

Article - Alcoholic Beverages

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§9–203.

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

(b) (1) (i) The Board of License Commissioners may restrict any specified area within the county to the existing number of licenses in that area or to any other number of licenses it deems appropriate.

(ii) Before any specified area is restricted, the Board shall conduct a hearing on the proposed restricted area. The hearing shall be advertised in the manner required for the issuance of a new license. After testimony is taken for and against the restriction of licenses in a specified area, the Board may prohibit the issuance of additional licenses, or fix the number of licenses to be permitted in that area, and shall determine the limits of that area.

(iii) The Board may restrict the number of licenses or prohibit additional licenses in any specified area, when, in the opinion of the Board, the area has:

1. Sufficient licensed premises for the accommodation of the public;

2. Become saturated with licensed premises to the extent that special policing is required and traffic hazards are created; or

3. Changed character so that the existing number of licensed premises is inconsistent with present usage of the area and an increase in the number of licensed premises located within the area will unduly disturb the peace of its residents.

(iv) A specified area may be restricted by the Board for any period between one and four years. At the end of the period fixed by the Board, the restrictions shall terminate and be of no further effect, unless the Board conducts another hearing and further restricts the number of licenses as provided in this section.

(2) The Board shall conduct a hearing on restricting the number of licenses or prohibiting additional licenses in any specified area upon the receipt of a petition requesting the restriction or prohibition and designating the specific area to be restricted. The petition shall be signed by at least 25 persons who are property owners and registered voters of the precinct in which the proposed restricted area is located.

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

2. “Overserved district” means an assessment district in the county in which the ratio of off-sale licenses per person is less than one per 4,000

persons.

3. “Underserved district” means an assessment district in the county in which the ratio of off-sale licenses per person is more than one per 4,000 persons.

(ii) 1. The Board may issue a Class A, Class B, or Class D (off-sale) license based on its determination as to whether the license is necessary for the accommodation of the public.

2. In determining whether a Class A, Class B, or Class D (off-sale) license is necessary for the accommodation of the public, the Board may, but is not required to, consider whether the premises to which the license would apply is located in an underserved district or an overserved district.

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

(ii) “Transfer or assignment” means the transfer or assignment of a license from the licensee to whom issued to a new licensee and does not mean the transfer of a license permitting the sale of alcoholic beverages in the premises designated in the license to other premises within the 1,000-foot limitation set forth in this subsection.

(iii) “Extended for the same building” means the extension of the area of the premises licensed and does not mean a change in the operational classification of an existing license, except when the change is from a Class B, C or D license to a Class H license.

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

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

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

(i) The City of Annapolis;

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

(iii) Any nonprofit club or nonprofit organization;

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

(v) Any Class H beer and wine license (on-sale) or Class H beer, wine and liquor license (on-sale); or

(vi) Any motel-restaurant complex, hotel-restaurant complex, beer, wine and liquor license (on-sale).

(4) (i) An alcoholic beverage license may not be renewed or transferred unless the licensee has actively engaged in the sale of alcoholic beverages as authorized by the license within one year prior to the date of application for renewal or transfer. Any attempted renewal or transfer of a dormant license not in accordance with the provisions of this section is null and void.

(ii) The reissuance of any license to any licensee whose license has been nonrenewed under the provisions of this section is subject to the hearing, notice and other provisions of § 10-202 of this article except if the main building on the premises is destroyed by fire, wind, or flood. The Board of License Commissioners may renew the license if it has been proven that the licensee is making substantial efforts to restore, replace, or repair the building. This extension shall be effective for one year from the date of approval by the Board. If the licensee desires another extension, the licensee shall follow the same procedure. The licensee shall pay the license fee for each year even though the establishment is not open.

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