
By: Prince George's County and Montgomery County Delegations

Introduced and read first time: February 1, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - City of Takoma Park**
3 **(Unification Issues)**
4 **PG/MC 51-96**

5 FOR the purpose of providing for a transition for the holders of alcoholic beverages
6 licenses in that portion of the City of Takoma Park that will become part of
7 Montgomery County when the City is unified; creating alcoholic beverages licenses
8 in Montgomery County that are similar to those issued in the portion of the City
9 that is to be unified; altering a prior enactment and making provision for the terms
10 of the licenses; providing for the abrogation of certain provisions; providing for a
11 delayed effective date; and generally relating to alcoholic beverages in Prince
12 George's County, Montgomery County, and, specifically, that portion of the City of
13 Takoma Park that will become part of Montgomery County when the City is unified.

14 BY repealing and reenacting, with amendments,
15 Chapter 636 of the Acts of the General Assembly of 1994
16 Section 4(5)(ii)

17 BY repealing and reenacting, with amendments,
18 Article 2B - Alcoholic Beverages
19 Section 3-202, 5-401(q), 6-101(q), 8-216(d), 10-202(i)(1), and 12-216(a)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1995 Supplement)

22 BY adding to
23 Article 2B - Alcoholic Beverages
24 Section 6-301(q)(7)
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1995 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

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1 **Chapter 636 of the Acts of the General Assembly of 1994**

2 SECTION 4. AND BE IT FURTHER ENACTED, That, if the county boundary is
3 altered under this Act to place all of the City of Takoma Park in Montgomery County:

4 (5) (ii) [Nothing in this Act affects the scope of or changes the] THE
5 jurisdiction and control over any class of alcoholic beverages license that was issued by
6 the Prince George's County Board of License Commissioners within the City of Takoma
7 Park prior to any boundary alteration provided for under this Act [and such license or a
8 transfer of such license shall remain] SHALL COME under the authority of the [Prince
9 George's] MONTGOMERY County Board of License Commissioners ON THE DATE THE
10 UNIFICATION TAKES EFFECT.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
12 read as follows:

13 **Article 2B - Alcoholic Beverages**

14 3-202.

15 (a) This section applies only in Montgomery County.

16 (b) In this section, "Board" means the Board of License Commissioners.

17 (c) (1) (I) [The] FOR A CLASS H LICENSE, THE annual license fee is \$400.

18 (II) FOR A CLASS H-TP LICENSE, THE ANNUAL LICENSE FEE IS THE
19 SAME AS IS PROVIDED IN SECTION 3-201(R) OF THIS ARTICLE.

20 (2) The fee shall be paid before the license is issued.

21 (d) Subject to § 9-102(a-2) of this article, a Class H beer license may be issued by
22 the Board. It authorizes the licensee to keep for sale and sell beer at retail at any hotel or
23 restaurant at the place described in the license, for consumption on the premises.

24 (e) The license may not be issued to, or for use in conjunction with, or upon the
25 premises of any restaurant located within a drugstore or billiard hall or for use upon any
26 premises which has a door, archway, opening or other passageway providing direct public
27 access to any billiard hall or drugstore.

28 (f) (1) A Class H beer license may be issued for the use of a bowling
29 establishment if the bowling establishment:

30 (i) Has at least 24 lanes; and

31 (ii) Is equipped with automatic pin setters.

32 (2) The licensee may sell beer:

33 (i) For on-premises consumption only; and

34 (ii) During the hours and days established for this license.

35 (G) (1) THE BOARD SHALL ISSUE ONE CLASS H-TP LICENSE TO A PERSON
36 WHO PREVIOUSLY HELD A CLASS B BEER LICENSE LOCATED IN THAT PORTION OF

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1 TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE'S COUNTY. IN THE
2 YEAR OF UNIFICATION, THE BOARD SHALL APPORTION THE FEES, IF NECESSARY, SO
3 THAT THE ANNUAL COST TO THE LICENSEE DOES NOT EXCEED THE AMOUNT
4 SPECIFIED IN SUBSECTION (C)(1)(II) OF THIS SECTION.

5 5-401.

6 (q) (1) In Montgomery County the annual license fee is \$400.

7 (2) (i) In this paragraph, "establishment" means a bowling alley, billiard
8 hall, or drugstore or a restaurant located within these businesses.

9 (ii) The license may not be issued to, or for use in conjunction with, or
10 upon the premises of any establishment, or for use upon any premises which has a door,
11 archway, opening or other passageway providing direct public access to any establishment.

12 (iii) These restrictions which prohibit the issuance of licenses to
13 drugstores or premises adjoining them are not applicable to any establishment which on
14 July 1, 1969, holds an alcoholic beverage license and which on July 1, 1969, has a door,
15 archway, opening or other passageway providing direct public access to any drugstore.

16 (3) FOR A CLASS D-TP LICENSE THE ANNUAL LICENSE FEE IS THE SAME
17 AMOUNT SPECIFIED IN SUBSECTION (R) OF THIS SECTION.

18 6-101.

19 (q) (1) This section [does not apply] APPLIES ONLY in Montgomery County.

20 (2) THE ANNUAL LICENSE FEE FOR A 7-DAY CLASS A-TP LICENSE IS THE
21 SAME AS FOR A LICENSE ISSUED PURSUANT TO SUBSECTION (R) OF THIS SECTION.

22 (3) THE BOARD SHALL ISSUE TWO CLASS A-TP LICENSES TO PERSONS
23 WHO PREVIOUSLY HELD A CLASS A BEER, WINE AND LIQUOR LICENSE THAT WERE
24 LOCATED IN THAT PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY
25 PART OF PRINCE GEORGE'S COUNTY. IN THE YEAR OF UNIFICATION, THE BOARD
26 SHALL APPORTION THE FEES, IF NECESSARY, SO THAT THE ANNUAL COST TO THE
27 LICENSEE DOES NOT EXCEED THE AMOUNT SPECIFIED IN PARAGRAPH (2) OF THIS
28 SUBSECTION.

29 6-301.

30 (q) (7) (I) THERE IS A TAKOMA PARK VETERANS' LICENSE, WHICH MAY
31 BE REFERRED TO AS A C-TPV LICENSE.

32 (II) THE ANNUAL LICENSE FEE IS THE SAME AMOUNT AS IS
33 SPECIFIED IN SUBSECTION (R)(2) OF THIS SECTION. IN THE YEAR OF UNIFICATION,
34 THE BOARD SHALL APPORTION THE FEES, IF NECESSARY, SO THAT THE ANNUAL
35 COST TO THE LICENSEE DOES NOT EXCEED THE AMOUNT SPECIFIED IN THIS
36 SUBPARAGRAPH.

37 (III) THE LICENSE SHALL BE ISSUED TO ANY LOCAL UNIT LOCATED
38 IN THAT PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF
39 PRINCE GEORGE'S COUNTY OF A NATIONWIDE BONA FIDE NONPROFIT
40 ORGANIZATION OR CLUB THAT:

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1 1. IS COMPOSED SOLELY OF MEMBERS WHO SERVED IN THE
2 ARMED FORCES OF THE UNITED STATES IN ANY WAR IN WHICH THE UNITED STATES
3 HAS ENGAGED;

4 2. HAS A CHARTER FROM A NATIONAL VETERANS'
5 ORGANIZATION PRIOR TO THE TIME OF MAKING APPLICATION FOR THE LICENSE;

6 3. HAS A BONA FIDE MEMBERSHIP OF NOT LESS THAN 100
7 PERSONS AND DUES OF NOT LESS THAN \$5 PER YEAR PER PERSON;

8 4. OPERATES SOLELY FOR THE USE OF ITS OWN MEMBERS
9 AND THEIR GUESTS WHEN ACCOMPANIED BY SUCH MEMBERS;

10 5. WHICH POSSESSED A CLUB LICENSE ORIGINALLY ISSUED
11 BY THE PRINCE GEORGE'S COUNTY BOARD OF LICENSE COMMISSIONERS WHEN THE
12 CLUB WAS LOCATED IN THAT PORTION OF THE CITY OF TAKOMA PARK THAT WAS
13 FORMERLY PART OF PRINCE GEORGE'S COUNTY; AND

14 6. MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR NO
15 OTHER PURPOSE.

16 (IV) THE LICENSEE IS SUBJECT TO ALL OTHER PROVISIONS OF THIS
17 ARTICLE RELATING TO BEER, WINE AND LIQUOR LICENSES, CLASS C, IN FORCE AND
18 EFFECT IN MONTGOMERY COUNTY.

19 8-216.

20 (d) The Montgomery County Board of License Commissioners may issue, renew,
21 and transfer and otherwise provide for [3] 7 classes of alcoholic beverages licenses in
22 [the Montgomery County section of] THE CITY OF Takoma Park as follows:

23 (1) Class B (on-sale) beer and light wine, hotel and restaurant licenses;

24 (2) Class H (on-sale) beer and light wine, hotel and restaurant licenses;
25 [and]

26 (3) Class B (on-sale) beer, wine, and liquor, hotel and restaurant licenses;

27 (4) CLASS H-TP (ON-SALE) BEER, WINE AND LIQUOR, RESTAURANT
28 LICENSE;

29 (5) CLASS A-TP (OFF-SALE) BEER, WINE AND LIQUOR, PACKAGE GOODS
30 STORE LICENSE;

31 (6) CLASS C-TPV (ON-SALE) BEER, WINE AND LIQUOR CLUB-VETERANS
32 LICENSE; AND

33 (7) CLASS D-TP (ON-SALE) BEER AND WINE TAVERN LICENSE.

34 10-202.

35 (i) (1) In Prince George's County, if the applicant proposes to do business in an
36 incorporated town, written notice of the application shall be given to the governing body
37 of the municipality. The municipality has standing to appear at any hearing before the
38 Board of License Commissioners. [If the application is for a location within the corporate

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1 limits of the City of Takoma Park, such license, if otherwise approved for issue, may not
2 be issued unless the Mayor and City Council of Takoma Park approve its issuance. The
3 provisions of the preceding sentence do not apply to any application for license by way of
4 renewal or by way of transfer for the same premises.] If it appears that more than 50
5 percent in numbers of the owners of real or a leasehold property situated within 1,000
6 feet of the place of business for which application is made are opposed to the granting of
7 the license, then the application may not be approved, and the license applied for shall be
8 refused. The provisions of the preceding sentence do not apply to any application for
9 license by way of renewal or by way of transfer for the same premises.

10 12-216.

11 (a) In Montgomery County the holders of beer licenses, Classes A, B,C, [and]
12 D, AND H-TP and beer and light wine licenses, Classes B, C, [and] D, AND D-TP and
13 beer, wine and liquor licenses, Classes A-TP, B [and] C AND C-TPV, [shall not be
14 authorized to] MAY NOT sell any alcoholic beverages[,] except those purchased from
15 the Board of Liquor Control [for Montgomery County].

16 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of Section 2
17 of this Act shall remain in effect until May 1, 2000, the date on which alcoholic beverages
18 licenses must be renewed, at which time they shall be abrogated and of no further force
19 and effect, without further action by the General Assembly.

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 1997.