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**By: Delegates Bozman, Conway, and McClenahan**

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Worcester County - Alcoholic Beverages**  
3 **(Multiple Licenses)**

4 FOR the purpose of providing in Worcester County that a bona fide homeowner's  
5 association that owns amenities, as defined by the Board of License Commissioners,  
6 may hold multiple Class B licenses, multiple Class C licenses, or a combination of  
7 them; clarifying language and structure; and providing for an effective date.

8 BY repealing and reenacting, with amendments,  
9 Article 2B - Alcoholic Beverages  
10 Section 9-102(j)  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1995 Supplement)

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

15 **Article 2B - Alcoholic Beverages**

16 9-102.

17 (j) (1) THIS SUBSECTION APPLIES ONLY IN WORCESTER COUNTY.

18 (2) (I) Notwithstanding any other provisions of this section [in Worcester  
19 County], the holder of a Class B, (on-sale - hotels and restaurants) beer, wine and liquor  
20 license or Class B, (on-sale - hotels and restaurants) beer and light wine license under  
21 this article, by making application in the regular manner and paying the usual fee may  
22 obtain additional Class B, (on-sale - hotels and restaurants) beer, wine and liquor or  
23 Class B, (on-sale - hotels and restaurants) beer and light wine licenses for premises used  
24 and occupied as a bona fide restaurant, as may be defined by the rules and regulations of  
25 the Board of License Commissioners [for Worcester County, provided thatsaid].

26 (II) THE restaurant [has] SHALL HAVE a minimum [capital]:

27 1. CAPITAL investment of \$150,000.00 for restaurant facilities,  
28 which [sum shall] DOES not include the cost of land or buildings[.]; and [has a  
29 minimum seating]

30 2. SEATING capacity of 125 persons.

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1 (III) [Nothing contained herein shall] THESE PROVISIONS DONOT  
2 permit the issuance of more than a total of three [(3)] licenses of allclasses issued under  
3 this section to any person, or for the use of any partnership, corporation, unincorporated  
4 association, or limited liability company in Worcester County, except as provided in  
5 paragraph [(2)] (3) of this subsection.

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

9 [(2)] (3) (I) Notwithstanding any other provisions of this section [in  
10 Worcester County], the holder of a Class B, (on-sale - hotels and restaurants) beer, wine  
11 and liquor license or Class B, (on-sale - hotels and restaurants) beer and light wine  
12 license under this article, by making application in the regular mannerand paying the  
13 usual fee may obtain additional Class B, (on-sale - hotels and restaurants), beer, wine  
14 and liquor or Class B, (on-sale - hotels and restaurants), beer and light wine licenses for  
15 premises used and operated as public hotel-restaurant or motel-restaurant complexes  
16 [having].

17 (II) THE LICENSEE SHALL HAVE:

18 1. 50 or more sleeping rooms for rent; [provided thatthe  
19 restaurant within the complex has a]

20 2. A minimum capital investment of \$150,000 for restaurant  
21 facilities which [sum shall] DOES not include the cost of land or building[.]; and [has  
22 a]

23 3. A minimum RESTAURANT seating capacity of 75 persons.

24 (III) [Nothing contained herein shall] THESE PROVISIONS DONOT  
25 permit the issuance of more than a total of three licenses under paragraph [(1)] (2) of  
26 this subsection, or a total of 9 licenses under paragraphs [(1) and] (2) AND (3) of this  
27 subsection.

28 (IV) The granting of additional licenses [hereunder shall]MAY only  
29 [be] OCCUR if the restaurant operation is part and parcel of the hotel or motel  
30 operation[, and that no]. A person, partnership, corporation, unincorporated association,  
31 limited liability company, or any other entity [shall] MAY NOT have a pecuniary interest  
32 in the license other than the person(s) or members of the partnership, corporation,  
33 unincorporated association, limited liability company, or entity that own the hotel or  
34 motel.

35 (V) The transfer of any such license granted under this paragraph  
36 [shall] IS not [be] permitted notwithstanding the provisions of § 10-503, but shall be  
37 subject to the filing of a new application subject to the provisions of §§ 10-103 and 10-202  
38 [herewith] OF THIS ARTICLE.

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

1                   (4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH AND  
2 NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, A BONA FIDE  
3 HOMEOWNER'S ASSOCIATION THAT OWNS MORE THAN ONE AMENITY, AS DEFINED  
4 BY THE BOARD OF LICENSE COMMISSIONERS, MAY HOLD MULTIPLE CLASS B  
5 LICENSES, MULTIPLE CLASS C LICENSES, OR A COMBINATION OF CLASS B AND CLASS  
6 C LICENSES.

7                   (II) ADMISSION TO AN AMENITY LICENSED WITH A CLASS C  
8 LICENSE SHALL BE LIMITED TO OWNERS OF REAL PROPERTY GOVERNED BY  
9 RECORDED COVENANTS OF THE HOMEOWNER'S ASSOCIATION, THEIR BONA FIDE  
10 TENANTS, AND GUESTS IN THEIR COMPANY.

11                   [(3)] (5) Notwithstanding the provisions of subsection (a) of this section to  
12 the contrary, [in Worcester County] a caterer's license may be issued to the holder of a  
13 Class B restaurant or hotel (on-sale) beer, wine and liquor license.

14                   [(4)] (6) Notwithstanding any other provisions of this section to the  
15 contrary, the Mayor of Ocean City may be granted a license under § 6-401 of this article.

16                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 June 1, 1996.