

HOUSE BILL 1097

A2

4lr2279

By: **Garrett County Delegation**

Introduced and read first time: February 7, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – Sunday Sales for On–Premises**
3 **Consumption**

4 FOR the purpose of authorizing the holder of certain alcoholic beverages licenses in
5 Garrett County to sell alcoholic beverages for consumption on the licensed
6 premises on certain Sundays under certain circumstances; submitting this Act
7 to a referendum of the qualified voters of certain election districts and precincts
8 of election districts in Garrett County; and generally relating to the sale of
9 alcoholic beverages in Garrett County on Sundays.

10 BY repealing and reenacting, without amendments,
11 Article 2B – Alcoholic Beverages
12 Section 11–512
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2013 Supplement)

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

17 **Article 2B – Alcoholic Beverages**

18 11–512.

19 (a) This section applies only in Garrett County.

20 (b) (1) Notwithstanding any other provisions of this subtitle and except on
21 Sundays and New Year’s Day, holders of any class of on– or off–sale licenses issued
22 under this article may sell the alcoholic beverages authorized under their respective
23 license from 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages
24 between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized
25 under subsection (c) of this section, at any time on Sunday after 2 a.m.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The provisions of this subsection apply to a holder of a Class E
2 steamboat license issued by the State Comptroller's Office for use on all State waters
3 located within the county.

4 (3) However, this section is subject to the provisions of § 11-402(m) of
5 this title regarding sales on New Year's Eve or New Year's Day regardless of the day of
6 the week on which December 31 and January 1 fall.

7 (c) (1) The provisions of this subsection apply in:

8 (i) Election districts 11 and 15, in which the voters approved
9 Sunday sales in the referendum authorized by law in November 1996; and

10 (ii) Any other election district or precinct of an election district
11 in which the voters in a referendum authorized by law approve Sunday sales as
12 specified in this subsection.

13 (2) This subsection only applies to on-premises sales by:

14 (i) A holder of a Class C service club license; and

15 (ii) Subject to paragraph (4) of this subsection a holder of a
16 Class B license, special 2-day Class C license, special 6-day Class C license, or special
17 12-day Class C license; or

18 (iii) A holder of a Class D license operating an establishment
19 that:

20 1. Is in a permanent building;

21 2. Has a seating capacity at tables, not including seats
22 at bars or counters, for at least 20 persons;

23 3. Is equipped with a full-service commercial kitchen
24 capable of preparing and serving full-course meals for at least 20 persons at one
25 seating; and

26 4. Is approved by the county Board of License
27 Commissioners, Department of Public Utilities, Health Department, and Planning and
28 Land Development Office.

29 (3) Sunday sales may begin, where permitted, at 1 p.m. and continue
30 until 10 p.m.

31 (4) (i) This paragraph does not apply to a holder of a Class C
32 service club license.

1 (ii) Sunday sales may be made only when the consumer places
2 an order for a meal simultaneously or prior to placing an order for an alcoholic
3 beverage or the consumer is otherwise entitled to a meal on the premises as part of a
4 prearranged event, such as a banquet, where the alcoholic beverage is served. Bar or
5 counter sales may be made as long as the consumer complies with the requirement of
6 this paragraph.

7 (5) In addition to the usual license fee, the holder of a Class C service
8 club license, Class B license, or Class D license who wants to provide Sunday sales and
9 who is otherwise eligible to provide Sunday sales under this subsection shall pay an
10 additional \$250 for the privilege of Sunday sales.

11 (6) At the time the Class C service club license, Class B license, or
12 Class D license is issued, the Board shall charge a \$250 issuing fee.

13 SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes
14 effective it shall first be submitted to a referendum of the qualified voters of the
15 following election districts or precincts of election districts 2, 3-1, 3-2, 4, 5, 8-1, 8-2,
16 10, 12, 13, 14-2, and 16 in Garrett County at the general election to be held in
17 November of 2014. The Board of County Commissioners and the Board of Supervisors
18 of Elections of Garrett County shall do those things necessary and proper to provide
19 for and hold the referendum required by this section. If a majority of the votes cast on
20 the question in an election district or a precinct of an election district are "For the
21 referred law" the provisions of this Act shall become effective in that election district
22 or precinct on December 15, 2014; but if a majority of the votes cast on the question in
23 an election district or a precinct of an election district are "Against the referred law"
24 the provisions of this Act are of no effect and null and void in that election district or
25 precinct. The Board of Supervisors of Elections of Garrett County shall notify the
26 State Department of Legislative Services concerning the results of the referendum in
27 each election district and precinct of an election district.

28 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
29 of Section 2 of this Act and for the sole purpose of providing for the referendum
30 required by Section 2 of this Act, this Act shall take effect July 1, 2014.