
By: Montgomery County Delegation

Introduced and read first time: February 1, 1996

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 1996

CHAPTER ____

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages**
3 **(Damascus)**
4 **MC 618-96**

5 FOR the purpose of repealing the prohibition in Montgomery County on the issuance of
6 Class H beer and light wine licenses in Damascus (Twelfth Election District); and
7 submitting this Act to a referendum of the voters of that election district.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 8-216(a)
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1995 Supplement)

13 BY adding to
14 Article 2B - Alcoholic Beverages
15 Section 8-216(f)
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1995 Supplement)

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

20 **Article 2B - Alcoholic Beverages**

21 8-216.

22 (a) (1) In this subsection "place of business" does not include:

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1 (i) A country club; or

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

6 (2) (i) Except as provided in subparagraph (ii) of this paragraph, in
7 Montgomery County, a license for the sale of alcoholic beverages authorized by this
8 article may not be issued for any place of business located in [Damascus (12th election
9 district), and in] the towns of Barnesville, Kensington, Laytonsville, Washington Grove
10 and the City of Takoma Park.

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

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

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

23 (5) The City of Takoma Park is excepted from the provisions of paragraph
24 (1) of this subsection if subsection (d) of this section becomes effective.

25 (6) The town of Laytonsville is excepted from the provisions of paragraph
26 (2) of this subsection if subsection (e) of this section becomes effective.

27 (7) DAMASCUS (12TH ELECTION DISTRICT) IS EXCEPTED FROM THE
28 PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION IF SUBSECTION (F) OF THIS
29 SECTION BECOMES EFFECTIVE.

30 (F) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE, RENEW, AND
31 TRANSFER AND OTHERWISE PROVIDE CLASS H (ON-SALE) BEER AND LIGHT WINE,
32 HOTEL AND RESTAURANT LICENSES FOR USE IN DAMASCUS (12TH ELECTION
33 DISTRICT) PROVIDED THAT:

34 (1) A LICENSE MAY NOT BE ISSUED TO ANY RESTAURANT IN WHICH
35 POOL TABLES, BILLIARD TABLES, SHUFFLEBOARDS, DART BOARDS, VIDEO GAMES,
36 PINBALL MACHINES, OR RECREATIONAL DEVICES ARE USED; AND

37 (2) ALCOHOLIC BEVERAGES SERVED BY A LICENSEE MAY ONLY BE
38 CONSUMED BY PATRONS WHILE THE PATRONS ARE SEATED.

39 SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes
40 effective it shall first be submitted to a referendum of the legally qualified voters of
41 Damascus (12th Election District) in Montgomery County at a general election to be held

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1 in November of 1996. The County Council and the Board of Supervisors of Elections of
2 Montgomery County shall do those things necessary and proper to provide for and hold
3 the referendum required by this section. If a majority of the votes cast on the question are
4 "For the referred law", the provisions of this Act shall become effective on the 30th day
5 following the official canvass of votes for the referendum, but if a majority of the votes
6 cast on the question are "Against the referred law" the provisions of this Act are of no
7 effect and are null and void.

8 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
9 of Section 2 of this Act and for the sole purpose of providing for the referendum required
10 by Section 2, this Act shall take effect July 1, 1996.