
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **City of Takoma Park - Alcoholic Beverages**
3 **(Unification Issues - II)**
4 **MC/PG 22A-97**

5 FOR the purpose of providing for a transition for the holders of alcoholic beverages
6 licenses in that portion of the City of Takoma Park that will become part of
7 Montgomery County when the City is unified; creating certain alcoholic beverages
8 licenses in Montgomery County; altering a prior enactment and making provision
9 for the terms of the licenses; adding certain transition provisions; and generally
10 relating to alcoholic beverages in Prince George's County, Montgomery County,
11 and, specifically, that portion of the City of Takoma Park that will become part of
12 Montgomery County when the City is unified.

13 BY repealing and reenacting, with amendments,
14 Chapter 636 of the Acts of the General Assembly of 1994
15 Section 4(5)(ii)

16 BY repealing and reenacting, with amendments,
17 Article 2B - Alcoholic Beverages
18 Section 3-202, 5-401(q), 6-101(q), 8-216(d), 10-202(i)(1), and 12-216(a)
19 Annotated Code of Maryland
20 (1996 Replacement Volume)

21 BY adding to
22 Article 2B - Alcoholic Beverages
23 Section 6-301(q)(7)
24 Annotated Code of Maryland
25 (1996 Replacement Volume)

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

28 **Chapter 636 of the Acts of 1994**

29 SECTION 4. AND BE IT FURTHER ENACTED, That, if the county boundary is
30 altered under this Act to place all of the City of Takoma Park in Montgomery County:

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1 (5) (ii) [Nothing in this Act affects the scope of or changes the] THE
2 jurisdiction and control over any class of alcoholic beverages license that was issued by
3 the Prince George's County Board of License Commissioners within the City of Takoma
4 Park prior to any boundary alteration provided for under this Act [and such license or a
5 transfer of such license shall remain] SHALL COME under the authority of the [Prince
6 George's] MONTGOMERY County Board of License Commissioners ON THE DATE THE
7 UNIFICATION TAKES EFFECT.

8 **Article 2B - Alcoholic Beverages**

9 3-202.

10 (a) This section applies only in Montgomery County.

11 (b) In this section, "Board" means the Board of License Commissioners.

12 (c) (1) (I) [The] FOR A CLASS H LICENSE, THE annual license fee is \$400.

13 (II) FOR A CLASS H-TP LICENSE ISSUED PURSUANT TO SUBSECTION
14 (G) OF THIS SECTION, THE ANNUAL LICENSE FEE IS \$400. A CLASS H-TP LICENSEE
15 MAY NOT BE CHARGED FOR SUCH A LICENSE UNTIL MAY 1, 1998.

16 (2) The fee shall be paid before the license is issued.

17 (d) Subject to § 9-102(a-2) of this article, a Class H beer license may be issued by
18 the Board. It authorizes the licensee to keep for sale and sell beer at retail at any hotel or
19 restaurant at the place described in the license, for consumption on the premises.

20 (e) The license may not be issued to, or for use in conjunction with, or upon the
21 premises of any restaurant located within a drugstore or for use upon any premises which
22 has a door, archway, opening or other passageway providing direct public access to any
23 drugstore.

24 (f) (1) A Class H beer license may be issued for the use of a bowling
25 establishment if the bowling establishment:

26 (i) Has at least 24 lanes; and

27 (ii) Is equipped with automatic pin setters.

28 (2) The licensee may sell beer:

29 (i) For on-premises consumption only; and

30 (ii) During the hours and days established for this license.

31 (G) THE BOARD MAY ISSUE ONE CLASS H-TP LICENSE TO A PERSON WHO, ON
32 JUNE 30, 1997, BOTH HELD A CLASS B BEER LICENSE AND OPERATED A LICENSED
33 PREMISES THAT WAS LOCATED IN THAT PORTION OF THE CITY OF TAKOMA PARK
34 THAT WAS FORMERLY PART OF PRINCE GEORGE'S COUNTY.

35 5-401.

36 (q) (1) [In] THIS SUBSECTION APPLIES ONLY IN Montgomery County.

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1 (2) (I) FOR A CLASS D LICENSE, the annual license fee is \$400.

2 (II) FOR A CLASS D-TP LICENSE, THE ANNUAL LICENSE FEE IS \$400.
3 A CLASS D-TP LICENSEE MAY NOT BE CHARGED FOR SUCH A LICENSE UNTIL MAY 1,
4 1998.

5 [(2)] (3) (i) In this paragraph, "establishment" means a bowling alley,
6 billiard hall, or drugstore or a restaurant located within these businesses.

7 (ii) The license may not be issued to, or for use in conjunction with, or
8 upon the premises of any establishment, or for use upon any premises which has a door,
9 archway, opening or other passageway providing direct public access to any establishment.

10 (iii) These restrictions which prohibit the issuance of licenses to
11 drugstores or premises adjoining them are not applicable to any establishment which on
12 July 1, 1969, holds an alcoholic beverage license and which on July 1, 1969, has a door,
13 archway, opening or other passageway providing direct public access to any drugstore.

14 (4) THE BOARD SHALL ISSUE ONE CLASS D-TP LICENSE TO A PERSON
15 WHO, ON JUNE 30, 1997, BOTH HELD A CLASS D BEER AND LIGHT WINE LICENSE AND
16 OPERATED A LICENSED PREMISES THAT WAS LOCATED IN THAT PORTION OF THE
17 CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE'S COUNTY.

18 6-101.

19 (q) (1) This section [does not apply] APPLIES ONLY in Montgomery County.

20 (2) THE ONLY CLASS A LICENSE THAT IS AVAILABLE IN THE COUNTY IS
21 A CLASS A-TP 7-DAY LICENSE.

22 (3) THE ANNUAL LICENSE FEE FOR A CLASS A-TP LICENSE IS THE SAME
23 AS FOR A LICENSE ISSUED PURSUANT TO SUBSECTION (R) OF THIS SECTION. CLASS
24 A-TP LICENSEES MAY NOT BE CHARGED FOR SUCH A LICENSE UNTIL MAY 1, 1998.

25 (4) THE BOARD SHALL AUTOMATICALLY ISSUE A CLASS A-TP LICENSE
26 TO ANY PERSON WHO ON JUNE 30, 1997, BOTH HELD A CLASS A BEER, WINE AND
27 LIQUOR LICENSE AND OPERATED A CLASS A BUSINESS WHERE THE LICENSED
28 PREMISES WERE LOCATED IN THAT PORTION OF THE CITY OF TAKOMA PARK THAT
29 WAS FORMERLY PART OF PRINCE GEORGE'S COUNTY.

30 (5) THE LICENSE SHALL CONTINUE IN PERPETUITY, UNLESS REVOKED
31 FOR GOOD CAUSE. THE LICENSE IS NOT TRANSFERABLE TO ANY OTHER LOCATION
32 WITHOUT THE APPROVAL OF THE BOARD, BUT THE LICENSE MAY BE TRANSFERRED
33 TO ANOTHER PERSON AT ANY TIME, SUBJECT TO THE RESTRICTIONS ON SIMILAR
34 TRANSFERS FOR OTHER ALCOHOLIC BEVERAGES LICENSES IN MONTGOMERY
35 COUNTY.

36 (6) THE BOARD SHALL PROMULGATE REGULATIONS THAT GOVERN
37 THE SALE OF ALCOHOLIC BEVERAGES BY A CLASS A-TP LICENSEE. THESE
38 REGULATIONS SHALL INCLUDE THE HOURS FOR SALE.

39 (7) AFTER JULY 1, 1997, IF THE RETAIL SALE OF ALCOHOLIC BEVERAGES
40 BY AN AGENCY OF THE MONTGOMERY COUNTY GOVERNMENT IS PRIVATIZED AND

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1 CLASS A BEER, WINE AND LIQUOR LICENSES, OR THEIR EQUIVALENT, ARE MADE
2 AVAILABLE, THE HOLDER OF A CLASS A-TP LICENSE AUTOMATICALLY SHALL
3 RECEIVE, BY OPERATION OF LAW, A CLASS A BEER, WINE AND LIQUOR LICENSE,
4 WITHOUT FURTHER APPLICATION. UPON THAT OCCURRENCE, CLASS A-TP LICENSES
5 SHALL BE NULL AND VOID.

6 6-301.

7 (q) (7) (I) THERE IS A TAKOMA PARK VETERANS' LICENSE, WHICH MAY
8 BE REFERRED TO AS A CLASS C-TP LICENSE.

9 (II) THE ANNUAL LICENSE FEE IS \$1,000. A CLASS C-TP LICENSEE
10 MAY NOT BE CHARGED FOR SUCH A LICENSE UNTIL MAY 1, 1998.

11 (III) THE LICENSE MAY BE ISSUED TO ANY LOCAL UNIT LOCATED IN
12 THAT PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF
13 PRINCE GEORGE'S COUNTY OF A NATIONWIDE BONA FIDE NONPROFIT
14 ORGANIZATION OR CLUB THAT:

15 1. IS COMPOSED SOLELY OF MEMBERS WHO SERVED IN THE
16 ARMED FORCES OF THE UNITED STATES IN ANY WAR IN WHICH THE UNITED STATES
17 HAS ENGAGED;

18 2. HAS A CHARTER FROM A NATIONAL VETERANS'
19 ORGANIZATION PRIOR TO THE TIME OF MAKING APPLICATION FOR THE LICENSE;

20 3. HAS A BONA FIDE MEMBERSHIP OF NOT LESS THAN 100
21 PERSONS AND DUES OF NOT LESS THAN \$5 PER YEAR PER PERSON;

22 4. OPERATES SOLELY FOR THE USE OF ITS OWN MEMBERS
23 AND THEIR GUESTS WHEN ACCOMPANIED BY SUCH MEMBERS;

24 5. POSSESSED A CLUB LICENSE ORIGINALLY ISSUED BY THE
25 PRINCE GEORGE'S COUNTY BOARD OF LICENSE COMMISSIONERS WHEN THE CLUB
26 WAS LOCATED IN THAT PORTION OF THE CITY OF TAKOMA PARK THAT WAS
27 FORMERLY PART OF PRINCE GEORGE'S COUNTY; AND

28 6. MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR NO
29 OTHER PURPOSE.

30 8-216.

31 (d) (1) The Montgomery County Board of License Commissioners may issue,
32 renew, and transfer and otherwise provide for [3] 7 classes of alcoholic beverages
33 licenses in [the Montgomery County section of] THE CITY OF Takoma Park as follows:

34 [(1)] (I) Class B (on-sale) beer and light wine, hotel and restaurant
35 licenses;

36 [(2)] (II) Class H (on-sale) beer and light wine, hotel and restaurant
37 licenses; [and]

38 [(3)] (III) Class B (on-sale) beer, wine[,] and liquor, hotel and restaurant
39 licenses;

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1 (IV) CLASS H-TP (ON-SALE) BEER LICENSE;

2 (V) CLASS D-TP (ON- AND OFF-SALE) BEER AND LIGHT WINE
3 LICENSE;

4 (VI) CLASS A-TP (OFF-SALE) BEER, WINE AND LIQUOR LICENSE;
5 AND

6 (VII) CLASS C-TP (ON-SALE) BEER, WINE AND LIQUOR LICENSE.

7 (2) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO
8 CLASS -TP TYPE LICENSES.

9 (II) THE PRINCE GEORGE'S COUNTY BOARD OF LICENSE
10 COMMISSIONERS SHALL CERTIFY A LIST TO THE MONTGOMERY COUNTY BOARD OF
11 LICENSE COMMISSIONERS OF THE ALCOHOLIC BEVERAGES LICENSES AS OF JUNE 30,
12 1997, IN THAT PORTION OF THE CITY OF TAKOMA PARK THAT BECAME PART OF
13 MONTGOMERY COUNTY ON JULY 1, 1997.

14 (III) ON JULY 1, 1997, THE MONTGOMERY COUNTY BOARD SHALL
15 AUTOMATICALLY ISSUE CLASS -TP TYPE LICENSES TO THOSE LICENSEES WHO
16 WERE CERTIFIED BY THE PRINCE GEORGE'S COUNTY BOARD. LICENSE FEES MAY
17 NOT BE CHARGED UNTIL MAY 1, 1998.

18 (IV) THE CERTIFIED LICENSES SHALL CONTINUE IN EXISTENCE IN
19 PERPETUITY, UNLESS REVOKED FOR GOOD CAUSE.

20 (V) THE CLASS -TP TYPE LICENSES ARE NOT TRANSFERABLE TO
21 OTHER LOCATIONS BUT ARE TRANSFERABLE TO OTHER PERSONS, SUBJECT TO THE
22 RESTRICTIONS ON SIMILAR TRANSFERS FOR OTHER ALCOHOLIC BEVERAGES
23 LICENSES IN MONTGOMERY COUNTY.

24 (VI) CLASS -TP LICENSES ARE SUBJECT TO THE SAME CONDITIONS
25 AND RESTRICTIONS SPECIFIED BY LAW OR BY THE MONTGOMERY COUNTY BOARD
26 OF LICENSE COMMISSIONERS AS ARE OTHER LICENSES ISSUED BY THE BOARD.
27 HOWEVER, THE BOARD MAY WAIVE WHATEVER STATUTORY AND REGULATORY
28 PROVISIONS IT SO CHOOSES FOR THE AFFECTED LICENSES SO THAT EQUITY,
29 FAIRNESS, AND REASONABLENESS ARE ACHIEVED.

30 10-202.

31 (i) (1) In Prince George's County, if the applicant proposes to do business in an
32 incorporated town, written notice of the application shall be given to the governing body
33 of the municipality. The municipality has standing to appear at any hearing before the
34 Board of License Commissioners. [If the application is for a location within the corporate
35 limits of the City of Takoma Park, such license, if otherwise approved for issue, may not
36 be issued unless the Mayor and City Council of Takoma Park approve its issuance. The
37 provisions of the preceding sentence do not apply to any application for license by way of
38 renewal or by way of transfer for the same premises.] If it appears that more than 50
39 percent in numbers of the owners of real or a leasehold property situated within 1,000
40 feet of the place of business for which application is made are opposed to the granting of
41 the license, then the application may not be approved, and the license applied for shall be

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1 refused. The provisions of the preceding sentence do not apply to any application for
2 license by way of renewal or by way of transfer for the same premises.

3 12-216.

4 (a) In Montgomery County the holders of THE FOLLOWING ALCOHOLIC
5 BEVERAGES LICENSES MAY NOT SELL ANY ALCOHOLIC BEVERAGES EXCEPT THOSE
6 PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY:

7 (1) [beer] BEER licenses[,] - Classes A, B, H-TP, C, and D;

8 (2) [and beer] BEER and light wine licenses[,] - Classes B, C, [and] D,
9 AND D-TP; AND

10 (3) [and beer] BEER, wine and liquor licenses[,] - Classes A-TP, B, [and]
11 C, AND C-TP[, shall not be authorized to sell any alcoholic beverages, except those
12 purchased from the Board of Liquor Control for Montgomery County].

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 1997.