

Chapter 390

(House Bill 1292)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

FOR the purpose of altering certain alcoholic beverage license fees in Anne Arundel County; establishing a Class WT wine tasting (on-premises) license in Anne Arundel County; establishing a certain administrative fee; specifying the scope of a certain administrative fee; requiring the Anne Arundel County Board of License Commissioners to determine the fee for a certain license; altering a certain exception relating to a certain prohibition against the playing of live music by holders of alcoholic beverage licenses or club licenses; establishing a special entertainment license in Anne Arundel County; authorizing the Board of License Commissioners to issue a special outdoor entertainment license to a holder of a special entertainment license; ~~altering a certain provision of law relating to the reimbursement for certain expenses incurred by members of the Board of License Commissioners~~; altering a certain definition; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; making stylistic changes; and generally relating to the issuance of alcoholic beverage licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 5-101(a)(1), 5-201(a)(1), 5-202(b)(1), 5-301(a)(1), 5-401(a)(1), 6-101(a)(1), 6-201(a)(1), 6-301(a)(1) and (c)(5)(i), (6)(i), and (7)(i), 7-101(b)(1)(i), 8-202(e)(1), (h)(1), and (i)(1), ~~and 8-202.1(c)(1), and 15-109(c)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5-101(c)(1), 5-201(c)(2), 5-202(d), 5-301(c), 5-401(c)(1), 6-101(c), 6-201(c), 6-301(c)(2), (5)(ii), (6)(ii), and (7)(ii), 6-401(c), 7-101(b)(2) and (d)(2), 8-202(d)(5), (e)(3), (h)(4)(i), and (i)(4)(i), 8-202.1(f), 8-302(a), 8-402(c), (f), and (g), 10-104(c)(1), 10-502(a), ~~and 12-202(a), and 15-109(e)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–402(f) and 10–502(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–402(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 444 of the Acts of the General Assembly of 2010)

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

Article 2B – Alcoholic Beverages

5–101.

(a) (1) A Class A beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.

(c) (1) In Anne Arundel County the annual license fee is [~~\$200~~] **\$240**.

5–201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(c) (2) The annual license fee for a Class B beer and light wine license is [~~\$400~~] **\$480**.

5–202.

(b) (1) A Class H beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises.

(d) In Anne Arundel County the annual license fee is [~~\$300~~] **\$360**.

5-301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail to bona fide members and their guests, at any club, at the place described in the license, for consumption on the premises only.

(c) In Anne Arundel County the annual license fee is [~~\$100~~] **\$120**.

5-401.

(a) (1) A Class D beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place described in the license, for consumption on the premises or elsewhere. The license may not be issued for any drugstore.

(c) (1) (i) In Anne Arundel County the annual license fee is [~~\$400~~] **\$480**.

(ii) This license does not apply in the City of Annapolis.

6-101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(c) In Anne Arundel County the annual license fee is [~~\$600~~] **\$720**.

6-201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(c) (1) The provisions of this subsection apply only in Anne Arundel County and do not apply to the City of Annapolis.

(2) The annual fee for a Class B license is [~~\$900~~] **\$1,080**.

(3) (i) A Class H beer, wine and liquor license authorizes the holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for consumption on the premises.

(ii) The annual fee for this license is [~~\$800~~] **\$960**.

6-301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license, for consumption on the premises only.

(c) (2) The annual license fee is [~~\$400~~] **\$480**.

(5) (i) There is a special Class C (yacht club) license.

(ii) The annual license fee is [~~\$1,500~~] **\$1,800**.

(6) (i) There is a special Class C (golf and country club) license.

(ii) The annual license fee is [~~\$1,500~~] **\$1,800**.

(7) (i) There is a special Class C (country club) license.

(ii) The annual license fee is [~~\$625~~] **\$750**.

6-401.

(c) (1) This subsection applies only in Anne Arundel County.

(2) There are two type Class D beer, wine and liquor licenses:

(i) A limited Class D license which allows for on premises consumption only.

(ii) A Class D license which allows for consumption on premises or elsewhere.

(3) (i) The annual license fee for a limited Class D license is [~~\$900~~] **\$1,080**.

(ii) The annual license fee for a Class D on- and off-sale license is ~~[\$1,000]~~ **\$1,200**.

(4) The Board, upon the filing of an application for any new Class D beer, wine and liquor license, may limit the sale of alcoholic beverages to consumption only on the premises.

7-101.

(b) (1) (i) Subject to subsection (a) of this section, a special Class C beer license or a special Class C beer and wine license entitles the holder to exercise any of the privileges conferred by the respective classes of licenses for the use of any person holding any bona fide entertainment conducted by any club, society or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

(2) In Anne Arundel County:

(i) The fee is ~~[\$10]~~ **\$25** per day; and

(ii) The provisions of §§ 10-103(b) and 10-202 of this article and § 10-501 of the State Government Article do not apply to an applicant for either the special Class C beer license or the special Class C beer and wine license.

(d) (2) In Anne Arundel County:

(i) A special beer, wine and liquor license, Class C licensee may purchase beer from a wholesaler;

(ii) The fee is ~~[\$25]~~ **\$50** per day; and

(iii) The provisions of §§ 10-103(b) and 10-202 of this article and § 10-501 of the State Government Article do not apply to an applicant for the license.

8-202.

(d) (5) (i) The annual fee for each beer and light wine "special Sunday license" is ~~[\$50]~~ **\$60**.

(ii) The annual fee for each beer, wine and liquor "special Sunday license" is ~~[\$100]~~ **\$120**.

(e) (1) There is a racetrack license.

(3) The license fee is [~~\$50~~] **\$60** per day to be paid on January 1 for the racing of the preceding year, payable to the Board. It entitles the holder to sell at one or more locations within its park.

(h) (1) There is a resort complex license.

(4) (i) The annual license fee is [~~\$1,500~~] **\$1,800**.

(i) (1) There is a motel/hotel–restaurant license.

(4) (i) The annual license fee for each separate establishment is [~~\$3,000~~] **\$3,600**.

8–202.1.

(c) (1) There is a 7–day Class BLX (deluxe restaurant) (on–sale) beer, wine and liquor license.

(f) The annual license fee is [~~\$1,000~~] **\$1,200**.

8–302.

(a) (1) In this section the following words have the meanings indicated.

(2) “Board” means the Anne Arundel County Board of License Commissioners.

(3) “Festival” means the Anne Arundel County Beer and Wine Festival **AND THE BENSON–HAMMOND HOUSE STRAWBERRY FESTIVAL**.

8–402.

(c) There is a Class BWST cordial, beer, and wine (on–premises) tasting license, a **CLASS BWT** beer and wine (on–premises) tasting license, [and] a **CLASS WS** wine sampling (on–premises) license, **AND A CLASS WT WINE TASTING (ON–PREMISES) LICENSE**.

(F) (1) A CLASS WT WINE TASTING (ON–PREMISES) LICENSE MAY ONLY BE ISSUED TO A HOLDER OF A CLASS BWL LICENSE OR A HOLDER OF A CLASS BW LICENSE.

(2) A CLASS WT WINE TASTING (ON–PREMISES) LICENSE AUTHORIZES A HOLDER TO PERMIT THE ON–PREMISES CONSUMPTION FOR TASTING OR SAMPLING PURPOSES ONLY OF LIGHT WINE TO BE SERVED IN A

QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH GIVEN BRAND TO ANY ONE PERSON.

(3) THE ANNUAL LICENSE FEE IS:

(I) \$150 FOR A HOLDER OF A CLASS BWL LICENSE; AND

(II) \$50 FOR A HOLDER OF A CLASS BW LICENSE.

[(f)] (G) The provisions of this section are not restricted by:

(1) The provisions in subsection (b) of § 12–107 of this article; and

(2) The provisions of law under § 9–102 of this article prohibiting the issuance of 2 licenses for the same premises.

[(g)] (H) In the City of Annapolis, the Mayor and City Council may approve the issuance of a BWT license or a WS license. The fees for the licenses shall be set by the Mayor and City Council.

10–104.

(c) (1) In Anne Arundel County, **ANY ADMINISTRATIVE ACTION THAT REQUIRES A HEARING, INCLUDING [the] AN application for a new license [of any class], A TRANSFER OF A LICENSE TO A THIRD PARTY, OR A CHANGE OF OWNERSHIP OF A MAJORITY INTEREST IN A LICENSE,** shall be accompanied by payment of [a] **AN ADMINISTRATIVE** fee of \$200 payable to the Board. This sum is in addition to any other fee required for a license in Anne Arundel County, and the [application] **ADMINISTRATIVE** fee may not be returned whether the [license] **REQUESTED ADMINISTRATIVE ACTION** is granted or denied. The [application] **ADMINISTRATIVE** fee shall be used by the Board to cover the expenses of the Board in connection with its functions. The provisions of this subsection do not apply to any application for a license by way of renewal [or by way of transfer for the same premises].

10–502.

(a) Except as **OTHERWISE** provided in [subsection (b) of] this section, whenever any license issued under this article has been lost or destroyed, the license issuing authority issuing such a license shall have the power, upon application under oath, and upon payment of a fee of \$1, to issue another license, upon which shall be endorsed the word “duplicate” in addition to all of the information which appeared upon the original license.

(E) IN ANNE ARUNDEL COUNTY, THE BOARD OF LICENSE COMMISSIONERS SHALL DETERMINE THE FEE FOR A DUPLICATE LICENSE.

12-202.

(a) **[In] EXCEPT FOR PIPED-IN BACKGROUND MUSIC OR ONE TELEVISION SCREEN, IN** Anne Arundel County no holder of any class of alcoholic beverage license or the holder of a club license shall permit the playing of music of any kind **[(except one radio speaker or one television screen)], INCLUDING LIVE MUSIC, A KARAOKE MACHINE, OR A DISC JOCKEY,** or dancing, floor shows, or any other similar type of entertainment on the licensed premises or on adjacent property over which the licensee has ownership or control, except:

(1) Any holder of a Class B, Class D, or Class H license shall be permitted to play recorded music of any kind, or live music with no more than two musicians if the licensee obtains a special music license. A special music license may be issued in the same manner as any other special license. The annual fee for the license shall be \$100. Dancing, floor shows, or other similar live entertainment may not be permitted.

(2) (I) ANY HOLDER OF A CLASS B, CLASS D, OR CLASS H LICENSE MAY ALLOW THE PLAYING OF MORE THAN ONE TELEVISION, LIVE MUSIC WITH NOT MORE THAN FOUR MUSICIANS, KARAOKE, AND A DISC JOCKEY, PROVIDED THE LICENSEE OBTAINS A SPECIAL ENTERTAINMENT LICENSE THAT SHALL BE ISSUED IN THE SAME MANNER AS ANY OTHER SPECIAL LICENSE.

(II) THE ANNUAL FEE FOR A SPECIAL ENTERTAINMENT LICENSE IS:

1. \$300 FOR A LICENSEE HOLDING A BEER, WINE AND LIQUOR LICENSE; AND

2. \$200 FOR A LICENSEE HOLDING A BEER AND WINE LICENSE.

(III) A HOLDER OF A SPECIAL ENTERTAINMENT LICENSE MAY NOT ALLOW DANCING, FLOOR SHOWS, OR SIMILAR LIVE ENTERTAINMENT.

[(2)] (3) (i) Except as provided in subparagraph (ii) of this paragraph, any holder of a Class B, Class D or Class H license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any other special license. The annual fee shall be \$400 when issued to a licensee holding a

beer, wine and liquor license and \$200 when issued to a licensee holding a beer and wine license.

(ii) A Class H license that is located within 1,000 feet in a straight line from entry to entry from a church or school may not obtain a special dancing license.

[(3)] (4) Any holder of a Class C license shall be permitted to have music, dancing and other legal forms of entertainment, provided the licensee obtains a special dancing license which shall be issued in the same manner as any other special license at no additional charge.

[(4)] (5) (i) The Board may issue a special outdoor license to a holder of a Class B, Class C, Class D, or Class H license.

(ii) A special outdoor license under this paragraph entitles the holder to provide outdoor table service to customers on the grounds of the licensed establishment.

(iii) The annual fee for a special outdoor license is \$100.

(iv) Before a special outdoor license is renewed, a holder shall obtain approval from the Board.

[(5)] (6) (i) The Board may issue a special outdoor entertainment license to a holder of a Class B, Class C, Class D, and Class H license who also holds a special dancing license **[or]**, a special music license, **OR A SPECIAL ENTERTAINMENT LICENSE** under paragraph (1), (2), **[or]** (3), **OR (4)** of this subsection.

(ii) A special outdoor entertainment license under this paragraph entitles the holder to provide:

1. The same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's special dancing license **[or]**, special music license, **OR SPECIAL ENTERTAINMENT LICENSE**; and

2. Outdoor table service or cafe service.

[(6)] (7) All special licenses set forth in paragraphs (1), (2), (3), (4), **[and]** (5), **AND (6)** of this subsection shall be authorized by the Board of License Commissioners for Anne Arundel County only when the Board finds:

(i) That the use of the licensed premises for such purposes shall not be in violation of any fire, health, or building regulation of Anne Arundel County,

(ii) That the applicant can adequately control the persons using the licensed premises,

(iii) That the granting of such special license is necessary for the accommodation of the public,

(iv) That the operation of the premises under such special license will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located, and

(v) That in the opinion of the Board the granting of such special license will not be detrimental to the general public welfare.

15-109.

(c) ~~(1)~~ In Anne Arundel County the chairman of the Board of License Commissioners shall receive annually as salary not more than \$18,000; each other member of the Board shall receive annually as salaries not more than \$15,000~~1~~, plus reimbursement for expenses reasonably incurred by them~~1~~.

~~(2) SUBJECT TO THE APPROVAL OF THE COMPTROLLER, EACH MEMBER OF THE BOARD SHALL RECEIVE \$300 EACH MONTH FOR THE REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED BY THE MEMBER.~~

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

Article 2B – Alcoholic Beverages

8-402.

(c) There is a Class BWT beer and wine (on-premises) tasting license [and], a CLASS WS wine sampling (on-premises) license, AND A CLASS WT WINE TASTING (ON-PREMISES) LICENSE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 444 of the Acts of the General Assembly of 2010. If that termination provision takes effect, Article 2B, § 8-402(c) of the Annotated Code of Maryland, as enacted by Section 1 of this Act, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.