

HOUSE BILL 1064

A2

6lr0772

By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2016

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Sale of Alcoholic Beverages – Distance From Places of**
3 **Worship, Schools, and Youth Centers**

4 **MC 18–16**

5 FOR the purpose of repealing certain provisions of law prohibiting the Montgomery County
6 Board of License Commissioners from approving an application for a license to sell
7 alcoholic beverages within a certain distance of a place of worship, an elementary or
8 secondary school, or a certain youth center; repealing certain provisions of law that
9 authorize the Board of License Commissioners to approve an application for a license
10 to sell alcoholic beverages more than a certain distance away from a place of worship,
11 an elementary or secondary school, or a certain youth center under certain
12 circumstances; and generally relating to the sale of alcoholic beverages in
13 Montgomery County.

14 BY repealing ~~and reenacting, with amendments,~~

15 Article – Alcoholic Beverages

16 Section 25–1608

17 Annotated Code of Maryland

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Alcoholic Beverages

~~25-1608.~~

(a) ~~Except as provided in subsections (c) through (j) of this section, the Board may not issue a license for an establishment that is within 750 feet of:~~

~~(1) a place of worship;~~

~~(2) an elementary or a secondary school; or~~

~~[(3)] (2) a youth center sponsored or operated by a governmental unit.~~

(b) ~~The distance from the establishment to the [place of worship,] elementary or secondary school[,] or youth center is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the [place of worship,] school[,] or youth center.~~

(c) (1) ~~The prohibition against issuing a license in subsection (a) of this section does not apply:~~

~~(i) to a culinary school license;~~

~~(ii) to a per diem license issued for use on the site of [a place of worship,] an elementary or a secondary school[,] or a youth center; or~~

~~(iii) if a [place of worship,] school[,] or youth center was built within 750 feet of an establishment after issuance of the license, to a license:~~

~~1. renewal;~~

~~2. transfer; or~~

~~3. subject to paragraph (2) of this subsection, reissuance, if the license is reissued within 1 year after the date of expiration or revocation of the prior license.~~

(2) ~~Reissuance is prohibited if the acts of the owner of an establishment caused the license to be revoked.~~

(d) ~~If the establishment is on land that is zoned commercial or industrial and is adjacent or contiguous to other land similarly classified, the Board, by majority vote, may issue a license for an establishment that is more than 300 feet from [a place of worship,] AN elementary or secondary school[,] or A youth center.~~

1 ~~(e) The Board, by unanimous vote, may issue an on-sale license for a restaurant~~
2 ~~that is located in Burtonsville Town Square shopping center at the northwest corner of MD~~
3 ~~198 and US 29a if the issuance of the license will not adversely affect nearby [places of~~
4 ~~worship,] schools, youth centers, or the nearest residential community.~~

5 ~~(f) (1) Subject to paragraph (2) of this subsection, the Board, by unanimous~~
6 ~~vote, may issue a license with an on-sale privilege for a restaurant on land classified in or~~
7 ~~near:~~

8 ~~(i) a CBD zone (central business district zone);~~

9 ~~(ii) the Rockville Town Center Performance District;~~

10 ~~(iii) the Takoma Park Transit Impact Area, as approved and adopted~~
11 ~~in the sector plan for Takoma Park; or~~

12 ~~(iv) the Kensington commercial areas specified in § 25-1604 of this~~
13 ~~subtitle.~~

14 ~~(2) A license may be issued for a restaurant specified in paragraph (1) of~~
15 ~~this subsection if:~~

16 ~~(i) 1. the nearest point of the restaurant building is within 500~~
17 ~~feet of the nearest boundary line of the respective zone, district, or area; or~~

18 ~~2. the restaurant building is entirely contained in land~~
19 ~~classified in the respective zone, district, or area; and~~

20 ~~(ii) the issuance of the license will not adversely affect nearby~~
21 ~~[places of worship,] schools, youth centers, or the nearest residential community.~~

22 ~~(g) The Board, by majority vote, may issue an on-sale Class B beer, wine, and~~
23 ~~liquor license for a restaurant in Gaithersburg if:~~

24 ~~(1) the restaurant is located in a shopping center bordered by Maryland~~
25 ~~Route 355, Central Avenue, Poplarwood Place, and North Westland Drive; AND~~

26 ~~(2) [the restaurant is located more than 275 feet from a place of worship;~~
27 ~~and~~

28 ~~(3)] a prior owner or tenant at the site of the restaurant held an alcoholic~~
29 ~~beverages license.~~

30 ~~(h) The Board, by unanimous vote, may issue a license with an on-sale privilege~~
31 ~~for a restaurant that is located in the Hillandale Shopping Center at the northeast corner~~

1 ~~of MD 650 and Interstate 495 if the issuance of the license will not adversely affect nearby~~
2 ~~places of worship,] schools, youth centers, or the nearest residential community.~~

3 (i) ~~The Board, by unanimous vote, may issue a license with an on-sale privilege~~
4 ~~for a restaurant in the Rockshire Planned Residential Unit development in Rockville if:~~

5 (1) ~~the restaurant building is entirely contained on land in the Rockshire~~
6 ~~Planned Residential Unit development area; and~~

7 (2) ~~the issuance of the license will not adversely affect nearby [places of~~
8 ~~worship,] schools, youth centers, or the nearest residential community.~~

9 (j) ~~The Board, by unanimous vote, may issue a license with an on-sale privilege~~
10 ~~for an establishment in Rock Spring Centre bordered by Rock Spring Drive, Rockledge~~
11 ~~Drive, Interstate 270, and Old Georgetown Road in Bethesda, if the issuance of the license~~
12 ~~will not adversely affect nearby [places of worship,] schools, youth centers, or the nearest~~
13 ~~residential community.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.