

HOUSE BILL 91

A2

5lr0431

By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Economic Matters

A BILL ENTITLED

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)

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

23 **Article 2B – Alcoholic Beverages**

24 8–216.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (i) A country club; or

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

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

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

15 (iii) In the town of Kensington, the Montgomery County Board of
16 License Commissioners may issue a special 2–day on–sale beer and wine license or a special
17 2–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or
18 charitable organization holding an event on municipal property located at 3710 Mitchell
19 Street, Kensington, Maryland.

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

24 A. The west side of Connecticut Avenue between Knowles
25 Avenue and Perry Avenue;

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

28 C. The west side of University Boulevard West;

29 D. Dupont Avenue, west of Connecticut Avenue;

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

31 F. Summit Avenue between Knowles Avenue and Howard
32 Avenue;

33 G. Detrick Avenue between Knowles Avenue and Howard
34 Avenue;

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

3 I. East Howard Avenue;

4 J. Armory Avenue between Howard Avenue and Knowles
5 Avenue;

6 K. Montgomery Avenue between Howard Avenue and
7 Kensington Parkway;

8 L. Kensington Parkway and Frederick Avenue, from
9 Montgomery Avenue to Silver Creek; or

10 M. The east side of Connecticut Avenue between Warner
11 Street and Knowles Avenue.

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

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

17 4. In addition to the restrictions in subsubparagraphs 2 and
18 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K
19 beer, wine and liquor license in the commercial areas specified in subsubparagraph 1I, J,
20 K, L, and M of this subparagraph may not serve alcoholic beverages after 11 p.m.

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

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

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

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

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

1 A. Sell single bottles or cans of beer;

2 B. Sell refrigerated products; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2015.