

HOUSE BILL 91

A2

5lr0431

By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 3, 2015

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages Licenses – Laytonsville**

3 **MC 12–15**

4 FOR the purpose of repealing certain provisions relating to the issuance, renewal, and
5 transfer of certain Class H (on–sale) beer and light wine, hotel and restaurant
6 licenses for use in Laytonsville in Montgomery County; authorizing the Montgomery
7 County Board of License Commissioners to issue, renew, and transfer a certain
8 number of Class B (on–sale) beer, wine, and liquor licenses in Laytonsville, subject
9 to a certain requirement; and generally relating to the issuance of alcoholic
10 beverages licenses in Laytonsville.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 8–216(a) and (f)
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 8–216(e)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 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 MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article 2B – Alcoholic Beverages**

4 8–216.

5 (a) (1) In this subsection “place of business” does not include:

6 (i) A country club; or

7 (ii) A restaurant located within the country inn zone of Montgomery
8 County where alcoholic beverages are sold for consumption on the premises only; provided
9 that a maximum of 2 (two) such alcoholic beverages licenses may be issued in any election
10 district identified in paragraph (2) of this subsection.

11 (2) (i) Except as provided in subparagraphs (ii), (iii), (iv), (v), and (vi) of
12 this paragraph and in subsections (d), (e), and (f) of this section, in Montgomery County, a
13 license for the sale of alcoholic beverages authorized by this article may not be issued for
14 any place of business located in Damascus (12th election district), and in the towns of
15 Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

16 (ii) In the town of Barnesville, the Montgomery County Board of
17 License Commissioners may issue a special 7–day on–sale beer, wine and liquor license to
18 any bona fide religious, fraternal, civic, or charitable organization.

19 (iii) In the town of Kensington, the Montgomery County Board of
20 License Commissioners may issue a special 2–day on–sale beer and wine license or a special
21 2–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or
22 charitable organization holding an event on municipal property located at 3710 Mitchell
23 Street, Kensington, Maryland.

24 (iv) 1. In the town of Kensington, the Montgomery County Board
25 of License Commissioners may issue a special B–K beer and wine license or a special B–K
26 beer, wine and liquor license for use on the premises of a restaurant located in the following
27 commercial areas:

28 A. The west side of Connecticut Avenue between Knowles
29 Avenue and Perry Avenue;

30 B. The east side of Connecticut Avenue between Knowles
31 Avenue and Dupont Street and between University Boulevard and Perry Avenue;

32 C. The west side of University Boulevard West;

33 D. Dupont Avenue, west of Connecticut Avenue;

1 E. Plyers Mill Road, west of Metropolitan Avenue;

2 F. Summit Avenue between Knowles Avenue and Howard
3 Avenue;

4 G. Detrick Avenue between Knowles Avenue and Howard
5 Avenue;

6 H. The southwest side of Metropolitan Avenue between
7 North Kensington Parkway and Plyers Mill Road;

8 I. East Howard Avenue;

9 J. Armory Avenue between Howard Avenue and Knowles
10 Avenue;

11 K. Montgomery Avenue between Howard Avenue and
12 Kensington Parkway;

13 L. Kensington Parkway and Frederick Avenue, from
14 Montgomery Avenue to Silver Creek; or

15 M. The east side of Connecticut Avenue between Warner
16 Street and Knowles Avenue.

17 2. A special B–K beer, wine and liquor license or a special
18 B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages
19 for consumption on the premises only.

20 3. A licensee shall maintain average daily receipts from the
21 sale of food, not including carryout food, of at least 50% of the overall average daily receipts.

22 4. In addition to the restrictions in subsubparagraphs 2 and
23 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K
24 beer, wine and liquor license in the commercial areas specified in subsubparagraph 1I, J,
25 K, L, and M of this subparagraph may not serve alcoholic beverages after 11 p.m.

26 (v) 1. In the town of Kensington, the Montgomery County Board
27 of License Commissioners may issue:

28 A. Not more than three Class A (off–sale) beer and light wine
29 licenses for use in the commercial areas specified in subparagraph (iv)1 of this paragraph;
30 and

31 B. Subject to subsubparagraphs 5 and 6 of this
32 subparagraph, not more than three beer and wine sampling or tasting (BWST) licenses for
33 holding tastings or samplings of beer and wine.

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1 2. A Class A beer and light wine license authorizes the holder
2 to keep for sale and sell beer or light wine for consumption off the premises 7 days a week,
3 from 10 a.m. to 8 p.m. daily.

4 3. A holder of a Class A beer and light wine license may not:

5 A. Sell single bottles or cans of beer;

6 B. Sell refrigerated products; or

7 C. On a side, door, or window of the building of the licensed
8 premises, place a sign or other display that advertises alcoholic beverages in a publicly
9 visible location.

10 4. The annual license fee is \$250.

11 5. The Montgomery County Board of License Commissioners
12 may issue a beer and wine sampling or tasting (BWST) license established under § 8–408.3
13 of this title to a holder of a Class A license under this subparagraph for holding tastings or
14 samplings of beer and wine.

15 6. A beer and wine sampling or tasting (BWST) license
16 issued under this subparagraph is subject to the fee, serving limits, and other license
17 requirements established under § 8–408.3 of this title.

18 (vi) In Damascus (12th election district), the Montgomery County
19 Board of License Commissioners may issue a special 7–day Class C on–sale beer, wine and
20 liquor license to any bona fide volunteer fire department.

21 (3) This subsection does not prohibit the issuance of an on–sale license for
22 the sale of beer only during daylight hours only for any restaurant or snack bar or similar
23 facility located upon land owned by the Montgomery County Revenue Authority and
24 operated by the Revenue Authority or others in connection with the operation by the
25 Revenue Authority of a public golf course.

26 (4) This subsection does not prohibit the issuance of an on–sale license for
27 the sale of beer and wine for any restaurant located upon land owned by the Montgomery
28 County Revenue Authority and operated by the Revenue Authority or others in connection
29 with the operation of an airport.

30 (5) The City of Takoma Park is excepted from the provisions of paragraph
31 (2) of this subsection.

32 (6) The town of Laytonsville is excepted from the provisions of paragraph
33 (2) of this subsection.

1 (7) Damascus (12th election district) is excepted from the provisions of
2 paragraph (2) of this subsection.

3 (e) The Board of License Commissioners may issue, renew, and transfer and
4 otherwise provide a maximum of 2 Class [H (on-sale) beer and light wine, hotel and
5 restaurant] **B (ON-SALE) BEER, WINE, AND LIQUOR** licenses for use in the town of
6 Laytonsville provided that[:

7 (1) No license may be issued to any restaurant in which pool tables, billiard
8 tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices
9 are used; and

10 (2) Alcoholic] **ALCOHOLIC** beverages served by a licensee may only be
11 consumed by patrons while patrons are seated.

12 (f) The Montgomery County Board of License Commissioners may issue, renew,
13 and transfer and otherwise provide Class H (on-sale) beer and light wine, hotel, and
14 restaurant licenses for use in Damascus (12th election district) provided that:

15 (1) A license may not be issued to any restaurant in which pool tables,
16 billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational
17 devices are used; and

18 (2) Alcoholic beverages served by a licensee may be consumed by a patron
19 only while the patron is seated.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.