

Article - Alcoholic Beverages

§9–102.

(a) (1) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State.

(2) No more than one license shall be issued for the same premises except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this article.

(3) This subsection may not be construed to apply to § 6–201(l)(8), (9), and (10) and (r)(4), (15), (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, § 8–902, § 9–102.1, § 9–217(b–1), or § 12–202 of this article.

(a–1) A Class A, B, or D beer license, beer and wine license, or beer, wine and liquor license, except by way of renewal, may not be granted, transferred, or issued to, or for use in conjunction with, or upon the premises of any business establishment of the type commonly known as chain stores, supermarkets, or discount houses. This subsection does not apply to or affect any business establishment already holding such a license or the possibility of such licensee having the license transferred to a similar type of business establishment. Discount houses do not include licensees who sell at discount prices.

(b) Repealed.

(b–1) (1) The provisions of subsection (a) of this section do not apply to licenses issued:

(i) Under § 3–401 or § 5–401 of this article for premises operated as a bowling establishment having 30 lanes or more with automatic pinsetters; or

(ii) In Montgomery County only, under § 5–202 of this article for premises operated as a bowling establishment having 30 lanes or more with automatic pinsetters.

(2) The provisions of this subsection do not apply to the following counties:

(i) Baltimore;

(ii) Carroll;

(iii) Frederick;

(iv) Howard;

(v) Prince George's, except as to paragraph (3) of this subsection; and

(vi) Worcester.

(3) In Prince George's County, the provisions of subsection (a) of this section do not apply to licenses issued to such bowling establishments prior to June 1, 1982. These provisions do not authorize the issuance of new or additional licenses in violation of subsection (a) of this section.

(b-2) (1) Notwithstanding any other provisions of this section, in Baltimore City the holder of a Class B (on-sale — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee, may obtain additional Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses for premises operated as a public hotel and having one hundred or more rooms, or as an apartment house having one hundred fifty or more apartments, provided, however, that no apartment house licensee may obtain or hold at any one time more than three Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses, and that no public hotel licensee may obtain or hold at any one time more than five Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses.

(2) Notwithstanding any other provision of this section, and subject to the provisions of paragraph (3) of this subsection, in Baltimore City a license of any class may be transferred to the holder of, and for use at the same location as, another existing license.

(3) Paragraph (2) of this subsection shall apply only if:

(i) There are no prohibitions specified in this article applicable to the new license at the location in which the license is to be transferred;

(ii) The existing license at the location is held in inoperative status as determined by the Board of License Commissioners of Baltimore City; and

(iii) The existing license at the location is revoked 180 days after the effective date of the transfer of the new license unless it is transferred to a new holder and location as approved by the Board of License Commissioners.

(b-3) (1) In Allegany County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(2) In Anne Arundel County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued except by way of renewal to a person, corporation, or limited liability company holding an alcoholic beverage license in any other state or in Washington, D.C.

(3) In Baltimore City, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued except by way of renewal to a person,

corporation, or limited liability company holding an alcoholic beverage license in any other state.

(4) In Baltimore County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(5) In Calvert County and St. Mary's County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(6) In Charles County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(7) In Garrett County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(8) In Howard County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(9) In Washington County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

(b-3A) (1) Notwithstanding any other provisions of this section, and subject to subsections (b-3B) and (b-3C) of this section, in Baltimore City or Baltimore County, the holder of a Class B, (on-sale — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain an additional Class B, (on-sale — hotels and restaurants) beer, wine and liquor license for premises used and occupied as a bona fide restaurant, as may be defined by the rules and regulations of the Board of License Commissioners for Baltimore City or Baltimore County, provided that said restaurant has a minimum capital investment of \$500,000 for restaurant facilities, which sum shall not include the cost of land or buildings, and has a minimum seating capacity of 125 persons.

(2) Nothing contained herein shall permit the issuance of more than five such licenses to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company in Baltimore City or

Baltimore County.

(3) The granting of additional licenses hereunder shall be limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges to be exercised therewith.

(b-3B) (1) Notwithstanding any other provision of this section or § 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in:

(i) Not more than 12 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article; or

(ii) If one of the restaurants for which a license is issued is located in the Liberty Road Commercial Revitalization District in accordance with subsection (b-3C) of this section, not more than 13 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article.

(2) For an applicant to obtain a license under this subsection:

(i) The applicant shall apply in the regular manner and pay the usual fee; and

(ii) The restaurants for which the licenses are sought shall:

1. Meet the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

2. Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

3. Have a minimum seating capacity of 190 persons for dining;

4. Have a cocktail lounge or bar area seating capacity that does not exceed 25% of the seating capacity for dining; and

5. Have no more than 40% of sales in alcoholic beverages in connection with the business.

(3) An indirect interest is presumed to exist between two individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, if they:

(i) Have a common parent company;

(ii) Are parties to a franchise agreement, licensing agreement, or concession agreement;

- (iii) Are part of a chain of businesses that is commonly owned and operated;
- (iv) Share a director, stockholder, partner, or member;
- (v) Share a director, stockholder, partner, or member of a parent or subsidiary;
- (vi) Share, directly or indirectly, profit from the sale of alcoholic beverages; or
- (vii) Share a trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(4) Off-sale privileges may not be conferred by these licenses.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, nothing contained in this section may be construed to authorize the issuance of more than six licenses to an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county under this article, including Class B (on-sale — hotels and restaurants), Class B (SB) restaurant — service bar beer, wine and liquor (on-sale), Class B (TTC) restaurant beer, wine and liquor (on-sale), and Class BDR (deluxe restaurant) (on-sale) beer, wine and liquor licenses.

(ii) The Board of License Commissioners may issue a seventh license to a person if the license is for a restaurant located in the Liberty Road Commercial Revitalization District in accordance with subsection (b-3C) of this section.

(b-3C) (1) Notwithstanding any other provision of this section or § 8-204(l) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in not more than 13 Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article, by making application in the regular manner and paying the usual fee if the restaurant for which the additional license is sought:

(i) Meets the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

(ii) Meets the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

(iii) Has a cocktail lounge or bar area seating capacity that does not exceed 25% of the seating capacity for dining;

(iv) Has no more than 40% of sales in alcoholic beverages in connection with the business; and

(v) Is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999.

(2) An indirect interest is presumed to exist between two individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, if at least one of the conditions listed in subsection (b-3B)(3) of this section is present.

(3) Off-sale privileges may not be conferred by these licenses.

(4) Nothing contained in this section may be construed to authorize the issuance of more than seven licenses for an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county under this article, including Class B (hotels and restaurants) beer, wine and liquor (on-sale) licenses, Class B (SB) (restaurant — service bar) beer, wine and liquor (on-sale) licenses, Class B (TTC) (restaurant) beer, wine and liquor (on-sale) licenses, Class B (OMTC) licenses, Class B (TRD) licenses, and Class BDR (deluxe restaurant) beer, wine and liquor (on-sale) licenses.

(b-4) The provisions of subsection (a) of this section shall not apply in Baltimore County to licenses issued under this article for premises operated as a motel or motor court having 100 rooms or more.

(b-5) In Montgomery County, a Class B beer, wine and liquor license may be issued for a different portion of the same premises or building in which is located a Class C beer, wine and liquor license, provided, however, that such licensees must meet all of the other qualifications and provisions of this article pertinent to such respective licenses except that, for the purposes of this subsection only, the term “pecuniarily interested” as contained in § 10-103 of this article shall not be deemed to apply to an applicant who is the owner of an interest in real property leased to another place of business where or for which a license has been applied for, granted or issued under this article.

(b-6) (1) Notwithstanding any other provision of this section, in Dorchester County an additional Class A beer license or Class A beer and wine license may be issued for any premises licensed under a Class B or Class D license.

(2) The Board of License Commissioners of Dorchester County may limit the number of additional Class A beer licenses and Class A beer and wine licenses that it issues.

(b-7) The provisions of subsection (a) of this section shall not apply to licenses issued under § 7-101(u) of this article.

(b-8) Notwithstanding any other provisions of this article, in Garrett County any licensee wishing to install an additional bar or serving counter within a reasonable distance of the main building may do so with the approval of the County Liquor Control Board. The Liquor Control Board shall determine what constitutes a

reasonable distance, and if the authorization is granted, no additional license shall be required.

(b-9) (1) The provisions of this subsection apply in the following jurisdictions:

- (i) Calvert County;
- (ii) Kent County; and
- (iii) St. Mary's County.

(2) Notwithstanding any other provisions of this article, any licensee wishing to install an additional bar or serving counter within a reasonable distance of the main building may do so with the approval of the alcoholic beverages licensing authority in the respective county. Each licensing authority shall determine what constitutes a reasonable distance for the respective county and, if the authorization is granted, no additional license is required.

(c) In Calvert and Caroline counties it shall be lawful for any licensee, by making application in the manner elsewhere described in this article, to obtain any type of license under this article, for the same premises, upon compliance with the provisions of this article, and upon the payment of the fees herein prescribed for each class of license.

(d) Every license shall be appropriately numbered by the official issuing the same.

(e) Nothing in this section shall apply to any dispensary system in any county of the State.

(f) Repealed.

(g) For the purpose of this section, in Wicomico County a man and wife shall be considered as one and the same person.

(h) The provisions of subsection (a) of this section do not apply in Anne Arundel County to licenses issued under this article for premises operated as resort complexes or entertainment facilities, including entertainment concessions.

(h-1) (1) In Anne Arundel County, a current holder of a Class H alcoholic beverages license, or a holder as of June 1, 2002 of a Class B alcoholic beverages license that has a restriction prohibiting off-sales, may be issued a second license by the Anne Arundel County Board of License Commissioners if:

(i) The second license is a Class H (beer, wine and liquor) license or a Class H (beer and wine) license; and

(ii) Either the restaurant for which the Class H license under item (i)

of this paragraph is sought or to which the original Class B or Class H license applies is located within:

1. A suburban community center designated by Anne Arundel County in accordance with Bill Nos. 36–96 and 70–96 of the ordinances of Anne Arundel County; or

2. One of the following locations as they existed on October 1, 1999:

A. The Glen Burnie Urban Renewal Area;

B. The Parole Town Center Growth Management Area;

C. The Odenton Town Center Growth Management Area;

D. The Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with § 6–301(f)(8) of the Economic Development Article;

E. A shopping center with a gross area of at least 1 million square feet that is zoned C3 General Commercial by the zoning article of the Anne Arundel County Code; or

F. The Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west.

(2) A person who does not hold a retail alcoholic beverages license in Anne Arundel County may be issued a maximum of two licenses by the Anne Arundel County Board of License Commissioners if:

(i) Each license is a Class H (beer and wine) license or a Class H (beer, wine and liquor) license; and

(ii) The restaurant for which one of the Class H licenses under item (i) of this paragraph is sought is located within:

1. A suburban community center designated by Anne Arundel County in accordance with Bill Nos. 36–96 and 70–96 of the ordinances of Anne Arundel County; or

2. One of the following locations as they existed on October 1, 1999:

A. The Glen Burnie Urban Renewal Area;

B. The Parole Town Center Growth Management Area;

C. The Odenton Town Center Growth Management Area;

D. The Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with § 6–301(f)(8) of the Economic Development Article;

E. A shopping center with a gross area of at least 1 million square feet that is zoned C3 General Commercial by the zoning article of the Anne Arundel County Code; or

F. The Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west.

(3) A franchisor may not have a direct ownership interest, as defined by the Board, in more than 2 licenses under this section.

(4) The Board may not issue more than 60 additional Class H licenses under this subsection.

(5) The Anne Arundel County Board of License Commissioners shall adopt regulations:

(i) To carry out this subsection; and

(ii) That define “direct ownership interest” for the purposes of paragraph (3) of this subsection.

(6) The Anne Arundel County Economic Development Corporation, in consultation with the Board of License Commissioners for Anne Arundel County:

(i) Shall conduct a comprehensive study of the impact of this subsection on the economy of Anne Arundel County; and

(ii) On or before January 1, 2006, shall submit its findings and recommendations to the Anne Arundel County House Delegation, the Anne Arundel County Senate Delegation, the County Executive for Anne Arundel County, and the Anne Arundel County Council.

(i) The provisions of subsection (a) of this section do not apply in Anne Arundel County to licenses issued under this article for premises operated as motel–restaurant complexes or hotel–restaurant complexes having one hundred (100) rooms or more.

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

(2) (i) Notwithstanding any other provisions of this section, the holder of a Class B, (on–sale — hotels and restaurants) beer, wine and liquor license, Class B, (on–sale — hotels and restaurants) beer and light wine license, or Class H (on–sale only

— hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain additional Class B, (on-sale — hotels and restaurants) beer, wine and liquor, Class B, (on-sale — hotels and restaurants) beer and light wine, or Class H (on-sale only — hotels and restaurants) beer, wine and liquor license for premises used and occupied as a bona fide restaurant, as may be defined by the regulations of the Board of License Commissioners.

(ii) The restaurant shall have a minimum:

1. Capital investment of \$150,000.00 for restaurant facilities, which does not include the cost of land or buildings; and

2. Seating capacity of 125 persons.

(iii) These provisions do not permit the issuance of more than a total of three licenses of all classes issued under this section to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company in Worcester County, except as provided in paragraph (3) of this subsection.

(iv) The granting of additional licenses hereunder shall be limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges.

(3) (i) Notwithstanding any other provisions of this section, the holder of a Class B, (on-sale — hotels and restaurants) beer, wine and liquor license, Class B, (on-sale — hotels and restaurants) beer and light wine license, or Class H (on-sale only — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain additional Class B, (on-sale — hotels and restaurants), beer, wine and liquor or Class B (on-sale — hotels and restaurants), beer and light wine, or Class H (on-sale only — hotels and restaurants) beer, wine and liquor licenses for premises used and operated as public hotel-restaurant or motel-restaurant complexes.

(ii) The licensee shall have:

1. 50 or more sleeping rooms for rent;

2. A minimum capital investment of \$150,000 for restaurant facilities which does not include the cost of land or building; and

3. A minimum restaurant seating capacity of 75 persons.

(iii) These provisions do not permit the issuance of more than a total of three licenses under paragraph (2) of this subsection, or a total of 9 licenses under paragraphs (2) and (3) of this subsection.

(iv) The granting of additional licenses may only occur if the

restaurant operation is part and parcel of the hotel or motel operation. A person, partnership, corporation, unincorporated association, limited liability company, or any other entity may not have a pecuniary interest in the license other than the person(s) or members of the partnership, corporation, unincorporated association, limited liability company, or entity that own the hotel or motel.

(v) The transfer of any such license granted under this paragraph is not permitted notwithstanding the provisions of § 10–503, but shall be subject to the filing of a new application subject to the provisions of §§ 10–103 and 10–202 of this article.

(vi) The granting of additional licenses hereunder shall be limited and restricted for the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off–sale privileges.

(4) (i) Subject to subparagraph (ii) of this paragraph and notwithstanding any other provisions of this section, a bona fide homeowner’s association that owns more than one amenity, as defined by the Board of License Commissioners, may hold multiple Class B licenses, multiple Class C licenses, or a combination of Class B and Class C licenses.

(ii) Admission to an amenity licensed with a Class C license shall be limited to owners of real property governed by recorded covenants of the homeowner’s association, their bona fide tenants, and guests in their company.

(5) Notwithstanding the provisions of subsection (a) of this section to the contrary, a caterer’s license may be issued to the holder of a Class B restaurant or hotel (on–sale) beer, wine and liquor license.

(6) Notwithstanding any other provisions of this section to the contrary, the Mayor of Ocean City may be granted a license under § 6–401 of this article.

(7) Notwithstanding any other provision of this section, the Worcester County Board of License Commissioners may renew a Class A beer license, beer and wine license, or wine license issued prior to January 1, 2002.

(k) The provisions of subsections (a) and (a–1) of this section do not apply to licenses issued under:

(1) § 6–201 of this article if:

(i) The resident applicant has been a resident of Wicomico County for at least two years prior to the application; and

(ii) The minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000; or

(2) § 12–104(e)(5) of this article.

(l) In Wicomico County no license issued under this article may be issued to a corporation or limited liability company unless the individual qualifying under this article has been a registered voter, taxpayer of Wicomico County, and a resident of Wicomico County for at least two years prior to submission of an application, and must own at least 20 percent of the total issued capital stock of the corporation or 20 percent of the total interests of the limited liability company. Provided, however, that any license currently issued shall not be affected by this section.

(m) Notwithstanding a provision of law in subsection (a) of this section to the contrary, in Wicomico County, a caterer's license may be issued to a holder of a Class B hotel or restaurant (on-sale) beer, wine and liquor license.

(n) In Kent County, notwithstanding any provision of subsection (a) of this section to the contrary, a caterer's alcoholic beverages license may be issued to a holder of a Class B restaurant or hotel (on-sale) beer, wine and liquor license.

(o) (1) Subject to paragraphs (2) and (3) of this subsection, and notwithstanding any other provision of law, in Howard County, the Board of License Commissioners may issue 2 Class B (on-sale) beer, wine and liquor licenses and 7 Class BLX (luxury restaurant) (on-sale) beer, wine and liquor licenses, or 9 Class BLX (luxury restaurant) (on-sale) beer, wine and liquor licenses for separate premises:

(i) To an individual; or

(ii) For the use of a partnership, corporation, or unincorporated association.

(2) A person, including a corporation, limited liability company, partnership, limited partnership, joint venture, association, or other combination of persons, whether natural or otherwise and for whatever reason formed, may not have a direct or indirect interest in any combination of more than 9 Class B and Class BLX licenses.

(3) For purposes of this subsection, an indirect interest is presumed to exist between two persons, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, whether natural or otherwise, if any of the following conditions exist between them:

(i) A common parent company;

(ii) A franchise agreement;

(iii) A licensing agreement;

(iv) A concession agreement;

(v) Both are part of a chain of businesses commonly owned and operated;

(vi) They share:

1. Directors, stockholders, partners, or members; or
2. Directors, stockholders, partners, or members of parents or subsidiaries;

(vii) They commonly share, directly or indirectly, profit from the sale of alcoholic beverages; or

(viii) They share a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(p) Notwithstanding subsection (a) of this section, in Charles County, the Board of License Commissioners may issue 2 additional Class BLX alcoholic beverages licenses for use in a luxury-type restaurant for each Charles County Class BLX licensee who applies.

(q) Notwithstanding subsection (a) of this section, the Montgomery County Board of License Commissioners may issue up to three special culinary school licenses to a single culinary school for separate locations.