
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 17, 1997

CHAPTER ____

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages**
 3 **(Code Revised - Multiple Licenses)**
 4 **MC 703-97**

5 FOR the purpose of ~~revising, without substantive change, the provisions of law that relate~~
 6 ~~to multiple alcoholic beverages licenses in Montgomery County~~ altering the
 7 conditions under which a Class B beer, wine and liquor licensee in Montgomery
 8 County may obtain additional Class B beer, wine and liquor licenses for restaurants
 9 located within certain areas; defining certain terms; making technical and stylistic
 10 changes; and generally relating to alcoholic beverages in Montgomery County.

11 BY renumbering

12 Article 2B - Alcoholic Beverages
 13 Section 9-102(a-3)
 14 to be Section 9-102.2
 15 Annotated Code of Maryland
 16 (1996 Replacement Volume)

17 BY repealing

18 Article 2B - Alcoholic Beverages
 19 Section 9-102(a-2)
 20 Annotated Code of Maryland
 21 (1996 Replacement Volume)

22 BY adding to

23 Article 2B - Alcoholic Beverages

2

1 Section 9-102.1
2 Annotated Code of Maryland
3 (1996 Replacement Volume)

4 BY repealing and reenacting, with amendments,
5 Article 2B - Alcoholic Beverages
6 Section 9-102.2
7 Annotated Code of Maryland
8 (1996 Replacement Volume)
9 (As enacted by Section 1 of this Act)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That Section(s) 9-102(a-3) of Article 2B of the Annotated Code of
12 Maryland be renumbered to be Section(s) 9-102.2.

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

15 **Article 2B - Alcoholic Beverages**

16 9-102.

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

22 (2) A license holder whose principal place of business is located in the State
23 of Maryland and who has been a Class B license holder in Montgomery County for a
24 minimum of 3 years, may obtain one additional Class B (on-sale - hotels and restaurants)
25 beer, wine and liquor license for premises used and occupied as a bona fide restaurant, as
26 defined by the rules and regulations of the Board of Liquor License Commissioners for
27 Montgomery County. The restaurant shall have a capital investment of not less than
28 \$250,000 for restaurant facilities, which sum may not include the cost of land or buildings,
29 and shall have a minimum seating capacity of 125 persons. The granting of this additional
30 license is limited and restricted to the purpose of providing alcoholic beverages for
31 consumption on the licensed premises only; off-sale privileges may not be exercised.

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

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

3

1 (5) Transferred.

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

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

7 2. Within CBD zoned property in Silver Spring.

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

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

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

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

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

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

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

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

30 9-102.1.

31 (A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

32 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

34 (2) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS.

35 (3) "LICENSE" MEANS A CLASS B (HOTEL-RESTAURANT OR
36 HOTEL-MOTEL) BEER, WINE AND LIQUOR ON-SALE ONLY LICENSE.

37 (4) "ORIGINAL LICENSE" MEANS A CLASS B LICENSE AS SET FORTH IN §
38 6-201(Q) OF THIS ARTICLE.

4

1 (C) AFTER MAKING AN APPLICATION AND PAYING THE FEES, THE HOLDER
2 OF AN ORIGINAL LICENSE MAY OBTAIN THE ADDITIONAL LICENSE OR LICENSES
3 AUTHORIZED BY THIS SECTION.

4 (D) (1) A LICENSEE MAY OBTAIN ADDITIONAL LICENSES FOR PREMISES
5 OPERATED AS A PUBLIC HOTEL.

6 (2) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:

7 (I) MEET THE MINIMUM REQUIREMENTS SET FORTH IN §
8 6-201(A)(3) OF THIS ARTICLE. IF THE CAPITAL INVESTMENT IN THE HOTEL EXCEEDS
9 \$3,000,000, THE BUILDING HEIGHT AND ELEVATOR REQUIREMENTS REQUIRED BY
10 THAT SECTION DO NOT APPLY; AND

11 (II) HAVE A MINIMUM RESTAURANT SEATING CAPACITY, AS
12 SPECIFIED IN § 6-201(A)(3) OF THIS ARTICLE, OF 100 PERSONS.

13 (E) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
14 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
15 IDENTIFICATION PURPOSES, THE ADDITIONAL LICENSE MAY BE REFERRED TO AS A
16 "3-YEAR" LICENSE.

17 (2) AN APPLICANT FOR THIS ADDITIONAL LICENSE SHALL:

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

20 (II) HAVE BEEN THE HOLDER OF A LICENSE FOR AT LEAST 3
21 YEARS;

22 (III) OPERATE A RESTAURANT, AS DEFINED BY REGULATIONS OF
23 THE BOARD;

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

26 (V) HAVE A SEATING CAPACITY OF AT LEAST 125 PERSONS.

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

28 (F) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
29 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
30 IDENTIFICATION PURPOSES, THIS ADDITIONAL LICENSE MAY BE REFERRED TO AS A
31 "SILVER SPRING" LICENSE.

32 (2) THE RESTAURANT SHALL BE LOCATED BOTH WITHIN:

33 (I) CBD ZONED PROPERTY IN SILVER SPRING; AND

34 (II) AN ENCLOSED MALL HAVING AT LEAST 250,000 SQUARE FEET
35 OF GROSS FLOOR AREA.

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

5

1 (4) THE BOARD MAY GRANT A MAXIMUM OF TWO LICENSES OF THIS
2 TYPE TO DIFFERENT APPLICANTS.

3 (G) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
4 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
5 IDENTIFICATION PURPOSES, THIS ADDITIONAL LICENSE MAY BE REFERRED TO AS A
6 "ROCKVILLE-~~MAJOR MALL~~" LICENSE.

7 (2) THE RESTAURANT SHALL BE LOCATED ~~EITHER~~ WITHIN:

8 ~~(H)~~ CBD ZONED PROPERTY WITHIN THE ROCKVILLE TOWN
9 CENTER MIXED USE DISTRICT; ~~OR~~

10 ~~(H) AN ENCLOSED RETAIL MALL ANYWHERE IN THE COUNTY
11 THAT HAS AT LEAST 700,000 SQUARE FEET OF GROSS FLOOR AREA.~~

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

14 (4) THE BOARD MAY GRANT ~~TO DIFFERENT APPLICANTS~~ A MAXIMUM
15 OF:

16 ~~(I) TWO LICENSES~~ ONE LICENSE OF THIS TYPE ~~FOR USE IN THE
17 ROCKVILLE TOWN CENTER MIXED USE DISTRICT; AND~~

18 ~~(H) ONE LICENSE OF THIS TYPE FOR USE IN EACH RETAIL MALL
19 HAVING AT LEAST 700,000 SQUARE FEET OF GROSS FLOOR AREA~~ TO DIFFERENT
20 APPLICANTS.

21 (H) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
22 WHICH MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
23 IDENTIFICATION PURPOSES, THIS ADDITIONAL LICENSE MAY BE REFERRED TO AS A
24 "MAJOR MALL" LICENSE.

25 (2) THE RESTAURANT SHALL BE LOCATED WITHIN AN ENCLOSED
26 RETAIL MALL ANYWHERE IN THE COUNTY THAT HAS AT LEAST 700,000 SQUARE FEET
27 OF GROSS FLOOR AREA.

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

30 (4) THE BOARD MAY GRANT A MAXIMUM OF ONE LICENSE OF THIS
31 TYPE FOR USE IN EACH RETAIL MALL HAVING AT LEAST 700,000 SQUARE FEET OF
32 GROSS FLOOR AREA.

33 ~~(H)~~ (I) (1) THIS SUBSECTION EXCLUDES ADDITIONAL LICENSES ISSUED
34 PURSUANT TO SUBSECTION (D) OF THIS SECTION, WHICH RELATES TO PUBLIC
35 HOTELS.

36 (2) THIS SECTION DOES NOT PERMIT THE ISSUANCE TO A PERSON OR
37 FOR THE USE OF ANY PARTNERSHIP, CORPORATION, UNINCORPORATED
38 ASSOCIATION, OR LIMITED LIABILITY COMPANY OF MORE THAN THE NUMBER OF
39 LICENSES SPECIFIED.

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1 (3) ADDITIONAL RESTAURANT LICENSES MAY BE ISSUED AS FOLLOWS:

2 (I) INCLUDING THE ORIGINAL LICENSE, THE MAXIMUM NUMBER
3 OF LICENSES IS FOUR.

4 (II) THE MAXIMUM NUMBER OF LICENSES MAY BE OBTAINED AS
5 FOLLOWS:

6 1. ORIGINAL LICENSE;

7 2. PURSUANT TO SUBSECTION (E) OF THIS SECTION, ONE
8 3-YEAR RESTAURANT LICENSE;

9 3. PURSUANT TO SUBSECTION (F) OF THIS SECTION, ONE
10 SILVER SPRING RESTAURANT LICENSE; AND

11 4. A. PURSUANT TO SUBSECTION (G) OF THIS SECTION,
12 ONE ROCKVILLE-MAJOR MALL RESTAURANT LICENSE; OR

13 B. PURSUANT TO SUBSECTION (H) OF THIS SECTION, ONE
14 MAJOR MALL RESTAURANT LICENSE.

15 ~~(III) THREE LICENSES MAY BE OBTAINED AS FOLLOWS:~~

16 ~~1. ORIGINAL LICENSE;~~

17 ~~2. PURSUANT TO SUBSECTION (F) OF THIS SECTION, ONE~~
18 ~~SILVER SPRING RESTAURANT LICENSE; AND~~

19 ~~3. PURSUANT TO SUBSECTION (G) OF THIS SECTION, ONE~~
20 ~~ROCKVILLE MAJOR MALL RESTAURANT LICENSE.~~

21 ~~(IV) THREE LICENSES MAY ALSO BE OBTAINED AS FOLLOWS:~~

22 ~~1. ORIGINAL LICENSE;~~

23 ~~2. PURSUANT TO SUBSECTION (E) OF THIS SECTION, ONE~~
24 ~~3-YEAR RESTAURANT LICENSE; AND~~

25 ~~3. PURSUANT TO SUBSECTION (F) OR SUBSECTION (G) OF~~
26 ~~THIS SECTION, ONE SILVER SPRING OR ONE ROCKVILLE MAJOR MALL RESTAURANT~~
27 ~~LICENSE.~~

28 9-102.2.

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

34 [(i)] (1) A Class H beer (on-sale) license; or

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

7

1 [(2) (i)] (B) (1) As a condition to holding any license under this
2 [subsection] SECTION, the Director or Deputy Director shall designate an individual
3 with respect to each golf course to complete training in an alcohol awareness program
4 approved under § 13-101 of this article.

5 [(ii)] (2) The individual designated by the Director or Deputy Director
6 shall:

7 [1.] (I) Represent the concessionaire; and

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

10 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the intent of this Act is to~~
11 ~~revise, without substantive change, the provisions of § 9-102(a 2) and (a 3) of Article 2B~~
12 ~~and the provisions of this Act do not in any manner affect any license or licenses issued~~
13 ~~pursuant to the provisions of § 9-102(a 2) or (a 3) of Article 2B of the Annotated Code~~
14 ~~of Maryland.~~

15 SECTION 4. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1997.