

Unofficial Copy  
A2

1997 Regular Session  
7lr0371

---

**By: Montgomery County Delegation**

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 1997

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages**

3 **(Multiple Licenses - ~~Gaithersburg and Germantown~~ Issuance)**

4 **MC 724-97**

5 FOR the purpose of ~~including certain areas of~~ altering provisions relating to Montgomery  
6 County ~~among those where~~ for the issuance of multiple Class B beer, wine and  
7 liquor licenses ~~may be issued; defining those additional areas; providing for the~~  
8 issuance of a certain license for a certain fee; and generally relating to alcoholic  
9 beverages in Montgomery County.

10 BY repealing and reenacting, with amendments,

11 Article 2B - Alcoholic Beverages

12 Section 6-201(q)(2)(v)

13 Annotated Code of Maryland

14 (1996 Replacement Volume)

15 BY adding to

16 Article 2B - Alcoholic Beverages

17 Section 9-102.1(h) and (i)

18 Annotated Code of Maryland

19 (1996 Replacement Volume)

20 (As enacted by Chapter \_\_\_\_\_ (S.B.\_\_\_\_\_/H.B.\_\_\_\_\_) (7lr0290) of the Acts of the

21 General Assembly of 1997)

22 BY repealing and reenacting, with amendments,

23 Article 2B - Alcoholic Beverages

2

1 Section ~~9-102.1(h)~~ 9-102.1(e), (f), (g), and (h)  
 2 Annotated Code of Maryland  
 3 (1996 Replacement Volume)  
 4 (As enacted by Chapter \_\_\_\_\_ (S.B.\_\_\_\_\_/H.B.\_\_\_\_\_) (7lr0290) of the Acts of the  
 5 General Assembly of 1997)

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

8 **Article 2B - Alcoholic Beverages**

9 ~~6-201.~~

10 (q) (2) (v) 1. The annual license fee is \$2,500.

11 2. FOR THE THIRD LICENSE THAT IS NOT RESTRICTED BY  
 12 LOCATION AND IS OBTAINED BY A LICENSEE UNDER § 9-102.1 OF THIS ARTICLE, THE  
 13 ANNUAL FEE IS \$5,000.

14 9-102.1.

15 (e) (1) A licensee may obtain one additional license for premises which meet  
 16 the qualifications specified in this subsection. For identification purposes, the additional  
 17 license may be referred to as a ["3-year"] "1-YEAR" license.

18 (2) An applicant for this additional license shall:

19 (i) Have the applicant's place of business located in this State;

20 (ii) Have been the holder of a license for at least [3 years] 1 YEAR;

21 (iii) Operate a restaurant, as defined by regulations of the Board;

22 (iv) Have a capital investment of at least \$250,000 for restaurant  
 23 facilities, excluding the cost of land and buildings; and

24 (v) Have a seating capacity of at least 125 persons.

25 (3) This is an on-sale license only.

26 (f) (1) A licensee may obtain one additional license for premises which meet  
 27 the qualifications specified in this subsection. For identification purposes, this additional  
 28 license may be referred to as a "Silver Spring" license.

29 (2) The restaurant shall be located [both] within:

30 (i) CBD zoned property in Silver Spring; and

31 (ii) An enclosed mall having at least 250,000 square feet of gross floor  
 32 area] A DESIGNATED ENTERPRISE ZONE IN SILVER SPRING.

33 (3) The requirement that the holder have been a licensee for [3 years] 1  
 34 YEAR does not apply to this subsection.

1 [(4) The Board may grant a maximum of two licenses of this type to different  
2 applicants.]

3 (g) (1) A licensee may obtain one additional license for premises which meet  
4 the qualifications specified in this subsection. For identification purposes, this additional  
5 license may be referred to as a ["Rockville-Major Mall"] "ROCKVILLE" license.

6 (2) The restaurant shall be located [either] within[:

7 (i) CBD zoned property within the Rockville town center mixed use  
8 district]; or

9 (ii) An enclosed retail mall anywhere in the county that has at least  
10 700,000 square feet of gross floor area].

11 (3) The requirement that the holder have been a licensee for [3 years] 1  
12 YEAR does not apply to this subsection.

13 [(4) The board may grant to different applicants a maximum of:

14 (i) Two licenses of this type for use in the Rockville town center  
15 mixed use district; and

16 (ii) One license of this type for use in each retail mall having at least  
17 700,000 square feet of gross floor area.]

18 ~~(H) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES~~  
19 ~~WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR~~  
20 ~~IDENTIFICATION PURPOSES, THE ADDITIONAL LICENSE MAY BE REFERRED TO AS A~~  
21 ~~"GAITHERSBURG" LICENSE.~~

22 ~~(2) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:~~

23 ~~(I) OPERATE A RESTAURANT, AS DEFINED BY THE BOARD,~~  
24 ~~WITHIN THE MUNICIPAL CORPORATION OF GAITHERSBURG;~~

25 ~~(II) HAVE A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR~~  
26 ~~RESTAURANT FACILITIES, EXCLUDING THE COST OF LAND AND BUILDINGS; AND~~

27 ~~(III) HAVE A SEATING CAPACITY OF AT LEAST 125 PERSONS.~~

28 ~~(3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE~~  
29 ~~FOR 3 YEARS DOES NOT APPLY TO THIS SUBSECTION.~~

30 ~~(I) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES~~  
31 ~~WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR~~  
32 ~~IDENTIFICATION PURPOSES, THE ADDITIONAL LICENSE MAY BE REFERRED TO AS A~~  
33 ~~"GERMANTOWN" LICENSE.~~

34 ~~(2) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:~~

35 ~~(I) OPERATE A RESTAURANT IN THE AREA OF GERMANTOWN, AS~~  
36 ~~DEFINED BY THE BOARD;~~

4

1 ~~(H) HAVE A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR~~  
2 ~~RESTAURANT FACILITIES, EXCLUDING THE COST OF LAND AND BUILDINGS; AND~~

3 ~~(H) HAVE A SEATING CAPACITY OF AT LEAST 125 PERSONS.~~

4 ~~(3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE~~  
5 ~~FOR 3 YEARS DOES NOT APPLY TO THIS SUBSECTION.~~

6 (H) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES  
7 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR  
8 IDENTIFICATION PURPOSES, THE ADDITIONAL LICENSE MAY BE REFERRED TO AS  
9 AN "INCENTIVE" LICENSE.

10 (2) AN APPLICANT FOR AN ADDITIONAL LICENSE SHALL:

11 (I) HAVE THE APPLICANT'S PLACE OF BUSINESS LOCATED IN THIS  
12 STATE; AND

13 (II) OPERATE A RESTAURANT, AS DEFINED BY REGULATIONS OF  
14 THE BOARD.

15 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE  
16 FOR 1 YEAR DOES NOT APPLY TO THIS SUBSECTION.

17 (4) THIS IS AN ON-SALE LICENSE ONLY.

18 (I) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES  
19 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR  
20 IDENTIFICATION PURPOSES, THE ADDITIONAL LICENSE MAY BE REFERRED TO AS A  
21 "5-YEAR" LICENSE.

22 (2) AN APPLICANT FOR AN ADDITIONAL LICENSE SHALL:

23 (I) HAVE THE APPLICANT'S PLACE OF BUSINESS LOCATED IN THIS  
24 STATE;

25 (II) HAVE BEEN FOR AT LEAST 5 YEARS THE HOLDER OF TWO  
26 LICENSES UNDER THIS SECTION THAT ARE NOT RESTRICTED BY LOCATION; AND

27 (III) OPERATE A RESTAURANT, AS DEFINED BY REGULATIONS OF  
28 THE BOARD.

29 (3) THIS IS AN ON-SALE LICENSE ONLY.

30 [(h)] (J) (1) This subsection excludes additional licenses issued pursuant to  
31 subsection (d) of this section, which relates to public hotels.

32 (2) This section does not permit the issuance to a person or for the use of  
33 any partnership, corporation, unincorporated association, or limited liability company of  
34 more than the number of licenses specified.

35 (3) Additional restaurant licenses may be issued as follows:

36 (i) Including the original license, the maximum number of licenses is  
37 four.

5

1 (ii) The maximum number of licenses may be obtained as follows:

2 1. Original license;

3 2. ONE 1-YEAR LICENSE UNDER SUBSECTION (E) OF THIS  
4 SECTION;

5 3. IF THE APPLICANT HAS ALREADY OBTAINED A  
6 RESTAURANT LICENSE FOR PROPERTY LOCATED IN THE SILVER SPRING  
7 ENTERPRISE ZONE OR FOR CBD ZONED PROPERTY LOCATED IN THE ROCKVILLE  
8 TOWN CENTER MIXED USE DISTRICT, ONE INCENTIVE LICENSE; AND

9 4. ONE 5-YEAR LICENSE.

10 (III) FOUR LICENSES MAY ALSO BE OBTAINED AS FOLLOWS:

11 1. ORIGINAL LICENSE;

12 2. ONE 1-YEAR LICENSE UNDER SUBSECTION (E) OF THIS  
13 SECTION;

14 3. ONE SILVER SPRING LICENSE UNDER SUBSECTION (F) OF  
15 THIS SECTION; AND

16 4. ONE ROCKVILLE LICENSE UNDER SUBSECTION (G) OF  
17 THIS SECTION.

18 (IV) THREE LICENSES MAY BE OBTAINED AS FOLLOWS:

19 1. ORIGINAL LICENSE;

20 2. ONE 1-YEAR LICENSE UNDER SUBSECTION (E) OF THIS  
21 SECTION; AND

22 3. A. IF THE APPLICANT HAS ALREADY OBTAINED A  
23 RESTAURANT LICENSE FOR PROPERTY IN THE SILVER SPRING ENTERPRISE ZONE  
24 OR FOR CBD ZONED PROPERTY IN THE ROCKVILLE TOWN CENTER MIXED USE  
25 DISTRICT, ONE INCENTIVE LICENSE; OR

26 B. ONE 5-YEAR LICENSE.

27 (V) THREE LICENSES MAY ALSO BE OBTAINED AS FOLLOWS:

28 1. ORIGINAL LICENSE;

29 2. ONE SILVER SPRING LICENSE UNDER SUBSECTION (F) OF  
30 THIS SECTION; AND

31 3. ONE ROCKVILLE LICENSE UNDER SUBSECTION (G) OF  
32 THIS SECTION.

33 (VI) THREE LICENSES MAY ALSO BE OBTAINED AS FOLLOWS:

34 1. ORIGINAL LICENSE;

1 2. ONE 1-YEAR LICENSE UNDER SUBSECTION (E) OF THIS  
2 SECTION; AND

3 3. A. ONE SILVER SPRING LICENSE UNDER SUBSECTION (F)  
4 OF THIS SECTION; OR

5 B. ONE ROCKVILLE LICENSE UNDER SUBSECTION (G) OF  
6 THIS SECTION.

7 ~~2. Pursuant to subsection (e) of this section, one 3-Year~~  
8 ~~restaurant license; AND~~

9 ~~3. ONE EACH FROM AMONG TWO OF THE FOLLOWING~~  
10 ~~LICENSES:~~

11 ~~[3.] A. Pursuant to subsection (f) of this section, one Silver~~  
12 ~~Spring restaurant license; [and]~~

13 ~~[4.] B. Pursuant to subsection (g) of this section, one~~  
14 ~~Rockville Major Mall restaurant license;~~

15 ~~C. PURSUANT TO SUBSECTION (H) OF THIS SECTION, ONE~~  
16 ~~GAITHERSBURG RESTAURANT LICENSE; OR~~

17 ~~D. PURSUANT TO SUBSECTION (I) OF THIS SECTION, ONE~~  
18 ~~GERMANTOWN RESTAURANT LICENSE.~~

19 (iii) Three licenses may be obtained as follows:

20 1. Original license; AND

21 2. A TOTAL OF TWO FROM AMONG THE FOLLOWING:

22 ~~[2.] A. Pursuant to subsection (f) of this section, one Silver~~  
23 ~~Spring restaurant license; [and]~~

24 ~~[3.] B. Pursuant to subsection (g) of this section, one~~  
25 ~~Rockville Major Mall restaurant license;~~

26 ~~C. PURSUANT TO SUBSECTION (H) OF THIS SECTION, ONE~~  
27 ~~GAITHERSBURG RESTAURANT LICENSE; OR~~

28 ~~D. PURSUANT TO SUBSECTION (I) OF THIS SECTION, ONE~~  
29 ~~GERMANTOWN RESTAURANT LICENSE.~~

30 (iv) Three licenses may also be obtained as follows:

31 1. Original license;

32 2. Pursuant to subsection (e) of this section, one 3-Year  
33 restaurant license; and

34 3. ONE FROM AMONG THE FOLLOWING LICENSES:

35 ~~[3.] A. Pursuant to subsection (f) or subsection (g) of this~~  
36 ~~section, one Silver Spring or one Rockville Major Mall restaurant license;~~

7

1                                   ~~B. PURSUANT TO SUBSECTION (H) OF THIS SECTION, ONE~~  
2 ~~GAITHERSBURG RESTAURANT LICENSE; OR~~

3                                   ~~C. PURSUANT TO SUBSECTION (I) OF THIS SECTION, ONE~~  
4 ~~GERMANTOWN RESTAURANT LICENSE.~~

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