

CF 7r2778

By: Senator Haines (Carroll County Senate Delegation)

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 7, 1997

CHAPTER ____

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.

2

1 3-301.

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

4 3-401.

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

7 4-202.

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

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

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

12 5-101.

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

15 5-201.

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

17 (1) \$160 for a 6-day license; and

18 (2) \$1,000 for a 7-day license] SHALL BE SET BY THE COUNTY
19 COMMISSIONERS.

20 5-301.

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

23 5-401.

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

26 6-101.

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

29 6-201.

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

31 (ii) In this subsection "Board" means the Board of License
32 Commissioners.

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

3

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

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

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

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

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

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

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

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

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

22 B. This license permits the sale of beer, wine, and liquor for
23 on-premises consumption and the sale of beer for off-premises consumption on any day
24 of the week.

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

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

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

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

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

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

4

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

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

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

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

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

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

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

19 (vii) Upon payment of [an additional] THE annual license fee [of
20 \$250], the holder of a Class BR license has the privileges of the holder of a Class BC
21 license specified in subparagraph (3)(iii)3 of this subsection, subject to the restrictions set
22 forth in subparagraph (iv) of this subsection.

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

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

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

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

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

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

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

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

5

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

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

9 6-301.

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

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

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

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

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

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

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

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

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

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

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

35 6-703.

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

6

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

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

6 7-101.

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

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

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

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

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

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

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

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

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

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

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

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

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

