

Article - Alcoholic Beverages

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§6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(2) The annual fee for this license is payable to the local collecting agent before any license is issued, for distribution as provided in this article.

(3) (i) Except in Montgomery County or in the case of a contrary provision in this subtitle, this license shall be issued, on approval of the application by the board of license commissioners in any county in which a license may be issued for the sale of beer, wine, and liquor, to the owner of any hotel which meets the following minimum provisions:

1. The hotel building shall be originally constructed for hotel purposes; be at least three stories in height; and contain at least one passenger elevator;

2. The hotel shall contain no less than 100 rooms for the accommodation of the public;

3. The hotel shall contain a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating; and

4. The capital investment in the hotel facility may not be less than \$500,000.

(ii) The annual fee for this license is \$2,000.

(b) (1) The provisions of this subsection apply only in Allegany County.

(2) (i) The Board of License Commissioners may issue Class B beer, wine and liquor (on-sale) licenses.

(ii) This license shall be issued for the exclusive use:

1. On the premises of a restaurant that is located within a hotel or motel establishment; or

2. If used in conjunction with a Class 7 micro-brewery license, on the premises of a restaurant only.

(iii) In addition to other county requirements provided for in this

article:

1. The hotel or motel shall be an establishment having at least 100 bedrooms for public accommodation; and

2. The restaurant shall be an establishment:

A. Located in a permanent building with ample space and accommodations for preparing, serving, and selling meals to the public during business hours;

B. That 60 percent of its gross monthly revenue is derived from the sale of food;

C. That has waiter or waitress service to its customers who are seated at tables for dining; and

D. That is not considered to be a fast-food style facility.

(iv) This license authorizes the holder to sell beer, wine and liquor by the drink for consumption on the licensed premises only.

(v) This license does not have off-sale privileges.

(vi) The requirements for hours and days of sale are as provided under § 11-501(a) and (b) of this article.

(vii) The annual license fee is \$800.

(viii) This license is exempt from any license population quota limitation.

(ix) Notwithstanding any law to the contrary, this license may not be transferred to a location other than the premises for which it was issued.

(3) (i) The Board of License Commissioners may issue a special Class B-BT (Buffet Theater) on-sale beer, light wine and liquor license for the use of an establishment that:

1. Is operated as a nonprofit professional theater;

2. Provides to its customers live Broadway-style musicals, comedy, drama, live acoustic-style music, or feature films; and

3. Is open to the public by reservation.

(ii) The holder of a Class B-BT license may sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for on-premises consumption beginning 2 hours before the performance, during the performance, and

for 2 hours after the end of the performance on:

1. Monday through Saturday; and
2. Sunday no earlier than 1 p.m.

(iii) The license does not authorize the holder to sell alcoholic beverages:

1. For off-premises consumption by the drink or by the bottle;
2. At any time except in conjunction with the buffet theater.

or

(iv) The annual fee for a Class B–BT license is \$350.

(4) (i) There is a special Class B–MB (micro-brewery/restaurant) license.

(ii) The Board of License Commissioners may issue a special Class B–MB license to a holder of a Class 7 manufacturer’s license.

(iii) The holder of a Class B–MB license may sell at retail beer and light wine by the drink or by the bottle and liquor by the drink for consumption on the premises, including:

1. In a banquet room or banquet facility that is on the licensed premises; and

2. On a patio that is part of the licensed premises as evidenced by lease documents or by agreement of the owner of the licensed premises.

(iv) The holder of a Class B–MB license may sell at retail beer and light wine by the bottle for off-premises consumption.

(v) The hours of sale are:

1. For consumption on the premises:

A. On Monday through Saturday, from 7 a.m. to 2 a.m. the following day; and

B. On Sunday, from 1 p.m. to 2 a.m. the following day; and

2. For consumption off the premises on Monday through Saturday, from 7 a.m. to 2 a.m. the following day.

(vi) The annual fee for a Class B–MB license is \$900.

(b-1) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Concessionaire” means a lessee, sublessee, or any other operator of an establishment that:

1. Engages in the daily sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and

2. Is operated as a concession independent of the Class BWL-VLF license.

(iii) “Video lottery facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(2) (i) There is a Class BWL-VLF (video lottery facility) beer, wine and liquor license.

(ii) The Board may issue a Class BWL-VLF license for a video lottery facility that contains one or more food service facilities, bars, or lounges.

(iii) The Class BWL-VLF license may be issued to an individual or entity that owns a video lottery facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(iv) An applicant for a Class BWL-VLF license may not be required to meet any location, voting, or residency requirement.

(v) A Class BWL-VLF license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the video lottery facility or on grounds controlled by the licensee, as defined in the Class BWL-VLF license.

(3) (i) There is a Class BWL-VLC (video lottery concessionaire) beer, wine and liquor license.

(ii) The Board may issue a Class BWL-VLC license to one or more concessionaires operating in the video lottery facility.

(iii) Notwithstanding any other provision of this article, a Class BWL-VLC license authorizes the licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the Class BWL-VLF licensee, as defined in the Class BWL-VLF license.

(4) (i) The annual fee for a Class BWL-VLF license is \$15,000.

(ii) The annual fee for a Class BWL–VLC license is \$5,000.

(iii) The annual license fee shall be paid to the Board on or before May 1 of each year.

(5) (i) An off–sale privilege is not conferred by a Class BWL–VLF license or a Class BWL–VLC license.

(ii) Beer, wine, and liquor purchased under a Class BWL–VLF license or a Class BWL–VLC license may be taken anywhere in a video lottery facility or on grounds controlled by the Class BWL–VLF licensee, as defined in the Class BWL–VLF license.

(6) A Class BWL–VLF license and a Class BWL–VLC license authorize:

(i) The playing of music and dancing; and

(ii) The sale and provision of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL–VLF licensee during those days and hours that the video lottery facility is open for business.

(7) Class BWL–VLF and Class BWL–VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this subsection.

(8) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a Class BWL–VLC licensee shall apply to the concessionaire that the Board determines to be responsible for the violation.

(c) (1) The provisions of this subsection apply only in Anne Arundel County and do not apply to the City of Annapolis.

(2) The annual fee for a Class B license is \$1,080.

(3) (i) A Class H beer, wine and liquor license authorizes the holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for consumption on the premises.

(ii) The annual fee for this license is \$960.

(d) (1) (i) This subsection applies only in Baltimore City.

(ii) Except as otherwise provided by this subsection, the annual license fee is:

1. \$1,320 for a licensed establishment with a seating capacity of 200 or fewer; and

2. \$1,800 for a licensed establishment with a seating capacity of more than 200.

(iii) In this paragraph “46th Alcoholic Beverages District” means an area that at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

(iv) Except for the 46th Alcoholic Beverages District, this license shall be issued in accordance with the provisions of subsection (a) of this section.

(v) 1. Except as provided in subparagraph 2 of this subparagraph, in an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

A. After July 1, 1991 may not include an off-sale alcoholic beverages privilege;

B. Before July 1, 1991 with an on-sale alcoholic beverages privilege only may not be changed or altered to include an off-sale alcoholic beverages privilege;

C. Before July 1, 1991 with both on- and off-sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; and

D. Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off-sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

2. A license specified under subparagraph 1 of this subparagraph may include an off-sale privilege for sales of refillable containers under a refillable container permit issued in accordance with § 8-203(e) of this article.

(vi) The sales prohibition in subparagraph (v)1D of this paragraph does not apply to a Class B beer, wine and liquor licensee:

1. Whose license was issued before July 1, 1991; and

2. Who prior to July 1, 1991 operated the premises and exercised the sales privileges under the license on Sundays.

(vii) In addition to the other requirements provided for in this subsection, in the 46th Alcoholic Beverages District the restaurant shall have a minimum:

1. Except as provided in subparagraph (ix) of this paragraph, capital investment of \$500,000 for restaurant facilities not including the cost of the land, the building, or improvements that are not to the interior of a building on the licensed premises; and

2. Seating capacity of 75 persons, and, except as provided in subparagraph (ix) of this paragraph, a maximum seating capacity of 150 persons.

(viii) 1. Notwithstanding § 1-102(a)(22)(i)3 of this article and, except as provided in subparagraph (ix) of this paragraph, for a licensee who is issued a Class B beer, wine and liquor license for use in a restaurant in the 46th Alcoholic Beverages District, the average daily receipts from the sale of food must be at least 51% of the total daily receipts of the restaurant.

2. A licensee annually, at the time the license is renewed, shall file with the Board of Liquor License Commissioners for Baltimore City a statement of average daily receipts and an affidavit of a licensed certified public accountant that verify that the licensee has met the requirement of subsubparagraph 1 of this subparagraph or subparagraph (ix) of this paragraph.

3. A license may not be transferred from the location of its first issuance.

4. A license may not be issued for use in an establishment that is a fast food style restaurant.

(ix) The Board of Liquor License Commissioners for Baltimore City may issue a Class B beer, wine and liquor license for use in a restaurant that has a seating capacity exceeding 150 persons if the restaurant:

1. Is located in ward 26, precinct 8, ward 4, precinct 1, or ward 3, precinct 3 of the 46th Alcoholic Beverages District, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002;

2. Has a minimum capital investment of \$700,000; and

3. Has average daily receipts from the sale of food that are at least 65% of the total daily receipts.

(x) Until July 1, 2005, the Board of Liquor License Commissioners for Baltimore City may issue a Class B beer, wine and liquor license for use in a restaurant that has a seating capacity exceeding 150 persons if the restaurant:

1. Is an establishment located in an area identified in § 9-204(e)(1) of this article;

2. Has a minimum capital investment of \$1,000,000; and

3. Has average daily receipts from the sale of food that are at least 70% of the total daily receipts.

(xi) Notwithstanding any restriction or requirement in this article regarding the issuance of Class B beer, wine and liquor licenses, a not for profit arts center in the Highlandtown arts and entertainment district that holds a Class C license on June 1, 2004, may apply to the Board of Liquor License Commissioners for Baltimore City to convert that license into a Class B beer, wine and liquor license.

(2) (i) There is a Class B–BWL (H–M) license.

(ii) The Class B–BWL (H–M) license shall be issued to any hotel or motel meeting the minimum criteria of subparagraph (iv) of this paragraph.

(iii) The annual license fee is \$6,500.

(iv) The minimum criteria for the issuance of a Class B–BWL (H–M) license are as follows:

1. The hotel or motel shall contain no less than 100 rooms for the accommodation of the public;

2. The hotel or motel shall contain a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating; and

3. The capital investment in the hotel or motel facility may not be less than \$500,000.

(v) A Class B–BWL (H–M) license may not be required of any restaurant that is not located in a hotel or motel or of any catering establishment.

(3) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Arena” means a facility that is a:

A. Catering hall;

B. Banquet hall;

C. Auditorium;

D. Theatre;

E. Athletic facility;

F. Concert facility; or

G. Stadium.

3. "Board" means the Board of License Commissioners.

4. "Person" means a natural person, an association, a firm, a partnership, a corporation, or the Mayor and City Council of Baltimore.

(ii) There is an arena license.

(iii) 1. A licensee may sell beer, wine and liquor by the drink and by the bottle within the arena, from one or more outlets, for consumption on the licensed premises.

2. An arena license may not be issued in the Second and Third Wards after October 1, 1994. Licenses issued prior to that date are valid and may be treated like any other license.

(iv) The Board may issue an arena license only if the applicant has:

1. A minimum capital investment, not including any real property, of \$1,000,000; and

2. A minimum capacity of 1,000 people, as determined by the Baltimore City Fire Department.

(v) This license shall be issued only to the person, firm, or corporation owning or leasing an arena, one of whom must be a resident of the State of Maryland, or to a concessionaire designated by the person, firm or corporation owning or leasing the arena. The concessionaire need not be a resident of the State of Maryland.

(vi) The Board shall prescribe regulations pertaining to the manner of dispensing alcoholic beverages, the number of outlets authorized to dispense alcoholic beverages, and the hours and days of sale.

(vii) The licensee is subject to all of the provisions of this article and to the regulations of the Board of License Commissioners.

(viii) The annual license fee for the arena license is \$12,000.

(4) (i) The owner or owners of any regularly licensed racing establishment, or the concessionaire or catering organization at such place, whether an individual, association or corporation, without additional residential, voting or locative qualifications may procure a license for the sale of beer, wine and liquor within the confines of its racing park.

(ii) The license fee is \$55 per day.

(iii) The holder may sell at one or more locations within its park.

(iv) The licenses and the licensees are subject to all laws and

regulations applicable in Baltimore City to the sale of alcoholic beverages that are not inconsistent with the provisions of this subsection.

(5) A licensee that is issued a license for room service for an establishment with fewer than 100 rooms shall pay an annual room service fee of \$1,000 in addition to the license fee.

(6) Except as provided under subsection (d–1) of this section, in addition to the annual license fee, a licensee issued a license under this subsection shall pay annually:

- (i) \$500, if the licensee provides live entertainment; and
- (ii) \$200, if the licensee provides outdoor table or cafe service.

(d–1) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Concessionaire” means a lessee, sublessee, or any other operator of an establishment that:

1. Engages in the daily sale of beer, wine, and liquor by the drink or by the bottle on its premises for consumption anywhere in a video lottery facility; and

2. Is operated as a concession independent of the Class BWL–VLF licensee.

(iii) “Video lottery facility” means a facility that holds a license under Title 9, Subtitle 1A of the State Government Article.

(2) (i) There is a Class BWL–VLF (video lottery facility) beer, wine and liquor license.

(ii) The Board may issue a Class BWL–VLF license for a video lottery facility that contains one or more food service facilities, bars, or lounges.

(iii) The Class BWL–VLF license may be issued to an individual or entity that owns a video lottery facility and holds a license under Title 9, Subtitle 1A of the State Government Article.

(iv) An applicant for a Class BWL–VLF license need not meet any location, voting, or residency requirement.

(v) A Class BWL–VLF license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the video lottery facility or on grounds controlled by the licensee, as defined in the Class BWL–VLF license.

- (3) (i) There is a video lottery concessionaire (Class BWL–VLC) license.
- (ii) The Board may issue a Class BWL–VLC license to one or more concessionaires operating in the video lottery facility.
- (iii) Notwithstanding any other provision in this article, a Class BWL–VLC license authorizes the licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the Class BWL–VLC licensee, as defined in the Class BWL–VLC license.
- (4) (i) The annual fee for a Class BWL–VLC license is \$15,000.
- (ii) The annual fee for a Class BWL–VLC license is \$5,000.
- (iii) The annual license fees shall be paid on May 1 to the Board.
- (5) (i) An off–sale privilege is not conferred by a Class BWL–VLC license or a Class BWL–VLC license.
- (ii) Beer, wine, and liquor purchased under a Class BWL–VLC license or a Class BWL–VLC license may be taken anywhere in a video lottery facility or on grounds controlled by the Class BWL–VLC licensee, as defined in the Class BWL–VLC license.
- (6) A Class BWL–VLC license and a Class BWL–VLC license authorize:
- (i) The playing of music and dancing; and
- (ii) The sale and providing of beer, wine, and liquor throughout the video lottery facility and grounds controlled by the Class BWL–VLC licensee during those days and hours that the video lottery facility is open for business.
- (7) Class BWL–VLC and Class BWL–VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this subsection.
- (8) Any penalty or other sanction that is imposed for a violation of a regulation of the Board on the licensed premises of a Class BWL–VLC licensee shall apply to the concessionaire that the Board determines to be responsible for the violation.
- (e) (1) This subsection applies only in Baltimore County.
- (2) The annual fee for a license is \$1,500.
- (3) The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverage on the premises may occupy no less

than 80 percent of the square foot area. These occupancy requirements do not apply to or affect any present licensee having this license prior to December 31, 1966.

(f) (1) This subsection applies only in Calvert County.

(2) The annual fee for a Class B license is:

(i) \$1,250, if the place of business remains open until midnight; or

(ii) \$2,250, if the place of business remains open until 2 a.m.

(3) (i) There is a Class BR beer, wine and liquor license which authorizes licensees to sell beer, wine, and liquor in restaurants for on-sale consumption with meals only.

(ii) The annual license fee for each license is \$500.

(iii) Hours and days for sale are those for other Calvert County Class B licensees.

(4) (i) In the 27th Legislative District of Calvert County, there is a Class BLX license for luxury-type restaurants.

(ii) The Class BLX license shall be applied for in the same manner as are other classes of licenses.

(iii) The license fee is \$2,400.

(iv) A luxury-type restaurant shall be defined by the County Liquor Board.

(v) To qualify for a Class BLX license, a restaurant shall have:

1. A minimum capital investment of \$500,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. A seating capacity of at least 150 persons.

(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 4 Class B and Class BLX licenses.

(vii) An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

1. A common parent company;
2. A franchise agreement;
3. A licensing agreement;
4. A concession agreement;
5. Dual membership in a chain of businesses commonly owned and operated;
6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;
7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(g) (1) This subsection applies only in Caroline County.

(2) Bona fide hotels and restaurants, as defined by the Board of License Commissioners, may serve liquors, wines, and beers by the drink only and only upon the premises.

(3) The annual license fee for a:

- (i) 6-day license is \$1,000; and
- (ii) 7-day license is \$1,250.

(h) (1) (i) This subsection applies only in Carroll County.

(ii) In this subsection "Board" means the Board of License Commissioners.

(2) (i) The annual license fee is \$1,500 for a restaurant and \$1,500 for a hotel.

(ii) This license may be issued to a bona fide hotel which:

1. Is an establishment for the accommodation of the public providing service ordinarily found in hotels;

2. Is equipped with not fewer than 25 rooms, a lobby with registration and mail desk, seating facilities and a dining room which serves full-course meals at least twice daily and which has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and

3. Is operated in facilities which are valued for purposes of State and local assessment and taxation at not less than \$50,000.

(iii) 1. This license may be issued to a restaurant which meets the following requirements and conditions:

A. Is open for business at least 5 days each week and serves at least 2 full-course meals each day Monday through Friday that it is open and at least 1 full-course meal each day it is open on Saturday and Sunday;

B. Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and

C. Is operated in facilities which are valued for purposes of State and local assessment and taxation at not less than \$50,000.

2. A. In this subparagraph “premises” means an area inside the restaurant building where meals are prepared and served, and an area on the outside of the restaurant building that is approved in writing by the Board.

B. This license permits the sale of beer, wine, and liquor for on-premises consumption, the sale of beer for off-premises consumption on any day of the week, and, subject to subparagraph 3 of this subparagraph, the sale of wine for off-premises consumption on any day of the week.

3. A. A holder of the license may sell wine for off-premises consumption if the area used for the preparation and consumption of food and beverages occupies at least 90% of the total square footage of the licensed premises; and

B. The holder of the license may not sell more than six bottles of wine to an individual at one time.

(iv) Whenever application is made for licensing under this subsection for any new or improved building, the supervisor of assessments, at the request of the Board, shall assess the building and advise the Board of the valuation of the building for assessment and taxation purposes.

(v) The valuation of the building for assessment and taxation purposes as set out in subparagraphs (ii) and (iii) of this paragraph does not affect or prohibit in any manner the renewal or transfer of any Class B license issued prior to May 1, 1979.

(3) (i) There is a Class BC license.

(ii) The Board may issue a Class BC restaurant or hotel and caterer’s (on- and limited off-sale) beer, wine and liquor license to an applicant:

1. Who has a restaurant or hotel which meets the licensure

requirements and conditions provided under this section; or

2. Who is a holder of a Class B hotel or restaurant (on- and off-sale) beer, wine and liquor license issued in Carroll County, if the holder surrenders the license to the Board before being issued a new license under this paragraph.

(iii) The Class BC restaurant or hotel and caterer's license issued under this section authorizes the holder to sell:

1. Beer, wine and liquor, 7 days a week, on the restaurant or hotel premises for on-premises consumption;

2. Beer, 7 days a week, on the restaurant or hotel premises for off-premises consumption; and

3. Beer, wine and liquor, 7 days a week, at catered events held in Carroll County off the restaurant or hotel premises for on-premises consumption.

(iv) The holder of a license issued under this paragraph shall provide food as well as alcoholic beverages for consumption at the catered event.

(v) The annual fee for a license issued under this paragraph is \$250 more than the annual fee for a Class B hotel or restaurant (on- and off-sale) beer, wine and liquor license issued in Carroll County.

(vi) The holder of a license issued under this section may exercise the license privileges only during the hours and days that are permitted under this article for a Class B hotel or restaurant (on- and off-sale) beer, wine and liquor license issued in Carroll County.

(vii) Upon payment of an additional annual license fee of \$250, the holder of a Class BR license has the privileges of the holder of a Class BC license specified in subparagraph (iii)3 of this paragraph, subject to the restrictions set forth in subparagraph (iv) of this paragraph.

(4) (i) 1. There is a Class BR license.

2. In this paragraph, "premises" means an area inside the restaurant building where meals are prepared and served and an area on the outside of the restaurant building that is approved in writing by the Board.

(ii) The annual license fee is \$2,000.

(iii) The Board may issue a Class BR beer, wine and liquor license to an applicant who owns or operates a restaurant that:

1. Serves at least one full-course evening dinner meal at least 5 days a week;

2. Is only open during the time meals are served;
3. Has a regular seating capacity at tables (not including seating at bars and counters) for 50 or more people; and
4. Is operated in facilities which are valued for purposes of State and local assessment and taxation at not less than \$50,000.

(iv) Whenever an application is made for a Class BR license for a new or improved building, the Supervisor of Assessments, at the request of the Board, shall assess the building and advise the Board of the valuation of the building for assessment and taxation purposes.

(v) A Class BR license authorizes the licensee to sell beer, wine and liquor, 7 days a week, on the premises of the restaurant for consumption with meals on the premises or for consumption on the premises pursuant to regulations adopted by the Board.

(i) (1) This subsection applies only in Cecil County.

(2) The annual license fee is \$750.

(3) (i) Notwithstanding the license quota provisions of § 8–208 of this article, the Board of License Commissioners may issue special Class B licenses known as Class BLX beer, wine and liquor on–sale restaurant licenses.

(ii) To qualify for a Class BLX on–sale license the restaurant shall have:

1. A minimum capital investment of \$450,000 for dining room facilities and kitchen equipment, which sum may not include the cost of land, buildings, or a lease; and

2. A minimum seating capacity of 100 persons.

(iii) The holder of a Class BLX license:

1. Is authorized to sell alcoholic beverages for consumption on the licensed premises only;

2. May not sell alcoholic beverages for off–premises consumption; and

3. May serve alcoholic beverages:

A. Monday through Saturday during the hours and days authorized under a Class B beer, wine and liquor license; and

B. On Sunday as provided under § 11–508 of this article

without paying an additional fee.

(iv) The annual fee for a Class BLX license is \$2,500.

(4) (i) There is a Class EF (entertainment facility) beer, wine and liquor license.

(ii) A Class EF license authorizes the holder to sell beer, wine, and liquor by the drink and by the bottle, from one or more outlets in the entertainment facility, for consumption anywhere within the entertainment facility.

(iii) A holder of a Class EF license may not sell alcoholic beverages for off-sale consumption.

(iv) Notwithstanding § 8–208(b) of this article, the Board of License Commissioners may issue a Class EF license if the applicant has a capital investment in the facility for which the license is sought, not including any real property, of at least \$35,000,000.

(v) The Board may issue one or more Class EF licenses for the same facility.

(vi) A Class EF license authorizes the playing of music and dancing.

(vii) A Class EF license authorizes the sales and serving of beer, wine, and liquor throughout the entertainment facility during those days and hours that the entertainment facility is open for business.

(viii) The annual license fee is \$7,500.

(j) (1) This subsection applies only in Charles County.

(2) (i) There is a Class B–R (restaurant) on-sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant that:

1. Is primarily engaged in the sale of food and nonalcoholic beverages for consumption on the premises; and

2. Contains a dining room with facilities for preparing and serving meals.

(iii) A license holder may not:

1. Establish an area on the premises of the restaurant that is a bar; or

2. Provide live entertainment.

(iv) The annual license fee is \$360.

(v) In addition to the annual license fee, a license holder shall annually pay \$200 if the license holder provides outdoor table service.

(3) (i) There is a Class B–RB (restaurant/bar) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant that:

1. Is primarily engaged in the sale of food and nonalcoholic beverages for consumption on the premises;

2. Contains a dining room with facilities for preparing and serving meals; and

3. Contains an area commonly known as a bar, with stools to accommodate patrons with or without service of food.

(iii) The annual license fee is \$460.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. \$200, if the license holder provides live entertainment; and

2. \$200, if the license holder provides outdoor table service.

(4) (i) There is a Class B–T (tavern) on–sale beer, wine and liquor license, to be issued by the Board of Liquor License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a restaurant or bar that:

1. Is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

2. Has a seating capacity of less than 100 people, as determined by the State Fire Marshal.

(iii) The annual license fee is \$460.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. \$200, if the license holder provides live entertainment; and

2. \$200, if the license holder provides outdoor table service.

(5) (i) There is a Class B–N (nightclub) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the sale and consumption of beer, wine and liquor on the premises of a nightclub facility that:

1. Is primarily engaged in selling and serving alcoholic beverages, on a drink–by–drink basis; and

2. Has a seating capacity of more than 100 people, as determined by the State Fire Marshal.

(iii) The annual license fee is \$610.

(iv) In addition to the annual license fee, a license holder shall annually pay \$200 if the license holder provides live entertainment.

(6) (i) There is a Class B–H (hotel) on–sale beer, wine and liquor license, to be issued by the Board of License Commissioners.

(ii) The license authorizes the on premises sale and consumption of beer, wine and liquor in a hotel common area, for a premises primarily engaged in the day–to–day rental of hotel rooms.

(iii) The annual license fee is \$360.

(iv) In addition to the annual license fee, a license holder shall annually pay:

1. \$200, if the license holder provides live entertainment; and

2. \$200, if the license holder provides outdoor table service.

(7) (i) There is a Class B–BLX (luxury restaurant) on–sale beer, wine and liquor license, which is issued by the Board of License Commissioners only to luxury–type restaurants.

(ii) The Class B–BLX license shall be applied for in the same manner as are other classes of licenses.

(iii) The annual license fee is \$2,400.

(iv) A luxury–type restaurant shall be defined by the Board of License Commissioners.

(v) To qualify for a Class B–BLX license a restaurant shall have:

1. A minimum capital investment of \$550,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. A seating capacity of at least 150 persons.

(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 6 Class B–BLX licenses.

(vii) An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

1. A common parent company;
2. A franchise agreement;
3. A licensing agreement;
4. A concession agreement;
5. Dual membership in a chain of businesses commonly owned and operated;
6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;
7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(8) (i) 1. In this paragraph, “guest” means a person whose name and address appear on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

2. “Guest” does not include a person who is registered only for the purpose of obtaining alcoholic beverages.

(ii) There is a Class B–B&B (bed and breakfast) on–sale beer, wine, and liquor license.

(iii) The Board may issue a Class B–B&B (bed and breakfast) on–sale beer, wine, and liquor license.

(iv) To qualify for a Class B–B&B license, the applicant’s establishment:

1. Shall have rooms, excluding the resident management quarters, that the public, for consideration, may use for sleeping accommodations for a specified period of time; and

2. May not have dining facilities that are open to the general public.

(v) A Class B–B&B license holder may sell beer, wine, and liquor only to guests for consumption on the licensed premises.

(vi) The annual license fees are:

1. \$25 for an establishment with one to five bedrooms; or

2. \$50 for an establishment with six or more bedrooms.

(vii) The hours and days for sale under the license shall be in accordance with § 11–509 of this article.

(viii) An applicant for a Class B–B&B license shall meet all other qualifications to hold an alcoholic beverages license in the county.

(ix) The Board may adopt additional regulations consistent with this paragraph.

(x) If the licensed premises ceases to be operated as a bed and breakfast establishment, the license is void.

(9) (i) There is a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license.

(ii) The Board of License Commissioners may issue a 7–day Class B–Stadium license to:

1. The owner of any professional team franchise, whether the franchise is a partnership, corporation, or limited liability company; or

2. A private concessionaire that is under contract with the County or a professional baseball team franchise.

(iii) A Class B–Stadium license authorizes the holder to sell beer, wine, and liquor on the premises of a baseball stadium owned or operated by the County to individuals present at baseball games or other events held at the stadium.

(iv) Except as provided in subparagraph (v) of this paragraph, beer, wine, and liquor shall be served in plastic, styrofoam, or paper containers on the

stadium premises.

(v) Beer, wine, and liquor may be served in glass containers in an enclosed stadium dining area in which patrons are seated.

(vi) A patron:

1. May consume and carry beer and wine anywhere on the stadium premises; but
2. May consume liquor only in the enclosed stadium dining area or bar; and
3. May not carry liquor out of the enclosed stadium dining area or bar.

(vii) The annual fee for the Class B–Stadium license is \$2,200.

(viii) Except for a distributor of beer who is conducting business with a holder of a Class B–Stadium license for the purposes of this paragraph, the holder may not allow any individual to carry alcoholic beverages onto or from the licensed premises.

(ix) The Board of License Commissioners may adopt additional regulations consistent with this paragraph relating to:

1. The manner of dispensing alcoholic beverages;
2. The number of outlets authorized to dispense alcoholic beverages; and
3. The hours and days of sale of alcoholic beverages.

(10) The Board of License Commissioners may adopt regulations to implement this subsection.

(k) (1) This subsection applies only in Dorchester County.

(2) (i) Bona fide restaurants, motels and hotels having restaurant facilities for serving full–course meals at least twice daily and seating capacity at tables for 50 or more persons, not including seats at bars or counters, may obtain a license from the Board of License Commissioners. This license entitles the licensee to sell beer, wines, and liquors.

(ii) The annual license fee is \$1,000.

(3) This license provides for the consumption of beer, wine, and liquor on the premises only.

(l) (1) This subsection applies only in Frederick County.

(2) (i) The annual license fee is \$1,500 for a restaurant and \$2,000 for a hotel.

(ii) Any hotel meeting the minimum requirements of subsection (a)(3) of this section may elect to be issued a license under that subsection, or any bona fide hotel may elect to be issued a license under this subsection if it:

1. Is an establishment for the accommodation of the public providing service ordinarily found in hotels;

2. Is equipped with not fewer than 25 rooms, a lobby with registration and mail desk, seating facilities and a dining room which serves full-course meals at least twice daily and which has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and

3. Is operated in a physical plant which has a valuation for purposes of State and local assessment and taxation of not less than \$20,000 and which has a valuation of personal property for purposes of State and local assessment and taxation of not less than \$3,000. This license in a hotel does not permit sales at bars or counters, or sales for consumption anywhere except on the premises on which the meals are prepared and served.

(iii) This license may be issued to a restaurant which:

1. Serves full-course meals at least twice daily;

2. Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons;

3. Is operated in a physical plant which has a valuation for purposes of State and local assessment and taxation of not less than \$40,000 and which has a valuation of personal property for purposes of State and local assessment and taxation of not less than \$5,000. This license in a restaurant permits sales for consumption on the premises on which meals are prepared and served, except in the case of beverages with an alcoholic content of not more than 14.5 percent by volume, which may be sold for off-premises consumption; and

4. A. The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages on the premises may occupy no less than 80 percent of the square foot area, except for recreational use premises such as bowling alleys and pool halls.

B. The provisions of this sub-subparagraph of this subparagraph do not apply to or affect any licensee that had a license on December 31, 1993, or to any person who has a permit for a building that was under construction on that date.

(iv) 1. A restaurant issued a license under this subsection may

remove its tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

2. A restaurant that removes its tables and chairs for a special event:

A. Shall give notice to the Board of License Commissioners not less than 1 week before the event;

B. Shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

C. May not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(3) (i) Any bona fide hotel or motel may obtain a special Class B (on-sale) beer, wine and liquor license issued by the Board of License Commissioners providing:

1. It is an establishment for the accommodation of the public providing services ordinarily found in bona fide hotels and motels;

2. It contains no less than 15 rooms;

3. It contains a dining room with facilities for preparing and serving full-course meals for at least 50 persons at one seating; and

4. The capital investment in the hotel or motel facility is not less than \$400,000.

(ii) 1. Subject to this special Class B license, sales of all alcoholic beverages may be by the individual drink at any place on the hotel or motel premises.

2. Sales of all alcoholic beverages may be by the bottle at any place on the premises for banquets, parties, hospitality rooms, meetings, and similar functions, and for dinners in the restaurant portion of the premises. However, the customer is not permitted to remove the unused portion of any such bottle from the premises.

3. Alcoholic beverages by the bottle may be sold through room service to bona fide registered patrons in the hotel or motel rooms. However, no more than two bottles may be sold through room service to any one patron in any 24-hour period. Bottles sold through room service may be removed from the premises by the patron upon checking out from the hotel or motel.

(iii) The annual fee for this special Class B license is \$2,000.

(4) (i) The Board of License Commissioners may issue a Class B–B.F. (Banquet Facility) beer, wine and liquor on–sale license for a banquet facility that:

1. Accommodates the public for banquets, parties, meetings, and similar functions;
2. Contains a dining room with adequate facilities for preparing and serving full–course meals for at least 100 persons who are inside the facility or outside on the premises at one seating; and
3. Has a capital investment of not less than \$250,000, excluding the cost of the land, buildings, and leases.

(ii) The Class B–B.F. beer, wine and liquor license authorizes the holder to keep for sale, and sell at retail, beer, wine, and liquor by the drink or by the bottle for on–premises consumption only; provided that:

1. The beer, wine, and liquor are only sold during the function;
2. Except as provided in subparagraph (iii) of this paragraph, the licensee may not sell alcoholic beverages for off–premises consumption;
3. The licensee may not permit alcoholic beverages to be carried off the premises; and
4. Food is furnished at the function where the alcoholic beverages are provided.

(iii) A licensee may sell beer, wine, or liquor for off–premises consumption if the beer, wine, or liquor is:

1. In a collectible bottle commemorating a special anniversary or event; and
2. Sold not more than 30 calendar days before the special anniversary or event.

(iv) The days and hours of sale under this license are as provided in § 11–511 of this article.

(v) The annual license fee for a Class B–B.F. license is \$1,500.

(5) (i) The Board of License Commissioners may issue a special Class B–DT (Dinner Theater) on–sale beer, wine and liquor license for the use of an establishment that:

1. Is operated as a dinner theater;
2. Provides live Broadway–style musicals, comedy, or drama

to its customers;

3. Is open to the public by reservation only; and

4. Contains a dining room with facilities for preparing and serving full-course meals for at least 120 persons at one seating.

(ii) The holder of a Class B-DT license is authorized to sell at retail beer and light wine by the drink or by the bottle and liquor by the drink only for on-premises consumption beginning 2 hours before the live performance through the end of the performance on:

1. Monday through Saturday; and

2. Sunday no sooner than 1 p.m.

(iii) The license does not authorize the holder to sell alcoholic beverages:

1. For off-premises consumption by the drink or by the bottle;

or

2. At any time except in conjunction with the dinner theater.

(iv) The annual fee for a Class B-DT license is \$1,500.

(6) (i) The Board of License Commissioners may issue a Class B-BB (bed and breakfast) on-sale beer, wine and liquor license for the use of an establishment that:

1. Provides services ordinarily found in a bed and breakfast establishment; and

2. Contains at least one room with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time.

(ii) The holder of a Class B-BB license may sell alcoholic beverages only:

1. For consumption on the premises during the hours and days that are permitted for a Class B on-sale beer, wine and liquor license issued in the county; and

2. To a guest whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

(iii) The holder of a Class B-BB license may not sell alcoholic

beverages to a person who is registered at the establishment only to obtain alcoholic beverages.

(iv) The annual license fee is \$500.

(v) If an establishment ends operations as a bed and breakfast establishment:

1. The Class B–BB license is voided; and

2. The holder shall return the Class B–BB license to the Board of License Commissioners.

(vi) The Board of License Commissioners may adopt regulations to carry out this paragraph.

(7) (i) The Board of License Commissioners may issue a Class B–CI (country inn) on–sale beer, wine and liquor license for the use of an establishment that:

1. Provides services ordinarily found in a country inn establishment;

2. Contains at least eight rooms with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and

3. Has a kitchen facility for guests that is separate from the kitchen facility of the resident management quarters.

(ii) The holder of a Class B–CI license may sell alcoholic beverages only:

1. For consumption on the premises during the hours and days that are permitted for a Class B on–sale beer, wine and liquor license issued in the county; and

2. When accommodating the public for banquets, parties, meetings, and similar functions.

(iii) The annual license fee is \$2,500.

(iv) If an establishment ends operations as a country inn facility:

1. The Class B–CI license is voided; and

2. The holder shall return the Class B–CI license to the Board of License Commissioners.

(v) The Board of License Commissioners may adopt regulations to

carry out this paragraph.

(8) (i) There is a Class B–CC (conference center) beer, wine and liquor license.

(ii) The Board may issue the license for an establishment that is equipped with:

1. At least 150 bedrooms for the accommodation of the public;
2. At least one dining area with facilities for preparing and serving regular meals;
3. Rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and
4. A nightclub equipped with a bar and an entertainment or a dancing area.

(iii) The total average daily receipts from the renting of meeting rooms and bedrooms and the sale of food in the establishment shall exceed the average daily receipts from the sale of alcoholic beverages.

(iv) The license authorizes the sale of beer, wine, and liquor for consumption throughout the licensed premises, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, and green spaces.

(v) The hours of sale are:

1. On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
2. On Sunday, from 11 a.m. to 2 a.m. the following day.

(vi) The annual license fee is \$2,000.

(9) (i) There is a Class B license in the Ballenger (23rd) election district.

(ii) The Board may issue the license for use by a luxury–type restaurant that has:

1. A capital investment of at least \$250,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and
2. Seating for at least 50 individuals.

(iii) The license authorizes the sale of beer, wine, and liquor for on–premises consumption.

(iv) The Board of License Commissioners shall define “luxury-type restaurant” by regulation.

(v) The hours of sale are:

1. On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. On Sunday, from 11 a.m. to 2 a.m. the following day.

(vi) The annual license fee is \$1,500.

(10) (i) There is a Class MEC (micro-brewery/entertainment center) license.

(ii) The Board of License Commissioners may issue the license to a person for use in conjunction with a Class 7 micro-brewery license that the person then obtains from the Comptroller.

(iii) The entertainment center license authorizes the license holder to sell, in an entertainment center for on-premises consumption, malt beverages that are brewed in the license holder’s micro-brewery.

(iv) The entertainment center may:

1. Contain:

A. Rides and games such as bowling lanes, billiard tables, and go-carts; and

B. One or more food service facilities, bars, or lounges; and

2. Allow the playing of music and dancing.

(v) The hours of sale are:

1. On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. On Sunday, from 11 a.m. to 2 a.m. the following day.

(vi) The annual license fee is \$1,500.

(m) (1) This subsection applies only in Garrett County.

(2) (i) A Class B beer, wine and liquor license may be issued for use in a bona fide hotel or motel that:

1. Is an establishment for the accommodation of the public;

2. Provides services ordinarily found in hotels or motels;
3. Is equipped with not less than 25 rooms; and
4. Has a lobby with a registration and mail desk and seating facilities.

(ii) A Class B beer, wine and liquor license may be issued to a restaurant that:

1. Has a seating capacity at tables, not including seats at bars or counters, for 20 or more persons; and

2. Is capable of preparing and serving full-course meals for 20 or more persons at one seating.

(iii) Except at catered events, if the holder has the catering option, the holder is authorized to sell brewed beverages, as defined in this article, for off-premises consumption.

(iv) 1. If the holder has the catering option, this license also authorizes the holder to keep for sale and sell beer, wine, and liquor for consumption at events catered in the county by the licensee off the licensed premises.

2. If the licensee provides alcoholic beverages at a catered event off the licensed premises the holder shall also provide food.

3. The licensee may exercise the catering privileges only during the hours and days that are permitted under the Class B license.

(v) 1. The annual fee for a license with the catering option is \$2,000 and the issuing fee for a new license is \$2,000, in addition to the annual fee.

2. The annual fee for a license without the catering option is \$1,500. The issuing fee for a new license is \$1,500, in addition to the annual fee.

(vi) An application for a license under this subsection shall be denied if the Liquor Control Board determines that the business to be operated under this license will not enhance the recreational, business, and economical development within the county.

(3) (i) In this paragraph, “guest” means a person whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment. “Guest” does not include a person who is registered solely for the purpose of obtaining alcoholic beverages.

(ii) 1. There is a Class B–B&B license. The Board may issue a 7–day special Class B (bed and breakfast) on–sale beer, wine and liquor license.

subparagraph: 2. To qualify for a license under sub-subparagraph 1 of this

A. The applicant's establishment shall be registered by the county to operate as a bed and breakfast establishment;

B. The applicant's establishment shall have rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time; and

C. The establishment's dining facilities may not be open to the general public.

3. A holder of a Class B-B&B license may sell beer, wine, and liquor only to guests for consumption on the premises.

(iii) The annual license fees are:

1. One to five bedrooms: \$25;

2. Six to ten bedrooms: \$50; and

3. Eleven or more bedrooms: \$75.

(iv) The Board shall charge an issuing fee in an amount equal to the annual license fee.

(v) A Class B-B&B license is an on-sale only license.

(vi) The days and hours of sale under this license shall be in accordance with § 11-512(b)(1) of this article.

(vii) An applicant shall meet all other qualifications to hold a license within the county. The Board may adopt additional regulations consistent with this paragraph.

(viii) If the establishment ceases to be operated as a bed and breakfast, the license is void.

(4) (i) In this paragraph, "resort" means a complex that has two or more facilities that are:

1. Located on the same contiguous property;

2. Separated by at least 150 feet from the main area of the licensed premises; and

3. Determined by the Board of License Commissioners to be recreational, hotel, motel, or restaurant facilities.

(ii) The Board may issue a Class B–resort license.

(iii) A Class B–resort license authorizes the licensee to exercise the same privileges as a licensee of a regular Class B (on–sale) hotels and restaurants beer, wine and liquor license.

(iv) The annual license fees are:

1. Two facilities, \$3,000; and
2. Each additional facility, \$1,500.

(v) The Board of License Commissioners shall charge an issuing fee for new licenses in an amount equal to the annual license fee.

(vi) The days and hours of sale under a Class B–resort license shall be in accordance with § 11–512 of this article.

(vii) An applicant shall meet all other qualifications to hold a license within the county.

(viii) The Board of License Commissioners may adopt regulations consistent with this paragraph.

(5) (i) There is a Class BDR (deluxe restaurant) beer, wine and liquor license, which is a Special Class B license.

(ii) A Class BDR license may be issued for a deluxe restaurant, as defined by the Board of License Commissioners.

(iii) Notwithstanding § 9–102(a) of this article, a Class BDR license may be issued to an applicant who already holds a Class B (on–sale) beer, wine and liquor license, a Class B (on–sale) beer and light wine license or a Class B Resort (on–sale) beer, wine and liquor license.

(iv) A Class BDR license may be issued only for the use of a restaurant with:

1. A minimum seating capacity for 85 persons; and
2. A minimum capital investment of \$250,000 for the restaurant facilities, not including the cost of land or buildings.

(v) If an applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the Department of Assessments and Taxation at the time of purchase.

(vi) The annual license fee is \$2,250.

(vii) The Board of License Commissioners shall charge a one-time issuing fee for a new license in an amount equal to the annual fee.

(viii) 1. A holder of a Class BDR license may acquire the same catering option that is described under paragraph (2)(iii) and (iv) of this subsection for Class B beer, wine and liquor licenses.

2. The annual catering option fee is \$500.

(ix) The days and hours of sale under a Class BDR license are in accordance with § 11-512(b)(1) of this article.

(x) The Board of License Commissioners may adopt rules and regulations to carry out this paragraph.

(6) The Board may grant a license holder a privilege at no charge to sell beer, wine, or liquor for consumption off the licensed premises at a catered event if:

(i) The beer, wine, or liquor is bottled in commemorative or special event bottles and sold at a special event;

(ii) The Board approves the commemorative or special event bottles before the event occurs; and

(iii) The beer, wine, or liquor will be sold at the event only on the days and hours allowed by the Board.

(n) (1) This subsection applies only in Harford County.

(2) (i) The annual license fee is:

1. For a 6-day, Monday through Saturday, license:

A. \$1,720 for a restaurant; and

B. \$2,260 for a hotel; and

2. For a 7-day license:

A. \$2,145 for a restaurant; and

B. \$2,685 for a hotel.

(ii) 1. The license permits the sale of liquor for consumption inside the premises only.

2. As to any 6- or 7-day restaurant or hotel license issued prior to July 1, 1984, beer and wine may be sold for consumption on- and off-sale pursuant to § 5-201(n) of this article.

3. As to any 6- or 7-day restaurant license issued on or after July 1, 1984, beer and wine may be sold for consumption on the premises only.

4. These licenses shall be issued by the Liquor Control Board.

(iii) This license may be issued to an applicant for a bona fide hotel which:

1. Is an establishment for the accommodation of the public, providing services ordinarily found in hotels; and

2. Is equipped with no fewer than 25 rooms, a lobby with a registration and mail desk and seating facilities, and a dining room which serves full-course meals at least twice daily.

(iv) 1. This license in a hotel permits sales at bars or counters, but not liquor, beer, or wine for consumption off the premises.

2. As to any such license issued prior to July 1, 1984, beer and wine may be sold for consumption on- and off-sale pursuant to § 5-201(n) of this article.

(v) This license may be issued to an applicant for a restaurant which meets the following requirements and conditions:

1. Serves full-course meals at least twice daily;

2. Has a regular seating capacity of tables, not including seats at bars or counters for 60 or more persons;

3. Has been in full-time operation as a restaurant for not less than 6 months immediately preceding the time the application is made for the license. However, the 6-month time period requirement does not apply to a licensee whose business has been disrupted or interrupted as a result of fire or other disaster; and

4. Has had daily average receipts from the sale of food in excess of sales of alcoholic beverages during the 6-month period immediately preceding the application for license.

(3) (i) 1. There is a "Class B-3 restaurant/hotel license", which may be issued by the Liquor Control Board to a licensee who has been operating his business establishment under the Class B beer, wine and liquor license for 1 year prior to the application for this license and who is, in the judgment of the Board, equipped and stocked for the continued regular sale of food to customers and guests and does at least 25 percent of his business in the sale of food.

2. The annual license fee:

A. For a six-day, Monday through Saturday, license is \$2,050

for a restaurant and \$2,620 for a hotel.

B. For a seven-day license is \$2,435 for a restaurant and \$3,045 for a hotel.

(ii) 1. The restaurant or hotel may purchase liquor or spirituous beverages from licensed suppliers.

2. This subsection may not be construed to limit the powers of the Liquor Control Board to control the number of licensees under §§ 9-201 and 16-301 of this article.

3. This subsection may not contravene the provisions of §§ 10-103, 10-104, and 11-513 of this article, as the several sections may be amended from time to time.

(4) (i) Any Class B licensee who was granted an option that authorizes the sale of liquor off-sale as provided for in § 6-101(n) of this article shall pay the following additional fees:

1. Six-day restaurant – \$350; and
2. Seven-day restaurant – \$450.

(ii) Any licensee who has been previously granted an option under the provision of § 6-101(n)(5) of this article shall apply that option only to the area described in the application and that area may not exceed 20 percent of the area normally used in the operation of the restaurant business. This area shall be separate and distinct from the restaurant seating area, unless sales are merely from behind the bar. The 20 percent area limitation does not apply to additions or extensions. If the application indicates that off-sale of liquor will be more extensive than from behind the bar, a separate outside entrance for the use of off-sale customers shall be provided.

(iii) Class B licensees who utilize this option shall meet all of the appropriate operating requirements stipulated in this subsection and § 5-201(n) of this article. However, for the purposes of meeting food sale requirements, off-sale liquor receipts may not be included in the calculation of sales.

(5) (i) There is a special Class B on-sale license known as Class BNR which may be issued only to newly opened restaurants that:

1. Have a minimum capital investment of \$250,000 for new dining room facilities and newly installed kitchen equipment, which sum may not include the cost of land, buildings, or a lease;
2. Comply with paragraph (2)(v)1 and 2 of this subsection; and
3. Are as further defined by the regulations of the Liquor

Control Board.

(ii) The annual license fee is \$3,000.

(iii) The licensee may serve alcoholic beverages on Monday through Sunday and only between 8 a.m. and 2 a.m. the following morning.

(iv) The Liquor Control Board has complete discretion as to:

1. The number of licenses to be issued; and
2. To whom these licenses shall be issued.

(v) A BNR license is restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only and provides no off-sale privileges.

(6) (i) There is a Class H-CC (corporate club/conference center) beer, wine, and liquor license.

(ii) The Liquor Control Board may issue the Class H-CC license for an establishment with:

1. A banquet room, conference room, or meeting room that is suitable for public gatherings and equipped with food preparation facilities; and
2. Subject to subparagraph (iii) of this paragraph, a corporate dining room that is reserved for members of a private club and their guests.

(iii) A corporate dining room described in subparagraph (ii)2 of this paragraph:

1. Shall be equipped for the sale of food; and
2. May be used by a private club of at least 25 members who pay an annual membership fee.

(iv) The holder of a Class H-CC license may:

1. Keep for sale and sell beer, wine, and liquor during an event contracted with another person in:

A. Any of the rooms described in subparagraph (ii) or (iii) of this paragraph; and

B. Other areas of the licensed establishment that are approved by the Liquor Control Board;

2. Hold multiple events in the licensed establishment

simultaneously;

3. Contract to provide beer, wine, and liquor at an event held off the licensed establishment if the event is in Harford County and the holder also contracts to provide food for consumption at the event; and

4. May not hold more than four self-sponsored events per year in the banquet, conference, or meeting room.

(v) The annual license fee is \$3,000.

(vi) Not more than six Class H-CC licenses may be in effect at a time.

(7) (i) In this paragraph, "guest" means an individual whose name and address appear on the registry that is maintained by the establishment.

(ii) The Liquor Control Board may issue a 7-day special Class B (inn) on-sale beer, wine and liquor license.

(iii) To qualify for the issuance or reissuance of a special Class B (inn) license, the establishment of the applicant or the special Class B (inn) license holder shall:

1. Be approved by the appropriate governing authority to operate as an inn;

2. Have a minimum of 11 rooms or suites, excluding the resident management quarters, which the public, for consideration, may use as guests for sleeping accommodations for a specified period of time;

3. Have a seated dining capacity of a sufficient size to accommodate overnight guests and dinner patrons who are participating in regular meals and special dinner events on the premises of the establishment as allowed under subparagraph (vi) of this paragraph; and

4. Have a kitchen facility that has been approved by the local governing authority.

(iv) 1. The holder of a 7-day special Class B (inn) license may sell, only in conjunction with a meal, alcoholic beverages to guests for consumption on the premises during the days and hours established for a Class B on-sale beer, wine and liquor license for Harford County under this article.

2. The holder of a Class B (inn) license issued after March 6, 2006, may sell beer and wine from the dining room to guests for consumption off the premises, if the holder previously held a Class B (restaurant) license permitting sales of beer and wine for consumption off the premises.

(v) The annual fee for a 7–day special Class B (inn) license is:

1. For an establishment that has 11 through 24 rooms or suites, \$2,500; and
2. For an establishment that has 25 or more rooms or suites, \$3,295.

(vi) 1. The special Class B (inn) license authorizes the holder of the license to:

A. Conduct special dinner events on the premises of the establishment;

B. Allow individuals who are not guests to patronize the establishment for regular and special dinner meals; and

C. Allow guests in buildings that are considered part of the inn establishment operation and are within a reasonable distance from the inn establishment to have alcoholic beverages delivered to them in sealed packages by the licensed inn establishment.

2. For purposes of subsubparagraph 1C of this subparagraph, a building that is within a reasonable distance from the inn establishment means a building that is located within the same mail unit number as the inn establishment or is not more than one–eighth of a mile from the inn establishment.

(vii) At no time may alcoholic beverages in open containers be transferred, carried, taken, or delivered to, from, or between the inn establishment and other buildings that are considered part of the inn establishment operations.

(viii) The holder of a special Class B (inn) license may not sell alcoholic beverages to a person who:

1. Is not a guest or a patron of the dining facility of the establishment; or

2. Is a guest registered at the establishment only for the purpose of obtaining alcoholic beverages.

(ix) The holder of a special Class B (inn) license may serve alcoholic beverages to guests and dinner patrons on a patio, deck, terrace, or the grounds or other outdoor area that is an integral part of the premises of the inn establishment only with the prior approval of the Liquor Control Board.

(x) 1. Subject to the requirement of subsubparagraph 2 of this subparagraph, the special Class B (inn) license authorizes the holder of the license to keep for sale and sell beer, wine, and liquor for on–premises consumption during

catered events that are catered by the license holder at the inn establishment if the license holder is under contract to cater the event.

2. Food must be served at all catered events at the inn establishment at which alcoholic beverages are provided or sold.

(xi) 1. At no time may an inn be operated solely for the purpose of selling or providing alcoholic beverages.

2. If an establishment ceases to be operated as an inn:

A. The 7-day special Class B (inn) license is void; and

B. The license holder shall return the license to the Liquor Control Board.

(xii) The Liquor Control Board shall adopt regulations to:

1. Implement the provisions of this paragraph; and

2. Ensure that the primary purpose of the special Class B (inn) license is to allow the holder of the license to operate an establishment as an inn.

(8) (i) There is a 7-day Class B–BB (bed and breakfast) on-sale beer, wine and liquor license that may be issued by the Liquor Control Board.

(ii) To qualify for the issuance or reissuance of a Class B–BB license, the applicant's or the Class B–BB license holder's establishment, as appropriate, shall:

1. Provide services ordinarily provided by a bed and breakfast establishment;

2. Contain at least one room but not more than 10 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time;

3. Be approved by the appropriate local government authority to operate as a bed and breakfast establishment; and

4. Have a kitchen facility that has been approved by the appropriate local government authority.

(iii) The holder of a Class B–BB license may sell alcoholic beverages only:

1. For consumption on the premises during the hours and days that are allowed for a Class B on-sale beer, wine and liquor license issued in the county; and

2. To a guest whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

(iv) The holder of a Class B–BB license may not sell alcoholic beverages to a person who:

1. Is not a guest of the establishment; or

2. Is registered as a guest at the establishment only for the purpose of obtaining alcoholic beverages.

(v) 1. Subject to the requirement of subparagraph 2 of this subparagraph, the Class B–BB license authorizes the holder of the license to keep for sale and sell beer, wine and liquor for on–premises consumption during catered events that are catered by the license holder at the bed and breakfast establishment if the license holder is under contract to cater the event.

2. Food must be served at all catered events at the bed and breakfast establishment at which alcoholic beverages are provided or sold.

(vi) The annual license fee for a Class B–BB license is \$1,000.

(vii) 1. At no time may a bed and breakfast establishment be operated solely for the purpose of selling or providing alcoholic beverages.

2. If an establishment ends operations as a bed and breakfast establishment:

A. The Class B–BB license is void; and

B. The holder shall return the Class B–BB license to the Liquor Control Board.

(viii) The Liquor Control Board shall adopt regulations to:

1. Implement this paragraph; and

2. Ensure that the primary purpose of the Class B–BB license is to allow the holder of the license to operate an establishment as a bed and breakfast establishment.

(9) (i) The Liquor Control Board may issue a special Class BFD (fine dining) on–sale beer, wine and liquor license.

(ii) The license authorizes the licensee to serve only full–course dinners at least 5 days a week.

(iii) A restaurant with a Class BFD license must open for business

not later than 5 p.m. and comply with the requirements of § 1–102(a)(22)(iii) of this article.

(iv) The annual fees are:

1. \$2,500 for a 6–day license, Monday through Saturday; and
2. \$2,900 for a 7–day license.

(v) The Liquor Control Board shall adopt rules to carry out this subsection.

(10) (i) The Liquor Control Board may issue a special Class B Cafe beer, wine and liquor license.

(ii) The annual license fee is \$3,000.

(iii) A cafe license entitles the holder to sell:

1. Beer and wine for consumption on or off the licensed premises; and
2. Liquor for consumption on the licensed premises only.

(iv) A cafe license is a 7–day license with an on–premises wine tasting privilege for every day of the year.

(v) The Liquor Control Board shall set the maximum number of cafe licenses that it may issue under this paragraph.

(vi) The Liquor Control Board shall set a maximum and a minimum seating capacity for each cafe license it issues.

(vii) A cafe license may be exercised at an establishment only if:

1. The Liquor Control Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;

2. The average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Liquor Control Board exceed 50% of the average monthly receipts from the sale of beer, wine and liquor sold for on–premises consumption; and

3. Not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.

(viii) A cafe license may be used for off–premises catering.

(o) In Howard County the annual fee is \$1,000.

(p) (1) (i) This subsection applies only in Kent County.

(ii) In this subsection, “Board” means the Board of License Commissioners.

(2) (i) The Board may issue a Class B beer, wine and liquor license for use in a restaurant.

(ii) To qualify for licensure under this subsection, the restaurant shall:

1. Be fully equipped with a proper and adequate dining room;
2. Have sufficient facilities for preparing and serving meals to the public; and
3. Be approved by the Board.

(iii) When operating under this license, a holder’s average daily receipts from the sale of food shall comprise at least 60 percent of the average daily receipts of the business.

(iv) The annual license fee under this subsection is \$2,000.

(v) On Sunday, the holder is authorized under the license to sell:

1. Beer, wine and liquor for consumption on–premises to a customer:
 - A. If the customer is seated at a table and not at a bar or on a bar stool;
 - B. If the alcoholic beverage is a supplement to the customer’s meal; and
 - C. If the total price of the alcoholic beverages does not exceed the total price of the meal; and
2. Only beer and light wine for consumption off the premises.

(3) (i) In this subsection, “guest” means a person whose name and address appears on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment. “Guest” does not include a person who is registered solely for the purpose of obtaining alcoholic beverages.

(ii) 1. The Board may issue a 7–day special Class B (bed and breakfast) on–sale beer, wine and liquor license.

2. To qualify for a license under subparagraph 1 of this subparagraph, the applicant's establishment shall:

A. Be licensed by the county to operate as a bed and breakfast establishment; and

B. Have a maximum of 3 rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time.

3. A holder of a 7-day special Class B (bed and breakfast) license may sell beer, wine, and liquor to guests for consumption on the premises during the days and hours established for a Class B on-sale restaurant beer, wine and liquor license for Kent County under this article.

4. The annual license fee is \$350.

5. The Board may adopt additional regulations consistent with this subsection.

6. If the establishment ceases to be operated as a bed and breakfast, the license is void.

(iii) 1. The Board may issue a 7-day special Class B (country inn) on-sale beer, wine and liquor license.

2. To qualify for a license under subparagraph 1 of this subparagraph, the applicant's establishment shall:

A. Be licensed by the county to operate as a country inn;

B. Have a maximum of 10 rooms, excluding the resident management quarters, which the public, for consideration, may use for sleeping accommodations for a specified period of time; and

C. Have a kitchen facility for the guests that is separate from the kitchen facility for the resident management quarters.

3. The holder of a 7-day special Class B (country inn) license may sell beer, wine, and liquor to guests for consumption on the premises during the days and hours established for a Class B on-sale restaurant beer, wine and liquor license for Kent County under this article.

4. The annual license fee is \$550.

5. The Board may adopt additional regulations consistent with this subsection.

6. If the establishment ceases to be operated as a country inn, the license is void.

(4) (i) The Board may issue a special Maryland Wine License Privilege.

(ii) To qualify for a special Maryland Wine License Privilege, an applicant shall be a holder of a Class B (on-sale) beer and wine license or beer, wine and liquor license for use on a premises that qualifies as a restaurant under paragraph (2)(ii) of this subsection.

(iii) A special Maryland Wine License Privilege authorizes the holder to sell wine by the bottle for off-sale without the cost of the wine counting as a part of the average daily receipts of the business required to meet the minimum 60 percent food sales requirement under paragraph (2)(iii) of this subsection.

(iv) The annual fee for the special Maryland Wine License Privilege is \$100.

(v) The special Maryland Wine License Privilege is not a separate class of license but shall be considered part of the existing Class B (on-sale) beer and wine license or beer, wine and liquor license of the holder of the special Maryland Wine License Privilege.

(q) (1) (i) This subsection applies only in Montgomery County.

(ii) 1. In this subsection the following words have the meanings indicated.

2. “Board” means the Board of License Commissioners.

3. “Dining area” means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.

(2) (i) 1. The Board may issue this license only to the owner or operator of any restaurant or hotel.

2. The restaurant shall be located in the second, third, fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.

3. The licensee may not be located in the Towns of Poolesville and Kensington.

(ii) 1. As a prerequisite for the initial issuance of a license under this subsection, the owner or operator shall attest in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

2. As a prerequisite for each renewal of a license issued under this subsection, the owner or operator shall attest in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12-month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages.

3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

4. Any regulations adopted by the Board shall include a requirement of at least monthly physical inspections of the premises during the initial license year of any licensee and the submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

5. In the event that a licensee, during the initial license year, fails to maintain the sales ratio requirement provided in this paragraph for a period of three consecutive months or after the initial license year for each license or calendar year, the Board, in its discretion, may revoke the license. The Board may require any licensee to provide supporting data as it, in its discretion, deems necessary, in order to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iii) A license issued under this subsection authorizes its holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

(iv) The annual license fee is \$2,500.

(3) (i) There is a special Class B license known as Class B-BWL (H-M) which shall be issued only for hotels and motels that meet the minimum requirements set forth in subsection (a)(3) of this section. All of the privileges and restrictions provided for in paragraph (2) of this subsection are applicable to this special Class B license except that registered guests may be served in their rooms. In any instance where there is more than one licensed establishment within the hotel or motel, the foregoing sales ratio shall be applicable only to one license and that shall be the one that provides the food and beverage service to the conventions, banquets and other groups that utilize facilities within the hotel or motel.

(ii) The annual license fee is \$2,500.

(4) (i) In this paragraph, “performing arts facility” means a facility that is used for artistic, corporate, and community related activities.

(ii) There is a special Class B-BWL (performing arts facility) license.

(iii) The Board of License Commissioners may issue a special Class

B–BWL (performing arts facility) license to apply only to a performing arts facility that has:

1. A minimum capital investment, not including real property, of \$1,000,000;
2. A minimum capacity of 1,500 persons; and
3. A food service facility permit and 40 seats in a food service area.

(iv) The Board may issue a special Class B–BWL (performing arts facility) license for use by a not–for–profit partnership, limited liability company, corporation, or other entity that leases the performing arts facility to host artistic, corporate, and community related activities.

(v) 1. A special Class B–BWL (performing arts facility) license authorizes the holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for consumption on the licensed premises.

2. A holder of a special Class B–BWL (performing arts facility) license may only exercise the privileges under the license from 10:00 a.m. on any day until 2:00 a.m. the following day.

3. A holder of a special Class B–BWL (performing arts facility) license may not sell alcoholic beverages at:

- A. A high school graduation held on the licensed premises; or
- B. A community meeting held, without food service, on the licensed premises.

(vi) The Board may impose conditions on the issuance or renewal of a special Class B–BWL (performing arts facility) license that establish the areas in the performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(vii) The Board may not approve the transfer of a special Class B–BWL (performing arts facility) license to another location.

(viii) The annual license fee for a special Class B–BWL (performing arts facility) license is \$1,000.

(5) (i) In this paragraph, “community performing arts facility” means a facility that is used for shows, live performances, theater productions, art classes, exhibits, visual art shows, weddings, banquets, and community–related activities.

(ii) There is a Special BWL Community Performing Arts Facility

license.

(iii) The Board may issue a Special BWL Community Performing Arts Facility license to apply only to a performing arts facility that has a minimum capacity of 200 persons and a maximum capacity of 1,499 persons.

(iv) The Board may issue the license for use by a not-for-profit partnership, a limited liability company, a corporation, or any other entity that owns or leases the performing arts facility.

(v) 1. The license authorizes the holder to sell beer, wine, and liquor by the drink from one or more outlets on the licensed premises for consumption on the licensed premises.

2. A holder of the license may exercise the privileges under the license from 10 a.m. on any day until 2 a.m. the following day.

(vi) The Board may impose conditions on the issuance or renewal of the license that establish the areas in the community performing arts facility where beer, wine, and liquor may be sold, served, possessed, or consumed.

(vii) The Board may not approve the transfer of the license to another location.

(viii) 1. A holder of a Class B-BWLHR license with catering authority, a Montgomery County Catering license (CAT), or a Statewide Caterer license (SCAT) may bring alcohol and food on the licensed premises under the terms of a contract with a holder of a Special BWL Community Performing Arts Facility license.

2. A violation of this article that occurs when a caterer brings alcohol on licensed premises as provided under subparagraph 1 of this subparagraph is the responsibility of the caterer and is not the responsibility of the holder of the license.

(ix) A holder of the license shall ensure that food is provided during the hours alcoholic beverages are sold, served, possessed, or consumed.

(x) The Board may issue no more than three licenses to a not-for-profit partnership, a limited liability company, a corporation, or any other entity that owns or leases performing arts facilities in separate locations.

(xi) The annual license fee is \$750.

(6) (i) There is a special Class B license known as a Class B-BWL (clubhouse/lodge) license.

(ii) The Board may issue a Class B-BWL (clubhouse/lodge) license only to the Executive Director of the Montgomery County Revenue Authority, or the

Executive Director's designee, for use by a multi-use facility that accommodates a golf course, a restaurant, a clubhouse, a tasting bar, and the catering of events anywhere on the property.

(iii) A Class B-BWL (clubhouse/lodge) license authorizes the holder to:

1. Sell beer and wine for consumption off the licensed premises;
2. Sell beer, wine, and liquor for consumption on the licensed premises; and
3. Offer samples of alcoholic beverages at no charge or for a fee.

(iv) The restrictions contained in paragraph (2) of this subsection do not apply to the issuance of a Class B-BWL (clubhouse/lodge) license.

(v) The annual license fee for a Class B-BWL (clubhouse/lodge) license is \$1,000.

(7) (i) There is a Class BD-BWL license.

(ii) A Class BD-BWL license authorizes the holder to sell:

1. Beer and wine for consumption on or off the licensed premises; and
2. Liquor for consumption only on the licensed premises.

(iii) 1. As a prerequisite for the initial issuance of a license under this paragraph, the owner shall attest in a sworn statement that gross receipts from food sales will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

A. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

B. From 10 a.m. to 9 p.m. on Sunday.

2. As a prerequisite for each renewal of a license issued under this paragraph, the owner shall attest in a sworn statement that the gross receipts from food sales for the 12-month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

A. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday,

Thursday, Friday, and Saturday; and

B. From 10 a.m. to 9 p.m. on Sunday.

3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

4. Regulations adopted by the Board shall include a requirement of:

A. At least monthly physical inspections of the premises during the initial license year of any licensee; and

B. The submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

5. A. If a licensee during the initial license year fails to maintain the sales ratio requirement provided in this paragraph for 3 consecutive months or, after the initial license year, for each license or calendar year, the Board may revoke the license.

B. The Board may require a licensee to provide supporting data as the Board considers necessary to establish that the requirements of this subparagraph relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(iv) A holder of a Class BD–BWL license may also hold a Class 7 micro–brewery license issued for a location in the County.

(v) A license holder may not hold more than 1 Class BD–BWL license.

(vi) On any day of the week, the hours of sale are:

1. For consumption on the licensed premises, from 10 a.m. to 2 a.m. the following day; and

2. For consumption off the licensed premises, from 6 a.m. to 1 a.m. the following day.

(vii) The annual fee for a Class BD–BWL license is \$3,500.

(r) (1) (i) This subsection applies only in Prince George’s County.

(ii) 1. In this subsection the following words have the meanings

indicated.

2. “Board” means the Board of License Commissioners.

3. “Restaurant” means any establishment:

A. Located in a permanent building with ample space and accommodations commonly known as a restaurant where hot meals are habitually prepared, sold and served to the public during the hours it is regularly open for business;

B. Having at least the minimum sanitary facilities required for an establishment by the regulations of the county health department and shall meet the minimum health requirements of these regulations;

C. Having a dining area or areas with sufficient tables, chairs or booths to comfortably seat and accommodate patrons;

D. Equipped with a kitchen having complete facilities and utensils for preparing hot and cold meals to the public;

E. Employing a sufficient number of cooks, waiters or waitresses to serve the number of patrons provided for in the dining area or areas; and

F. Maintaining and displaying a menu advertising the serving of a variety of hot meals. There shall be on the premises at all times sufficient food to fill orders made from the menu.

(2) (i) 1. The annual license fee is \$1,455.

2. The licensee may not make any sale of alcoholic beverages for consumption off the licensed premises except from the main bar and within the main portion of the dining room facilities.

(ii) 1. A separate license fee may be charged whenever the applicant for or holder of a Class B (on-sale) beer, wine and liquor license proposes to or in fact establishes and conducts on the licensed premises, an area or portion of these licensed premises, where there are maintained “off-sale” shelves or counters not contained within and an integral part of the main bar and in the main dining facilities where the majority of the meals are served and consumed in the licensed premises (whether enclosed or opened, partitioned or otherwise partly separated from the main bar or the usual serving area within these premises for the sale of alcoholic beverages for consumption on the premises and not part of the premises where the major portion of meals are served and consumed in these licensed premises) for the sale of alcoholic beverages for consumption off the licensed premises.

2. The annual license fee is \$2,420.

(iii) 1. The license holder under this subsection may sell alcoholic beverages for consumption off the premises from any portion of these premises other than from the main bar, or the usual place maintained for sale of alcoholic beverages for consumption on the premises and where the major portion of the meals are consumed in these premises.

2. The annual license fee for this privilege is \$2,420.

(iv) The number of licenses which are permitted to have any off-sale privileges referred to in this subsection are limited to those licenses having the permit and facilities on May 28, 1969.

(v) Any interruption of restaurant facilities for any reason shall be reported to the Board promptly.

(vi) Any drug, candy or confectionery store may not be construed to be a restaurant.

(vii) On and after May 1, 1966, any new application for a beer, wine and liquor license, Class B may not be granted by the Board, and any transfer from one location to another location by the same license holder, and any transfer from one license holder to another at the same location, or from one license holder to another at a different location, may not be approved unless the establishment where it is proposed to locate or transfer the license meets the standards contained in this section.

(3) (i) This license may be issued to any agricultural association, agricultural fair association or any other association duly authorized to conduct racing under the provisions of the Maryland Horse Racing Act where restaurant facilities are available or to duly authorized concessionaires of any association, or to any organization on any other day, exclusive of racing days, where the premises and facilities of this association are used for a limited period of time for legitimate theatrical productions, social receptions, and any bona fide entertainment conducted by any club, society or association, or for any bona fide religious, fraternal, civic, war veterans, hospital or charitable organizations upon payment of a license fee of \$60 per day for the period of this license.

(ii) At least one officer of the corporation or the concessionaire, whichever applies for the license, shall be a resident of the State of Maryland. The residency requirements specified in § 9-101 of this article as it pertains to Prince George's County do not apply to an issuance, renewal or transfer of this license.

(4) (i) There is a special Class B license known as Class BH, which may be issued only to hotels.

(ii) The annual license fee is \$5,000.

(iii) In this paragraph, "hotel" means an establishment:

1. That is recognized as a hotel for the accommodation of the public providing services ordinarily found in hotels;

2. That is equipped with:

A. Not less than 45 bedrooms;

B. A lobby with registration and mail desk and seating facilities; and

C. A dining room with facilities for preparing and serving regular meals;

3. Where the average daily receipts from the hire of rooms and the sale of food exceeds the average daily receipts from the sale of alcoholic beverages;

4. Where the capital investment in the facility, including the building or buildings and all fixtures and systems contained therein and components thereof, parking compound, swimming pool and other recreational areas, landscaping, site preparation and improvements and infrastructure, engineering, architectural and other similar costs but excluding the cost of land furnishings and removable equipment and personal property, is not less than \$30,000 per bedroom; and

5. That collects the County hotel occupancy tax from guests using the establishment.

(iv) Class BH licenses are subject to all other provisions pertaining to Class B beer, wine and liquor licenses, except that any restrictions against the sale of alcoholic beverages on Sunday appearing in § 11-517 of this article and elsewhere in this article do not apply; and any alcoholic beverages may not be sold, served or consumed on the licensed premises on Sunday after 2 a.m. and before 10 a.m.

(v) 1. In addition to the other privileges granted under this paragraph, a holder of a Class BH beer, wine and liquor (on-sale) license for hotel use may sell alcoholic beverages in sealed containers to hotel guests who are 21 years of age or older if:

A. The alcoholic beverages, other than beer and wine, are sold in sealed containers of under 200 milliliters;

B. The alcoholic beverages are sold from locked prestocked private bars located within individual guest rooms; and

C. The charges for the alcoholic beverages sold are indicated on the respective guest room bill.

2. If a room is rented to a guest under 21 years of age, the hotel management is responsible for removing the bar key from the room.

(vi) A Class BH license holder that obtains a special entertainment permit under paragraph (19)(ii) of this subsection may allow an individual under the age of 21 years to be present on the licensed premises while alcoholic beverages are being served during any of the following events:

1. Anniversary party;
2. Baby shower;
3. Baptism reception;
4. Bar Mitzvah;
5. Bat Mitzvah;
6. Beautillion;
7. Birthday party;
8. Book signing;
9. Church event;
10. Confirmation reception;
11. Corporate reception;
12. Cotillion;
13. Engagement party;
14. Faith based event;
15. Family reunion;
16. Family themed theatrical;
17. Graduation party;
18. Performance;
19. Political event;
20. Retirement party;
21. Rights of passage event;
22. Scholarship award ceremony;
23. School event;

24. Tea party;
25. Wedding;
26. Wedding reception;
27. Wedding shower; and

28. A family-oriented event, as defined in regulations adopted by the Board under subparagraph (vii) of this paragraph.

(vii) The Board shall adopt regulations to establish compliance with the provisions of this paragraph.

(5) (i) There is a special Sunday “on-sale” permit.

(ii) The annual fee for a special Sunday “on-sale” permit is \$850, which is in addition to the annual fee for the Class B beer, wine and liquor license to which it is attached.

(iii) 1. The Board may issue to the holders of a Class B beer, wine and liquor license who meet the qualifications specified in paragraph (2) of this subsection a special Sunday “on-sale” permit to allow the holder to keep for sale and to sell at retail beer, wine and liquor on Sunday for consumption on the licensed premises.

2. Sales may be made between the hours of 12 noon and 2 a.m. the following day.

3. The average daily receipts from the sale of food shall equal 40 percent of the total daily receipts from the sale of “on-sale” food and alcoholic beverages in the establishments where it is proposed to locate this permit, and the ratio of food sales to the sale of alcoholic beverages has been maintained for at least 6 months prior to the application for this permit. For a newly licensed establishment the Board may immediately authorize the issuance of a special Sunday “on-sale” permit if in the opinion of the Board and upon good cause shown the newly licensed establishment meets the specifications of paragraph (2) of this subsection pertaining to the preparation, serving and sale of food and if the holder of the license complies with the provisions of this paragraph. Applicants for a special Sunday “on-sale” permit shall furnish the Board with any proof it considers necessary indicating the qualifications of the establishment to be issued this permit.

(iv) The holder of a special Sunday “on-sale” permit is subject to all other provisions of this article pertaining to Class B beer, wine and liquor licenses, except that any restrictions on the sale of alcoholic beverages on Sunday appearing in § 11-517 of this article and elsewhere may not apply. Holders of this permit shall submit to the Board, from time to time at regular intervals to be established by the Board, a statement indicating in detail the ratio of food sales to the sales of alcoholic beverages.

If the average daily receipts from the sale of food fail for 3 successive months to equal 40 percent of the total daily receipts from the sale of food and alcoholic beverages, the Board shall cancel this permit. Class B beer, wine and liquor licensees with a special Sunday “on-sale” permit and Class BH licensees may sell beer, wine and liquor by the drink from the bar or a cocktail lounge to persons on the licensed premises.

(v) The Board may adopt regulations it considers necessary relating to the issuance, suspension, and cancellation of these permits in furtherance of this subsection.

(6) (i) There is a Class BLX license, which is a special Class B license.

(ii) The annual license fee is \$3,025.

(iii) 1. Class BLX licenses may be issued only to luxury type restaurants, a term which shall be defined by the regulations of the Board.

2. The restaurant shall have a minimum capital investment of \$1,000,000 for dining room facilities and kitchen equipment, which sum may not include the cost of land, buildings or a lease.

3. The restaurant shall have a minimum seating capacity of 100 persons.

4. The Board has complete discretion as to whom these licenses may be issued, the number to be issued, and whether an existing license holder of an alcoholic beverages license may also have an interest in one Class BLX license.

5. Subject to sub-subparagraphs 6, 7, and 8 of this subparagraph, an individual or corporation may hold not more than 10 Class BLX licenses.

6. A license holder may be issued a fifth BLX license only if the date of application for a fifth license is at least 1 year after the date the license holder was issued the fourth license.

7. A license holder may be issued a sixth BLX license only if the date of application for a sixth license is at least 1 year after the date the license holder was issued the fifth license.

8. In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or tenth BLX license to a single license holder, the Board of License Commissioners for Prince George’s County:

A. Shall consider the number of licensed establishments existing in the area surrounding the site of the proposed licensed establishment; and

B. May issue the additional license only if the Board determines that the proposed licensed establishment will enhance the recreational, business, and economic development of the area.

9. This license is limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges to be exercised.

10. The residency requirements specified in § 9-101 of this article as it pertains to Prince George's County do not apply to Class BLX licenses.

(iv) If the requirements under subparagraph (iii) of this paragraph are satisfied, the Board of License Commissioners may issue or transfer one Class BLX license on behalf of any of the following:

1. Prince George's County;
2. The Maryland-National Capital Park and Planning Commission; or
3. A private concessionaire under contract with either:
 - A. Prince George's County; or
 - B. The Maryland-National Capital Park and Planning Commission.

(v) If a license is issued under subparagraph (iv) of this paragraph, the profit realized from the sale of alcoholic beverages under this license may be for the use and benefit of Prince George's County, the Maryland-National Capital Park and Planning Commission, or a concessionaire under contract as provided under subparagraph (iv) of this paragraph.

(7) Repealed.

(8) (i) There is a Class BCE license.

(ii) The annual license fee is \$3,630.

(iii) The Board may issue a special Class B on-sale beer, wine and liquor license to be known as Class BCE which shall be issued only to catering establishments.

(iv) A catering establishment shall be defined by the regulations of the Board which shall require that:

1. The catering establishment have a minimum capital investment of \$1,000,000 for dining room facilities and kitchen equipment. This sum

may not include the cost of land, buildings, or a lease; and

2. A minimum seating capacity of 150 persons.

(v) The Board shall prescribe regulations pertaining to the hours and days of sale.

(vi) Food shall be served with alcoholic beverages.

(vii) A Class BCE license is limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises by participants of catered events only, and off-sale privileges may not be exercised.

(9) (i) There is a Class B/ECF license.

(ii) The annual fee is \$4,325.

(iii) 1. Notwithstanding the provisions of § 9–217(e)(1) of this article, the Board may issue a Class B/ECF beer, wine and liquor license, to be known as an “educational conference facility” license, to the University of Maryland, University College Center of Adult Education.

2. The licensee may sell beer, wine, and liquor by the drink within the Center, from one or more outlets, for consumption on the licensed premises to any person or persons authorized by the proper authority to use the Center. The application for this license shall be filed and processed in the normal manner.

(iv) The policies of the Center that pertain to the sponsorship of events where alcoholic beverages may be sold shall be filed with the application.

(v) 1. The license shall be issued to the individual authorized by the University College Center of Adult Education of the University of Maryland to act for it, assume all responsibility, and be subject to all the penalties, conditions, and restrictions imposed upon licenses under this article. The individual shall be a resident and registered voter of Prince George’s County.

2. All profits from the sale of alcoholic beverages shall be deposited into the food services income fund.

3. The residency requirements specified in § 9–101 of this article as it pertains to Prince George’s County do not apply to Class B/ECF licenses.

(vi) The Board shall prescribe regulations pertaining to the manner of dispensing alcoholic beverages, and the hours and days of sale authorized in § 11–517 of this article. The licensee is subject to all the provisions of this article and to the regulations of the Board.

(10) (i) There is a special Class B license known as Class B–CI.

- (ii) The annual license fee is \$1,515.
- (iii) The Class B–CI license shall be issued only to country inns.
- (iv) A “country inn” means:

1. An establishment for the accommodation of the public equipped with a dining room with facilities for preparing and serving regular meals, wherein the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages, and which is located within:

A. A building that appears on the National Register of Historic Places; or

B. A building that has historic, cultural, or architectural significance because it:

I. Has character, interest, or value as part of the development, heritage, or cultural characteristics of the county, State, or nation; or

II. Is the site of a significant historic event; or

III. Is identified with a person or a group of persons who influenced society; or

IV. Exemplifies the cultural, economic, industrial, social, political, or historical heritage of the community; or

V. Embodies the distinctive characteristics of a type, period, or method of construction; or

VI. Represents an established and familiar visual feature of the neighborhood, community, or county due to its singular physical characteristic or landscape; and

VII. Possesses high artistic values; or

C. A building that has been constructed or reconstructed on a site that is classified as a historic site in the historic sites and districts’ plan for Prince George’s County, and that meets the criteria of parts B. IV, B. V, and B. VII of this paragraph.

2. In addition to the criteria in sub–subparagraph 1 of this subparagraph, a country inn must meet all the following criteria:

A. The exterior of the building must give the appearance of appropriate age.

B. The grounds must include appropriate landscaping,

gardens, and appurtenances.

C. Except for restrooms, the interior of the building in all areas open to the public must be decorated and furnished in the style appropriate to the period in which the building was constructed, or the period the building was constructed to exemplify. However, electric lighting may be used if the lighting fixtures are of a style compatible with the decor of the inn.

D. The employees of the country inn who regularly and customarily are in view of patrons in the dining area must be attired in clothing or costume appropriate to the period exemplified by the inn.

E. Any entertainment provided by the country inn must exemplify the kind of entertainment typical of the period represented by the inn.

3. The Board may adopt regulations that specify additional standards and criteria not inconsistent with this section.

(v) The Board may determine to whom these licenses shall be issued, the number to be issued, and whether an existing license holder of an alcoholic beverages license in Prince George's County may also have an interest in one Class B–CI license.

(vi) A licensee may not hold more than two Class B–CI licenses.

(vii) Class B–CI licenses are limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off–sale privileges to be exercised therewith.

(viii) The Board may not issue more than two Class B–CI licenses.

(11) (i) There is a Class B–ECR license.

(ii) The annual license fee is \$2,420.

(iii) In this paragraph “Commission” means the Maryland–National Capital Park and Planning Commission.

(iv) 1. The Board may issue a special 7–day Class B–ECR (Equestrian Center restaurant) on–sale beer, wine and liquor license for the exclusive use on the premises of the Commission's Equestrian Center restaurant located within Prince George's County.

2. The special 7–day Class B–ECR on–sale beer, wine and liquor license authorizes the sale of beer, wine, and liquor by the drink for consumption on the restaurant premises by the holder or a private concessionaire under contract with the holder to operate the licensed premises.

(v) 1. A special 7-day Class B-ECR on-sale beer, wine and liquor license shall be issued to the Commission for use in the Commission's Equestrian Center restaurant upon the Commission's making application and qualifying as a license holder under this article.

2. The residency requirement under § 9-101 of this article does not apply to an applicant for this license under this paragraph.

(vi) Any profit made from the sale of beer, wine, and liquor by the holder of a license issued pursuant to this paragraph may be for the use and benefit of the Commission.

(12) (i) There is a Class B-ECF/DS license.

(ii) The annual license fee is \$7,425.

(iii) The Board may issue a special Class B beer, wine and liquor (on-sale) license known as a Class B-Education Conference Facility/Dining Service license (Class B-ECF/DS license).

(iv) A Class B-ECF/DS license may only be issued to an individual who is:

1. Authorized by the University of Maryland, College Park to act on its behalf under this license and be subject to the conditions, restrictions, and penalties under this article; and

2. A resident and registered voter of Prince George's County.

(v) The residency requirement under § 9-101 of this article does not apply to a license applicant under this paragraph.

(vi) A Class B-ECF/DS license authorizes the holder to sell beer, wine, and liquor from multiple designated outlets on the University's campus only at University-related functions catered by the Department of Dining Services.

(vii) 1. A Class B-ECF/DS license is restricted to on-sale privileges only.

2. Any alcoholic beverages purchased at a designated outlet shall be consumed within the confines of that outlet and may not be transported to another outlet.

(viii) All profits from the retail sale of alcoholic beverages under this paragraph shall be deposited in the Dining Services Income Fund of the University of Maryland.

(ix) The Board:

1. May regulate the manner in which alcoholic beverages are dispensed under a Class B–ECF/DS license;

2. Prior to the issuance of this license, shall designate the exact campus locations for the outlets for the sale of alcoholic beverages under this license;

3. Shall maintain a map and description of the designated outlets for verification upon the renewal of this license;

4. Shall require the Department of Dining Services of the University of Maryland, College Park to report to the Board at least 5 days in advance of all University–related catered functions at which beer, wine, or liquor is intended to be sold or served; and

5. Shall process this license in the same manner as any other license issued by the Board.

(x) The hours and days of sale under this license are as provided under § 11–517 of this article.

(xi) The restriction on the distance between the location of a school and an alcoholic beverages licensed premises does not apply to a Class B–ECF/DS license.

(xii) The general prohibition on the number of alcoholic beverages licenses for the same person or premises does not apply to a Class B–ECF/DS license.

(13) (i) There is a Class B beer, wine and liquor stadium license.

(ii) The annual license fee is \$21,780.

(iii) This license entitles the holder to sell beer, wine and liquor by the drink and by the bottle, from one or more outlets, for consumption on the licensed premises only.

(iv) This is a 7–day license.

(v) This license may be exercised only at the Redskins Stadium in Landover.

(14) (i) There is a Class B–MB/22 license, which may be issued only to a holder of a Class 7 micro–brewery license in the 22nd legislative district.

(ii) The annual license fee is \$1,090.

(iii) A Class B–MB/22 license entitles the holder to sell liquor by the drink for consumption on the premises only.

(iv) Notwithstanding any other provision of law, the holder of a Class B–MB/22 license may also hold a Class D license.

(15) (i) There is a Class B–DD (Development District) 7–day beer, wine and liquor license.

(ii) Only on–sale consumption is permitted.

(iii) The annual license fee is \$3,025.

(iv) A Class B–DD license may be issued only for a restaurant within any single area designated in § 9–217(f)(7) of this article.

(v) Ownership of a Class B–DD license may be transferred from one license holder to another if the license is to be used at the same location but may not be transferred for use at a different location.

(vi) 1. The Board of License Commissioners shall determine the number of Class B–DD licenses to be issued, the persons to whom Class B–DD licenses are to be issued, and the number of licenses each recipient may hold.

2. Notwithstanding subparagraph 1 of this subparagraph, the Board of License Commissioners may not issue a Class B–DD license to any restaurant located within a single area described in § 9–217(f)(7) of this article, if, at the time of issuance:

A. There are six restaurants operating with a Class B–DD license within that area; or

B. The applicant for that license is the license holder of three Class B–DD licenses.

(vii) 1. Notwithstanding any other provision of this article:

A. A license holder may hold a Class B–DD license in addition to any other license issued under this article; and

B. Subject to subparagraphs 2 and 3 of this subparagraph, for each Class B–DD license a person is issued, the person may obtain one other Class B license located anywhere in the County if all requirements for the Class B license are met.

2. Except as provided in subparagraph 3 of this subparagraph, the Class B license issued to a holder of a Class B–DD license for a restaurant in a development district under § 9–217(f)(7) of this article remains in effect only as long as the restaurant in the development district remains open for business as a restaurant.

3. If the restaurant in the development district is closed for not more than 6 months, the Class B license shall remain in effect.

(viii) A Class B–DD license may not be issued to a restaurant located within a chain store, supermarket, discount house, drug store, or convenience store.

(ix) 1. A restaurant in a single area described in § 9–217(f)(7) of this article is not eligible for a Class B–DD license unless:

A. It satisfies all of the requirements set forth in paragraph (1)(ii)3 of this subsection; and

B. Its average daily receipts from the sale of food and nonalcoholic beverages exceed its average daily receipts from the sale of alcoholic beverages.

2. The Board of License Commissioners may revoke a license in order to enforce the provisions of this subparagraph.

3. A license holder for a restaurant described in subparagraph 1 of this subparagraph shall submit a monthly report to the Board of License Commissioners of the restaurant’s average daily receipts from the sale of food and nonalcoholic beverages and the restaurant’s average daily receipts from the sale of alcoholic beverages to verify that the restaurant has met the requirements of subparagraph 1 of this subparagraph.

(16) (i) In this paragraph, “theme park” means an entertainment complex that includes roller coasters and other rides, shows, a water park, restaurants, and shops.

(ii) There is a Class B (TP) beer, wine and liquor theme park license.

(iii) The annual license fee is \$4,290.

(iv) The license privileges may be exercised only at a theme park in Mitchellville.

(v) The license entitles the holder to sell beer, wine, and liquor by the drink within the theme park, from one or more outlets, for consumption on the licensed premises only.

(vi) The license is a 7–day license.

(vii) To receive the license, the applicant shall file:

1. An application on a form that the Board of License Commissioners provides; and

2. The policies of the theme park for the sponsorship of special events held when the theme park is closed to the public and alcoholic beverages are sold.

(viii) The Board shall adopt regulations relating to the dispensing of alcoholic beverages and the days and hours of sale.

(17) (i) There is a Class B–CC (convention center) beer, wine and liquor license.

(ii) A Class B–CC license may be issued only to an establishment that is recognized as a hotel for the accommodation of the public that provides services ordinarily provided in hotels and that is equipped with:

1. At least 1,500 bedrooms;
2. At least three dining areas with facilities for preparing and serving regular meals;
3. Rooms for meetings, displays, banquets, balls, dancing, and live entertainment; and
4. A bar and entertainment or dancing area commonly recognized as a nightclub.

(iii) The annual license fee is \$22,000.

(iv) The total average daily receipts from the hire of meeting rooms, bedrooms, and the sale of food of a Class B–CC licensed establishment shall exceed the average daily receipts from the sale of alcoholic beverages.

(v) The hours during which alcoholic beverages may be served at a Class B–CC licensed establishment are from 6 a.m. until 3 a.m. the next morning, 7 days a week.

(vi) 1. Except as provided in subparagraph 2 of this subparagraph, alcoholic beverages may be sold from a locked, prestocked private bar in an individual guest room if the charges for the alcoholic beverages sold are indicated on the guest room bill.

2. The management of the establishment shall remove the bar key from any room that is rented to a guest under the age of 21 years.

(vii) Alcoholic beverages may be sold for consumption on the premises throughout the licensed establishment, both indoors and outdoors, including meeting and banquet rooms, patios, verandas, quays, and green spaces.

(viii) Dancing and live entertainment are authorized throughout the

licensed establishment.

(ix) This paragraph does not preclude a holder of a Class B–CC license from having an interest in other alcoholic beverages licenses in the county.

(18) (i) There is a Class B–AE (arts and entertainment) beer, wine and liquor license.

(ii) A Class B–AE license may be issued only to an establishment in the Prince George’s County arts and entertainment district as approved by the County Council in Council Resolution CR–83–2001.

(iii) The license authorizes the holder to sell beer, wine, and liquor for consumption on the licensed premises only.

(iv) A person may not hold more than 2 Class B–AE licenses.

(v) The annual license fee is \$2,750.

(vi) The Board of License Commissioners shall adopt regulations to carry out this paragraph, including regulations specifying hours and days of sale.

(19) (i) A license holder that seeks to provide entertainment is not required to obtain a permit under this paragraph if:

1. The license is issued under paragraph (3), (9), (10), (11), (12), (13), (16), or (17) of this subsection or § 5–201(r)(4) of this article;

2. The Board of License Commissioners determines that the holder’s principal business is to provide family entertainment;

3. The license is a Class B (on–sale) license issued for a restaurant, and the license holder provides entertainment for adults and children that:

A. Is ancillary to the operation of the business; and

B. Is not the primary focus of marketing or promotion for the business; or

4. The license is a veterans or fraternal Class C license, and the license holder provides entertainment that:

A. Is under the direct supervision of the license holder;

B. Is for adults, children, and families of the organization or the public; and

C. When offered, ends not later than midnight.

(ii) There is a special entertainment permit that the Board may issue to a holder of any Class B (on-sale) license in accordance with this paragraph.

(iii) The Board shall determine the number of days in a week that a permit holder may exercise the privileges of the permit.

(iv) 1. Before approving an application for and issuing a permit under this paragraph, the Board shall hold a public hearing in accordance with the requirements for a public hearing on an application for a license under § 10-202(i) of this article.

2. At the public hearing, the Board shall give the applicant, supporters of the applicant, and opponents of the applicant an opportunity to be heard.

3. In making its determination whether to approve the application and issue the permit, the Board shall consider whether:

A. Approval and issuance of the permit is necessary for the accommodation of the public;

B. The applicant is a fit person to receive the permit;

C. The applicant has made any material false statement in the application;

D. The applicant has committed any fraudulent act in connection with the application;

E. The operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and

F. There are any other reasons that justify the disapproval of the application or the refusal to issue the permit.

4. The Board shall hold a similar public hearing on receipt of a petition to:

A. Revoke an entertainment permit; or

B. Protest the renewal of an entertainment permit.

(v) 1. The permit authorizes the holder that complies with all requirements under county law, including zoning and use and occupancy laws and regulations, to impose a cover charge, offer facilities for patron dancing, and provide entertainment.

2. The permit is valid after 9 p.m. until 2 a.m. the following

day.

(vi) Before being issued a permit, an applicant shall:

1. Submit evidence to the satisfaction of the Board that:

A. The applicant holds a Class B (on-sale) license;

B. There are no unpaid taxes due from the applicant to the State, the County, or a municipal corporation; and

C. The applicant meets all other entertainment permit requirements; and

2. A. Develop a security plan to prevent the premises for which the permit is sought from posing a threat to the peace and safety of the surrounding area; and

B. Submit the plan for review to the Board and the Chief of the Prince George's County Police Department.

(vii) 1. The Chief of the Prince George's County Police Department may submit comments to the Board on the adequacy of the security plan within 30 days after receipt of the plan.

2. The Board shall consider the comments, if any, of the Chief of Police and subsequently issue the permit, refuse to issue the permit, or condition the issuance of the permit on changes to the security plan.

3. If the Board issues the permit with a security plan that the Chief of the Prince George's County Police Department does not support, the Board shall specify in writing to the Chief the reasons why the Board has determined that the security plan is adequate.

4. Each permit holder shall follow the approved security plan at all times when the permit holder exercises the privileges of the permit.

(viii) A holder of the permit:

1. Shall implement the security plan; and

2. When the privileges authorized by the permit are being exercised, may not allow an individual who is under the age of 21 years on the premises for which the permit is issued, unless the individual is employed by or is an immediate family member of the holder.

(ix) The Board at any time may prohibit, condition, or restrict the type of entertainment offered by a holder of the permit, including lewd, exotic, loud, or

raucous entertainment, if after a hearing the Board determines that the entertainment adversely impacts or unduly disturbs the community and is not conducive to the peace, health, welfare, or safety of the residents of the County.

(x) The annual fee for the permit is \$1,500, which is in addition to the annual fee for the Class B license.

(xi) A permit holder may employ sworn security personnel as part of the security plan if the sworn security personnel have full police powers in the jurisdiction where the premises of the permit holder is located.

(xii) 1. The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the County establishes that the security plan has not been implemented and that the public health, safety, or welfare requires emergency action.

2. On issuance of a temporary restraining order under subparagraph 1 of this subparagraph, the County shall give the permit holder written notice of and reasons for the closure.

3. The permit holder promptly shall be given an opportunity for a hearing in circuit court on the granting of the temporary restraining order in accordance with Title 15, Chapter 500 of the Maryland Rules.

(xiii) Subject to subparagraph (xiv) of this paragraph, the Board may immediately suspend a permit if the Board reasonably believes that the permit holder:

1. Violated this paragraph; or
2. Is not in compliance with a county zoning property standard or use and occupancy requirement.

(xiv) If the Board immediately suspends a permit, the Board shall:

1. Give the permit holder notice of the suspension and a hearing on the suspension at which the permit holder may be heard and present evidence; and
2. Hold the hearing within 30 days after the suspension is imposed.

(xv) At the hearing, the Board shall determine:

1. Whether the permit holder violated this paragraph or other law; and
2. If a violation occurred, what penalty to impose among those listed in subparagraphs (xvi) and (xvii) of this paragraph.

(xvi) Subject to subparagraph (xvii) of this paragraph, if the Board finds that a person has violated this paragraph, the Board:

1. May revoke or continue the suspension of the permit; and
2. Shall impose on the person a penalty of:
 - A. For a first offense, at least \$1,000 but not more than \$12,500; and
 - B. For each subsequent offense, at least \$5,000.

(xvii) The Board:

1. Shall revoke the permit of a person who the Board determines violated this paragraph twice within a 24-month period; and
2. Until at least 12 months after the order of revocation was issued, may not consider an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation.

(xviii) If the Board determines that the permit holder did not violate this paragraph, the Board shall immediately reinstate the permit.

(xix) The Board of License Commissioners shall adopt regulations to carry out this paragraph.

- (s) (1) This subsection applies only in Queen Anne's County.
- (2) The annual license fee is \$1,000.
- (3) This license provides for the consumption of wine and liquor on the premises only.
- (4) (i) The Board of License Commissioners may issue a Class B beer, wine and liquor on-sale license for use in a conference center.
 - (ii) The annual fee is \$1,500.
 - (iii) To qualify for a license under this paragraph, the conference center shall have the following facilities to accommodate at least 100 persons:
 1. A kitchen facility;
 2. A dining facility; and
 3. Overnight facilities.
 - (iv) The holder may sell beer, wine, and liquor for on-premises

consumption to persons attending an event at the conference center.

(t) (1) This subsection applies only to hotel/restaurant and restaurant licenses in St. Mary's County.

(2) (i) There is a Class B beer, wine and liquor hotel/restaurant license.

(ii) The annual license fee is \$1,000.

(iii) This license may be issued to a bona fide hotel that:

1. Is an establishment for the accommodation of the public providing services ordinarily found in hotels; and

2. Is equipped with not fewer than 25 rooms, a lobby with a registration and mail desk and seating facilities, and a dining room that serves full-course meals at least twice daily.

(iv) A hotel/restaurant license does not permit sales of alcoholic beverages for consumption off the premises.

(3) (i) There is a Class B beer, wine and liquor restaurant license.

(ii) The annual license fee is \$650.

(u) (1) This subsection applies only in Somerset County.

(2) The annual license fee is \$1,265 for a restaurant or for a hotel.

(3) This license may be issued to any bona fide hotel or motel which:

(i) Is an establishment for the accommodation of the public providing services ordinarily found in hotels or motels;

(ii) Has a lobby with registration and mail desk and seating facilities;

(iii) In the case of a hotel or motel in existence and operated as such on June 1, 1967, maintains not fewer than ten rooms for occupancy by guests; and

(iv) In the case of a hotel or motel not in existence and operated as such on June 1, 1967, maintains not fewer than 20 rooms for occupancy by guests and is operated in facilities which are assessed for State and county taxation at not less than \$45,000.

(4) This license may be issued to a restaurant which meets the following requirements and conditions:

(i) Serves full-course meals at least twice daily;

(ii) Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons; and

(iii) Has had daily average receipts from the sale of food in excess of those for the sale of alcoholic beverages, during the 12-month period immediately preceding the application for the license.

(5) Every hotel or restaurant shall purchase all wines and liquor sold by them from the Somerset County Liquor Control Board and shall be charged the invoice price of it to the Liquor Control Board, plus freight charges on it and plus a sum not to exceed 20 percent of the aggregate invoice price and freight charges.

(6) This license provides for the consumption of wine and liquor on the premises only.

(v) (1) This subsection applies only in Talbot County.

(2) The annual license fee is \$1,000.

(3) (i) A license may be issued to bona fide hotels having 25 or more bedrooms located under one roof regularly serving meals or any restaurant seating at least 50 persons and which restaurant can show that at least 60 percent of the gross income is derived from the sale of food, notwithstanding the other requirements of this article, and otherwise complying with the provisions of this article.

(ii) Any sale of liquor as provided for may not exceed one quart and sales may not be made at bars or counters. This license for a restaurant does not cover “package sales” or any other form of “off-sale” alcoholic beverages.

(4) The hours and days for sale are from 7 a.m. to 1 a.m. the following day, Monday through Saturday.

(w) (1) This subsection applies only in Washington County.

(2) The annual license fee for a license with:

(i) On- and off-sale privileges is \$1,000; or

(ii) On-sale privileges, as provided for under § 8-222.1 of this article, is \$750.

(3) (i) There is a Class B-theater license.

(ii) The annual license fee is \$200.

(iii) The Board of License Commissioners may issue a Class B beer, wine and liquor on-sale license for use in a theater.

(iv) To qualify for a license under this paragraph the theater shall:

1. Be operated by a nonprofit organization;
2. Appear on the National Register of Historic Places;
3. Accommodate at least 1,400 persons; and
4. Be located on the south side of Hagerstown.

(v) The holder of a license issued under this paragraph is authorized to sell beer, wine, and liquor for on-premises consumption only to persons who are attending a performance or an event that is held at the theater.

(x) (1) This subsection applies only in Wicomico County.

(2) (i) This paragraph applies solely to hotel and restaurant licenses.

(ii) The annual license fee is:

1. For a restaurant – \$1,320; and
2. For a hotel – \$1,980.

(iii) 1. This license may be issued to a bona fide hotel which:

A. Is an establishment for the accommodation of the public providing services ordinarily found in hotels; and

B. Is equipped with not fewer than 25 rooms, a lobby with registration and mail desk and seating facilities and a dining room which serves full-course meals at least twice daily.

2. A hotel license does not permit sales for consumption off the premises.

(iv) 1. This license may be issued only to a restaurant that:

A. Is a business establishment for the accommodation of the public;

B. Is fully equipped with a proper and adequate dining room with facilities for preparing and serving regular meals;

C. Has a regular seating capacity at tables (not including seats at bars or counters) for 40 or more persons seated comfortably and adequately and shall meet the minimum requirements of the fire code applicable to the jurisdiction where the restaurant is located; and

D. Has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in any mixed drink may not be included in average daily receipts from the sale of food.

2. The seating does not affect present Class B beer, wine and liquor licensees.

3. This license requires the sale of alcoholic beverages for consumption only on the inside of the restaurant premises. A person may not enter or egress the premises while in possession of any alcoholic beverages.

(v) 1. Except for the purchase of beer and light wine, the holder shall purchase all of the alcoholic beverages that are sold for consumption on the premises from the county dispensary.

2. The county dispensary may not charge the holder more than 15 percent above the wholesale operation cost to the dispensary for each item that the holder purchases.

(vi) 1. "Lounge area" means a room or area that includes:
A. A bar where alcoholic beverages are served; and
B. An entertainment facility in the same room or area as the bar, although entertainment need not be in progress.

2. The holder of this license may prohibit a person under the legal drinking age in the State from entering the lounge area on the licensed premises after 9:00 p.m., unless this person is accompanied by a parent or legal guardian who is of the legal drinking age in the State.

3. The holder of this license may charge an entertainment fee for each person who enters or who is present during the time live entertainment is in progress in the lounge area.

(3) (i) There is a Class B–Conference Center license.

(ii) The annual license fee is \$1,500.

(iii) The conference center shall have a minimum capacity of 500 persons and the following facilities:

1. Kitchen;
2. Dining; and
3. Meeting space.

(iv) Licensees may sell beer, wine and liquor for on–premises

consumption to persons attending an event at the conference center.

(v) An existing Class B license may be amended to one for conference center use.

(4) (i) There is a Class B special wine (B-SWL) (off-sale) license.

(ii) A holder of a license under this paragraph may sell wine for consumption off the licensed premises.

(iii) 1. The Board of License Commissioners may issue a license under this paragraph only to a holder of a Class B beer, wine and liquor (7-day) (on-sale) license that is issued for a restaurant.

2. The term of a license under this paragraph that is issued to a successful applicant shall be the same as that of the Class B beer, wine and liquor license held by the applicant.

(iv) A holder of a license under this paragraph at a minimum shall offer for sale 5 days per week:

1. Breakfast and lunch;

2. Breakfast and dinner; or

3. Lunch and dinner.

(v) The meals shall be described in a printed menu.

(vi) The area used for the preparation and consumption of food and beverages shall occupy at least 80% of the total square foot area of the licensed premises.

(vii) An applicant for a license under this paragraph shall complete the form that the Board of License Commissioners provides.

(viii) Advertising, posting of notice, and public hearing requirements for a license under this paragraph are the same as those for other Class B licenses.

(ix) The annual license fee is \$1,500.

(x) Off-sale alcoholic beverages receipts shall be included in the calculation of average daily receipts from the sale of alcoholic beverages under paragraph (2)(iv)1D of this subsection.

(xi) Subject to subparagraph (xii) of this paragraph, the hours for sale for a license under this paragraph are:

1. 10 a.m. to midnight, Monday through Saturday; and

2. 12:30 p.m. to midnight on Sunday.

(xii) A license holder may exercise the privileges of a license under this paragraph only if the licensed premises is open for business as a restaurant.

(xiii) Wine sold under a license under this paragraph shall have a maximum alcohol content of 15.5%.

(xiv) The Board of License Commissioners may adopt regulations to carry out this subsection, including a limit on the number of licenses to be issued.

(y) (1) This subsection applies only in Worcester County.

(2) The annual license fees for the following types of licenses are:

(i) Six-day licenses – \$1,750; and

(ii) Seven-day licenses – \$2,500.

(3) Hotels and restaurants are defined to be:

(i) For six-day license holders:

1. Bona fide hotels having at least 20 rooms and serving meals regularly; or

2. Restaurants having a seating capacity at tables of at least 70 people.

(ii) For seven-day license holders:

1. As required for six-day license holders, which are incorporated by reference; and

2. A. Establishments for the accommodation of the public which provide services found ordinarily in hotels, have a lobby with a registration and mail desk and seating facilities, and an enclosed dining area which serves full-course meals from menus at least twice daily; or

B. Establishments which have an enclosed dining area which serves full-course meals from menus at least twice daily and have daily receipts from the sale of food in excess of that from the sale of alcoholic beverages during the effective period of the license.

(iii) A license may not be issued unless the hotel or restaurant is operated in a clean and sanitary manner and is equipped with the proper restroom facilities.

(4) Seven-day license holders may sell beer, wine and liquor on-sale and

off-sale.

(5) If the premises to be licensed by the provisions of this subsection are within a municipal corporation, the license application may be subject to approval by its mayor and town council and shall be approved by the licensing authority.

(6) All license fees shall go to the general funds of the county. However, if the licensed premises are in a municipal corporation, 75 percent of the fees shall go to that municipal corporation.

(7) (i) Except as provided in subparagraph (ii) of this paragraph, all licensees shall purchase all wines and liquors, except light wine and beer, from the Worcester County Department of Liquor Control. They shall be charged not more than 85 percent of the retail price or any special sale price or discount price, whichever is lower, set by the Department for wines and liquors. All licensees may purchase beer and light wine from licensed wholesalers.

(ii) Beginning on July 1, 2014, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15-204(e) of this article.

(8) The hours for sale are as provided in § 11-524 of this article.

(9) (i) There is a Class EF (entertainment facility) beer, wine and liquor license.

(ii) A Class EF license authorizes the holder to sell beer, wine, and liquor by the drink and by the bottle from one or more outlets in the entertainment facility, for consumption anywhere throughout the entertainment facility.

(iii) A holder of a Class EF license may not sell alcoholic beverages for off-sale consumption.

(iv) Notwithstanding § 8-208(b) of this article, the Board of License Commissioners may issue a Class EF license only if the applicant has an initial capital investment in the facility for which the license is sought of at least \$45,000,000.

(v) The Board may issue one or more Class EF licenses for the same facility.

(vi) A Class EF license authorizes the sale and serving of beer, wine, and liquor anywhere throughout the entertainment facility during those days that the entertainment facility is open for business and from 9:00 a.m. through 4:00 a.m. the following day.

(vii) A Class EF license authorizes the playing of music and dancing.

(viii) The annual license fee is \$15,000.

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