
By: Delegates Bozman, Conway, and McClenahan

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 1996

CHAPTER _____

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)~~ 9-102(a) and (j) and 9-107(a)
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 (a) No more than one license provided by this article, except by way of renewal
18 OR AS PROVIDED IN SUBSECTION (J)(4) OF THIS SECTION, shall be issued in any county
19 or Baltimore City, to any person, or for the use of any partnership, corporation,
20 unincorporated association, or limited liability company, in Baltimore City or any county
21 of the State, and no more than one license shall be issued for the same premises except as
22 provided in §§ 2-201 through 2-208 and 2-301 and nothing herein shall be construed to
23 apply to subsections (b) and (c) of § 7-101 or to § 12-202 (pertaining to special music or
24 dancing licenses for Anne Arundel County) of this article.

2

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

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

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

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

14 2. SEATING capacity of 125 persons.

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

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

23 [(2)] (3) (I) Notwithstanding any other provisions of this section [in
24 Worcester County], the holder of a Class B, (on-sale - hotels and restaurants) beer, wine
25 and liquor license or Class B, (on-sale - hotels and restaurants) beer and light wine
26 license under this article, by making application in the regular mannerand paying the
27 usual fee may obtain additional Class B, (on-sale - hotels and restaurants), beer, wine
28 and liquor or Class B, (on-sale - hotels and restaurants), beer and light wine licenses for
29 premises used and operated as public hotel-restaurant or motel-restaurant complexes
30 [having].

31 (II) THE LICENSEE SHALL HAVE:

32 1. 50 or more sleeping rooms for rent; [provided thatthe
33 restaurant within the complex has a]

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

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

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

3

1 (IV) The granting of additional licenses [hereunder shall]MAY only
2 [be] OCCUR if the restaurant operation is part and parcel of the hotel or motel
3 operation[, and that no]. A person, partnership, corporation, unincorporated association,
4 limited liability company, or any other entity [shall] MAY NOT have a pecuniary interest
5 in the license other than the person(s) or members of the partnership, corporation,
6 unincorporated association, limited liability company, or entity that own the hotel or
7 motel.

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

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

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

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

25 [(3)] (5) Notwithstanding the provisions of subsection (a) of this section to
26 the contrary, [in Worcester County] a caterer's license may be issued to the holder of a
27 Class B restaurant or hotel (on-sale) beer, wine and liquor license.

28 [(4)] (6) Notwithstanding any other provisions of this section to the
29 contrary, the Mayor of Ocean City may be granted a license under § 6-401 of this article.

30 9-107.

31 (a) Except by way of renewal OR AS PROVIDED IN § 9-102(J)(4) OF THIS
32 SUBTITLE, no more than one alcoholic beverage license provided by this article that is a
33 Class A, Class C, or Class D license may be issued in this State to any individual for the
34 use of:

35 (1) That individual in this State; or

36 (2) For the use of any partnership, corporation, unincorporated association,
37 or limited liability company in this State.

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

