A2 5lr2373 CF 5lr2660

By: Washington County Delegation

Introduced and read first time: February 13, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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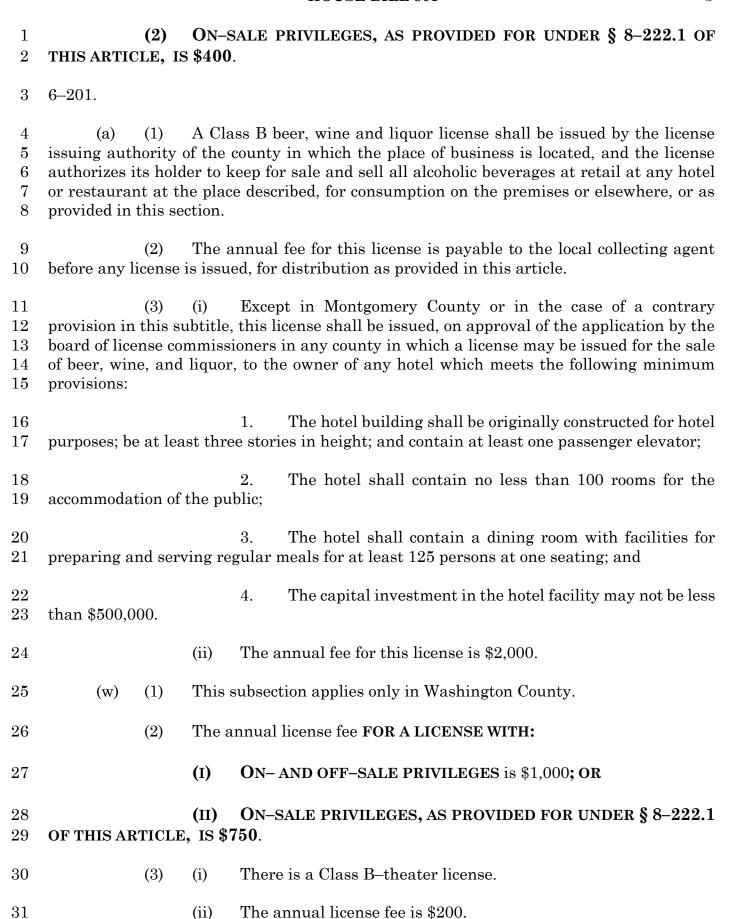
Washington County - Alcoholic Beverages - Conversion of Class P Licenses

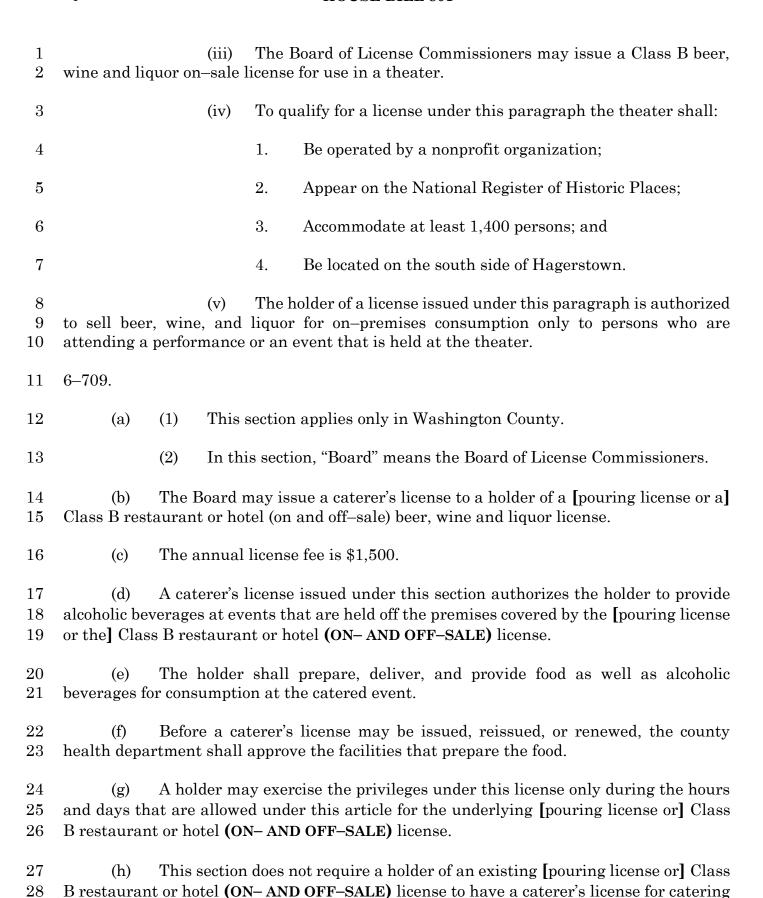
3 FOR the purpose of establishing in Washington County a Class B beer (on–sale) license, a 4 Class B beer and light wine (on-sale) license, and a Class B beer, wine and liquor 5 (on-sale) license; specifying certain license fees; repealing provisions of law 6 concerning a Class P pouring license; authorizing the Washington County Board of 7 License Commissioners to issue a sidewalk cafe license to a holder of certain Class 8 B licenses under certain circumstances; authorizing the Board to issue certain Class 9 B (on-sale) licenses only if an applicant is a restaurant that meets certain requirements; specifying that certain Class B (on-sale) licenses are not subject to 10 11 certain population ratio quota requirements; specifying that the Class B (on-sale) 12 licenses authorize the holder to sell certain alcoholic beverages for on-premises 13 consumption; specifying the term of Class B (on-sale) licenses; requiring a license 14 holder to comply with a request from the Board to submit certain information for a 15 certain report under certain circumstances; specifying standards for the information 16 contained in a certain report submitted to the Board; providing for the conversion of 17 certain Class P licenses to Class B (on-sale) licenses or Class D (on-sale) licenses on 18 a certain date; requiring a license holder, as a condition of having a Class P license 19 converted, to submit a certain report under certain circumstances; requiring a 20 certain applicant to attest that the applicant will comply with a certain requirement 21 under certain circumstances; making conforming changes; defining certain terms; 22 and generally relating to alcoholic beverages licenses in Washington County.

- 23 BY repealing and reenacting, without amendments,
- 24 Article 2B Alcoholic Beverages
- 25 Section 3–201(a), 5–201(a), and 6–201(a)
- 26 Annotated Code of Maryland
- 27 (2011 Replacement Volume and 2014 Supplement)
- 28 BY repealing and reenacting, with amendments,
- 29 Article 2B Alcoholic Beverages

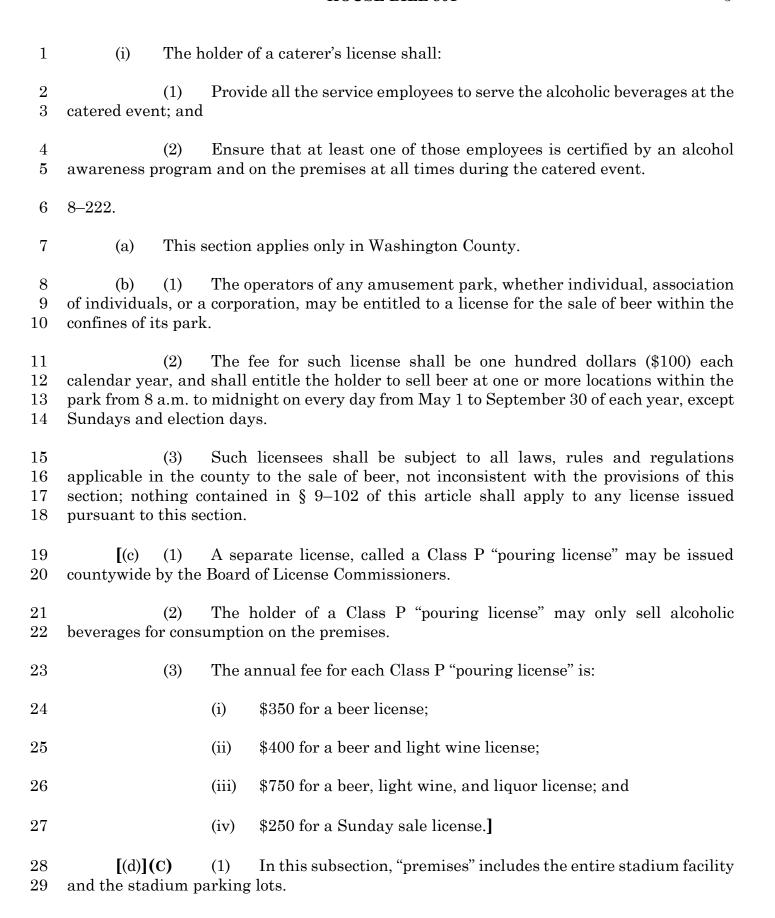
	4	HOUSE BILL 601
1 2 3	Anno	ton 3–201(w), 5–201(w), 6–201(w), 6–709, 8–222, and 9–222 otated Code of Maryland 1 Replacement Volume and 2014 Supplement)
4 5 6 7 8	Secti Anno	to ele 2B – Alcoholic Beverages con 8–222.1 etated Code of Maryland 1 Replacement Volume and 2014 Supplement)
9 10		TION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, aws of Maryland read as follows:
11 12	3–201.	Article 2B – Alcoholic Beverages
13 14 15 16	and sell be	(1) A Class B license shall be issued by the license issuing authority of the which the place of business is located. The holder of the license may keep for sale er at retail at any hotel or restaurant at the place described in the license for on the premises or elsewhere.
17 18	before any	(2) The annual fee for the license shall be paid to the local collecting agent license is issued, for distribution as provided.
19	(w)	In Washington County, the annual license fee FOR A LICENSE WITH:
20		(1) ON- AND OFF-SALE PRIVILEGES is \$50; OR
21 22	THIS ARTI	(2) ON-SALE PRIVILEGES, AS PROVIDED FOR UNDER § 8-222.1 OF CLE, IS \$350.
23	5–201.	
24252627	(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.	
28 29	license is is	(2) The annual fee shall be paid to the local collecting agent before any sued.
30	(w)	In Washington County, the annual license fee FOR A LICENSE WITH:

(1) ON-AND OFF-SALE PRIVILEGES is \$200; OR

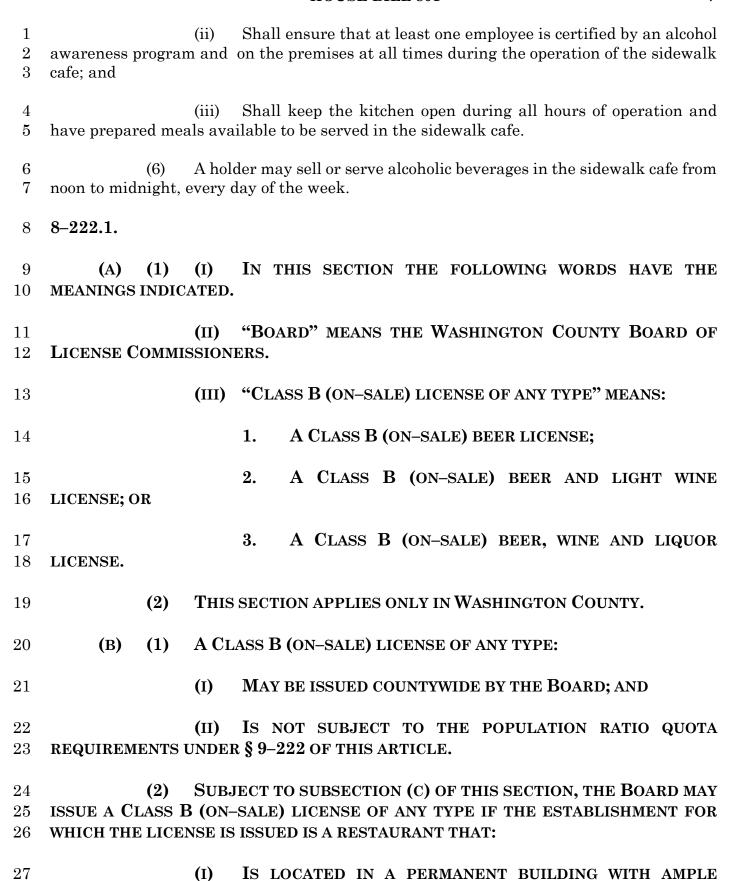




on the premises that is covered by the existing license.



- 1 The Board of License Commissioners may issue a stadium (on-sale) (2)2 license to the owner of a professional baseball team franchise. 3 (3)The franchise may be in any form of business organization, including 4 partnership, corporation, and limited liability company. 5 **(4)** The annual fee is \$2,000. 6 A license entitles the holder to sell beer and light wine: (5)7 (i) Subject to paragraph (4) of this subsection, for consumption on the licensed premises to persons present at any event held in the stadium; 8 9 In plastic, Styrofoam, or paper containers; and (ii) 10 From the time the stadium opens for the event until the event (iii) 11 ends. 12 The written approval of the Board of License Commissioners is required (6)before beer and light wine may be sold, served, or consumed: 13 14 (i) On the parking lots of the stadium; or 15 During any event other than a baseball game in which the team 16 of the license holder is playing. 17 Except for a wholesaler or distributor of beer and light wine that is (7)18 conducting business with the license holder, the license holder may not allow any person to 19 carry alcoholic beverages onto or from the licensed premises. 20 [(e)]**(**D**)** The Board of License Commissioners may issue a sidewalk cafe (1) license to a holder of a Class B [or Class P "pouring license"] LICENSE OF ANY KIND. 2122(2)A license entitles the holder to sell and serve alcoholic beverages in an area on the sidewalk directly in front of the licensed establishment. 23 24(3) The annual fee is \$500. 25A sidewalk cafe license may be issued only with an application for a 26 Class B license [or Class P "pouring license"] **OF ANY KIND**. 27 (5)To maintain a sidewalk cafe license, a holder:
- 28 (i) Shall comply with all rules and regulations applicable to the 29 issuance of the underlying Class B license [or Class P "pouring license"] **OF ANY KIND** and 30 with all municipal ordinances and fire and health department regulations;



SPACE AND ACCOMMODATIONS;

- 1 (II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE
- 2 PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;
- 3 (III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT
- 4 TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS,
- 5 CAN ACCOMMODATE AT LEAST 50 PATRONS; AND
- 6 (IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING
- 7 FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;
- 8 (V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD
- 9 THAT THE ESTABLISHMENT SERVES;
- 10 (VI) SERVES FOOD AT ALL TIMES WHENEVER ALCOHOLIC
- 11 BEVERAGES ARE BEING SERVED OR CONSUMED; AND
- 12 (VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND
- 13 NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC
- 14 BEVERAGES.
- 15 (C) (1) A CLASS B BEER (ON-SALE) LICENSE AUTHORIZES THE HOLDER
- 16 TO SELL BEER FOR ON-PREMISES CONSUMPTION.
- 17 (2) A CLASS B BEER AND LIGHT WINE (ON-SALE) LICENSE
- 18 AUTHORIZES THE HOLDER TO SELL BEER AND LIGHT WINE FOR ON-PREMISES
- 19 CONSUMPTION.
- 20 (3) A CLASS B BEER, WINE AND LIQUOR (ON-SALE) LICENSE
- 21 AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES
- 22 CONSUMPTION.

- 23 (D) THE TERM OF A CLASS B (ON-SALE) LICENSE OF ANY TYPE IS 1 YEAR
- 24 AND BEGINS ON MAY 1 OF EACH YEAR.
- 25 (E) (1) (I) ONCE PER LICENSING CYCLE, A LICENSE HOLDER SHALL
- 26 COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATION
- 27 REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO
- 28 DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT
- 29 UNDER SUBSECTION (B) OF THIS SECTION.
 - (II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

- 1 1. REQUEST THAT A LICENSE HOLDER PROVIDE 2 SUPPORTING DATA OR ADDITIONAL INFORMATION: 2. 3 ISSUE A FINE; OR 3. 4 SUSPEND A LICENSE. 5 AS A PREREQUISITE FOR THE RENEWAL OF A LICENSE UNDER 6 THIS SUBSECTION, AN APPLICANT FOR A CLASS B (ON-SALE) LICENSE OF ANY TYPE
- 7 SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION. 8
- 9 WHEN SUBMITTING A FOOD ALCOHOL RATION REPORT, THE **(3)** APPLICANT SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF 10 11 OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED 12 QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.
- THE APPLICANT OR THE APPLICANT'S ACCOUNTANT SHALL 13 **(4)** COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL 14 RATION REPORT. 15
- 16 **(F)** THE ANNUAL LICENSE FEE:
- 17 FOR A CLASS B (ON-SALE) BEER LICENSE IS SET OUT IN § **(1)** 18 3-201(W) OF THIS ARTICLE;
- 19 **(2)** FOR A CLASS B (ON-SALE) BEER AND LIGHT WINE LICENSE IS SET 20 OUT IN § 5-201(W) OF THIS ARTICLE;
- FOR A CLASS B (ON-SALE) BEER, WINE AND LIQUOR LICENSE IS 21SET OUT IN § 6–201(W) OF THIS ARTICLE; AND 22
- 23 **(4)** FOR A SPECIAL SUNDAY (ON-SALE) LICENSE IS \$250.
- 9-222. 24
- 25In Washington County, except for a special or temporary license or a certificate of permission or renewal license issued to a personal representative under § 26 10-506 of this article, the Board of License Commissioners may not issue a license to sell 2728 alcoholic beverages:
- 29 Until all outstanding gaming proceeds, payments, and fines that are 30 due and owing by the licensee or applicant have been paid or judicially satisfied; and

- 10 **HOUSE BILL 801** 1 For any premises that previously have been licensed under this article, (2) 2 until all county taxes that are due and owing by the licensee for the operation of the 3 business under the previous license have been paid or judicially satisfied. 4 (b) (1)(i) In this subsection the following words have the meanings indicated. 5 "Population ratio quota" means 1 license for each 1,000 6 (ii) 7 individuals, excluding individuals detained or confined in a correctional facility as defined 8 under § 1–101(d) of the Correctional Services Article, who reside in the election district 9 where the license will be issued as determined by the last federal population census. "Restaurant" means an establishment that: 10 (iii) 1. 11 Is located in a permanent building; 12 2. Regularly sells and serves food to the general public; 13 3. Has a seating capacity of at least: 14 A. 75 persons for a Class B alcoholic beverages (on-AND) 15 **OFF**—sale) license; or 16 В. 50 persons for a Class [P] B alcoholic beverages (on–sale) 17 license; and 18 4. Has on an annual basis, gross sales of food and nonalcoholic beverages that exceed its annual gross sales of alcoholic beverages. 19 20 (2)In Washington County, except for a Class [P] B alcoholic beverages (on-sale) license issued to a restaurant UNDER § 8-222.1 OF THIS ARTICLE and any class 2122of alcoholic beverages license renewed or transferred for the same premises, an alcoholic 23 beverages license may not be issued within an election district if the number of alcoholic 24beverages licenses exceeds the population ratio quota. 25If the Washington County Board of License Commissioners 26determines that there is a public need including governmentally sanctioned economic 27 revitalization for the issuance of a license notwithstanding the population ratio quota, the
- 29 The Board shall state in the order granting the issuance of the 30 license the reasons for its decision to exceed the population ratio quota.
- 31 SECTION 2. AND BE IT FURTHER ENACTED, That:

license may be issued by the Board.

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32 On May 1, 2016, unless the Board of License Commissioners for Washington 33 County determines that a Class P license shall convert to a Class D (on-sale) license, a

- 1 Class P license shall convert to a Class B beer (on–sale) license, Class B beer and light wine 2 (on–sale) license, or Class B beer, wine and liquor (on–sale) license as appropriate.
- 3 (b) (1) As a condition of having a Class P license converted to a Class B (on-sale) license or a Class D (on-sale) license, a license holder shall, on request from the Board, submit a Food Alcohol Ration Report covering 2 quarters that the Board selects of the 12-month period immediately preceding the application year to demonstrate compliance with the annual gross sales requirement under § 8–222.1(b), as enacted by Section 1 of this Act.
- 9 (2) If an applicant for a Class B (on-sale) license did not hold an alcoholic beverages license during the 12-month period immediately preceding the application for a Class B (on-sale) license, the applicant shall, on request from the Board, attest in a sworn statement that the applicant will comply with the annual gross sales requirement under § 8-222.1(b), as enacted by Section 1 of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.