

HOUSE BILL 1072

A2

6lr2456
CF SB 879

By: **Delegate Beitzel**

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – Various Licenses**

3 FOR the purpose of specifying certain annual fees for certain 7–day alcoholic beverages
4 licenses; altering the number of days after the expiration date of a wine festival
5 license that a holder of a State wholesale, Class 3 winery, or Class 4 limited winery
6 license may accept returns from a holder of a wine festival license; providing that
7 the Garrett County Board of License Commissioners is not required to hold a hearing
8 before issuing certain Class C temporary licenses; and generally relating to alcoholic
9 beverages in Garrett County.

10 BY repealing and reenacting, without amendments,

11 Article – Alcoholic Beverages

12 Section 21–102, 21–601(a), 21–602(a), 21–604(a), 21–701(a), 21–801(a), 21–802(a),
13 21–803(a), 21–805(a), 21–902(a), 21–903(a), 21–904(b), 21–905(a)(1),
14 21–1001(a), 21–1002(a), and 21–1305(a)(1)

15 Annotated Code of Maryland

16 (As enacted by Chapter ____ (S.B.724) of the Acts of the General Assembly of 2016)

17 BY repealing and reenacting, with amendments,

18 Article – Alcoholic Beverages

19 Section 21–601(c), 21–602(d), 21–604(c), 21–701(d), 21–801(c), 21–802(d), 21–803(e),
20 21–805(e), 21–902(g), 21–903(f), 21–904(g), 21–905(e), 21–1001(e),
21 21–1002(e), 21–1305(i), 21–1309, and 21–1501

22 Annotated Code of Maryland

23 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

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

26 **Article – Alcoholic Beverages**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-102.

2 This title applies only in Garrett County.

3 21-601.

4 (a) There is a Class A beer license.

5 (c) (1) The annual license [fee is] **FEES ARE:**

6 **(I) \$150 FOR A 6-DAY LICENSE; AND**

7 **(II) \$175 FOR A 7-DAY LICENSE.**

8 (2) The new-license issuing fee is \$150 and shall be paid in addition to the
9 annual license fee.

10 21-602.

11 (a) There is a Class B beer license.

12 (d) The fees are:

13 (1) for a **6-DAY** license without a catering option:

14 (i) \$150 for a one-time issuing fee; and

15 (ii) \$150 for the annual license fee; [and]

16 (2) for a **6-DAY** license with a catering option:

17 (i) \$250 for a one-time issuing fee; and

18 (ii) \$250 for the annual license fee;

19 **(3) FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION:**

20 **(I) \$175 FOR A ONE-TIME ISSUING FEE; AND**

21 **(II) \$150 FOR THE ANNUAL LICENSE FEE; AND**

22 **(4) FOR A 7-DAY LICENSE WITH A CATERING OPTION:**

23 **(I) \$275 FOR A ONE-TIME ISSUING FEE; AND**

1 **(II) \$250 FOR THE ANNUAL LICENSE FEE.**

2 21-604.

3 (a) There is a Class D beer license.

4 (c) (1) The annual license [fee is] **FEES ARE:**

5 **(I) \$150 FOR A 6-DAY LICENSE; AND**

6 **(II) \$175 FOR A 7-DAY LICENSE.**

7 (2) The new-license issuing fee is \$150 and shall be paid in addition to the
8 annual license fee.

9 21-701.

10 (a) There is a Class A wine license in the County.

11 (d) (1) The one-time license issuing fee is \$50.

12 (2) The annual license [fee is] **FEES ARE:**

13 **(I) \$50 FOR A 6-DAY LICENSE; AND**

14 **(II) \$60 FOR A 7-DAY LICENSE.**

15 21-801.

16 (a) There is a Class A beer and wine license.

17 (c) (1) The annual license [fee is] **FEES ARE:**

18 **(I) \$350 FOR A 6-DAY LICENSE; AND**

19 **(II) \$410 FOR A 7-DAY LICENSE.**

20 (2) The issuing fee for a new license is \$350, in addition to the annual
21 license fee.

22 21-802.

23 (a) There is a Class B beer and wine license.

24 (d) (1) For a **6-DAY** license without a catering option:

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1 (i) the issuing fee for a new license is \$350; and

2 (ii) the annual fee is \$350.

3 (2) For a **6-DAY** license with a catering option:

4 (i) the issuing fee for a new license is \$475; and

5 (ii) the annual fee is \$475.

6 **(3) FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION:**

7 **(I) THE ISSUING FEE FOR A NEW LICENSE IS \$410; AND**

8 **(II) THE ANNUAL FEE IS \$350.**

9 **(4) FOR A 7-DAY LICENSE WITH A CATERING OPTION:**

10 **(I) THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND**

11 **(II) THE ANNUAL FEE IS \$535.**

12 21-803.

13 (a) There is a Class BDR (deluxe restaurant) beer and wine license.

14 (e) (1) For a **6-DAY** license without a catering option:

15 (i) the issuing fee for a new license is \$500; and

16 (ii) the annual fee is \$500.

17 (2) For a **6-DAY** license with a catering option:

18 (i) the issuing fee for a new license is \$625; and

19 (ii) the annual fee is \$625.

20 **(3) FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION:**

21 **(I) THE ISSUING FEE FOR A NEW LICENSE IS \$500; AND**

22 **(II) THE ANNUAL FEE IS \$585.**

23 **(4) FOR A 7-DAY LICENSE WITH A CATERING OPTION:**

1 (I) THE ISSUING FEE FOR A NEW LICENSE IS **\$625**; AND

2 (II) THE ANNUAL FEE IS **\$710**.

3 21-805.

4 (a) There is a Class D beer and wine license.

5 (e) (1) For a **6-DAY** license without a catering option:

6 (i) the issuing fee for a new license is \$350; and

7 (ii) the annual fee is \$350.

8 (2) For a **6-DAY** license with a catering option:

9 (i) the issuing fee for a new license is \$475; and

10 (ii) the annual fee is \$475.

11 **(3) FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION:**

12 (I) THE ISSUING FEE FOR A NEW LICENSE IS **\$350**; AND

13 (II) THE ANNUAL FEE IS **\$410**.

14 **(4) FOR A 7-DAY LICENSE WITH A CATERING OPTION:**

15 (I) THE ISSUING FEE FOR A NEW LICENSE IS **\$475**; AND

16 (II) THE ANNUAL FEE IS **\$535**.

17 21-902.

18 (a) There is a Class B beer, wine, and liquor license.

19 (g) (1) For a **6-DAY** license without the catering option, the annual license fee
20 is \$1,500, and the one-time issuing fee is \$1,500.

21 (2) For a **6-DAY** license with the catering option, the annual license fee is
22 \$2,000, and the one-time issuing fee is \$2,000.

23 **(3) FOR A 7-DAY LICENSE WITHOUT THE CATERING OPTION, THE**
24 **ANNUAL LICENSE FEE IS \$1,750, AND THE ONE-TIME ISSUING FEE IS \$1,500.**

1 **(4) FOR A 7-DAY LICENSE WITH THE CATERING OPTION, THE ANNUAL**
2 **LICENSE FEE IS \$2,250, AND THE ONE-TIME ISSUING FEE IS \$2,000.**

3 21-903.

4 (a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

5 (f) (1) **(I)** The annual license fee **FOR A 6-DAY LICENSE** is \$2,250, with a
6 one-time issuance fee of \$2,250.

7 **[(2)] (II)** The annual catering option fee is \$500.

8 **(2) (I) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS \$2,625,**
9 **WITH A ONE-TIME ISSUANCE FEE OF \$2,250.**

10 **(II) THE ANNUAL CATERING OPTION FEE IS \$500.**

11 21-904.

12 (b) There is a Class C (club and organization) beer, wine, and liquor license.

13 (g) (1) The annual license [fee is] **FEES ARE:**

14 **(I) \$1,500 FOR A 6-DAY LICENSE, AND**

15 **(II) \$1,750 FOR A 7-DAY LICENSE.**

16 (2) The issuance fee for a new license is \$1,500, in addition to the annual
17 license fee.

18 21-905.

19 (a) (1) There is:

20 (i) a Class D (75% on-sale) beer, wine, and liquor license; and

21 (ii) a Class D (75% off-sale) beer, wine, and liquor license.

22 (e) (1) For a **6-DAY** Class D (on-sale) beer, wine, and liquor license without a
23 catering privilege, the annual fee is \$1,500, and the one-time issuance fee for a new license
24 is \$1,500.

25 (2) For a **6-DAY** Class D (on-sale) beer, wine, and liquor license with a
26 catering privilege, the annual fee is \$2,000, and the issuance fee for a new license is \$2,000.

1 (3) For a **6-DAY** Class D (off-sale) beer, wine, and liquor license, the
2 annual fee is \$3,000, and the one-time issuance fee for a new license is \$3,000.

3 **(4) FOR A 7-DAY CLASS D (ON-SALE) BEER, WINE, AND LIQUOR**
4 **LICENSE WITHOUT A CATERING PRIVILEGE, THE ANNUAL FEE IS \$1,750, AND THE**
5 **ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$1,500.**

6 **(5) FOR A 7-DAY CLASS D (ON-SALE) BEER, WINE, AND LIQUOR**
7 **LICENSE WITH A CATERING PRIVILEGE, THE ANNUAL FEE IS \$2,250, AND THE**
8 **ISSUANCE FEE FOR A NEW LICENSE IS \$2,000.**

9 **(6) FOR A 7-DAY CLASS D (OFF-SALE) BEER, WINE, AND LIQUOR**
10 **LICENSE, THE ANNUAL FEE IS \$3,500, AND THE ONE-TIME ISSUANCE FEE FOR A NEW**
11 **LICENSE IS \$3,000.**

12 **[(4)] (7)** The Board may grant the license holder the privilege to sell beer,
13 wine, or liquor for off-premises consumption under subsection (d) of this section at no
14 charge.

15 21-1001.

16 (a) There is a Class B-B&B (bed and breakfast) beer, wine, and liquor license.

17 (e) (1) The annual license fee **FOR A 6-DAY LICENSE** is:

18 (i) \$25 for a bed and breakfast with 5 or fewer bedrooms;

19 (ii) \$50 for a bed and breakfast with at least 6 but not more than 10
20 bedrooms; and

21 (iii) \$75 for a bed and breakfast with 11 or more bedrooms.

22 **(2) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS:**

23 **(I) \$30 FOR A BED AND BREAKFAST WITH 5 OR FEWER**
24 **BEDROOMS;**

25 **(II) \$60 FOR A BED AND BREAKFAST WITH AT LEAST 6 BUT NOT**
26 **MORE THAN 10 BEDROOMS; AND**

27 **(III) \$90 FOR A BED AND BREAKFAST WITH 11 OR MORE**
28 **BEDROOMS.**

29 **[(2)] (3)** The Board shall charge an issuing fee in an amount equal to the
30 annual license fee.

1 21-1002.

2 (a) There is a Class B-resort beer, wine, and liquor license.

3 (e) (1) The annual license fees **FOR A 6-DAY LICENSE** are:

4 (i) for two facilities, \$3,000; and

5 (ii) for each additional facility, \$1,500.

6 **(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:**

7 **(I) FOR TWO FACILITIES, \$3,500; AND**

8 **(II) FOR EACH ADDITIONAL FACILITY, \$1,750.**

9 **[(2)] (3)** The Board shall charge a one-time issuing fee for a new license
10 in an amount equal to the annual license fee.

11 21-1305.

12 (a) (1) There is a wine festival license.

13 (i) A holder of a State wholesale, Class 3 winery, or Class 4 limited winery license
14 may enter into an agreement with the license holder to:

15 (1) deliver wine not earlier than 2 days before the effective date of the
16 license; and

17 (2) accept returns not later than **[2] 5** days after the expiration date of the
18 license.

19 21-1309.

20 **(A)** The Board may issue a Class C multiple day beer license, beer and wine
21 license, and beer, wine, and liquor license for the following fees and license types:

22 (1) \$50 for a 2-day license;

23 (2) \$150 for a 6-day license; and

24 (3) \$300 for a 12-day license.

25 **(B) THE BOARD IS NOT REQUIRED TO HOLD A HEARING BEFORE ISSUING A**
26 **LICENSE UNDER THIS SECTION IF:**

1 **(1) A LICENSE HOLDER ANTICIPATES ATTENDANCE OF FEWER THAN**
2 **500 INDIVIDUALS AT AN EVENT; AND**

3 **(2) THE BOARD HAS APPROVED A LICENSE FOR THE LICENSE HOLDER**
4 **IN THE PRIOR YEAR.**

5 21–1501.

6 (a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local
7 Licenses”) of Division I of this article apply in the County without exception or variation:

8 (1) § 4–205 (“Chain store, supermarket, or discount house”);

9 (2) § 4–206 (“Limitations on retail sales floor space”);

10 (3) § 4–207 (“Licenses issued to minors”);

11 (4) § 4–208 (“Notice of license application required”);

12 (5) [§ 4–209 (“Hearing”);

13 (6)] § 4–210 (“Approval or denial of license application”);

14 [(7)] **(6)** § 4–211 (“License forms; effective date; expiration”);

15 [(8)] **(7)** § 4–212 (“License not property”); and

16 [(9)] **(8)** § 4–214 (“Waiting periods after denial of license applications”).

17 (b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local
18 Licenses”) of Division I of this article apply in the County:

19 (1) § 4–202 (“Authority of local licensing boards”), subject to §§ 21–1502
20 through 21–1504 of this subtitle;

21 (2) § 4–203 (“Prohibition against issuing multiple licenses to individual or
22 for use of entity”), subject to § 21–1505 of this subtitle and Subtitle 13, Part III and Subtitle
23 16, Part II of this title;

24 (3) § 4–204 (“Prohibition against issuing multiple licenses for same
25 premises”), subject to § 21–1505 of this subtitle;

26 (4) **§ 4–209 (“HEARING”), SUBJECT TO § 21–1309 OF THIS SUBTITLE;**
27 and

1 **(5)** § 4–213 (“Replacement licenses”), subject to § 21–1506 of this subtitle.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2016.