to almost be meaningless. For that reason, I suggest considering an alternate curfew of midnight or--worse case scenario--2am.

Sincerely,

/s/ Stefan Babich

Stefan Babich

### **Proposed Legislation 3-24 Late Night Establishments: Hours of Operation**

The proposed legislation's reduction of the morning hours of operation of Hookah lounges from 5 am to 3 am on weekends is a step in the right direction. However, we are advocating for closure of these establishments at midnight. At a minimum, we believe the County should want the hours of operation of Hookah establishments to be uniformly consistent with the hours of closure of bars in Montgomery County and that is 2 am. Closure at 3 am is far too lenient considering neighboring jurisdictions (i.e., Washington, DC, Prince George's County and Baltimore County) have stricter legislation related to hours of operation and zoning for Hookah establishments. Moreover, as noted in your legislation, it has been proven that crime and calls to police have been found to increase during the hours that the bars and late-night establishments such as Hookah lounges are open. Counties play a critical role in protecting the health of people and the communities in which they live, learn, work and play. Additionally, Montgomery County has a history of being on the forefront of its health concerns for its residents. In accordance with that legacy, lessening the hours of operation of the lounges would reduce the amount of exposure our young people have to carcinogens and addictive nicotine contained in Hookah smoke. Indeed, the Centers for Disease Control have warned that the amounts of carcinogens and nicotine from Hookah smoke is 100 times the exposure of one cigarette while the World Health Organization has warned it is 200 times the exposure of a single cigarette. Hookah smoke has also been known to be [frequently laced with other highly regulated products](#) including marijuana, hashish and shisha. Illegal drug use is also [more common](#) among [hookah smokers](#).

Criminal risks associated with early morning hours of operation of Hookah lounges include:

- High density of Hookah lounges on a one block radius in downtown Silver Spring drawing patrons from surrounding jurisdictions once their bars close at 2 am. Many patrons are inebriated once they arrive in the downtown and some are carrying guns on their person and in their cars.
- Consequences: excessive noise and music, loitering, assaults, homicides, drug dealing, prostitution, illegal food trucks arriving at 3 am to service the crowds, caravan of cars lined up Bonifant and Thayer with drug dealers approaching cars. The resulting mayhem is unsupportable.
- The sheer density of Hookah lounges open in early morning and the large number of people milling around provides an ideal environment for the drug dealers to operate.

We know the Council wants Montgomery County and specifically downtown Silver Spring to be a safe, healthy, and vibrant place to live. However, the current environment says otherwise. This is not a safe place for children, seniors, or even the young professionals that your plan originally sought to attract to the downtown silver spring area. That original vision set out in the Montgomery County Master Plan for downtown Silver Spring was a revitalized community where people work, live, consume, and play

in a multi-use, inclusive and diverse community next to a regional transit center fostering healthy living options, diversity, green spaces, comfort for residents, safety, and both tangible and intangible connectivity achieved through thoughtful design of the built environment. Intangible connectivity was to take form through harmonious and respectful co-existence of all the stakeholders...residents, businesses, and visitors. Instead, the current conditions have brought us:

- Increased crime (e.g., assaults, homicides, robberies and carjackings);
- Property values that are stagnant or declining;
- Constrained future economic development;
- Vacant ground floor retail in parts of the DTSS;
- Decreased employment options;
- Low to vacant occupancy in commercial buildings;
- Residents who are scared to walk in the community to retail like Whole Foods, the Safeway and Ellsworth retail, the Metro, or other places;
- Genuine concern that when the Purple Line opens, if not comprehensively addressed, the crime level will increase;
- Quality of life disruptions ---night-time sleep interrupted by patrons lining Bonifant to head to Hookah or restaurants/food trucks, other disturbances, noise, gunshots, apprehension walking the community etc.; and
- An already decimated street thanks to Purple Line construction is even more unappealing as a result of ongoing patron loitering.

We propose the following:

- Hookah lounges close at midnight. At a minimum, closure should be consistent with the closure time that bars and restaurants close which is 2 am. This is far more generous than neighboring Prince George's County which now requires Hookah lounges to close at 8 pm. Its counterintuitive to maintain longer hours as it will only serve to draw patrons who would have otherwise have gone to DC, Prince George's County, or Baltimore. Extended Hookah hours will create a dumping ground of late-night revelers from other jurisdictions increasing loitering, quality of life crimes and violent crime.
- The county provides subsidies and grants over a period of time allocated to these establishments to facilitate their move to more appropriately zoned areas such as light industrial zoning similar to the smart plan that Prince George's County has approved in their legislation.
- Montgomery County government identifies its priorities in a "renewed" revitalization plan that includes remedies to the current lawlessness and permissiveness for lawless conduct in the downtown area. This is especially important before the Purple Line opens and gets renamed as the "Crime Line".
- This plan should represent a coordinated effort executed by an interdisciplinary team across County Departments to include Park & Planning, the Montgomery County Police Department, and Economic Development and your constituents that have invested in and pay property taxes to ensure that the county thrives.



This new proposed legislation reflects that there is concern for the safety, health, and well-being of the County and especially Silver Spring. We remind you that we are your voting constituents – not the individuals who come from surrounding jurisdictions to frequent the Hookah establishments. We deserve legislation that will have both an immediate and lasting positive impact on the community we love.

We also remind you that we are not anti-business. In fact, many of the residents chose this neighborhood because of the mixed-use zoning that included residential and business development making a vibrant and walkable community. However, community safety is a basic human right and a critical aspect of the quality of life that is becoming non-existent in Downtown Silver Spring. The Council must strike the appropriate balance that keeps the community safe and prosperous and that includes stronger restrictive hours of operation for Hookah Lounges and other all-night establishments.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

Richard S. Madaleno  
*Chief Administrative Officer*

MEMORANDUM

March 5, 2024

TO: Andrew Friedson, President, County Council

FROM: Earl P. Stoddard, Assistant Chief Administrative Officer

SUBJECT: Earl Stoddard – Oral, In Person Testimony on behalf of County Executive Marc Elrich in Support of Bill 3-24: Late Night Establishments - Hours of Operation

Good afternoon Council President Friedson, Council Vice President Stewart, and members of the County Council.

For the record, Earl Stoddard, Assistant Chief Administrative Officer, testifying on behalf of County Executive Marc Elrich in Support of Bill 3-24: Late Night Establishments - Hours of Operation.

The County Executive supports a vibrant nighttime economy in Montgomery County generally and in Silver Spring specifically. However, in Montgomery County there must be a balance between the public safety needs of the community and the economic interests of businesses. Right now, there is an imbalance in parts of our County.

As the data from the Montgomery County Police Department will show during the Joint Committee Session, the police calls for service during the hours of 2am-5am are disproportionally distributed across areas of the county where certain businesses are operating during these hours. To compensate, the Police department has had to move more personnel resources off of earlier shifts to cover those hours, particularly in downtown Silver Spring.

During the periods of Police staffing shortages that we face today, this denies the bar community of much needed police resources to the benefit of limited, select group of businesses, and their patrons.

By limiting the hours of operations to a time consistent with other nighttime businesses, this allows for a more equitable distribution of public safety resources and appropriately dedicates those resources to a common, earlier closing time for all businesses.

Earl Stoddard – Oral, In Person Testimony on behalf of County Executive Marc Elrich in  
Support of Bill 3-24: Late Night Establishments - Hours of Operation  
March 5, 2024  
Page 2 of 2

In addition to the public safety challenges, we also know that Hukkah and other smoking establishments pose an ongoing risk to public health, particularly for the workers in those establishments. By limiting those hours of operations, we can reduce the burden of exposure to the harmful carcinogens that are contained therein.

For these reasons, the County Executive supports passage of Bill 3-24 and encourages the Council to do so in an expedited fashion to allow this law to take effect in advance of this summer. Thank you.



## **MONTGOMERY COUNTY COUNCIL**

**ROCKVILLE, MARYLAND**

**COUNCILMEMBER LAURIE-ANNE SAYLES**

**ECONOMIC DEVELOPMENT**

**AT LARGE**

**HEALTH AND HUMAN SERVICES**

March 14, 2024

**TO:** Members of the Economic Development and Public Safety Committee  
**FROM:** Laurie-Anne Sayles, Councilmember At-Large  
**RE:** Amendments to Bill 3-24, Late Night Establishments - Hours of Operation

I thank Council Vice President Stewart for her work on Bill 3-24 and commitment to the residents of Silver Spring. The situation in the early hours of Bonifant Street right now is untenable. It costs the Montgomery County Police Department tens of thousands of dollars monthly in overtime pay. While I am sympathetic to the concerns of residents living in Downtown Silver Spring, I am concerned about the possibility of targeting specific businesses for corrective action that could risk them closing permanently. To that end, I propose an amendment to this legislation that would sunset the limitation on hours of operation after one year, allowing us to review the situation and ensure that it has the desired effect before making it permanent.

Additionally, I am proposing an amendment to reestablish the Night Time Taskforce, so that they may be able to engage with residents and business owners to study the impact of the temporary restriction and come up with recommendations for the Council on mitigating late night crime in the County.

These amendments would help ensure that the intended effect of this bill is accomplished, while also giving the affected businesses, many of which are Black owned, an opportunity to resume normal operations should the intended effect of the bill not be accomplished.

Copy:

Marlene Michaelson

Ludeen McCartney-Green

Montgomery County Councilmembers

County Executive Marc Elrich



**\*\*All data on this page is based on Calls For Service (CFS) or reported incidents that generated a police report with an arrest, or with a weapon in the weapon property field.**

**The Incident Start Time fields are used to determine temporal information.**

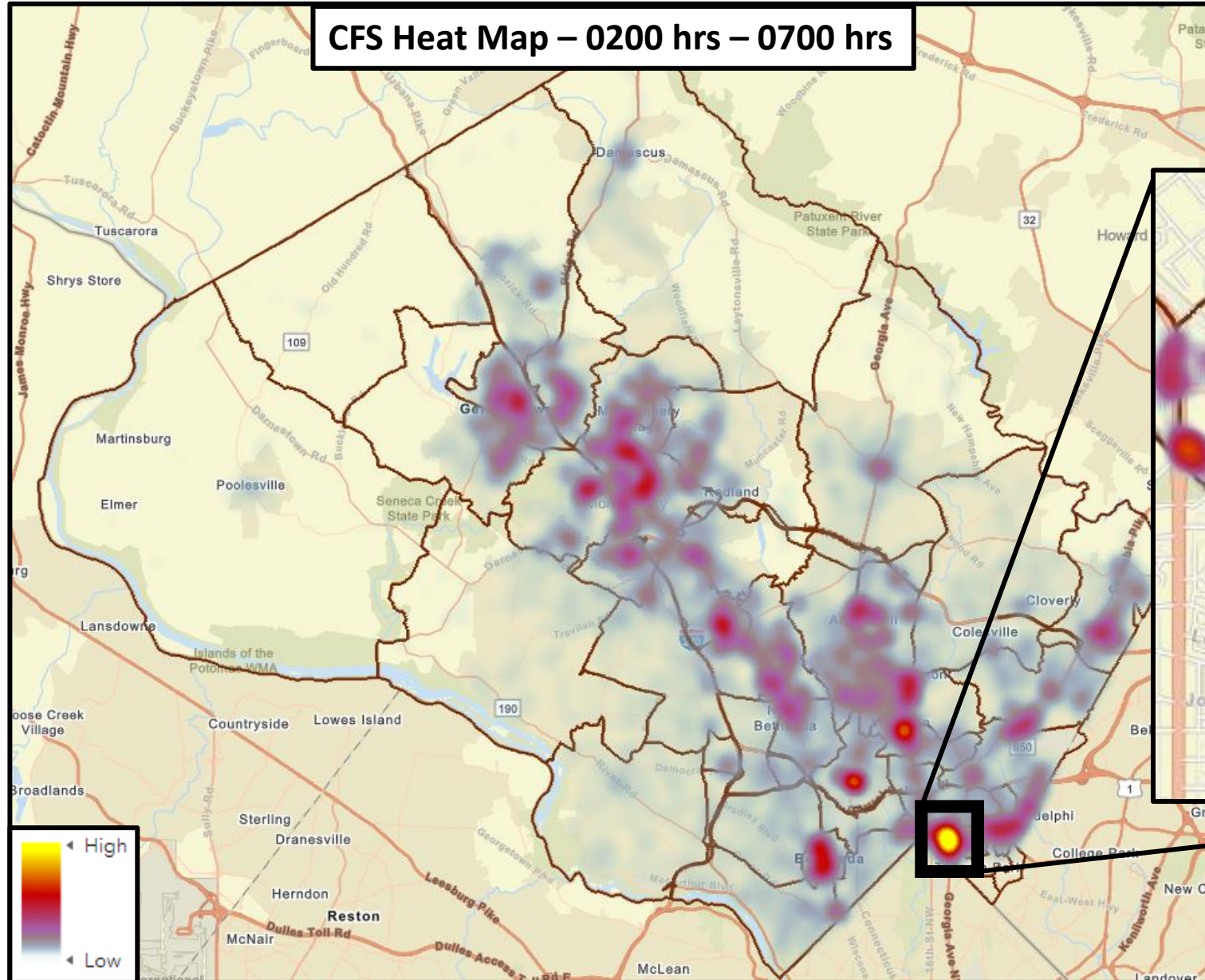
# Downtown Silver Spring (DTSS) – CFS and EJS Comparison | Jan 2022 – Feb 29 2024\*\*

0200 hrs – 0700 hrs

CAS# 24-261 | Created on: 03/08/2024 | Created by: MCPD Analyst



## CFS Heat Map – 0200 hrs – 0700 hrs



## DTSS





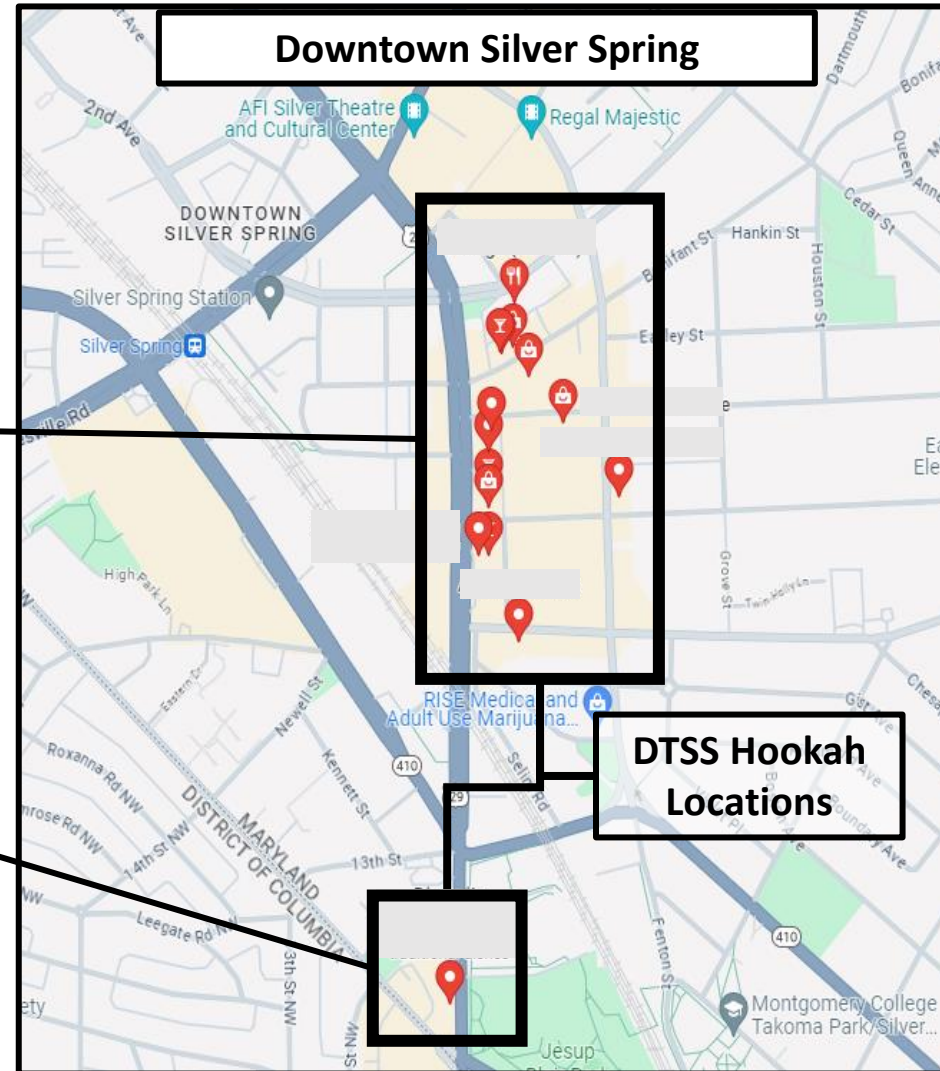
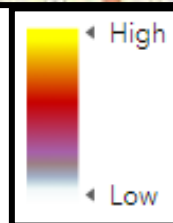
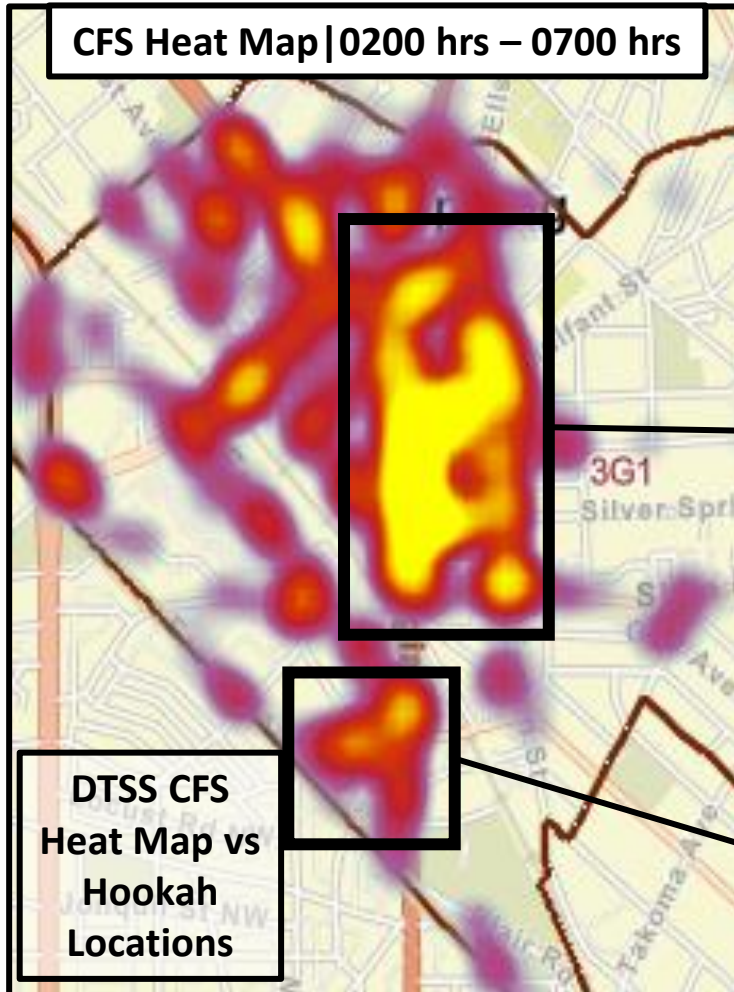
# Downtown Silver Spring (DTSS) – CFS Comparison | Jan 2022 – Jan 31 2024\*\*

0200 hrs – 0700 hrs



**\*\*All data on this page is based on Calls For Service (CFS) or reported incidents that generated a police report with an arrest.**

**The Incident Start Time field is used to determine temporal information.**



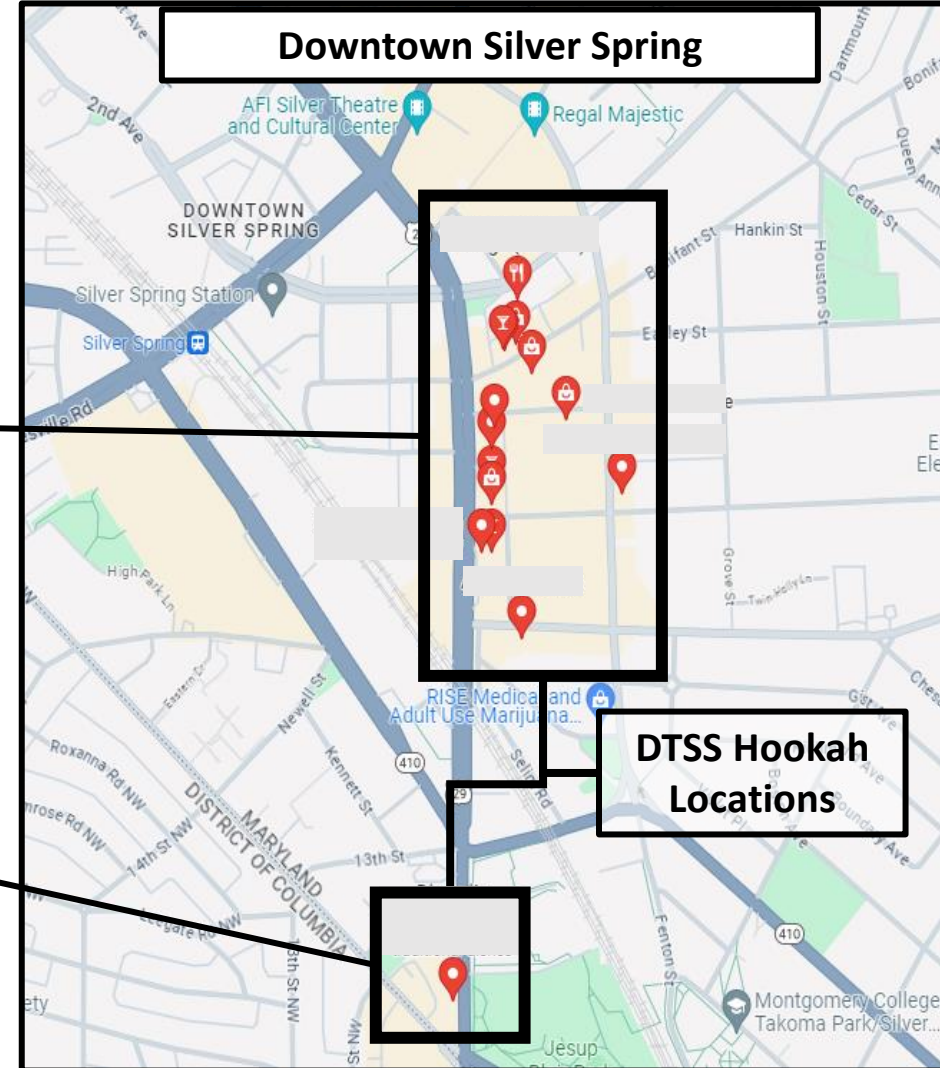
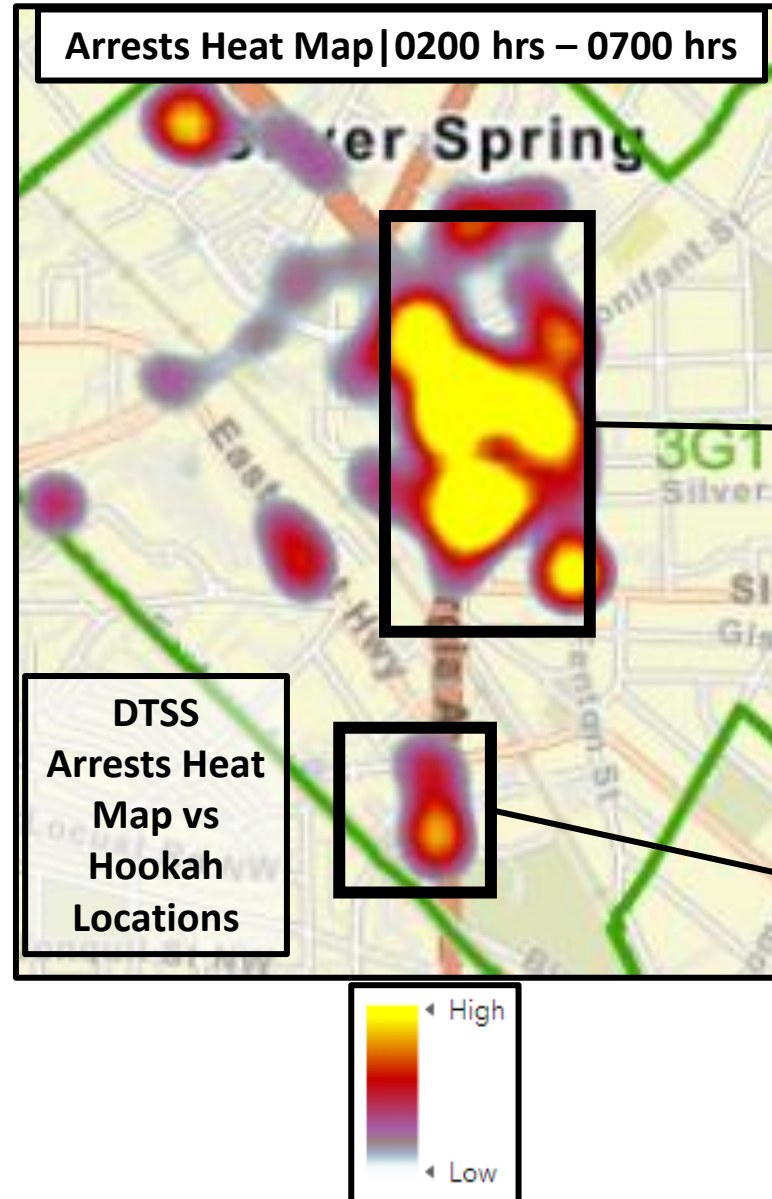
# Downtown Silver Spring (DTSS) – Arrests Comparison | Jan 2022 – Jan 31 2024\*\*

0200 hrs – 0700 hrs



**\*\*All data on this page is based on Calls For Service (CFS) or reported incidents that generated a police report with an arrest.**

**The Incident Start Time field is used to determine temporal information.**





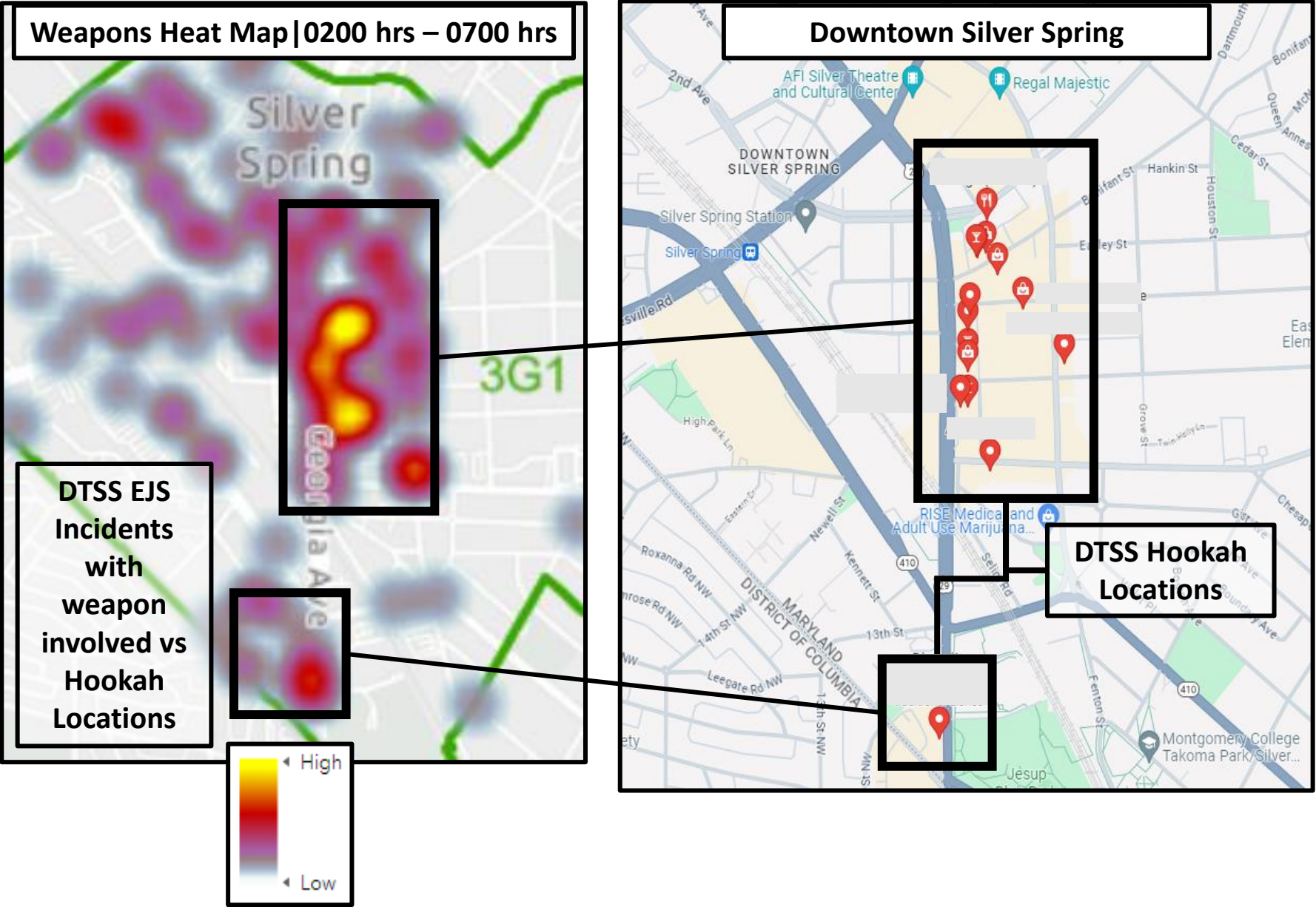


**Downtown Silver Spring (DTSS) – EJS Incidents with Weapon Involved | Jan 2022 – Feb 2024\*\***  
0200 hrs – 0700 hrs



*\*\*All data on this page is based on Calls For Service (CFS) or reported incidents that generated a police report with an arrest.*

*The Incident Start Time field is used to determine temporal information.*





Downtown Silver Spring (DTSS) – EJS Incidents with Weapon Involved | Jan 2022 – Feb 2024\*\*

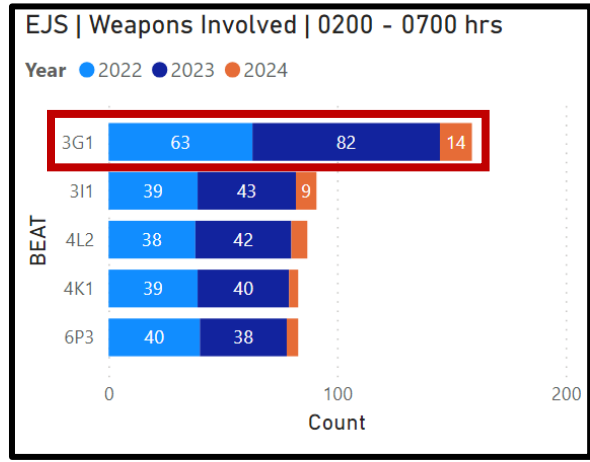
0200 hrs – 0700 hrs



**\*\*All data on this page is based on Calls For Service (CFS) or reported incidents that generated a police report with an arrest.**

**The Incident Start Time field is used to determine temporal information.**

**EJS Incidents where the Place Description field is blank, will not be included in the 'Weapon\_desc (groups)' matrix counts.**



EJS Incidents with Weapon Involved | Weapon Category | 0200 – 0700 hrs

Weapon_desc (groups)	Non-Residential	Residential	Total
Other	55	35	90
Firearm	40	7	46
Knife/Cutting Instrument	11	2	13
Total	106	44	149

Weapon_desc (groups)	2022	2023	2024	Total
Other	35	49	6	90
Firearm	19	24	3	46
Knife/Cutting Instrument	4	5	4	13
Total	58	78	13	149

LEGEND – Heat Matrix		
Low	Medium	High

EJS Incidents with Weapon Involved | Offense Category | 0200 – 0700 hrs

Offense Category	Non-Residential	Residential	Total
All Other Offenses	31	23	63
Robbery	36	4	40
Agg Assault	15	10	24
Burglary	11	4	15
Weapon Offense	6	2	8
Auto Theft	6	0	6
Homicide	1	1	2
Trespass	0	0	1
Total	106	44	159

Offense Category	2022	2023	2024	Total
All Other Offenses	26	34	3	63
Robbery	13	22	5	40
Agg Assault	11	10	3	24
Burglary	7	5	3	15
Weapon Offense	3	5	0	8
Auto Theft	2	4	0	6
Homicide	0	2	0	2
Trespass	1	0	0	1
Total	63	82	14	159

- The George 1 (**3G1**) Beat, which is largely comprised of the geographic footprint of DTSS, has the highest overall count of EJS incidents (**159**), with a weapon in the weapon property field and a start time between 0200 hrs – 0700 hours, across all of Montgomery County, MD.
  - **3G1** had a **30.16% (63 to 82)** increase in EJS incidents with weapons from **2022 to 2023**.
  - The Beat with the second highest incident count is **3I1**, with a count of **91**.
  - **3G1** Beat is geographically the smallest Beat of the top 5 EJS weapon-involved-incident Beats across the County.
- **Two** of every **three (106 of 159)** weapon involved incident is reported at a Non-Residential incident location.
  - Firearms account for almost **four** times as many knife incidents (**40** firearm | **11** knife) at non-residential incident locations.
  - Firearm related incidents increased **26.32% (19 to 24)** from **2022 to 2023**.
  - ‘Other’ weapon related incidents increased **40% (35 to 49)** from **2022 to 2023**.
- While Robbery offenses involved the most weapons in non-residential place types, the second highest offense category in a non-residential place type was All Other.
  - The robbery offense category increased **69.23% (13 to 22)** from **2022 to 2023**.
  - The ‘All Other’ offense category increased **30.77% (26 to 34)** from **2022 to 2023**.



# Downtown Silver Spring (DTSS) – 3G1 Lounge Address CFS | Jan 2022 – Feb 2024\*\*

0200 hrs – 0700 hrs



**\*\*All data on this page is based on Calls For Service (CFS) or reported incidents that generated a police report with an arrest.**

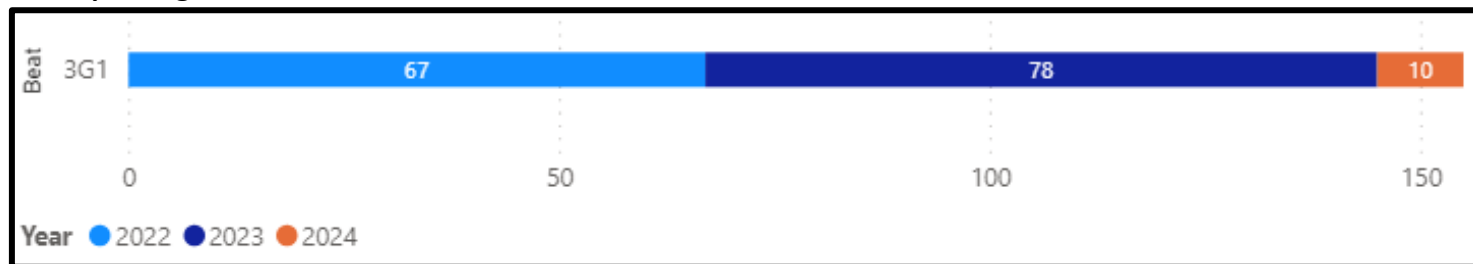
**The Incident Start Time field is used to determine temporal information.**

## 3G1 | Lounge Address Publicly Posted Hours of Operation

Address	Posted Hours of Operation
960 Thayer Ave, Silver Spring, MD 20910	Su - Sa: 1 PM - 12 AM
8227 Georgia Ave, Silver Spring, MD 20910	Su - Sa: 12 PM - 4 AM
8203 Fenton St, Silver Spring, MD 20910	Su - Th: 1 PM - 1 AM   Fr - Sa: 1 PM - 4:30 AM
7910 Georgia Ave, Silver Spring, MD 20910	Su: 5 PM - 5 AM   Mo - Th: 2 PM - 2 AM   Fri - Sa: 5 PM - 5 AM
948 Sligo Ave, Silver Spring, MD 20910	Su: 2 PM - 1 AM   Mo - We: 4 PM - 1 AM   Th - Sa: 4 PM - 3 AM
8125 Georgia Ave, Silver Spring, MD 20910	Su - We: 3 PM - 2 AM   Th - Fr: 4 PM - 3 AM   Sa: 4 PM - 4 AM
955 Bonifant St, Silver Spring, MD 20910	Th - Su: 2 PM - 5 AM   Mo - We: 2 PM - 1 AM
949 Bonifant St, Silver Spring, MD 20910	Su - Th: 11 AM - 2 AM   Fr - Sa: 11 AM - 3 AM
953 Bonifant St, Silver Spring, MD 20910	Su: 3 PM - 3 AM   Mo - Th: 4 PM - 2 AM   Fr - Sa: 3 PM - 4 AM
8211 Georgia Ave, Silver Spring, MD 20910	Su - Th: 3 PM - 2 AM   Fr - Sa: 3 PM - 3 AM
8123 Georgia Ave, Silver Spring, MD 20910	Th: 4 PM - 2 AM   Fri - Sa: 4 PM - 3 AM
8229 Georgia Ave, Silver Spring, MD 20910	Su: 11 AM - 12 AM   Mo - We: 4 PM - 1 AM   Fr: 4 PM - 2 AM   Sa: 11 AM - 2:30 AM
918 Silver Spring Ave, Silver Spring, MD 20910	Su - Sa: 7 AM - 3 PM

- The CFS incident locations do not account for spillover incidents, where incidents escalated to a CFS after victims/suspects exited a specific address. *A much lengthier analyses would be needed to determine more accurate numbers that factor incidents where spillover from a given address is involved.*
- CFS with incident locations at known hookah lounges during 0200 – 0700 hours total **155**.
  - CFS with incident locations at known hookah lounges rose **16.41% (67 to 78)** from **2022 to 2023**.
- Of **13** hookah lounge addresses in **3G1** with publicly posted hours of operation, 5 AM is the latest posted closing time.
  - Only **2 of 13** addresses have the latest posted closing time of 0500 AM.
  - Observations from officers in DTSS conflict with the publicly posted hours of observation, as lounges are often observed operating until 0700 AM.

## CFS | Lounge Address as Incident Location



# Downtown Silver Spring (DTSS) – CFS Beat Comparison | Jan 2022 – Jan 31 2024\*\*

0200 hrs – 0700 hrs



**\*\*All data on this page is based on Calls For Service (CFS) or reported incidents that generated a police report with an arrest.**

**The Incident Start Time field is used to determine temporal information.**

ClassDesc	1A3	3G1	3I1	4K1	5N1	Total
⊕ Aggravated Assault	4	21	10	8	12	55
⊕ All Other	1810	2710	1649	1469	1619	9257
⊕ Auto Theft	12	53	57	48	25	195
⊕ Burglary	20	46	25	23	14	128
⊕ Homicide		1	1			2
⊕ Rape	2	5	4	3	5	19
⊕ Robbery	1	40	9	7		57
⊕ Theft from Auto	14	98	48	57	26	243
<b>Total</b>	<b>1863</b>	<b>2974</b>	<b>1803</b>	<b>1615</b>	<b>1701</b>	<b>9956</b>

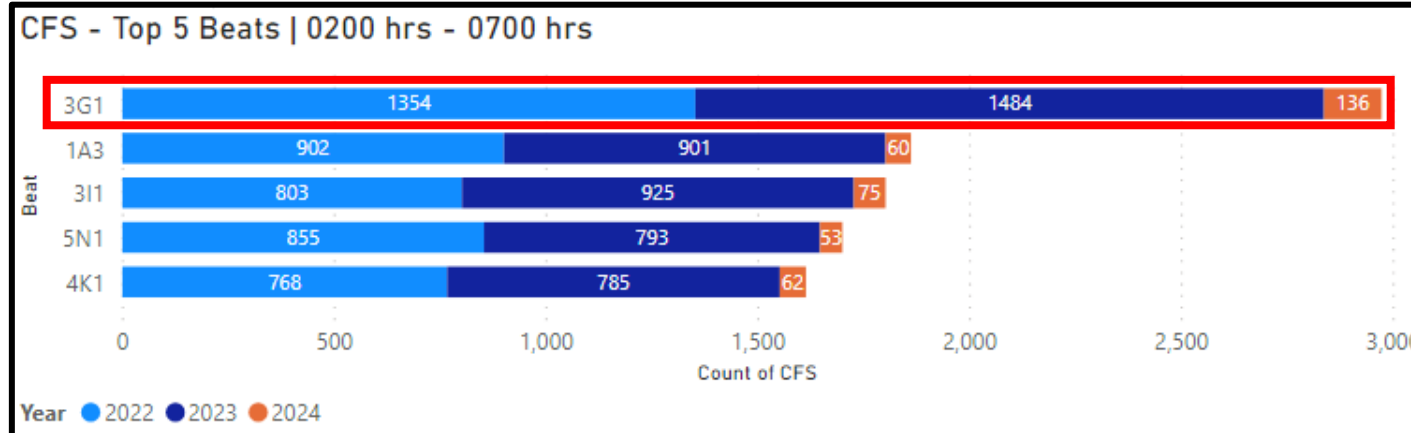
LEGEND – Heat Matrix

Low

Medium

High

- The **3G1** Beat has the highest overall count of CFS (**2,974**) between 0200 hrs – 0700 hrs across all of Montgomery County, MD.
  - 3G1** had a **9.6%** increase in CFS from **2022 to 2023**.
  - The Beat with the second highest CFS count is **1A3**, with a count of **1,863**.
  - 3G1** Beat is geographically the smallest Beat of the top 5 CFS Beats across the County.
- When comparing Class Descriptions of the CFS counts, the **3G1** Beat has higher counts compared to the other top 5 Beats across the County in every category except for two:
  - 3I1** Beat has four more Auto Theft CFS than **3G1** (**57 to 53**).
  - 3I1** Beat ties with **3G1** Beat in Homicide CFS (**1 to 1**).





# Montgomery County

## Police Geography

