
By: Delegate Bissett (By Request of the County Executive)

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Alcoholic Beverages**
3 **(Class BDR Beer, Wine and Liquor License)**

4 FOR the purpose of creating in Anne Arundel County a Class BDR beer, wine and liquor
5 alcoholic beverages license; providing for the terms, conditions, and fees for the
6 license; renumbering and reorganizing; setting a modified sunset provision; and
7 generally relating to alcoholic beverages in Anne Arundel County.

8 BY renumbering

9 Article 2B - Alcoholic Beverages
10 Section 8-202(a) through (i) and 8-202(j), respectively
11 to be Section 8-202(b) through (j) and 6-701, respectively
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1995 Supplement)

14 BY adding to

15 Article 2B - Alcoholic Beverages
16 Section 8-202(a) and (k)
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1995 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That, Section(s) 8-202(a) through (i) and 8-202(j), respectively, of Article
21 2B - Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be
22 Section(s) 8-202(b) through (j) and 6-701, respectively.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article 2B - Alcoholic Beverages**

26 8-202.

27 (A) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.

28 (K) (1) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF LICENSE
29 COMMISSIONERS.

2

1 (2) FOR THE PURPOSE OF DETERMINING THE AMOUNT OF CAPITAL
2 INVESTMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION:

3 (I) THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

4 1. "CAPITAL INVESTMENT" MEANS AMOUNTS PAID FOR THE
5 ACQUISITION OF PROPERTY:

6 A. FOR A USEFUL LIFE GREATER THAN 1 YEAR; OR

7 B. FOR A PERMANENT IMPROVEMENT OR BETTERMENT OF
8 THE PROPERTY THAT HAS A USEFUL LIFE GREATER THAN 1 YEAR;

9 2. "COST OF LAND" INCLUDES:

10 A. THE PURCHASE PRICE, PLUS TAXES, AND FEES
11 INCIDENTAL TO THE PURCHASE, INCLUDING COSTS RELATED TO OBTAINING
12 APPROPRIATE ZONING AND LICENSING; AND

13 B. THE COSTS OF SITE GRADING, PREPARATION, PAVING,
14 SIDEWALKS, GUTTERS, CURBS, AND LANDSCAPING; AND

15 C. THE COST OF THE CONSTRUCTION AND INSTALLATION
16 OF ALL UTILITIES TO THE EXTERIOR OF THE BUILDING SHELL; AND

17 3. "COST OF THE BUILDING SHELL" INCLUDES COST
18 ATTRIBUTABLE TO A STRUCTURE WITH A ROOF, SIDEWALLS, DOORS, AND WINDOWS
19 COMPLETELY ENCLOSED AND WEATHERPROOFED ON A SLAB OR OTHER
20 SUBFLOORING;

21 (II) IF THE APPLICANT PURCHASES AN EXISTING BUILDING, THE
22 CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE BUILDING SHELL AS
23 DEFINED IN THIS PARAGRAPH SHALL BE BASED ON THE FAIR MARKET VALUE OF
24 THE STRUCTURES FOR WHICH THE COST OF THE BUILDING SHELL WAS INCURRED,
25 DETERMINED AT THE TIME OF PURCHASE. THE CAPITAL INVESTMENT IN OTHER
26 THAN LAND OR BUILDING SHELLS SHALL ALSO BE EVALUATED AT THE FAIR
27 MARKET VALUE AT THE TIME OF PURCHASE; AND

28 (III) IF THE PREMISES ARE LEASED, THE RENT PAID FOR THE LAND
29 SHALL BE CONSIDERED A COST OF LAND AND ANY RENT PAID FOR A BUILDING
30 SHALL BE CONSIDERED A COST OF A BUILDING SHELL.

31 (3) THERE IS A 7-DAY CLASS BDR (DELUXE RESTAURANT) (ON-SALE)
32 BEER, WINE AND LIQUOR LICENSE. THIS LICENSE MAY ONLY BE ISSUED FOR THE
33 USE OF RESTAURANTS THAT:

34 (I) MEET THE DEFINITION REQUIREMENTS OF "RESTAURANT"
35 ESTABLISHED UNDER THE REGULATIONS OF THE BOARD;

36 (II) HAVE A MINIMUM SEATING CAPACITY OF 150 PERSONS FOR
37 DINING;

38 (III) HAVE A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY
39 NOT EXCEEDING 25 PERCENT OF THE SEATING CAPACITY FOR DINING;

3

1 (IV) HAVE PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF
2 75 VEHICLES; AND

3 (V) HAVE A MINIMUM CAPITAL INVESTMENT, EXCLUSIVE OF THE
4 COST OF THE LAND AND BUILDINGS, OF:

5 1. \$750,000 BY THE APPLICANT; OR

6 2. AN APPRAISED EQUIVALENT OF \$750,000 FOR EXISTING
7 FACILITIES.

8 (4) THIS LICENSE MAY NOT BE ISSUED FOR USE IN AN ESTABLISHMENT
9 THAT IS A FAST FOOD STYLE RESTAURANT.

10 (5) THE ANNUAL LICENSE FEE IS \$ 1,500.

11 (6) (I) THIS LICENSE MAY NOT BE TRANSFERRED FROM THE
12 LOCATION SITE OF ITS FIRST ISSUANCE.

13 (II) THE PROVISIONS OF THIS PARAGRAPH OF THIS SUBSECTION
14 DO NOT AFFECT A TRANSFER OF HOLDERS FOR THE SAME PREMISES OR A
15 RENEWAL OF THE LICENSE.

16 (7) THIS LICENSE IS EXEMPT FROM ALL QUOTA PROVISIONS PROVIDED
17 FOR UNDER THE REGULATIONS OF THE BOARD.

18 (8) THE HOURS AND DAYS THAT A HOLDER MAY EXERCISE THE
19 PRIVILEGES OF SALE UNDER THIS LICENSE ARE THE SAME AS A CLASS B (ON-SALE)
20 BEER, WINE AND LIQUOR LICENSE IN ANNE ARUNDEL COUNTY.

21 (9) THE BOARD SHALL ADOPT REGULATIONS NECESSARY FOR THE
22 ISSUANCE OF THIS LICENSE.

23 (10) A NEW LICENSE MAY NOT BE ISSUED UNDER THIS SUBSECTION
24 AFTER OCTOBER 1, 2001. HOWEVER, AN EXISTING LICENSE MAY BE RENEWED AFTER
25 THAT DATE.

26 (11) THIS LICENSE MAY BE ISSUED IN ADDITION TO ANY OTHER
27 ALCOHOLIC BEVERAGES LICENSE THAT THE APPLICANT HOLDS.

28 (12) AN INDIVIDUAL OR CORPORATION IS LIMITED TO A MAXIMUM OF
29 THREE ALCOHOLIC BEVERAGES LICENSES INCLUDING CLASS BDR (DELUXE
30 RESTAURANT) (ON-SALE) LICENSES.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1996.