

Article - Alcoholic Beverages

§8–216.

(a) (1) In this subsection “place of business” does not include:

(i) A country club; or

(ii) A restaurant located within the country inn zone of Montgomery County where alcoholic beverages are sold for consumption on the premises only; provided that a maximum of 2 (two) such alcoholic beverages licenses may be issued in any election district identified in paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii), (iii), (iv), (v), and (vi) of this paragraph and in subsections (d), (e), and (f) of this section, in Montgomery County, a license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in Damascus (12th election district), and in the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

(ii) In the town of Barnesville, the Montgomery County Board of License Commissioners may issue a special 7–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(iii) In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special 2–day on–sale beer and wine license or a special 2–day on–sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization holding an event on municipal property located at 3710 Mitchell Street, Kensington, Maryland.

(iv) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special B–K beer and wine license or a special B–K beer, wine and liquor license for use on the premises of a restaurant located in the following commercial areas:

A. The west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

B. The east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

C. The west side of University Boulevard West;

D. Dupont Avenue, west of Connecticut Avenue;

E. Plyers Mill Road, west of Metropolitan Avenue;

F. Summit Avenue between Knowles Avenue and Howard Avenue;

G. Detrick Avenue between Knowles Avenue and Howard Avenue;

H. The southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;

I. East Howard Avenue;

J. Armory Avenue between Howard Avenue and Knowles Avenue;

K. Montgomery Avenue between Howard Avenue and Kensington Parkway;

L. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or

M. The east side of Connecticut Avenue between Warner Street and Knowles Avenue.

2. A special B–K beer, wine and liquor license or a special B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

3. A licensee shall maintain average daily receipts from the sale of food, not including carryout food, of at least 50% of the overall average daily receipts.

4. In addition to the restrictions in subsubparagraphs 2 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K beer, wine and liquor license in the commercial areas specified in subsubparagraph 1I, J, K, L, and M of this subparagraph may not serve alcoholic beverages after 11 p.m.

(v) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue:

A. Not more than three Class A (off–sale) beer and light wine licenses for use in the commercial areas specified in subparagraph (iv)1 of this paragraph; and

B. Subject to subsubparagraphs 5 and 6 of this subparagraph, not more than three beer and wine sampling or tasting (BWST) licenses for holding tastings or samplings of beer and wine.

2. A Class A beer and light wine license authorizes the holder to keep for sale and sell beer or light wine for consumption off the premises 7 days a week, from 10 a.m. to 8 p.m. daily.

3. A holder of a Class A beer and light wine license may not:

- A. Sell single bottles or cans of beer;
- B. Sell refrigerated products; or
- C. On a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location.

4. The annual license fee is \$250.

5. The Montgomery County Board of License Commissioners may issue a beer and wine sampling or tasting (BWST) license established under § 8–408.4 of this title to a holder of a Class A license under this subparagraph for holding tastings or samplings of beer and wine.

6. A beer and wine sampling or tasting (BWST) license issued under this subparagraph is subject to the fee, serving limits, and other license requirements established under § 8–408.4 of this title.

(vi) In Damascus (12th election district), the Montgomery County Board of License Commissioners may issue a special 7–day Class C on–sale beer, wine and liquor license to any bona fide volunteer fire department.

(3) This subsection does not prohibit the issuance of an on–sale license for the sale of beer only during daylight hours only for any restaurant or snack bar or similar facility located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation by the Revenue Authority of a public golf course.

(4) This subsection does not prohibit the issuance of an on–sale license for the sale of beer and wine for any restaurant located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation of an airport.

(5) The City of Takoma Park is excepted from the provisions of paragraph (2) of this subsection.

(6) The town of Laytonsville is excepted from the provisions of paragraph (2) of this subsection.

(7) Damascus (12th election district) is excepted from the provisions of paragraph (2) of this subsection.

(b) (1) The Commissioners of Poolesville may, in their discretion, from time to time, submit to the legal and qualified voters of Poolesville the question or questions whether or not the sale of all or any class of alcoholic beverages or the issuance of any

class, or classes or for the sale of such class or classes of alcoholic beverages shall be prohibited within the corporate limits of said town.

(2) The Commissioners may submit any such question or questions to the voters at any regular election or at a special election called for that purpose. Submission of any question at one election shall not prevent the submission of the same or other questions at subsequent elections.

(3) If a majority of the votes cast on any such question favor permitting sales of all or any classes of alcoholic beverages or issuance of any class or classes of license, the sale of alcoholic beverages of such class or classes and the issuance of licenses of such class or classes in said town shall, after such election, either continue as theretofore if such sales or licenses were permitted in the town at the time of such election, or be permitted in accordance with the State law authorizing such sales or licenses if theretofore prohibited in the town.

(4) If a majority of the votes cast on any such question favor prohibiting sales of all or any class of alcoholic beverages or issuance of any class or classes of licenses, then no licenses of such class or classes or for the sale of such class or classes of alcoholic beverages within the corporate limits of said town shall thereafter be issued, renewed or extended, but licenses theretofore issued shall continue in force until the date of expiration in accordance with their terms but shall not be renewed or extended.

(c) In Montgomery County it is unlawful for any person, corporation, club or organization to sell, give, serve, dispense, keep or allow to be consumed on his or its premises or on premises under his or its possession or control any alcoholic beverages other than as specifically permitted or provided in this article if these premises constitute a restaurant, tavern, hotel, club, place of public entertainment, or premises open to the public or on premises in any way licensed in any manner by the State of Maryland or Montgomery County. It is unlawful for any person to keep or consume any alcoholic beverage on any premises open to the public other than as specifically permitted or provided in this article. This subsection does not apply in a room of a registered guest in a hotel if the hotel meets the minimum requirements as set forth in § 6–201(q) of this article.

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for the following classes of alcoholic beverages licenses in the City of Takoma Park:

(i) Class B (on– and off–sale) beer and light wine, hotel and restaurant licenses;

(ii) Class H (on–sale) beer and light wine, hotel and restaurant licenses;

(iii) Class B (on–sale) beer, wine and liquor, hotel and restaurant licenses;

- (iv) Class H (on-sale) beer license;
- (v) Class D (on- and off-sale) beer and light wine license;
- (vi) Class A-TP (off-sale) beer, wine and liquor license;
- (vii) Class C (on-sale) beer, wine and liquor license;
- (viii) Beer and wine sampling or tasting (BWST) licenses issued under § 8-408.4 of this title; and
- (ix) Class BD-BWL license issued under § 6-201(q)(7) of this article.

(2) (i) The provisions of this paragraph apply only to Class -TP type licenses.

(ii) The Prince George's County Board of License Commissioners shall certify a list to the Montgomery County Board of License Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

(iii) On July 1, 1997, the Montgomery County Board shall issue Class -TP type licenses to those licensees who were certified by the Prince George's County Board. License fees may not be charged until May 1, 1998.

(iv) Unless revoked or not renewed for good cause, the certified licenses shall continue in existence and be renewed, subject to payment of the annual license fee.

(v) The Class -TP type licenses are not transferable to other locations but are transferable to other persons, subject to the restrictions on similar transfers for other alcoholic beverages licenses in Montgomery County.

(vi) Class -TP licenses are subject to the same conditions and restrictions specified by law or by the Montgomery County Board of License Commissioners as are other licenses issued by the Board. However, the Board may waive whatever statutory and regulatory provisions it so chooses for the affected licenses so that equity, fairness, and reasonableness are achieved.

(vii) The Montgomery County Department of Health and Human Services may not charge an annual fee to the Class -TP licensees until January 1, 1998.

(3) (i) Notwithstanding that Class -TP licensees as of July 1, 1997 are subject to Montgomery County laws and regulations, those same licensees may retain the particular Prince George's County alcoholic beverages license they possessed prior to unification.

(ii) The Prince George's County license shall remain valid in every sense except that it does not apply to the licensed premises to which the Class –TP license applies, but is an open–location license. The Prince George's County licensee may transfer, to another person or to a new location with the same licensee, the license into Prince George's County without statutory or regulatory restriction.

(iii) While the Class –TP licensee remains in the same location where it was located on July 1, 1997, another license issued by Prince George's County may not be granted or transferred to another Prince George's licensee if the premises for which that license was issued is located within 300 feet of the premises licensed under the Class –TP license.

(e) The Board of License Commissioners may issue, renew, and transfer and otherwise provide a maximum of 2 Class B (on–sale) beer, wine, and liquor licenses for use in the town of Laytonsville provided that alcoholic beverages served by a licensee may only be consumed by patrons while patrons are seated.

(f) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide Class H (on–sale) beer and light wine, hotel, and restaurant licenses for use in Damascus (12th election district) provided that:

(1) A license may not be issued to any restaurant in which pool tables, billiard tables, shuffleboards, dart boards, video games, pinball machines, or recreational devices are used; and

(2) Alcoholic beverages served by a licensee may be consumed by a patron only while the patron is seated.