

HOUSE BILL 93

A2

5lr0417

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 – 1–Day License for Schools, Places**
3 **of Worship, and Youth Centers**

4 **MC 10–15**

5 FOR the purpose of specifying that restrictions on the issuance of a license to sell alcoholic
6 beverages within a certain distance of a secondary or elementary school, a place of
7 worship, or a certain youth center do not apply to the issuance of a 1–day special
8 license for use on the premises of a secondary or elementary school, place of worship,
9 or certain youth center; making certain stylistic changes; and generally relating to
10 the sale of alcoholic beverages in Montgomery County.

11 BY repealing and reenacting, with amendments,
12 Article 2B – Alcoholic Beverages
13 Section 9–216(a)
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2014 Supplement)

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

18 **Article 2B – Alcoholic Beverages**

19 9–216.

20 (a) (1) **THIS SUBSECTION DOES NOT APPLY TO:**

21 **(I) A SPECIAL CULINARY SCHOOL LICENSE ISSUED UNDER**
22 **§ 8–216.3 OF THIS ARTICLE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) A 1-DAY SPECIAL LICENSE FOR USE ON THE PREMISES OF:**

2 **1. AN ELEMENTARY OR SECONDARY SCHOOL;**

3 **2. A PLACE OF WORSHIP; OR**

4 **3. A YOUTH CENTER SPONSORED OR CONDUCTED BY A**
5 **GOVERNMENTAL AGENCY.**

6 **(2)** Except as provided in paragraph (3) of this subsection, the Montgomery
7 County Board of License Commissioners may not issue any license to sell alcoholic
8 beverages within 750 feet of any secondary or elementary school, [church or other] place of
9 worship, or youth center sponsored or conducted by any governmental agency.

10 **[(2)] (3)** Measurement of the required distance shall be made from the
11 nearest point of the building of the proposed establishment for which the license is
12 requested to the nearest point of the building of the school, [church or other] place of
13 worship, or youth center.

14 **[(3)] (4)** The Montgomery County Board of License Commissioners may
15 by majority vote approve the application for any license to sell alcoholic beverages more
16 than 300 feet from any elementary or secondary school, [church or other] place of worship,
17 or youth center sponsored or conducted by any governmental agency provided that the land
18 upon which the building is situated in which the licensee would operate is classified in a
19 commercial or industrial zone under the applicable zoning ordinance and is adjacent or
20 contiguous to other land which is similarly classified under the zoning ordinance.

21 **[(4)] (5)** Nothing in this section shall apply to or affect or prohibit, in any
22 manner, the renewal, transfer, or reissuance of a prior license of any license of any
23 establishment where subsequent to the original granting of the license a school, [church or
24 other] place of worship, or youth center was erected within 750 feet of the establishment.

25 **[(5)] (6)** For the purposes of this section, reissuance shall be limited to a
26 new license for the establishment issued within 1 year from the date of expiration or
27 revocation of a prior license provided the revocation did not result from acts of the owner of
28 the establishment.

29 **[(6)** This subsection does not apply to a special culinary school license issued
30 under § 8-216.3 of this article.]

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
32 October 1, 2015.