

Article - Alcoholic Beverages

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§9–217.

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

(b) Subject to subsection (b–1) of this section, the number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

(1) Beer license, Class A.....	19
(2) Beer license, Class B.....	23
(3) Beer license, Class C.....	3
(4) Beer license, Class D.....	76
(5) Beer and light wine license, Class A.....	26
(6) Beer and light wine license, Class B.....	45
(7) Beer and light wine license, Class B–GC	4
(8) Beer and light wine license, Class B–Stadium.....	1
(9) Beer and light wine license, Class C.....	8
(10) Beer and light wine license, Class D.....	55
(11) Beer, wine and liquor license, Class A.....	143
(12) Beer, wine and liquor license, Class B.....	185
(13) Beer, wine and liquor license, Class B–AE.....	8
(14) Beer, wine and liquor license, Class BCE.....	8
(15) Beer, wine and liquor license, Class B–CI.....	2
(16) Reserved.	
(17) Beer, wine and liquor license, Class B/ECF	1
(18) Beer, wine and liquor license, Class B–ECF/DS	1
(19) Beer, wine and liquor license, Class B–ECR	1
(20) Beer, wine and liquor license, Class B–Stadium	1

(21) Beer, wine and liquor license, Class C

(i) Under § 6–301(r)(2).....	30
(ii) Under § 6–301(r)(3).....	25
(iii) Under § 6–301(r)(4).....	4
(iv) Under § 6–301(r)(5).....	12
(v) Under § 6–301(r)(7).....	1

(b–1) (1) A person may obtain a Class A license of any kind for the purpose of having the Board of License Commissioners declare the license to be extinguished.

(2) (i) The person shall inform the Board of License Commissioners of the purpose for obtaining the license.

(ii) The Board of License Commissioners shall declare the license to be extinguished when the person comes into possession of the license.

(3) Within 10 days after having come into possession of the license, the person shall:

(i) Surrender the license to the Board of License Commissioners; and

(ii) Provide evidence to satisfy the Board that all taxes or obligations to wholesalers or other persons have been paid.

(4) A person that obtains a license under this subsection may not exercise the privileges of, sell, assign, or apply for transfer of the license.

(5) The Board of License Commissioners may impose on a person who violates this subsection a penalty not exceeding \$1,000.

(6) A license that is extinguished under this subsection:

(i) May not be replaced by the Board; and

(ii) Counts as one of the number of licenses in the appropriate class listed in subsection (b) of this section.

(c) This section does not invalidate any license in any class which exceeds the maximum number of that class at the time of effective date of this provision, but when any licenses in excess of the number provided in this section expire by virtue of revocation, cessation of business, or nonrenewal, then a new license may not be issued to replace it.

(d) This section does not apply to a license issued under the provisions of §

6–201(r)(3), (6), (15), or (17), or § 7–101 of this article.

(e) (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, a license may not be granted to sell alcoholic beverages in any building located within 1,000 feet of a school building, or within 500 feet of a place of worship. The 1,000 feet, or the 500 feet, as the case may be, is to be measured from the front door or main entrance, whichever is nearest the street abutting the premises, of the proposed licensed establishment along the nearest usual pedestrian route to the door closest to the licensed premises which is used as an entrance or exit to any school, or to the main entrance of the place of worship.

(ii) In the part of the Gateway Arts and Entertainment District located in the City of Hyattsville, as designated by the Secretary of Commerce, the front door or main entrance of an establishment for which a Class D beer and wine license is issued may be used if the door or entrance is at least 350 feet from a place of worship.

(iii) In the City of College Park, a license may be granted to sell alcoholic beverages in a building located more than 400 feet from a school building if the land on which the proposed licensed establishment is located is in a commercial district.

(iv) In the City of Laurel, a license may be granted to sell alcoholic beverages in any building regardless of its distance from a place of worship.

(2) This restriction does not apply in the case of a place of worship if the governing body of the place of worship concerned consents in writing to the granting of the license. The consent shall be filed with the application. The license of any person or persons or for the use of a corporation or unincorporated association issued for any building located within the requisite distance from a place of worship or school building may be renewed or extended for the same building.

(3) This restriction does not apply to any transfer or assignment of a license located within the distance of 1,000 feet to another place of business within the specified distance or to an assignee of the license within the distance of the same place of worship or school building.

(4) This does not apply to the issuance of a license for a place of business, not having an alcoholic beverage license, to which an alcoholic beverage license had been issued and was in force and effect on June 1, 1965, as to a license of the same class which was in force and effect as of that date, applied for in the place of business nor to a renewal of a license of any establishment where, subsequent to the original granting of the license a school building or place of worship was erected within 1,000 feet.

(5) This subsection does not apply to any license issued under § 6–201(r)(3), (4), (6), (8), (15), (16), or (18) or § 7–101 of this article.

(6) This restriction does not apply in the case of a private kindergarten or nursery school.

(e-1) The Board of License Commissioners may not issue a new Class A license for or transfer an existing Class A license to a location within three-fourths of a mile of a correctional facility, as defined in § 1-101 of the Correctional Services Article, in Upper Marlboro.

(f) (1) (i) Except as provided in § 6-201(r)(15) of this article, a person, whether acting on that person's behalf or on the behalf of another person or entity, corporation, association, partnership, limited partnership or other combination of persons (natural or otherwise) for whatever reason formed, may not have an interest in more than one license authorizing the retail or wholesale sale of alcoholic beverages.

(ii) An interest shall be conclusively presumed to exist between 2 licensees or a licensee and an applicant for a license if any of the following conditions exist between them:

1. A franchise agreement;
2. A licensing agreement;
3. A concession agreement;
4. Where both are part of a chain of businesses commonly owned and operated and so portrayed to the public;
5. Any sharing of directors or stockholders or any sharing of directors or stockholders of parents or subsidiaries;
6. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
7. Sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public, except hotels and motels.

(iii) The Board of License Commissioners shall make determinations under this subsection without regard to whether a particular licensee or proposed licensee is or may be an independent contractor for purposes other than the application of this subsection.

(iv) A holder of a wholesale alcoholic beverages license is considered a licensee for purposes of this subsection and may not hold or have an interest, directly or indirectly, in an alcoholic beverages license of any class that authorizes retail sale of alcoholic beverages in Prince George's County.

(2) This subsection does not apply to licenses issued under the provisions of § 6-201(r)(2), (3), (5), (10), or (15), § 7-101, or § 8-505 of this article or to club licenses.

(3) Notwithstanding other provisions of this subsection or other provisions of this article, the Board of License Commissioners may permit an individual, partnership, or corporation to hold or have an interest in an unlimited number of BH licenses.

(4) If the Board of License Commissioners determines after a hearing that an interest exists in more than one license, the Board shall refuse to issue a new license or shall revoke an existing license, unless the license is operational and complied with law applicable at the time of its issuance.

(5) (i) This paragraph does not apply to a restaurant located within a chain store, supermarket, discount house, drug store, or convenience store.

(ii) Notwithstanding any other provision of this article, the Board of License Commissioners may allow an individual, partnership, corporation, unincorporated association, or limited liability company to hold or have an interest in more than one Class B beer, wine and liquor license, if the restaurant for which the license is sought is located within:

1. Any of the following areas that are underserved by restaurants:

A. Suitland business district, consisting of properties fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset Lane, and on Suitland Road between Arnold Road and Eastern Lane;

B. Part of the Port Towns business district, consisting of properties fronting on or having access to Rhode Island Avenue, Bladensburg Road, Annapolis Road, or 38th Street, in legislative district 22; or

C. Largo area, consisting of properties within the area bounded by the Capital Beltway (I-495) on the west, Central Avenue and Landover Road on the south and southeast, Campus Way North on the east and Route 214 and Landover Road on the north and northwest; or

2. A. A waterfront entertainment retail complex as defined by a county zoning ordinance; or

B. A commercial establishment on 100 or more acres that is designated by the County Executive as a recreational, destination, or entertainment attraction.

(iii) 1. Except as provided in sub-subparagraph 2 and 3 of this subparagraph, a license holder may not hold more than 4 Class B beer, wine and liquor licenses within all of the underserved areas described in subparagraph (ii)1 of this paragraph.

2. A license holder may be issued or transferred a fifth Class

B beer, wine and liquor license only if the date of the application for the fifth license is at least 1 year after the date the license holder was issued or transferred the fourth license.

3. A license holder may be issued or transferred a sixth Class B beer, wine and liquor license only if the date of the application for the sixth license is at least 1 year after the date the license holder was issued or transferred the fifth license.

(iv) An individual, partnership, corporation, unincorporated association, or limited liability company that holds or has an interest in a license located in an underserved area described in subparagraph (ii)1 of this paragraph may not hold or have an interest in more than one license located outside of all the underserved areas.

(v) An individual, partnership, corporation, unincorporated association, or limited liability company may not hold or have an interest in more than one license in a commercial establishment described in subparagraph (ii)2 of this paragraph.

(vi) The annual license fee for a Class B license obtained under this paragraph is \$2,500.

(vii) A Class B license obtained under this paragraph does not confer off-sale privileges.

(viii) The residency requirements under § 9-101 of this title apply to an applicant for a Class B license under this paragraph.

(ix) The limit on the maximum number of Class B beer, wine and liquor licenses in the county under subsection (b) of this section applies to the issuance of licenses under this paragraph.

(6) (i) In this paragraph, “business licensing agreement” means an agreement that authorizes a person, in the operation of a restaurant, to use a trademark, trade name, or other identifying symbol owned by a licensor.

(ii) This paragraph does not apply to a restaurant located in a chain store, supermarket, discount house, drug store, or convenience store.

(iii) In accordance with the alcoholic beverages license quota limitations under subsection (b) of this section, the Board of License Commissioners may issue or transfer a Class B beer (on-sale) license or a Class B beer and wine (on-sale) license for use by:

1. A franchisee who operates a restaurant under a franchise agreement with a franchisor; or

2. A person who operates a restaurant under a business licensing agreement with a licensor.

(iv) Notwithstanding paragraph (1) of this subsection or other provisions of this article, the Board may issue or transfer a license under subparagraph (iii) of this paragraph regardless of whether a Class B beer (on-sale) license or Class B beer and wine (on-sale) license has been issued or transferred for use by:

1. Another franchisee operating a restaurant under a franchise agreement with the same franchisor; or

2. Another person operating a restaurant under a business licensing agreement with the same licensor.

(v) A person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under this paragraph may not hold another Class B beer (on-sale) or Class B beer and wine (on-sale) license unless authorized under another provision of law.

(vi) For the purposes of this paragraph:

1. A licensor or franchisor may not have an ownership interest in a person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under this paragraph; and

2. Notwithstanding item 1 of this subparagraph, a business licensing agreement or franchise agreement may require a person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under this paragraph to pay the licensor or franchisor a fee that is based on a percentage of revenue.

(7) Subject to § 6-201(r)(15) of this article, the Board of License Commissioners may issue:

(i) Up to four Class B-DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore-Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

(ii) Up to four Class B-DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(iii) Up to six Class B-DD (Development District) licenses may be issued to restaurants located within the area of Ritchie Station Marketplace; and

(iv) Subject to subsection (o) of this section, up to six Class B-DD (Development District) licenses to restaurants located within the Towne Centre at

Laurel.

(g) If an existing license has been issued to individuals for the use of a corporation or club and thereafter the licensee desires to substitute one or more of the officers of such corporation or club, the substitution may be requested by filing with the Board of License Commissioners for the county a petition setting forth the necessary information for the substitution or substitutions without the necessity of filing a formal application for transfer of license as otherwise provided in this article. The petition for substitution of officers shall be approved by the Board upon a proper showing that the licensee would still meet the requirements of the law as set forth elsewhere in this article.

(h) (1) Except as provided in paragraph (2) of this subsection, an alcoholic beverage license with an off-sale privilege of any class, except by way of renewal, may not be transferred or issued to any business establishment of the type commonly known as chain stores, supermarkets, discount houses or their franchisors and franchisees or concessionaires. However, those establishments holding an alcoholic beverage license at the time of enactment of this section may continue to hold such license, and may, at the discretion of the Board of License Commissioners, change the classification of their license.

(2) Notwithstanding any other provision of this article, the Board of License Commissioners may approve the transfer from the 47th alcoholic beverages district to the 21st alcoholic beverages district of one Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises.

(i) An application for an alcoholic beverage license may not be considered prima facie evidence that the applicant or applicants are entitled to the license. Because of the limitation on licenses as set forth in subsection (b) of this section the burden of proof is upon the applicant or applicants to show to the Board of License Commissioners that the issuance of a license to the applicant or applicants is necessary for the accommodation of the public at the premises applied for. The limitations on licenses enumerated in subsection (b) of this section may not be construed as the number of licenses the Board is obligated to issue.

(j) The residency requirement provided for in § 9-101 of this article applies to any issuance, renewal, or transfer of a license.

(k) (1) This subsection does not prohibit the issuance of a Class B-DH (draffhouse) license for use on the premises of a draffhouse as defined in § 8-702(a) of this article.

(2) The Prince George's County Board of License Commissioners may not issue an alcoholic beverages license for use on the premises of a motion picture theater.

(l) (1) The Board of License Commissioners may not issue any new beer, wine or liquor licenses that have an off-sale privilege within, or transfer any additional beer,

wine or liquor licenses that have an off-sale privilege into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district as follows:

(i) The 21st alcoholic beverages district at all times shall be coterminous with the Prince George's County part of the 21st legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the 21st alcoholic beverages district consists of:

1. Prince George's County election district 1;
2. Prince George's County election district 10, precincts 1 through 5, 9, 12, and 13;
3. Prince George's County election district 21, precincts 1, 2, 4, 14, 15, and 17;
4. That part of Prince George's County election district 21, precinct 5 consisting of census tract 8073.05, block 1014; and
5. That part of Prince George's County election district 21, precinct 10 consisting of the following census tracts and blocks:
 - A. Census tract 8067.03, blocks 1010, 1011, and 1014;
 - B. Census tract 8069.00, blocks 1000 through 1019 and 3000 through 3021;
 - C. Census tract 8070.00, blocks 1000 through 1025; and
 - D. Census tract 8074.08, blocks 4015 and 4016;

(ii) The 22nd alcoholic beverages district at all times shall be coterminous with the 22nd legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 22nd alcoholic beverages district consists of:

1. Prince George's County election district 19;
2. Prince George's County election district 2, precincts 6 and 10;
3. Prince George's County election district 14, precinct 8;
4. Prince George's County election district 16, precincts 2 through 5;
5. Prince George's County election district 17, precincts 9 and 12;

6. Prince George's County election district 20, precincts 1, 2, 6, 7, and 11;

7. Prince George's County election district 21, precincts 3, 6 through 9, 11 through 13, and 16;

8. That part of Prince George's County election district 2, precinct 5 consisting of the following census tracts and blocks:

A. Census tract 8039.00, blocks 1000 through 1013, 2000 through 2007, and 3000 through 3015;

B. Census tract 8040.01, blocks 2001 and 2002; and

C. Census tract 8040.02, blocks 1003, 1010, 2000 through 2002, and 2004;

9. That part of Prince George's County election district 2, precinct 8 consisting of census tract 8063.00, block 2016;

10. That part of Prince George's County election district 16, precinct 1 consisting of the following census tracts and blocks:

A. Census tract 8040.02, blocks 2049 and 2995;

B. Census tract 8063.00, blocks 1000, 1012 through 1035, 1996 through 1999, 2001, 2003 through 2015, and 2997 through 2999; and

C. Census tract 8065.01, blocks 2996, 2997, 3011 through 3015, 3996, and 3997; and

11. That part of Prince George's County election district 21, precinct 10 consisting of the following census tracts and blocks:

A. Census tract 8067.03, block 1001; and

B. Census tract 8074.08, block 4014;

(iii) The 23rd alcoholic beverages district at all times shall be coterminous with the 23rd legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 23rd alcoholic beverages district consists of:

1. Delegate district 23A (two member delegate district):

A. Prince George's County election district 7, precincts 1 through 5;

B. Prince George's County election district 10, precincts 6

through 8, 10, and 11;

C. Prince George's County election district 14, precincts 1 through 7, 9, and 10;

D. Prince George's County election district 20, precincts 9 and 10; and

E. That part of Prince George's County election district 20, precinct 5 consisting of census tract 8004.08, blocks 2013, 2020, 2021, and 2022; census tract 8036.07, blocks 3009 through 3011; and census tract 8036.08, blocks 1000 through 1002, 1005 through 1009, 1011 through 1015, 2000 through 2006, and 2008 through 2010; and

2. Delegate district 23B (single member delegate district):

A. Prince George's County election district 3, precincts 2 and 3; and

B. Prince George's County election district 7, precincts 6 through 11;

(iv) The 24th alcoholic beverages district at all times shall be coterminous with the 24th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 24th alcoholic beverages district consists of:

1. Prince George's County election district 6, precincts 3, 6, 9, 12, 15, and 19;

2. Prince George's County election district 13, precincts 1, 3, 5, 7, 8, 10, and 14 through 17;

3. Prince George's County election district 18, precincts 1 through 4 and 7 through 11;

4. Prince George's County election district 20, precincts 4 and 8;

5. That part of Prince George's County election district 18, precinct 5 consisting of the following census tracts and blocks:

A. Census tract 8031.00, blocks 1003 through 1015, 1021, 1022, 1024 through 1029, and 2000 through 2017; and

B. Census tract 8033.00, blocks 3006 and 3008; and

6. That part of Prince George's County election district 18,

precinct 6 consisting of census tract 8028.04, blocks 4005 and 4006;

(v) The 25th alcoholic beverages district at all times shall be coterminous with the 25th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 25th alcoholic beverages district consists of:

1. Prince George's County election district 3, precinct 4;
2. Prince George's County election district 6, precincts 1, 4, 5, 7, 10, 11, 14, 16, 18, and 20 through 23;
3. Prince George's County election district 7, precinct 12;
4. Prince George's County election district 9, precincts 1, 3, 10, and 11;
5. Prince George's County election district 13, precincts 4, 6, 9, and 11 through 13;
6. Prince George's County election district 15, precinct 2; and
7. That part of Prince George's County election district 18, precinct 6 consisting of census tract 8028.04, blocks 1006 through 1009, 2000 through 2003, 3000 through 3021, 4000, and 4002 through 4004;

(vi) The 26th alcoholic beverages district at all times shall be coterminous with the 26th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 26th alcoholic beverages district consists of:

1. Prince George's County election district 12;
2. Prince George's County election district 5, precincts 2, 3, and 5 through 7;
3. Prince George's County election district 6, precincts 2, 8, 13, and 17; and
4. Prince George's County election district 9, precincts 2 and 5;

(vii) The 27th alcoholic beverages district at all times shall be coterminous with the Prince George's County part of the 27th legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the 21st alcoholic beverages district was in delegate district 27A (two member delegate district) and consists of:

1. Prince George's County election districts 4, 8, and 11;
2. Prince George's County election district 3, precinct 1;
3. Prince George's County election district 5, precincts 1, 4, and 8;
4. Prince George's County election district 9, precincts 4 and 6 through 9; and
5. Prince George's County election district 15, precincts 1, 3, and 4; and

(viii) The 47th alcoholic beverages district at all times shall be coterminous with the 47th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 47th alcoholic beverages district consists of:

1. Prince George's County election district 2, precincts 1 through 4, 7, and 9;
2. Prince George's County election district 13, precinct 2;
3. Prince George's County election district 17, precincts 1 through 8, 10, 11, 13, and 14;
4. Prince George's County election district 20, precinct 3;
5. That part of Prince George's County election district 2, precinct 5 consisting of the following census tracts and blocks:
 - A. Census tract 8040.01, block 2000; and
 - B. Census tract 8040.02, block 2003; and
6. That part of Prince George's County election district 2, precinct 8 consisting of the following census tracts and blocks:
 - A. Census tract 8039.00, blocks 3016 and 3017;
 - B. Census tract 8040.01, blocks 1000 through 1006, 2003, and 2004;
 - C. Census tract 8040.02, blocks 1000, 1001, 1002, 1004 through 1009, 1011 through 1017, 2005, 2006, 2007, 2009 through 2034, 2040, 2047, 2048, 2994, 2996, 2997, 2998, and 2999;
 - D. Census tract 8043.00, blocks 1000 through 1005, 1011, and 1014 through 1018;

E. That part of Prince George’s County election district 16, precinct 1 consisting of census tract 8040.02, block 2008;

F. That part of Prince George’s County election district 18, precinct 5 consisting of census tract 8031.00, blocks 1000, 1001, 1002, 1016 through 1020, and 1023; and census tract 8033.00, block 3007;

G. That part of Prince George’s County election district 20, precinct 5 consisting of census tract 8036.01, blocks 1001 through 1005; and census tract 8036.08, blocks 1003, 1004, 1010, 2007, 3000 through 3005, 4000, and 4002 through 4011; and

H. That part of Prince George’s County election district 21, precinct 5 consisting of census tract 8073.01, block 1001; and census tract 8073.05, blocks 1002 through 1013, 2001 through 2009, and 2011 through 2014.

(2) The Prince George’s County Board of License Commissioners may approve the issuance or transfer of a license into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district provided any off–sale privileges of the license are permanently waived as long as the license remains within the boundaries of the district.

(3) Notwithstanding any provision of this section, on or after July 1, 2015, one Class D (on–sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in the City of College Park may be converted into a Class D (on– and off–sale) beer and wine license for premises that are located in the 7100 to 7200 block of Baltimore Avenue in the City of College Park.

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

(ii) “Board” means the Board of License Commissioners.

(iii) “Food stores” includes supermarkets.

(iv) “Off–sale” means the sale of alcoholic beverages that are to be consumed off the licensed premises.

(v) “On–sale” means the sale of alcoholic beverages that are to be consumed only on the licensed premises.

(2) Without regard to its class of license, a licensee may not devote more than 10,000 square feet of floor space to off–sale use.

(3) Except as to food stores that had an alcoholic beverages license on or before January 1, 1995, floor space shall be considered the space devoted to the retail sale of alcoholic beverages for off–sale consumption which, in the case of all licenses

without on-premises consumption privileges, is located within the four walls of the building from which the licensed business operates or, in the case of licenses with on-sale and off-sale privileges, is actually used for the sale, display or storage of those beverages. In all cases, floor space includes:

(i) Basements on licensed premises; and

(ii) Whatever other area off the licensed premises upon which the beverages are at any time lawfully stored.

(4) (i) This subsection does not prohibit the renewal or transfer of ownership or location of a license issued in conjunction with any business that on or before January 1, 1995, has in excess of 10,000 square feet devoted to off-sale use.

(ii) The square footage of floor space used for the sale, display, or storage of the beverages may not be expanded beyond 10,000 square feet.

(iii) Food stores having an alcoholic beverages license on or before January 1, 1995, may not expand the actual square footage of their alcoholic beverages departments, including sales, display, and storage areas, beyond a total of 10,000 square feet. This size shall be determined without regard to the total area available within the four walls of the business premises.

(iv) There is no presumption in favor of or which otherwise requires the Board to approve requests by licensees to expand the amount of space devoted to the retail sale of beverages for off-sale consumption up to 10,000 square feet unless the Board finds, based upon the evidence presented to them, that:

1. The expansion is necessary to accommodate the public; and

2. The licensee otherwise continues to meet the criteria for issuance or transfer of a license and whatever other conditions are imposed by the Board.

(n) A holder of a license issued by the Board may not impose a cover charge, offer facilities for patron dancing, or provide entertainment unless the holder is specifically authorized under this article and meets all requirements under County law.

(o) (1) The Board of License Commissioners may convert one Class B-DD (Development District) license authorized under subsection (f)(7)(iv) of this section to be a Class A beer, wine and liquor license authorized under § 6-101 of this article to be issued to an establishment located within the Towne Centre at Laurel.

(2) If the Board of License Commissioners converts a Class B-DD (Development District) license to a Class A beer, wine and liquor license under paragraph (1) of this subsection, the Board of License Commissioners may not issue more than 5 Class B-DD (Development District) licenses under subsection (f)(7)(iv) of this section.

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