

Chapter 110

(House Bill 642)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses

FOR the purpose of authorizing in Anne Arundel County a holder of a ~~certain~~ Class BLX license to be issued a music permit, an entertainment permit, an outdoor permit, or an outdoor entertainment permit; authorizing a holder of a ~~certain~~ Class BLX license to be issued a dancing permit, except under certain circumstances; exempting certain alcoholic beverages licenses in the county from a prohibition against issuing multiple licenses to any one person; exempting a certain class of license from a prohibition against issuing an alcoholic beverages license for a location within a certain distance from a place of worship or school; allowing a license holder to be issued a second or third alcoholic beverages license of a certain type for a restaurant if the restaurant is located in a shopping center that has a certain zoning classification; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 11–102

Annotated Code of Maryland

(As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 11–1102, 11–1507, 11–1603, and 11–1607

Annotated Code of Maryland

(As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General Assembly of 2016)

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

Article – Alcoholic Beverages

11–102.

This title applies only in Anne Arundel County.

11–1102.

(a) (1) On the premises, or on adjacent property over which a license holder has ownership or control, a license holder:

but (i) may allow piped-in background music or one television screen;

(ii) unless issued a permit described in this section that authorizes the activity, may not allow:

1. the playing of music, including live music;
2. the operation of a karaoke machine;
3. the playing of music by a disc jockey; or
4. dancing, floor shows, or any other similar type of entertainment.

(2) The Board may issue a permit described in this section only if the Board finds that:

(i) the applicant can control the individuals using the licensed premises;

(ii) the operation of the premises under the permit will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located; and

(iii) the issuing of the permit:

1. is necessary to accommodate the public;
2. will not be detrimental to the public welfare; and
3. will not violate a County fire, health, or building regulation.

(b) (1) There is a music permit.

(2) The Board may issue the permit to a holder of a Class B license, A **CLASS BLX LICENSE**, a Class D license, or a Class H license.

(3) The permit authorizes the playing of recorded music or live music with not more than two musicians.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fee is \$100.

(c) (1) There is an entertainment permit.

(2) The Board may issue the permit to a holder of a Class B license, **A CLASS BLX LICENSE**, a Class D license, or a Class H license.

(3) The permit authorizes:

(i) live music with not more than four musicians; and

(ii) the playing of:

1. more than one television;

2. a karaoke machine; and

3. music by a disc jockey.

(4) The permit holder may not allow dancing, floor shows, or similar live entertainment.

(5) The annual permit fees are:

(i) \$200 for a holder of a beer and wine license; and

(ii) \$300 for a holder of a beer, wine, and liquor license.

(d) (1) There is a dancing permit.

(2) The Board may issue the permit to a holder of:

(i) a Class B license;

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A CLASS BLX LICENSE;**

(III) a Class C license;

[(iii)] (IV) a Class D license; or

[(iv)](V) except as provided in paragraph (4) of this subsection, a Class H license.

(3) The permit authorizes the holder to provide music, dancing, and other legal forms of entertainment.

(4) The Board may not issue the permit to a holder of a **CLASS BLX LICENSE OR A Class H license** if the premises for which the **CLASS BLX LICENSE OR Class H license** is issued is within 1,000 feet in a straight line from entry to entry from a place of worship or school.

(5) The annual permit fees are:

- (i) \$200 for a holder of a beer and wine license;
- (ii) \$400 for a holder of a beer, wine, and liquor license; and
- (iii) no charge for a holder of a Class C license.

(e) (1) There is an outdoor permit.

(2) The Board may issue the permit to a holder of a Class B license, A **CLASS BLX LICENSE**, a Class C license, a Class D license, or a Class H license.

(3) The permit authorizes the holder to provide outdoor table service to customers on the grounds of the licensed establishment.

(4) The annual permit fee is \$100.

(5) Before the permit may be renewed, a holder shall obtain approval from the Board.

(f) (1) There is an outdoor entertainment permit.

(2) The Board may issue the permit to a holder of a Class B license, A **CLASS BLX LICENSE**, a Class C license, a Class D license, or a Class H license who also holds a music permit, an entertainment permit, or a dancing permit under this section.

(3) The permit authorizes the holder to provide:

(i) the same form of entertainment outdoors that the holder is allowed to provide indoors under the holder's music permit, entertainment permit, or dancing permit; and

(ii) outdoor table service or cafe service.

11-1507.

The prohibition against issuing multiple licenses to an individual or for use of an entity does not apply to:

- (1) resort complexes;
- (2) entertainment facilities, including entertainment concessions;
- (3) motel–restaurant complexes; [or]
- (4) hotel–restaurant complexes having at least 100 rooms; **OR**
- (5) HOTEL–LIMITED SERVICE (ON–SALE) LICENSES.**

11–1603.

(a) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the transfer of a license from the current license holder to a new license holder, unless the transfer would allow the sale of alcoholic beverages by another establishment within the 1,000–foot restriction;

(2) a nonprofit club or nonprofit organization;

(3) a restaurant that held a license at the time the restaurant was destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school has not been constructed within the 1,000–foot restriction;

(4) the issuance of a Class H beer and wine (on–sale) license or beer, wine, and liquor (on–sale) license; [or]

(5) the issuance of a motel–restaurant complex or hotel–restaurant complex beer, wine, and liquor (on–sale) license; **OR**

(6) THE ISSUANCE OF A CLASS BLX (DELUXE RESTAURANT) (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.

(c) For an establishment that is within 1,000 feet of the grounds of a place of worship or school, the Board:

(1) may renew a license;

(2) may extend the area of the licensed premises; but

(3) may not change the operational classification of an existing license, unless the change is from a Class B, Class C, or Class D license to a Class H license.

11-1607.

(a) (1) A license holder may hold not more than 10 licenses of any class in accordance with this section.

(2) Of the licenses held by a license holder:

(i) not more than four licenses may be licenses in which the license holder holds a direct interest; and

(ii) the remaining licenses may only be licenses in which the license holder holds an indirect interest, as evidenced by any of the following relationships involving the license holder and another license holder or the license holder and an applicant for a license:

1. a common parent company;
2. a franchise agreement;
3. a licensing agreement;
4. a concession agreement;
5. membership by the license holder and the other person in a chain of businesses commonly owned and operated and so portrayed to the public;
6. sharing of directors or stockholders or sharing of directors or stockholders of parent companies or subsidiaries;
7. common direct or indirect sharing of profit from the sale of alcoholic beverages;
8. sharing of a common trade name, trademark, logo, or theme; or
9. except for hotels and motels, sharing of a mode of operation identifiable by the public.

(b) The Board may issue one Class B license, Class BLX license, or Class H license to a person for a restaurant located anywhere in the County.

(c) The Board may issue a second license to a license holder if:

- (1) the license holder holds a Class B license that has a restriction prohibiting off-sales, a Class H license, or a Class BLX license;
- (2) the license sought is a Class H license or a Class BLX license; and
- (3) the restaurant for which the license is sought is located in:
 - (i) the Glen Burnie Urban Renewal Area;
 - (ii) the Parole Town Center Growth Management Area;
 - (iii) the Odenton Town Center Growth Management Area;
 - (iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the County in accordance with § 6–301(f)(8) of the Economic Development Article;
 - (v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 ~~OR MDX-C~~ General Commercial OR MXD-C (MIXED USE COMMERCIAL) by the zoning article of the County Code;
 - (vi) the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west;
 - (vii) a community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the County ordinances;
 - (viii) the Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);
 - (ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;
 - (x) the Pasadena Commercial District, consisting of those properties that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or
 - (xi) the area in Pasadena known as the Brumwell Property.

- (d) The Board may issue a third license to a license holder if:
- (1) the license sought is a Class BLX license; and
 - (2) the restaurant for which the license is sought is located in:
 - (i) the Glen Burnie Urban Renewal Area;
 - (ii) the Parole Town Center Growth Management Area;
 - (iii) the Odenton Town Center Growth Management Area;
 - (iv) the Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by the County in accordance with § 6–301(f)(8) of the Economic Development Article;
 - (v) a shopping center with a gross area of at least 1,000,000 square feet that is zoned ~~C3~~ ~~OR MDX-C~~ General Commercial OR MXD-C (MIXED USE COMMERCIAL) by the zoning article of the County Code;
 - (vi) the Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west;
 - (vii) a community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill 97–01 of the County ordinances;
 - (viii) the Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);
 - (ix) the Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;
 - (x) the Pasadena Commercial District, consisting of those properties that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps adopted by the County Council for the Pasadena Small Area Planning District; or
 - (xi) the area in Pasadena known as the Brumwell Property.

(e) (1) The Board may issue a fourth, fifth, sixth, seventh, eighth, ninth, or tenth license to a license holder if the license sought is a Class BLX license.

(2) The restaurant for which the license is sought may be located anywhere in the County.

(f) (1) Except as provided in paragraph (2) of this subsection, a license that was issued on or before June 30, 2006, and in which a license holder holds a direct interest or an indirect interest shall be counted against the maximum number of 10 licenses that the license holder may hold under this section but is exempt from the restrictions under subsections (b) through (e) of this section.

(2) A Class H license that was issued in the period beginning on March 14, 2005, and ending on December 1, 2005, may not be counted against the maximum number of 10 licenses that the license holder may hold under this section.

(g) The Board shall adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, April 12, 2016.