
By: Delegates Bissett and Leopold

Requested: October 3, 1996

Introduced and read first time: January 8, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

8 BY repealing and reenacting, without amendments,
9 Article 2B - Alcoholic Beverages
10 Section 8-202 (a) and (b)
11 Annotated Code of Maryland
12 (1996 Replacement Volume)

13 BY adding to
14 Article 2B - Alcoholic Beverages
15 Section 8-202 (j)
16 Annotated Code of Maryland
17 (1996 Replacement Volume)

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 8-202.

22 (a) This section applies only in Anne Arundel County.

23 (b) (1) In this section the following words have the meanings indicated.

24 (2) "Board" means the Board of License Commissioners.

25 (3) "License" means a license for the sale of alcoholic beverages that is
26 issued by the Board.

2

1 (J) (1) 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 MONEY PAID FOR:

5 A. THE ACQUISITION OF PROPERTY WITH A USEFUL LIFE
6 GREATER THAN 1 YEAR; OR

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

9 2. "COST OF LAND" MEANS:

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

13 B. THE COST 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 A BUILDING SHELL; AND

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

21 (II) IF AN APPLICANT FOR A LICENSE UNDER THIS SUBSECTION
22 PURCHASES AN EXISTING BUILDING:

23 1. THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST
24 OF A BUILDING SHELL AS DEFINED IN THIS PARAGRAPH SHALL BE BASED ON THE
25 FAIR MARKET VALUE OF THE STRUCTURES FOR WHICH THE COST OF THE BUILDING
26 SHELL WAS INCURRED, AS DETERMINED AT THE TIME OF PURCHASE; AND

27 2. THE CAPITAL INVESTMENT IN ANYTHING OTHER THAN
28 LAND OR A BUILDING SHELL ALSO SHALL BE EVALUATED AT THE FAIR MARKET
29 VALUE AT THE TIME OF PURCHASE; AND

30 (III) IF THE PREMISES ARE LEASED:

31 1. THE RENT PAID FOR THE LAND SHALL BE CONSIDERED A
32 COST OF THE LAND; AND

33 2. ANY RENT PAID FOR A BUILDING SHALL BE CONSIDERED
34 A COST OF THE BUILDING SHELL.

35 (2) THERE IS A 7-DAY CLASS HDR (DELUXE RESTAURANT) (ON-SALE)
36 BEER, WINE AND LIQUOR LICENSE IN ANNE ARUNDEL COUNTY.

3

1 (3) THIS LICENSE MAY BE ISSUED ONLY FOR THE USE OF A
2 RESTAURANT THAT:

3 (I) MEETS THE DEFINITION OF "RESTAURANT" ESTABLISHED
4 UNDER THE REGULATIONS OF THE BOARD;

5 (II) HAS A MINIMUM SEATING CAPACITY OF 150 PERSONS FOR
6 DINING;

7 (III) HAS A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY
8 NOT EXCEEDING 25 PERCENT OF THE SEATING CAPACITY FOR DINING;

9 (IV) HAS PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF
10 75 VEHICLES;

11 (V) HAS A MINIMUM CAPITAL INVESTMENT, EXCLUSIVE OF THE
12 COST OF THE LAND AND BUILDINGS, OF \$750,000 BY THE APPLICANT OR AN
13 APPRAISAL OF EXISTING FACILITIES OF \$750,000; AND

14 (VI) IS LOCATED WITHIN:

15 1. THE BALTIMORE-WASHINGTON INTERNATIONAL
16 AIRPORT COMPLEX;

17 2. THE GLEN BURNIE TOWN CENTER;

18 3. THE ODENTON TOWN CENTER; OR

19 4. THE PAROLE TOWN CENTER.

20 (4) AN HDR LICENSE MAY NOT BE ISSUED FOR USE IN AN
21 ESTABLISHMENT THAT IS A FAST FOOD STYLE RESTAURANT.

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

23 (6) (I) AN HDR LICENSE MAY NOT BE TRANSFERRED FROM THE
24 LOCATION SITE OF ITS FIRST ISSUANCE.

25 (II) THE PROVISIONS OF THIS PARAGRAPH DO NOT AFFECT A
26 TRANSFER OF HOLDERS FOR THE SAME PREMISES OR A RENEWAL OF THE LICENSE.

27 (7) AN HDR LICENSE IS EXEMPT FROM ALL QUOTA PROVISIONS UNDER
28 THE REGULATIONS OF THE BOARD.

29 (8) THE HOURS AND DAYS THAT A HOLDER MAY EXERCISE THE
30 PRIVILEGES OF SALE UNDER AN HDR LICENSE ARE THE SAME AS A CLASS H
31 (ON-SALE) BEER, WINE AND LIQUOR LICENSE IN ANNE ARUNDEL COUNTY.

32 (9) THE BOARD SHALL ADOPT REGULATIONS NECESSARY FOR THE
33 ISSUANCE OF AN HDR LICENSE.

34 (10) (I) A NEW LICENSE MAY NOT BE ISSUED UNDER THIS SUBSECTION
35 AFTER OCTOBER 1, 2001.

4

1 (II) AN EXISTING LICENSE, HOWEVER, MAY BE RENEWED AFTER
2 THAT DATE.

3 (11) AN HDR LICENSE MAY BE ISSUED TO AN APPLICANT IN ADDITION TO
4 ANY OTHER ALCOHOLIC BEVERAGES LICENSE THAT THE APPLICANT HOLDS.

5 (12) (I) AN INDIVIDUAL OR CORPORATION IS LIMITED TO A MAXIMUM
6 OF THREE HDR LICENSES.

7 (II) THE BOARD MAY NOT ISSUE MORE THAN 15 ADDITIONAL
8 LICENSES UNDER THE PROVISIONS OF THIS ACT.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1997.