

Chapter 91

(Senate Bill 219)

AN ACT concerning

Frederick County – Alcoholic Beverages – Seating Requirement for Class B Licenses

FOR the purpose of altering the seating requirement for facilities in Frederick County for which certain Class B alcoholic beverages licenses are issued; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 20–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 20–902, 20–903, and 20–904
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

20–102.

This title applies only in Frederick County.

20–902.

(a) There is a Class B license in the Ballenger (23rd) election district.

(b) The Board may issue the license for use by a luxury–type restaurant that has:

(1) a capital investment of at least \$250,000 for dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

(2) seating for at least **[50] 28** individuals.

(c) The license authorizes the sale of beer, wine, and liquor for on–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 20–2006(d) of this title.

(e) The annual license fee is \$1,500.

(f) The Board shall define “luxury–type restaurant” by regulation.

20–903.

(a) There is a Class B beer, wine, and liquor hotel or motel license.

(b) The Board may issue the license for use by a hotel or motel that:

(1) is an establishment to accommodate the public by providing services ordinarily found in a hotel or motel;

(2) has at least 15 rooms;

(3) has a dining room with facilities for preparing and serving full–course meals for at least **[50] 28** individuals at one seating; and

(4) has a capital investment in the hotel or motel facility of at least \$400,000.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor by the individual drink at any place on the hotel or motel premises.

(2) (i) Subject to subparagraph (ii) of this paragraph, the license authorizes the license holder to sell beer, wine, and liquor by the bottle:

1. at any place on the premises for a banquet, party, hospitality room, meeting, or a similar function; and

2. for dinner in the restaurant portion of the premises.

(ii) A customer may not remove from the premises any contents of a bottle sold under this paragraph that remains unused.

(3) (i) The license authorizes the sale of beer, wine, and liquor by the bottle through room service to a registered patron in a hotel or motel room.

(ii) Not more than two bottles may be sold through room service to any one customer in a 24–hour period.

(iii) A bottle sold through room service may be removed from the

premises by the customer on checking out from the hotel or motel.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

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

20–904.

(a) There is a Class B beer, wine, and liquor hotel or restaurant license.

(b) The Board may issue the license for use by a hotel that:

(1) is an establishment for the accommodation of the public providing service ordinarily found in hotels;

(2) contains:

(i) at least 25 rooms;

(ii) a lobby with a registration and mail desk; and

(iii) seating facilities and a dining room that serves full–course meals at least twice daily and that has a regular seating at tables, not including seats at bars or counters, for [50] 28 or more individuals; and

(3) is operated in a facility that:

(i) is valued for State and local assessment and taxation at not less than \$20,000; and

(ii) has personal property valued for State and local assessment and taxation at not less than \$3,000.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue the license for use by a restaurant that:

(i) serves full–course meals at least twice daily;

(ii) has regular seating at tables, not including seats at bars or counters, for [50] 28 or more individuals;

(iii) is operated in a facility valued for State and local assessment and taxation at not less than \$40,000; and

(iv) has personal property valued for State and local assessment and

taxation at not less than \$5,000.

(2) (i) This subsection does not apply to or affect any license holder that had the license on December 31, 1993, or to a person who has a permit for a building that was under construction on that date.

(ii) The area normally used as a restaurant for the preparation and consumption of food and beverages shall occupy at least 80% of the square foot area of the licensed premises, except for premises used for recreation, such as a bowling alley or pool hall.

(3) (i) The license holder may remove tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year.

(ii) A restaurant that removes its tables and chairs for a special event:

1. shall give notice to the Board at least 1 week before the event;

2. shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant; and

3. may not allow into the restaurant more than the maximum number of occupants that the County Fire Marshal allows.

(d) (1) The license issued for a hotel or restaurant:

(i) authorizes the sale of beer, wine, and liquor for on-premises consumption where meals are prepared and served; and

(ii) prohibits sales for consumption anywhere else, including at a bar or counter.

(2) The license issued for a restaurant authorizes the sale for off-premises consumption of beverages with an alcoholic content of not more than 14.5%.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

(f) The annual license fee is:

(1) \$1,500 for a restaurant; and

(2) \$2,000 for a hotel.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 10, 2018.