

# HOUSE BILL 331

A2

5lr0849

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By: ~~Delegates Vitale and Beidle~~ Anne Arundel County Delegation

Introduced and read first time: February 5, 2015

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Licenses**

3 FOR the purpose of allowing an alcoholic beverages licensee in Anne Arundel County to be  
4 issued a second or third license if the restaurant for which the license is sought is  
5 located in a shopping center that is zoned MXD–C General Commercial; specifying  
6 that the prohibition against issuing more than one license to a person does not apply  
7 to hotel–limited service (on–sale) licenses; specifying that the prohibition against  
8 granting a new license in a building located within a certain distance from a church  
9 or school does not apply to any Class BLX (deluxe restaurant) (on–sale) beer, wine  
10 and liquor license; authorizing a holder of a Class BLX license to obtain, under  
11 certain circumstances, a special music license, special entertainment license, special  
12 dancing license, special outdoor license, or special outdoor entertainment license;  
13 prohibiting a holder of a Class BLX license that is located within a certain distance  
14 from a church or school from obtaining a special dancing license; and generally  
15 relating to alcoholic beverages licenses issued in Anne Arundel County.

16 BY repealing and reenacting, without amendments,  
17 Article 2B – Alcoholic Beverages  
18 Section 8–202.1(a), 9–102(a) and 9–203(c)(2)  
19 Annotated Code of Maryland  
20 (2011 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article 2B – Alcoholic Beverages  
23 Section 8–202.1(j)(3)(v) and (k)(2)(v), 9–102(i), 9–203(c)(3), and 12–202(a)

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**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 Annotated Code of Maryland  
2 (2011 Replacement Volume and 2014 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 8–202.1.

7 (a) This section applies only in Anne Arundel County.

8 (j) A licensee may be issued a second license if:

9 (3) The restaurant for which the license is sought is located in:

10 (v) A shopping center with a gross area of at least 1,000,000 square  
11 feet that is zoned C3 **OR MXD–C** General Commercial by the zoning article of the Anne  
12 Arundel County Code;

13 (k) A licensee may be issued a third license if:

14 (2) The restaurant for which the license is sought is located in:

15 (v) A shopping center with a gross area of at least 1,000,000 square  
16 feet that is zoned C3 **OR MXD–C** General Commercial by the zoning article of the Anne  
17 Arundel County Code;

18 9–102.

19 (a) (1) No more than one license provided by this article, except by way of  
20 renewal or as otherwise provided in this section, shall be issued in any county or Baltimore  
21 City, to any person, or for the use of any partnership, corporation, unincorporated  
22 association, or limited liability company, in Baltimore City or any county of the State.

23 (2) No more than one license shall be issued for the same premises except  
24 as provided in §§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this article.

25 (3) This subsection may not be construed to apply to § 6–201(r)(4), (15),  
26 (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, § 8–902, §  
27 9–102.1, § 9–217(b–1), or § 12–202 of this article.

28 (i) The provisions of subsection (a) of this section do not apply in Anne Arundel  
29 County to [licenses]:

30 (1) **HOTEL–LIMITED SERVICE (ON–SALE) LICENSES; OR**

1           **(2) LICENSES** issued under this article for premises operated as  
2 motel–restaurant complexes or hotel–restaurant complexes having one hundred (100)  
3 rooms or more.

4 9–203.

5           (c)   (2)   (i)   A new license may not be granted to sell alcoholic beverages in  
6 any building located within 1,000 feet in a straight line from entry to entry from a church  
7 or school.

8                           (ii)   A license for the same building may be renewed or extended for  
9 any building located within the specified distance of the grounds of a church or school.

10           (3)   Paragraph (2) of this subsection does not apply to:

11                           (i)   The City of Annapolis;

12                           (ii)   Any transfer or assignment of a license located within the  
13 1,000–foot requirement;

14                           (iii)   Any nonprofit club or nonprofit organization;

15                           (iv)   Any restaurant destroyed by fire, flood, windstorm or any other  
16 act of God and which held a valid alcoholic beverage license at the time it was destroyed if  
17 a new church or school has not been constructed within the 1,000–foot requirement;

18                           (v)   **ANY CLASS BLX (DELUXE RESTAURANT) (ON–SALE) BEER,**  
19 **WINE AND LIQUOR LICENSE;**

20                           [(v)] **(VI)**   Any Class H beer and wine license (on–sale) or Class H  
21 beer, wine and liquor license (on–sale); or

22                           [(vi)] **(VII)**   Any motel–restaurant complex, hotel–restaurant  
23 complex, beer, wine and liquor license (on–sale).

24 12–202.

25           (a)   Except for piped–in background music or one television screen, in Anne  
26 Arundel County no holder of any class of alcoholic beverage license or the holder of a club  
27 license shall permit the playing of music of any kind, including live music, a karaoke  
28 machine, or a disc jockey, or dancing, floor shows, or any other similar type of  
29 entertainment on the licensed premises or on adjacent property over which the licensee has  
30 ownership or control, except:

1 (1) Any holder of a Class B, **CLASS BLX**, Class D, or Class H license shall  
2 be permitted to play recorded music of any kind, or live music with no more than two  
3 musicians if the licensee obtains a special music license. A special music license may be  
4 issued in the same manner as any other special license. The annual fee for the license shall  
5 be \$100. Dancing, floor shows, or other similar live entertainment may not be permitted.

6 (2) (i) Any holder of a Class B, **CLASS BLX**, Class D, or Class H license  
7 may allow the playing of more than one television, live music with not more than four  
8 musicians, karaoke, and a disc jockey, provided the licensee obtains a special entertainment  
9 license that shall be issued in the same manner as any other special license.

10 (ii) The annual fee for a special entertainment license is:

11 1. \$300 for a licensee holding a beer, wine and liquor license;  
12 and

13 2. \$200 for a licensee holding a beer and wine license.

14 (iii) A holder of a special entertainment license may not allow  
15 dancing, floor shows, or similar live entertainment.

16 (3) (i) Except as provided in subparagraph (ii) of this paragraph, any  
17 holder of a Class B, **CLASS BLX**, Class D or Class H license shall be permitted to have  
18 music, dancing and other legal forms of entertainment, provided the licensee obtains a  
19 special dancing license which shall be issued in the same manner as any other special  
20 license. The annual fee shall be \$400 when issued to a licensee holding a beer, wine and  
21 liquor license and \$200 when issued to a licensee holding a beer and wine license.

22 (ii) A **CLASS BLX OR** Class H license that is located within 1,000  
23 feet in a straight line from entry to entry from a church or school may not obtain a special  
24 dancing license.

25 (4) Any holder of a Class C license shall be permitted to have music,  
26 dancing and other legal forms of entertainment, provided the licensee obtains a special  
27 dancing license which shall be issued in the same manner as any other special license at  
28 no additional charge.

29 (5) (i) The Board may issue a special outdoor license to a holder of a  
30 Class B, **CLASS BLX**, Class C, Class D, or Class H license.

31 (ii) A special outdoor license under this paragraph entitles the  
32 holder to provide outdoor table service to customers on the grounds of the licensed  
33 establishment.

34 (iii) The annual fee for a special outdoor license is \$100.

1 (iv) Before a special outdoor license is renewed, a holder shall obtain  
2 approval from the Board.

3 (6) (i) The Board may issue a special outdoor entertainment license to  
4 a holder of a Class B, **CLASS BLX**, Class C, Class D, and Class H license who also holds a  
5 special dancing license, a special music license, or a special entertainment license under  
6 paragraph (1), (2), (3), or (4) of this subsection.

7 (ii) A special outdoor entertainment license under this paragraph  
8 entitles the holder to provide:

9 1. The same form of entertainment outdoors that the holder  
10 is allowed to provide indoors under the holder's special dancing license, special music  
11 license, or special entertainment license; and

12 2. Outdoor table service or cafe service.

13 (7) All special licenses set forth in paragraphs (1), (2), (3), (4), (5), and (6)  
14 of this subsection shall be authorized by the Board of License Commissioners for Anne  
15 Arundel County only when the Board finds:

16 (i) That the use of the licensed premises for such purposes shall not  
17 be in violation of any fire, health, or building regulation of Anne Arundel County,

18 (ii) That the applicant can adequately control the persons using the  
19 licensed premises,

20 (iii) That the granting of such special license is necessary for the  
21 accommodation of the public,

22 (iv) That the operation of the premises under such special license will  
23 not unduly disturb the peace of the residents of the neighborhood in which the place of  
24 business is located, and

25 (v) That in the opinion of the Board the granting of such special  
26 license will not be detrimental to the general public welfare.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2015.