Article - Alcoholic Beverages

§5–201.

(a) (1) A Class B beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises or elsewhere.

(2) The annual fee shall be paid to the local collecting agent before any license is issued.

(b) This section does not apply in Allegany County.

(c) (1) This subsection applies only in Anne Arundel County.

(2) The annual license fee for a Class B beer and light wine license is $480.

(d) In Baltimore City the annual license fee is $165.

(e) (1) In Baltimore County the annual license fee is $300.

(2) 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) In Calvert County the annual license fee is $250.

(g) In Caroline County the annual license fee is $500.

(h) In Carroll County the annual license fee is:

(1) $160 for a 6–day license; and

(2) $1,000 for a 7–day license.

(i) In Cecil County the annual license fee is $90.

(j) This section does not apply in Charles County.

(k) (1) In Dorchester County the annual license fee is $300.

(2) On or after July 1, 2008, a Class B (on–sale) beer and light wine license shall be issued:

(i) Only to restaurants; and

(ii) Without seating capacity restrictions.

(3) A holder of a Class B (on–sale and off–sale) beer and light wine license issued on or before June 30, 2008, may:

(i) Continue to exercise all of the privileges of the license throughout the term of the license; and

(ii) Renew the license.

(4) The Dorchester County Board of License Commissioners may not approve the transfer of a Class B (on–sale and off–sale) beer and light wine license issued on or before June 30, 2008.

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

(2) The annual license fee is $160.

(3) (i) 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.

(ii) The provisions of this paragraph of this subsection 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.

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

(2) In this subsection, "license" means a Class B beer and light wine license.

(3) The Board of License Commissioners may issue a Class B beer and light wine license for use in:

(i) A bona fide hotel, motel, or inn that:

1. Is an establishment that accommodates the public;

2. Provides services ordinarily found in hotels, motels, or inns;

3. Is equipped with at least 10 bedrooms for public accommodation; and

4. Has a lobby with a registration and mail desk and seating facilities; or

(ii) A restaurant that:

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

2. Can prepare and serve full–course meals for at least 20 persons at one seating.

(4) The Board of License Commissioners may issue a license without or with a catering option.

(5) A holder of a license without a catering option may sell:

(i) All alcoholic beverages for consumption on the licensed premises; and

(ii) Brewed beverages for consumption off the licensed premises.

(6) (i) In addition to exercising the privileges stated in paragraph (5) of this subsection, a holder of a license with a catering option may keep for sale and sell beer and wine for consumption at events that the holder caters off the licensed premises.

(ii) To exercise the catering option, a holder of a license:

1. Shall provide food if the holder provides alcoholic beverages at a catered event off the licensed premises; and

2. May exercise the catering option only during the hours and days that are allowed under the license.

(7) For a license without a catering option:

(i) The issuing fee is $350; and

(ii) The annual fee is $350.

(8) For a license with a catering option:

(i) The issuing fee is $475; and

(ii) The annual fee is $475.

(9) The Board of License Commissioners may adopt regulations to carry out this subsection.

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

(2) There is a Class BDR (deluxe restaurant) beer and wine (on–sale) license, which is a special Class B license.

(3) A Class BDR license may be issued for a deluxe restaurant as defined in the regulations of the Board of License Commissioners.

(4) Notwithstanding § 9–102(a) of this article, a Class BDR license may be issued to an applicant that holds a Class B beer and wine license or a Class B beer, wine and liquor license.

(5) A Class BDR license may be issued for the use of a restaurant that:

(i) Has a minimum facility seating capacity of 20 persons; and

(ii) A minimum capital investment of $25,000 for the restaurant facilities, not including the cost of land or buildings.

(6) If the 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 State Department of Assessments and Taxation at the time of purchase.

(7) The Board of License Commissioners may issue a Class BDR license without or with a catering option.

(8) A holder of a Class BDR license without a catering option may sell:

(i) Beer and light wine for consumption on the licensed premises; and

(ii) Brewed beverages for consumption off the licensed premises.

(9) (i) In addition to exercising the privileges stated in paragraph (8) of this subsection, a holder of a Class BDR license with a catering option may keep for sale and sell beer and light wine for consumption at events that the holder caters off the licensed premises.

(ii) To exercise the catering option, a holder of a Class BDR license:

1. Shall provide food if the holder provides alcoholic beverages at a catered event off the licensed premises; and

2. May exercise the catering option only during the hours and days that are allowed by the Board of License Commissioners.

(10) For a license without a catering option:

(i) The issuing fee for a new license is $500; and

(ii) The annual fee is $500.

(11) For a license with a catering option:

(i) The issuing fee for a new license is $625; and

(ii) The annual fee is $625.

(12) The Board of License Commissioners may adopt regulations to carry out this subsection.

(m–2) In Garrett County, the Board may grant a license holder a privilege at no charge to sell beer or wine for consumption off the licensed premises at a catered event if:

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

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

(3) The beer or wine 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) 1. The annual license fee for a Class B–1 6–day restaurant license is $350.

2. A Class B–1 6–day restaurant license is a 6–day, Monday through Saturday, license which may be issued by the Liquor Control Board to bona fide restaurants.

(ii) 1. The annual license fee for a Class B–1 7–day restaurant license is $500.

2. A Class B–1 7–day restaurant license is a 7–day license which may be issued by the Liquor Control Board to bona fide restaurants.

(iii) The licensee shall comply with the food sale requirements of § 1–102(a)(22) of this article only for the purpose of meeting the requirements of § 6–201(n) of this article necessary to apply for a Class B restaurant license.

(3) (i) 1. The annual license fee for a Class B–2 6–day restaurant license is $500.

2. A Class B–2 6–day restaurant license is a 6–day, Monday through Saturday, license which may be issued by the Liquor Control Board to restaurants.

(ii) 1. The annual license fee for a Class B–2 7–day restaurant license is $700.

2. A Class B–2 7–day restaurant license is a 7–day license

which may be issued by the Liquor Control Board to bona fide restaurants.

(iii) These licenses may be issued to a licensee who has been operating that business establishment for one year prior to the application for the license and who, in the judgment of the Board, is equipped and stocked for the continued regular sale of food to customers and guests. The licensee does not have to comply with the food sale requirement set forth in § 1–102(a)(22) of this article.

(4) (i) As to any Class B–1 or B–2 restaurant license issued prior to July 1, 1984, "off–sales" of licensees shall be limited to fermented beverages including split bottles and brewed beverages. However, brewed beverages sold in bottles or cans exceeding 12 ounces in weight or size, for consumption off the premises, may be sold in a numerical quantity of less than six. If brewed beverages are sold in a containerized package, the package shall hold a minimum of 6 bottles or containers.

(ii) As to any Class B–1 or B–2 restaurant license issued on or after July 1, 1984, "off–sales" by Class B–1 and B–2 licensees are prohibited.

(5) Provisions relating to Class B–3 licenses are found in § 6–201(n)(3) of this article.

(6) (i) There is a Class B Cafe beer and wine license.

(ii) The annual license fee is $1,575.

(iii) A cafe license entitles the holder to sell beer and wine for consumption on and off the licensed premises.

(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 and wine 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) (1) This subsection applies only in Howard County.

(2) The annual license fee is $175.

(3) Any restaurant that meets the definition of a restaurant under § 1–102(a)(22) of this article may apply to the Board of License Commissioners for a Class B beer and light wine license.

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

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

(3) Any restaurant qualifying under § 6–201(p)(2)(ii) and (iii) of this article may apply to the Board of License Commissioners for a special Class B beer and light wine license.

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

(2) The annual license fee is $400.

(3) (i) The Board of License Commissioners may issue a refillable container permit to a holder of a Class B beer and light wine license or a Class BD–BWL license issued by the Board of License Commissioners:

1. On completion of an application form that the Board provides; and

2. At no cost to the license holder.

(ii) A refillable container permit may be renewed each year concurrently with the renewal of a Class B beer and light wine license or a Class BD–BWL license.

(4) A refillable container permit entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container that:

(i) Has a capacity of not less than 32 ounces and not more than 128 ounces; and

(ii) Meets the requirements under paragraph (5) of this subsection.

(5) To be used as a refillable container under paragraph (4) of this subsection, a container shall meet the standards under § 21–107 of this article.

(6) The term of and hours of sale for a refillable container permit issued under this subsection are as specified for the permit holder's Class B beer and light wine license or Class BD–BWL license.

(7) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(8) The Board of License Commissioners may adopt regulations to implement the provisions of this subsection relating to the issuance of a refillable container permit.

(9) (i) In this paragraph, "establishment" means a bowling alley, billiard hall, or drugstore or a restaurant located within these businesses.

(ii) A license may not be issued to, or for use in conjunction with, or upon the premises of any establishment or for use upon any premises which has a door, archway, opening or other passageway providing direct public access to any establishment.

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

(2) The annual license fee is $365.

(3) (i) Notwithstanding the provisions of subsection (a) of this section, the Board of License Commissioners may not issue any Class B beer and light wine license with other than the privilege of selling beer and light wine for consumption on the licensed premises (on–sale only).

(ii) However, licensees holding this class of license prior to July 1, 1975, who have been exercising the privilege of selling alcoholic beverages for consumption off the licensed premises may continue to exercise this privilege.

(4) (i) There is a Class B–Stadium beer and light wine license.

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

(iii) The license is a special 7–day Class B–Stadium (baseball stadium) license for on–sale consumption only for exclusive use on the premises of a baseball stadium owned or operated by the Maryland–National Capital Park and Planning Commission.

(iv) The license may be issued either to the Maryland–National Capital Park and Planning Commission or to a private concessionaire that is under contract with the Commission.

(v) Alcoholic beverages may be sold only by employees who are 18 years old or older.

(vi) The residency requirement specified by § 9–101 of this article does not apply to an applicant for a Class B–Stadium license.

(vii) Any profit from the sale of beer or light wine made by the licensee may accrue to the benefit and use of either the Commission or the concessionaire.

(s) In Queen Anne's County the annual license fee is $500.

(t) In St. Mary's County the annual license fee is $400.

(u) In Somerset County the annual license fee is $253.

(v) (1) This section does not apply in Talbot County.

(2) Section 18–101 of this article permits the Talbot County Council to provide for the retail alcoholic beverage laws for the county which, if enacted, supersede the provisions of this article.

(w) In Washington County, the annual license fee for a license with:

(1) On–sale privileges, as provided for under § 8–222.1 of this article, is $200; or

(2) On– and off–sale privileges is $400.

(x) (1) In Wicomico County the annual license fee is $400.

(2) (i) This license may be issued only for a hotel or restaurant that has the average daily receipts from the sale of food for each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) In calculating average daily receipts from the sale of food, an allocation of foodstuff contained in a mixed drink may not be included in average daily receipts from the sale of food.

(y) (1) This subsection applies only in Worcester County.

(2) The annual license fee for a 6 day license is $300.

(3) The annual license fee for a 7 day license, applied countywide (exclusive of tenth election district) is $400.

(4) The annual license fee for a 7 day license, tenth election district only is $400.