

Article - Alcoholic Beverages

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§11-517.

(a) This section applies only in Prince George's County.

(b) (1) (i) A holder of any retail "on-sale" alcoholic beverage license or any agent, servant or employee of a holder of any "on-sale" alcoholic beverage license may not sell or serve any alcoholic beverages for consumption on the licensed premises or permit any alcoholic beverages to be consumed on the licensed premises between the hours of 2:00 a.m. and 6:00 a.m., except as provided in subsection (c) of this section.

(ii) Holders of any "on-sale" retail alcoholic beverage license, their agents, servants, or employees may sell beer and light wine on Sunday for consumption on the licensed premises, except between the hours of 2:00 a.m. and 8:00 a.m.

(iii) Subject to paragraph (2) of this subsection, a holder of any Class B restaurant license, with or without an on-sale Sunday permit that authorizes the holder to sell liquor by the glass, may sell beer, wine and liquor on Sunday when it falls on Christmas Eve or New Year's Eve, except between the hours of 2:00 a.m. and 8:00 a.m.

(2) (i) Subject to subparagraph (ii) of this paragraph, a holder of a Class A retail "off-sale" alcoholic beverages license or a Class B or D alcoholic beverages license with off-sale privileges, or any agent, servant or employee of the holder, may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m.

(ii) A holder of a Class A beer, wine and liquor license or any agent, servant or employee of a holder of a Class A beer, wine and liquor license may not make any sale on Sunday after 12:00 a.m. unless:

1. December 24 and 31 fall on a Sunday; or
2. The holder of a Class A beer, wine and liquor license holds a special Sunday off-sale permit under subsection (l) of this section.

(c) Notwithstanding any other provisions of this article, if a Class B on-sale licensee has live entertainment within the licensed premises on Friday, or Saturday nights, the licensee may sell or serve alcoholic beverages for consumption on the licensed premises, in accordance with his license, between the hours of 6:00 a.m. and 3:00 a.m. of the following day.

(d) (1) Notwithstanding the provisions of § 11-304 of this article, between the hours of 2:00 a.m. and 6:00 a.m. on any day, a person may not consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, any premises occupied regularly by a private club or organization, or

any place at which setups or other component parts of mixed alcoholic drinks are sold directly or indirectly, except as provided in subsection (c) of this section.

(2) (i) Any person found consuming any alcoholic beverage within these premises or in any place during the hours specified is guilty of a misdemeanor and upon conviction fined not more than \$50 and not less than \$5.

(ii) The owner, operator, manager, waiter, server or employee of any of these premises or places may not knowingly permit this consumption on those premises or in that place during the hours specified. Any owner, operator, manager, waiter, server or employee of any of these premises or places who knowingly permits this consumption during the hours specified is guilty of a misdemeanor and upon conviction is subject to the penalties provided in § 16–503 of this article.

(e) The holder of a Class A (off–sale) license who offers for sale in his licensed premises commodities other than alcoholic beverages and is open on Sundays for the sale of such commodities shall keep all alcoholic beverages upon the premises in a separate beverage department securely closed and locked in a compartment, compartments or enclosure between the hours of 12:00 a.m. on Sunday and 6:00 a.m. the following Monday, subject to regulations of the Board of License Commissioners not inconsistent with the provisions hereof. The provisions of this subsection do not apply to alcoholic beverages in storage areas which are not open to the public.

(f) (1) (i) Except as provided in subsection (l) of this section and subparagraph (ii) of this paragraph, the holder of a Class B beer, wine and liquor license, and an agent, a servant, or an employee of a holder of a Class B beer, wine and liquor license may not sell any alcoholic beverages for consumption off the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. or on Sunday after 12:00 a.m. from any separate store established on the licensed premises as an “off–sale store” or to keep an “off–sale store” open for business on Sunday after 12:00 a.m.

(ii) Beer and light wine only may be sold from an “off–sale” store which is attached to and a part of the licensed premises on Sunday after 8:00 a.m. until 12:00 a.m. the day following.

(2) For the purposes of this subsection, the Board of License Commissioners shall determine by reasonable standards what shall constitute an “off–sale store”.

(3) Nothing further herein shall be construed to permit sales at any time between 12:00 a.m. and 6:00 a.m. of any day.

(g) Notwithstanding any other provisions of this article, the holder of:

(1) A special Class C (concession) license pursuant to § 6–301(r)(7) of this article may sell alcoholic beverages on Sundays between the hours of 12 noon and 2 a.m. the following day;

(2) A special Class C (fraternal/sororal) license pursuant to § 6–301(r)(3) of this article may not sell, serve, or permit alcoholic beverages to be consumed on the licensed premises on Sundays before 12 noon or after 2 a.m. the following day; or

(3) A special Class C (yacht) license pursuant to § 6–301(r)(4) of this article may not sell, serve, or permit alcoholic beverages to be consumed on the licensed premises on Sunday before 12 noon or after 12 midnight.

(h) (1) Notwithstanding any other provisions of this article, the holder of a wholesale license may enter into an agreement with the holder of a special 1 day license issued pursuant to § 7–101 of this article to deliver beer on the effective day of the license and accept returns on the same day of delivery.

(2) The parties shall agree upon the type of equipment, services, personnel, and supplies that shall be required for the dispensing of draft beer.

(i) (1) In the 24th alcoholic beverages district of Prince George’s County as described in § 9–217(l) of this article, notwithstanding any other provision of this article, the Board of License Commissioners may change the closing hour and reduce the hours of sale of any licensee, under any class of alcoholic beverages license:

(i) On receipt of a bona fide complaint concerning the licensed premises; and

(ii) After a hearing on the complaint.

(2) A decision of the Board of License Commissioners made under this subsection may be appealed as provided under § 16–101 of this article.

(j) (1) In the 25th alcoholic beverages district of Prince George’s County as described in § 9–217(l) of this article, notwithstanding any other provision of this article, the Board of License Commissioners may change the closing hour and reduce the hours of sale of any licensee, under any class of alcoholic beverages license:

(i) On receipt of a bona fide complaint concerning the licensed premises; and

(ii) After a hearing on the complaint.

(2) A decision of the Board of License Commissioners made under this subsection may be appealed as provided under § 16–101 of this article.

(k) (1) This subsection applies only to Class B–DH (draffhouse) licenses.

(2) On Saturdays, Sundays, and holidays, the hours for sale are from 5 p.m. until 1:30 a.m. the following day.

(3) If a family matinee continues beyond 5 p.m., alcoholic beverages may

not be served until 15 minutes following the end of the matinee.

(4) Except for holidays which are governed by paragraph (2) of this subsection, on weekdays the hours for sale are from 11 a.m. until 1:30 a.m. the following day.

(1) (1) There is a special Sunday off-sale permit.

(2) Subject to paragraph (3) of this subsection and except as provided in paragraphs (4) and (5) of this subsection, the Board of License Commissioners may issue the permit to the holder of:

(i) A Class A beer, wine and liquor license; or

(ii) A Class B beer, wine and liquor license with an off-sale privilege under § 6-201(r)(2)(ii) of this article.

(3) Not more than 100 special Sunday off-sale permits may be in effect at any one time.

(4) (i) This paragraph applies to a holder of a license listed in paragraph (2) of this subsection that was issued the license before July 1, 2015.

(ii) If the holder of a license has been found by the Board of License Commissioners to have violated a restriction on selling liquor on Sunday, the Board of License Commissioners may not issue a special Sunday off-sale permit to the holder before:

1. January 1, 2016, if the holder:

A. Committed only one violation between July 1, 2014, and June 30, 2015, both inclusive; and

B. Did not commit a violation of a restriction on selling liquor on Sunday between July 1, 2013, and June 30, 2014, both inclusive; or

2. July 1, 2016, if the holder committed at least two violations between July 1, 2013, and June 30, 2015, both inclusive.

(5) The Board of License Commissioners may not issue a special Sunday off-sale permit to a holder of a license listed in paragraph (2) of this subsection that was found by the Board of License Commissioners to have violated a restriction on selling liquor on Sunday without a special Sunday off-sale permit on or after July 1, 2015.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, an applicant for a special Sunday off-sale permit shall commit in the application to reinvesting a minimum of \$50,000 in the business within 1 year after the permit is issued.

(ii) The Board of License Commissioners may waive the reinvestment requirement.

(iii) The Board of License Commissioners shall revoke a special Sunday off-sale permit if:

1. The Board of License Commissioners did not waive the reinvestment requirement under subparagraph (ii) of this paragraph; and

2. The holder of the special Sunday off-sale permit fails to make the required reinvestment.

(7) The permit authorizes the sale of alcoholic beverages that the holder is authorized to sell:

(i) On Sunday, from 8 a.m. to midnight; and

(ii) For consumption off the licensed premises only.

(8) If the holder of a Class B beer, wine and liquor license with an off-sale privilege is issued a special Sunday off-sale permit, the holder is no longer required to comply with any restaurant or food requirements.

(9) The application fee for a special Sunday off-sale permit is \$750.

(10) (i) The annual permit fee for the special Sunday off-sale permit is:

1. For the holder of a Class A beer, wine and liquor license, \$2,590; and

2. For the holder of a Class B beer, wine and liquor license with an off-sale privilege, \$1,080.

(ii) The annual permit fee listed in subparagraph (i) of this paragraph is in addition to the annual fee for the Class A beer, wine and liquor license or Class B beer, wine and liquor license to which it is attached.

(11) The Board of License Commissioners may adopt regulations to carry out this subsection.

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