

HOUSE BILL 1070

A2

3lr0524

By: **Prince George's County Delegation**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2013

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – City of College Park – Sales by License Holders Near**
3 **School Buildings**

4 **PG 309–13**

5 FOR the purpose of ~~requiring the City Council of the City of College Park to make a~~
6 ~~certain determination regarding~~ authorizing, in the City of College Park, the
7 granting of a license to sell alcoholic beverages in a certain building located
8 within a certain distance of a ~~place of worship~~ school building under certain
9 circumstances; making certain stylistic changes; and generally relating to the
10 sale of alcoholic beverages in the City of College Park.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 9–217(a)
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 9–217(e)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article 2B – Alcoholic Beverages**

4 9–217.

5 (a) This section applies only in Prince George’s County.

6 (e) (1) (i) Except as provided in ~~item~~ **ITEMS** (ii) **AND (III)** of this
7 paragraph, a license may not be granted to sell alcoholic beverages in any building
8 located within 1,000 feet of a school building, or within 500 feet of a place of worship.
9 The 1,000 feet, or the 500 feet, as the case may be, is to be measured from the front
10 door or main entrance, whichever is nearest the street abutting the premises, of the
11 proposed licensed establishment along the nearest usual pedestrian route to the door
12 closest to the licensed premises which is used as an entrance or exit to any school, or
13 to the main entrance of the place of worship.

14 (ii) In the part of the Gateway Arts and Entertainment District
15 located in the City of Hyattsville, as designated by the Secretary of Business and
16 Economic Development, the front door or main entrance of an establishment for which
17 a Class D beer and wine license is issued may be used if the door or entrance is at
18 least 350 feet from a place of worship.

19 **(III) IN THE CITY OF COLLEGE PARK, A LICENSE MAY BE**
20 **GRANTED TO SELL ALCOHOLIC BEVERAGES IN A BUILDING LOCATED MORE**
21 **THAN 400 FEET FROM A SCHOOL BUILDING IF THE LAND ON WHICH THE**
22 **PROPOSED LICENSED ESTABLISHMENT IS LOCATED IS IN A COMMERCIAL**
23 **DISTRICT.**

24 (2) ~~{This} EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (7)~~
25 ~~OF THIS SUBSECTION, THIS~~ restriction does not apply in the case of a [church]
26 **PLACE OF WORSHIP** if the governing body of the [church] **PLACE OF WORSHIP**
27 concerned consents in writing to the granting of the license. The consent shall be filed
28 with the application. The license of any person or persons or for the use of a
29 corporation or unincorporated association issued for any building located within the
30 requisite distance from a [church] **PLACE OF WORSHIP** or school building may be
31 renewed or extended for the same building.

32 (3) This restriction does not apply to any transfer or assignment of a
33 license located within the distance of 1,000 feet to another place of business within the
34 specified distance [and/]or to an assignee of the license within the distance of the same
35 [church] **PLACE OF WORSHIP** or school building.

36 (4) This does not apply to the issuance of a license for a place of
37 business, not having an alcoholic beverage license, to which an alcoholic beverage

1 license had been issued and was in force and effect on June 1, 1965, as to a license of
2 the same class which was in force and effect as of that date, applied for in the place of
3 business nor to a renewal of a license of any establishment where, subsequent to the
4 original granting of the license a school [or church] building **OR PLACE OF WORSHIP**
5 was erected within 1,000 feet.

6 (5) This subsection does not apply to any license issued under §
7 6-201(r)(2), (4), (5), (15), (16), or (18) or § 7-101 of this article.

8 (6) This restriction does not apply in the case of a private kindergarten
9 or nursery school.

10 ~~(7) (I) THIS PARAGRAPH APPLIES ONLY IN THE CITY OF~~
11 ~~COLLEGE PARK.~~

12 ~~(II) THE CITY COUNCIL OF THE CITY OF COLLEGE PARK~~
13 ~~SHALL DETERMINE IF A LICENSE MAY BE GRANTED TO SELL ALCOHOLIC~~
14 ~~BEVERAGES IN A BUILDING LOCATED WITHIN 500 FEET OF THE PLACE OF~~
15 ~~WORSHIP.~~

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.