

HOUSE BILL 869

A2

9lr0520

By: **Howard County Delegation**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Marketplace License**

3 **Ho. Co. 06–19**

4 FOR the purpose of establishing a marketplace license in Howard County; authorizing the
5 Board of License Commissioners to issue the license to certain individuals; specifying
6 the scope, hours of sale, and fees for the license; authorizing the license holder to sell
7 beer, wine, and liquor within the marketplace under certain conditions; authorizing
8 a license holder to obtain a refillable container permit and a nonrefillable container
9 permit under certain conditions; specifying certain standards to be met by the
10 marketplace; requiring an applicant for a marketplace license to include a certain
11 list with an application submitted to the Board of License Commissioners of Howard
12 County; prohibiting a certain license holder from exercising the privileges of the
13 license on a certain day when a ticketed public event is held that meets certain
14 conditions, except under certain circumstances; defining a certain term; and
15 generally relating to alcoholic beverages in Howard County.

16 BY repealing and reenacting, without amendments,
17 Article – Alcoholic Beverages
18 Section 23–102
19 Annotated Code of Maryland
20 (2016 Volume and 2018 Supplement)

21 BY adding to
22 Article – Alcoholic Beverages
23 Section 23–1004.1
24 Annotated Code of Maryland
25 (2016 Volume and 2018 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Alcoholic Beverages

23–102.

This title applies only in Howard County.

23–1004.1.

(A) IN THIS SECTION, “MARKETPLACE” MEANS A PREMISES THAT:

(1) ACCOMMODATES THE PUBLIC; AND

(2) IS EQUIPPED WITH FIVE OR MORE OUTLETS FOR PREPARING AND SERVING REGULAR MEALS THAT MAY BE CONSUMED BY PATRONS IN A COMMON SEATING AREA OR ANYWHERE ELSE ON THE PREMISES.

(B) THERE IS A MARKETPLACE LICENSE.

(C) THE BOARD MAY ISSUE A MARKETPLACE LICENSE ONLY TO INDIVIDUALS ON BEHALF OF THE PERSON, FIRM, OR CORPORATION THAT OWNS, MANAGES, OR LEASES THE MARKETPLACE.

(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR THROUGH VENDORS OR AGENTS FROM ONE OR MORE OUTLETS WITHIN THE MARKETPLACE BY THE DRINK OR BY THE BOTTLE FOR ON–PREMISES CONSUMPTION.

(2) A LICENSE HOLDER MAY OBTAIN:

(I) A REFILLABLE CONTAINER PERMIT UNDER § 23–1102 OF THIS TITLE TO SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION; AND

(II) A NONREFILLABLE CONTAINER PERMIT UNDER § 23–1104 OF THIS TITLE TO SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION.

(E) THE MARKETPLACE SHALL HAVE:

(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$1,000,000 FOR MARKETPLACE FACILITIES;

(2) A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS;

(3) A MINIMUM CAPACITY OF 200 INDIVIDUALS AND A MAXIMUM

1 CAPACITY OF 500 INDIVIDUALS, AS DETERMINED BY THE COUNTY DEPARTMENT OF
2 FIRE AND RESCUE SERVICES; AND

3 (4) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT
4 LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE MARKETPLACE.

5 (F) AN APPLICANT FOR A MARKETPLACE LICENSE SHALL INCLUDE WITH AN
6 APPLICATION SUBMITTED TO THE BOARD A LIST OF THE NAMES OF EACH VENDOR
7 OR AGENT FROM THE OUTLETS WITHIN THE MARKETPLACE THAT WILL BE
8 AUTHORIZED TO SELL BEER, WINE, AND LIQUOR UNDER THE LICENSE.

9 (G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
10 THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS THE HOURS OF SALE FOR
11 CLASS B BEER, WINE, AND LIQUOR LICENSES UNDER § 23-2004(B) OF THIS TITLE.

12 (2) (I) THE LICENSE HOLDER MAY NOT EXERCISE THE PRIVILEGES
13 OF THE LICENSE ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD:

14 1. ON A PROPERTY ADJACENT TO THE LICENSED
15 PREMISES, IF THE ADJACENT PROPERTY HAS A CAPACITY OF AT LEAST 4,000
16 INDIVIDUALS; OR

17 2. ON THE SAME PROPERTY AS THE LICENSED PREMISES
18 BUT UNDER A DIFFERENT LICENSE, IF THE PROPERTY HAS A CAPACITY OF AT LEAST
19 4,000 INDIVIDUALS.

20 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
21 PARAGRAPH, A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE
22 ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD IF THE LICENSE HOLDER
23 OBTAINS THE WRITTEN PERMISSION OF THE PROMOTER OR PRODUCER OF THE
24 EVENT BEFORE THE EVENT TAKES PLACE.

25 (H) (1) THE ANNUAL LICENSE FEE IS \$6,000.

26 (2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER
27 SHALL PAY ANNUALLY:

28 (I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE
29 ENTERTAINMENT; AND

30 (II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE
31 SERVICE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2019.