

CF SB 558

By: Carroll County Delegation

Introduced and read first time: February 5, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Alcoholic Beverages**
3 **(License Fees)**

4 FOR the purpose of repealing the license fees for alcoholic beverages licenses in Carroll
5 County and vesting the authority to set those fees in the County Commissioners;
6 and generally relating to alcoholic beverages in Carroll County.

7 BY repealing and reenacting, with amendments,
8 Article 2B - Alcoholic Beverages
9 Section 3-101(h), 3-201(h), 3-301(h), 3-401(h), 4-202(b), 5-101(h), 5-201(h),
10 5-301(h), 5-401(h), 6-101(h), 6-201(h), 6-301(h), 6-703(c), and 7-101(b)(5)
11 and (k)
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

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

16 **Article 2B - Alcoholic Beverages**

17 3-101.

18 (h) In Carroll County the annual license fee [is \$100] SHALL BE SET BY THE
19 COUNTY COMMISSIONERS.

20 3-201.

21 (h) In Carroll County the annual license fee [is \$130] SHALL BE SET BY THE
22 COUNTY COMMISSIONERS.

23 3-301.

24 (h) In Carroll County the annual license fee [is \$50] SHALL BE SET BY THE
25 COUNTY COMMISSIONERS.

26 3-401.

27 (h) In Carroll County the annual license fee [is \$130] SHALL BE SET BY THE
28 COUNTY COMMISSIONERS.

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1 4-202.

2 (b) (1) The annual fee for this license is \$50.

3 (2) In Montgomery County the annual license fee is \$100.

4 (3) IN CARROLL COUNTY THE ANNUAL LICENSE FEE SHALL BE SET BY
5 THE COUNTY COMMISSIONERS.

6 5-101.

7 (h) In Carroll County the annual license fee [is \$140] SHALL BE SET BY THE
8 COUNTY COMMISSIONERS.

9 5-201.

10 (h) In Carroll County the annual license fee [is:

11 (1) \$160 for a 6-day license; and

12 (2) \$1,000 for a 7-day license] SHALL BE SET BY THE COUNTY
13 COMMISSIONERS.

14 5-301.

15 (h) In Carroll County the annual license fee [is \$70] SHALL BE SET BY THE
16 COUNTY COMMISSIONERS.

17 5-401.

18 (h) In Carroll County the annual license fee [is \$160] SHALL BE SET BY THE
19 COUNTY COMMISSIONERS.

20 6-101.

21 (h) In Carroll County the annual license fee [is \$650] SHALL BE SET BY THE
22 COUNTY COMMISSIONERS.

23 6-201.

24 (h) (1) (i) This subsection applies only in Carroll County.

25 (ii) In this subsection "Board" means the Board of License
26 Commissioners.

27 (2) (i) The annual license fee [is \$1,500 for a restaurant and \$1,500 for a
28 hotel] SHALL BE SET BY THE COUNTY COMMISSIONERS.

29 (ii) This license may be issued to a bona fide hotel which:

30 1. Is an establishment for the accommodation of the public
31 providing service ordinarily found in hotels;

32 2. Is equipped with not fewer than 25 rooms, a lobby with
33 registration and mail desk, seating facilities and a dining room which serves full-course
34 meals at least twice daily and which has a regular seating capacity at tables (not including
35 seats at bars or counters) for 50 or more persons; and

3

1 3. Is operated in facilities which are valued for purposes of
2 State and local assessment and taxation at not less than \$50,000.

3 (iii) 1. This license may be issued to a restaurant which meets the
4 following requirements and conditions:

5 A. Is open for business at least 5 days each week and serves at
6 least 2 full-course meals each day Monday through Friday that it is open and at least 1
7 full-course meal each day it is open on Saturday and Sunday;

8 B. Has a regular seating capacity at tables (not including seats
9 at bars or counters) for 50 or more persons; and

10 C. Is operated in facilities which are valued for purposes of
11 State and local assessment and taxation at not less than \$50,000.

12 2. A. In this subparagraph "premises" means an area inside
13 the restaurant building where meals are prepared and served, and an area on the outside
14 of the restaurant building that is approved in writing by the Board.

15 B. This license permits the sale of beer, wine, and liquor for
16 on-premises consumption and the sale of beer for off-premises consumption on any day
17 of the week.

18 (iv) Whenever application is made for licensing under this subsection
19 for any new or improved building, the supervisor of assessments, at the request of the
20 Board, shall assess the building and advise the Board of the valuation of the building for
21 assessment and taxation purposes.

22 (v) The valuation of the building for assessment and taxation purposes
23 as set out in subparagraphs (ii) and (iii) of this paragraph does not affect or prohibit in
24 any manner the renewal or transfer of any Class B license issued prior to May 1, 1979.

25 (3) (i) There is a Class BC license.

26 (ii) The Board may issue a Class BC restaurant or hotel and caterer's
27 (on- and limited off-sale) beer, wine and liquor license to an applicant:

28 1. Who has a restaurant or hotel which meets the licensure
29 requirements and conditions provided under this section; or

30 2. Who is a holder of a Class B hotel or restaurant (on- and
31 off-sale) beer, wine and liquor license issued in Carroll County, if the holder surrenders
32 the license to the Board before being issued a new license under this paragraph.

33 (iii) The Class BC restaurant or hotel and caterer's license issued
34 under this section authorizes the holder to sell:

35 1. Beer, wine and liquor, 7 days a week, on the restaurant or
36 hotel premises for on-premises consumption;

37 2. Beer, 7 days a week, on the restaurant or hotel premises for
38 off-premises consumption; and

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1 3. Beer, wine and liquor, 7 days a week, at catered events held
2 in Carroll County off the restaurant or hotel premises for on-premises consumption.

3 (iv) The holder of a license issued under this paragraph shall provide
4 food as well as alcoholic beverages for consumption at the catered event.

5 (v) The annual fee for a license issued under this paragraph [is \$250
6 more than the annual fee for a Class B hotel or restaurant (on- and off-sale) beer, wine
7 and liquor license issued in Carroll County] SHALL BE SET BY THE COUNTY
8 COMMISSIONERS.

9 (vi) The holder of a license issued under this section may exercise the
10 license privileges only during the hours and days that are permitted under this article for
11 a Class B hotel or restaurant (on- and off-sale) beer, wine and liquor license issued in
12 Carroll County.

13 (vii) Upon payment of [an additional] THE annual license fee [of
14 \$250], the holder of a Class BR license has the privileges of the holder of a Class BC
15 license specified in subparagraph (3)(iii)3 of this subsection, subject to the restrictions set
16 forth in subparagraph (iv) of this subsection.

17 (4) (i) 1. There is a Class BR license.

18 2. In this paragraph, "premises" means an area inside the
19 restaurant building where meals are prepared and served and an area on the outside of
20 the restaurant building that is approved in writing by the Board.

21 (ii) The annual license fee [is \$2,000] SHALL BE SET BY THE
22 COUNTY COMMISSIONERS.

23 (iii) The board may issue a Class BR beer, wine and liquor license to an
24 applicant who owns or operates a restaurant that:

25 1. Serves at least one full-course evening dinner meal at least 6
26 days a week;

27 2. Is only open during the time meals are served;

28 3. Has a regular seating capacity at tables (not including seating
29 at bars and counters) for 50 or more people; and

30 4. Is operated in facilities which are valued for purposes of
31 State and local assessment and taxation at not less than \$50,000.

32 (iv) Whenever an application is made for a Class BR license for a new
33 or improved building, the Supervisor of Assessments, at the request of the Board, shall
34 assess the building and advise the Board of the valuation of the building for assessment
35 and taxation purposes.

36 (v) A Class BR license authorizes the licensee to sell beer, wine and
37 liquor, 7 days a week, on the premises of the restaurant for consumption with meals on
38 the premises or for consumption on the premises pursuant to regulations adopted by the
39 Board.

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1 6-301.

2 (h) (1) This subsection applies only in Carroll County.

3 (2) (i) [1.] The annual license fee [is \$1,200 for any club which is a local
4 chapter of a nationally organized nonprofit fraternal or veterans' organization.

5 2. The annual license fee is \$1,500 for any other club] SHALL
6 BE SET BY THE COUNTY COMMISSIONERS.

7 (ii) The license may be issued to a club which is equipped with a dining
8 room and which has a regular seating capacity at tables (not including seats at bars or
9 counters) for 50 or more persons and which is operating in facilities that have an assessed
10 real property valuation of not less than \$20,000.

11 (iii) This license for a club permits consumption on the premises only.

12 (3) (i) There is a special Class C (golf and country club) license.

13 (ii) The annual license fee [is \$1,500] SHALL BE SET BY THE
14 COUNTY COMMISSIONERS.

15 (iii) Upon the approval by the Board, a golf and country club may apply
16 for the license. The club shall maintain at the time of the application for the license and
17 continue to maintain a regular or championship golf course of 9 holes or more.

18 (iv) The licensee may keep for sale and sell at retail any alcoholic
19 beverages to members and guests at the licensed premises for on-sale consumption only.
20 The country club may not sell alcoholic beverages for consumption off the grounds of the
21 club.

22 (v) The application for the license filed on behalf of any golf and
23 country club shall be signed by the president and 2 other officers of the club, 2 of whom
24 shall be residents of Carroll County.

25 (vi) The golf and country club shall abide by § 11-507 of this article
26 pertaining to Sunday time restrictions.

27 6-703.

28 (c) (1) A Class H beer, wine and liquor license shall be issued by the Board
29 which authorizes the owner or operator of a catering establishment to keep for sale and
30 sell all alcoholic beverages at retail at the premises described in the license for
31 consumption on the premises.

32 (2) The annual license fee [is the amount set for a Class B beer, wine and
33 liquor license in § 6-201 of this article] SHALL BE SET BY THE COUNTY
34 COMMISSIONERS.

35 (3) The fee shall be paid to the Board before any license is issued. The fee
36 shall be distributed as provided in this article.

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1 7-101.

2 (b) (5) In Carroll County the DAILY fee [is \$10 per day] SHALL BE SET BY
3 THE COUNTY COMMISSIONERS.

4 (k) (1) The Carroll County Board of License Commissioners may grant special
5 Class C beer, wine and liquor licenses which entitle the holder to exercise any of the
6 privileges conferred by that class of license at any bona fide entertainment held or
7 conducted by any Carroll County fire department.

8 (2) The license shall be in the form prescribed by the Board, and the
9 applicant shall sign the license.

10 (3) The annual fee for a special license [is as follows:

11 (i) Up to 10 events per year - \$125;

12 (ii) Up to 20 events per year - \$250;

13 (iii) Up to 30 events per year - \$375; and

14 (iv) Up to 40 events per year - \$500] SHALL BE SET BY THE COUNTY
15 COMMISSIONERS.

16 (4) The fee shall be paid before a license is issued.

17 (5) This special license may not be granted to any fire department more
18 than one time in any year.

19 (6) The total number of days authorized by this special license may not
20 exceed 40 in any calendar year.

21 (7) This subsection does not preclude a fire company from obtaining a single
22 event special Class C license under other provisions of this section.

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