
By: Montgomery County Delegation

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages**
3 **(Multiple Licenses)**
4 **MC 628-96**

5 FOR the purpose of providing in Montgomery County for multiple Class B beer, wine and
6 liquor licenses under certain altered or new circumstances by reducing the minimum
7 number of years that a licensee is required to have been a certain licensee, by
8 deleting certain retail mall requirements in a certain location, and by adding
9 additional licenses in certain areas; transferring provisions; and generally relating to
10 alcoholic beverages in Montgomery County.

11 BY renumbering

12 Article 2B - Alcoholic Beverages
13 Section 9-102(a-2)(5)
14 to be Section 9-102(a-3)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1995 Supplement)

17 BY repealing

18 Article 2B - Alcoholic Beverages
19 Section 9-102(a-2)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1995 Supplement)

22 BY adding to

23 Article 2B - Alcoholic Beverages
24 Section 9-102(a-2)
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1995 Supplement)

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

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1 **Article 2B - Alcoholic Beverages**

2 [9-102.

3 (a-2) (1) Notwithstanding any other provision of this section, in Montgomery
4 County the holder of a Class B (on-sale - hotels and restaurants) beer, wine and liquor
5 license under this article, by making application in the regular manner and paying the
6 usual fee, may obtain the additional Class B (on-sale - hotels and restaurants) beer, wine
7 and liquor licenses authorized by this subsection.

8 (2) A license holder whose principal place of business is located in the State
9 of Maryland and who has been a Class B license holder in Montgomery County for a
10 minimum of 3 years, may obtain one additional Class B (on-sale - hotels and restaurants)
11 beer, wine and liquor license for premises used and occupied as a bona fide restaurant, as
12 defined by the rules and regulations of the Board of Liquor License Commissioners for
13 Montgomery County. The restaurant shall have a capital investment of not less than
14 \$250,000 for restaurant facilities, which sum may not include the cost of land or buildings,
15 and shall have a minimum seating capacity of 125 persons. The granting of this additional
16 license is limited and restricted to the purpose of providing alcoholic beverages for
17 consumption on the licensed premises only; off-sale privileges may not be exercised.

18 (3) A license holder may obtain additional Class B (on-sale - hotels and
19 restaurants) beer, wine and liquor licenses for premises operated as a public hotel which
20 meet the minimum requirements identical to those described in § 6-201(a)(3) of this
21 article, except, if the capital investment in the hotel exceeds \$3,000,000, the building
22 height and elevator requirements provided in § 6-201(a)(3) of this article do not apply
23 and the minimum restaurant area seating capacity provided for in § 6-201(a)(3) of this
24 article shall be 100 persons.

25 (4) This subsection does not permit the issuance to a person or for the use
26 of any partnership, corporation, unincorporated association, or limited liability company
27 in Montgomery County of more than 2 licenses for restaurants.]

28 [(5)] (A-3) [(i)] (A) Notwithstanding any other provision of this section,
29 the Director or Deputy Director of the Montgomery County Parks Department of the
30 Maryland-National Capital Park and Planning Commission may hold more than 1 of the
31 following alcoholic beverages licenses for the limited use of public golf courses that are
32 under the Commission's jurisdiction in Montgomery County:

33 [1.] (1) A Class H beer (on-sale) license; or

34 [2.] (2) A Class H beer and light wine (on-sale) license.

35 [(ii)] (B) [1.] (1) As a condition to holding any license under this
36 [paragraph] SUBSECTION, the Director or Deputy Director shall designate an individual
37 with respect to each golf course to complete training in an alcohol awareness program
38 approved under § 13-101 of this article.

39 [2.] (2) The individual designated by the Director or Deputy
40 Director shall:

41 [A.] (I) Represent the concessionaire; and

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1 [B.] (II) Be involved with the management of the sale of beer or
2 light wine by the concessionaire at the golf course.

3 [(6) (i) In Montgomery County, a person who holds a Class B beer, wine
4 and liquor license may be issued 1 additional Class B beer, wine and liquor license for use
5 in a restaurant if the restaurant is located:

6 1. Within an enclosed retail mall having at least 250,000 square
7 feet of gross floor area; and

8 2. Within CBD zoned property in Silver Spring.

9 (ii) The Montgomery County Board of License Commissioners may
10 not grant more than 2 exemptions under this paragraph.

11 (7) (i) Notwithstanding any other provision of this subsection, in
12 Montgomery County, a person who holds a Class B beer, wine and liquor license may be
13 issued one additional Class B beer, wine and liquor license for use in a restaurant if the
14 restaurant is located within:

15 1. CBD zoned property within the Rockville Town Center
16 mixed use district; or

17 2. An enclosed retail mall having at least 700,000 square feet of
18 gross floor area.

19 (ii) The Montgomery County Board of License Commissioners may
20 not grant under this paragraph more than:

21 1. Two exemptions for use in the Rockville Town Center mixed
22 use district; and

23 2. One exemption for use in each retail mall described in
24 subparagraph (i) of this paragraph.

25 (iii) The Montgomery County Board of License Commissioners may
26 not grant under this paragraph more than two exemptions to the same person or for use
27 of the same partnership, corporation, unincorporated association, or limited liability
28 company in Montgomery County, except that a licensee that holds the maximum number
29 of licenses permitted under paragraphs (4) and (6) of this subsection may be granted only
30 one exemption.]

31 (A-2).

32 (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

33 (2) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS
34 INDICATED.

35 (II) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS.

36 (III) "LICENSE" MEANS A CLASS B (HOTEL-RESTAURANT) BEER, WINE
37 AND LIQUOR ON-SALE ONLY LICENSE.

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1 (IV) "STANDARD LICENSE" MEANS A CLASS B LICENSE AS SET FORTH IN §
2 6-201(Q) OF THIS ARTICLE.

3 (3) AFTER MAKING AN APPLICATION AND PAYING THE FEES, THE HOLDER
4 OF A STANDARD LICENSE MAY OBTAIN THE ADDITIONAL LICENSE OR LICENSES
5 AUTHORIZED BY THIS SUBSECTION.

6 (4) (I) THERE IS A PUBLIC HOTEL LICENSE IN ADDITION TO THE
7 STANDARD LICENSE.

8 (II) THE BOARD SHALL DETERMINE THE NUMBER OF ADDITIONAL
9 PUBLIC HOTEL LICENSES TO GRANT TO AN APPLICANT.

10 (III) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:

11 1. MEET THE MINIMUM REQUIREMENTS SET FORTH IN §
12 6-201(A)(3) OF THIS ARTICLE. IF THE CAPITAL INVESTMENT IN THE HOTEL EXCEEDS
13 \$3,000,000, THE BUILDING HEIGHT AND ELEVATOR REQUIREMENTS REQUIRED BY
14 THAT SECTION DO NOT APPLY; AND

15 2. HAVE A MINIMUM RESTAURANT SEATING CAPACITY, AS
16 SPECIFIED IN § 6-201(A)(3) OF THIS ARTICLE, OF 100 PERSONS.

17 (5) (I) THERE IS A RESTAURANT LICENSE IN ADDITION TO THE
18 STANDARD LICENSE.

19 (II) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:

20 1. HAVE HAD THE APPLICANT'S PLACE OF BUSINESS
21 LOCATED IN THIS STATE;

22 2. HAVE BEEN THE HOLDER OF A LICENSE FOR AT LEAST 1
23 YEAR;

24 3. OPERATE A RESTAURANT, AS DEFINED BY REGULATIONS
25 OF THE BOARD;

26 4. HAVE A CAPITAL INVESTMENT OF AT LEAST \$250,000,
27 EXCLUDING THE COST OF LAND AND BUILDINGS; AND

28 5. HAVE A SEATING CAPACITY OF AT LEAST 125 PERSONS.

29 (III) THIS LICENSE IS FOR ON-SALE PURPOSES ONLY.

30 (6) (I) IN ADDITION TO THE STANDARD LICENSE AND THE
31 ADDITIONAL LICENSE SPECIFIED IN PARAGRAPH (5) OF THIS SUBSECTION, A PERSON
32 WHO HOLDS A STANDARD LICENSE MAY BE ISSUED UP TO 2 ADDITIONAL
33 RESTAURANT LICENSES FOR A RESTAURANT THAT IS LOCATED FROM AMONG THE
34 FOLLOWING:

35 1. WITHIN CBD ZONED PROPERTY IN SILVER SPRING;

36 2. WITHIN CBD ZONED PROPERTY IN THE ROCKVILLE TOWN
37 CENTER MIXED USE DISTRICT;

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1 3. WITHIN AN ENCLOSED MALL THAT HAS AT LEAST 700,000
2 SQUARE FEET OF GROSS FLOOR AREA; AND

3 4. A. WITHIN THE CITY OF GAITHERSBURG; OR

4 B. WITHIN THE AREA, AS DEFINED BY THE BOARD, OF
5 GERMANTOWN.

6 (II) IT IS THE INTENT OF THIS PARAGRAPH THAT THE MAXIMUM
7 NUMBER OF LICENSES AVAILABLE TO ANY ONE APPLICANT IS 4. THOSE ARE THE
8 STANDARD LICENSE, THE ADDITIONAL LICENSE SPECIFIED IN PARAGRAPH (5) OF
9 THIS SUBSECTION, AND 2 OF THE LICENSES SPECIFIED IN THIS PARAGRAPH.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1996.