

HOUSE BILL 62

Unofficial Copy
A2

2000 Regular Session
(01r0698)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by ~~Delegates Leopold, Sophocleus, and Love~~ **Anne Arundel**
County Delegation

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County - ~~Multiple Class H~~ Board of License Commissioners -**
3 **Issuance of Licenses**

4 FOR the purpose of authorizing the Anne Arundel County Board of License
5 Commissioners to issue to holders of *certain* retail alcoholic beverages licenses a
6 certain number of *additional* Class H (beer, wine and liquor) licenses or Class H
7 (beer and wine) licenses under certain circumstances; authorizing the Board to
8 issue to persons who do not hold a retail alcoholic beverages license a certain
9 maximum number of *certain* licenses under certain conditions; authorizing the
10 Board of License Commissioners to issue a Class H (beer and wine) license to a
11 person who independently owns and operates a restaurant that is part of a
12 common franchise corporate entity under certain conditions; *establishing a*
13 *certain limitation on the number of additional Class H licenses that the Board*
14 *may issue*; requiring the Board of License Commissioners to adopt regulations to
15 carry out *certain provisions of* this Act; requiring the Anne Arundel County
16 Economic Development Corporation in consultation with the Board of License

1 Commissioners for Anne Arundel County to conduct a certain study and to
 2 report its findings and recommendations on or before a certain date to certain
 3 persons; establishing that the Board may issue certain licenses based on certain
 4 criteria; defining certain terms; and generally relating to ~~Class H~~ the issuance of
 5 alcoholic beverages licenses in Anne Arundel County.

6 BY adding to
 7 Article 2B - Alcoholic Beverages
 8 Section 9-102(h-1)
 9 Annotated Code of Maryland
 10 (1998 Replacement Volume and 1999 Supplement)

11 BY repealing and reenacting, without amendments,
 12 Article 2B - Alcoholic Beverages
 13 Section 9-203(a)
 14 Annotated Code of Maryland
 15 (1998 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article 2B - Alcoholic Beverages
 18 Section 9-203(b) and 9-301(3)
 19 Annotated Code of Maryland
 20 (1998 Replacement Volume and 1999 Supplement)

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

23 **Article 2B - Alcoholic Beverages**

24 9-102.

25 (H-1) (1) A CURRENT HOLDER OF ~~ANY RETAIL~~ A CLASS H ALCOHOLIC
 26 BEVERAGES LICENSE IN ANNE ARUNDEL COUNTY MAY BE ISSUED A SECOND
 27 LICENSE BY THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS IF:

28 (I) THE SECOND LICENSE IS A CLASS H (BEER, WINE AND LIQUOR)
 29 LICENSE OR A CLASS H (BEER AND WINE) LICENSE; AND

30 (II) THE RESTAURANT FOR WHICH THE CLASS H LICENSE UNDER
 31 ITEM (I) OF THIS PARAGRAPH IS SOUGHT IS LOCATED WITHIN:

32 1. A SUBURBAN COMMUNITY CENTER DESIGNATED BY ANNE
 33 ARUNDEL COUNTY IN ACCORDANCE WITH BILL NOS. 36-96 AND 70-96 OF THE
 34 ORDINANCES OF ANNE ARUNDEL COUNTY; OR

35 2. ONE OF THE FOLLOWING LOCATIONS AS THEY EXISTED
 36 ON OCTOBER 1, 1999:

- 1 A. THE GLEN BURNIE URBAN RENEWAL AREA;
- 2 B. THE PAROLE TOWN CENTER GROWTH MANAGEMENT
3 AREA;
- 4 C. THE ODENTON TOWN CENTER GROWTH MANAGEMENT
5 AREA;
- 6 D. THE BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT
7 STATE PRIORITY FUNDING AREA, AS DESIGNATED BY ANNE ARUNDEL COUNTY IN
8 ACCORDANCE WITH ARTICLE 83A, § 5-1101(K)(6) OF THE CODE; ~~OR~~

9 E. A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1
10 MILLION SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING
11 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE; OR

12 F. THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES
13 LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM
14 ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S COUNTY-ANNE ARUNDEL COUNTY
15 LINE ON THE WEST.

16 (2) A PERSON WHO DOES NOT HOLD A RETAIL ALCOHOLIC BEVERAGES
17 LICENSE IN ANNE ARUNDEL COUNTY MAY BE ISSUED A MAXIMUM OF TWO LICENSES
18 BY THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS IF:

19 (I) ~~AT LEAST ONE OF THE LICENSES~~ EACH LICENSE IS A CLASS H
20 (BEER AND WINE) LICENSE OR A CLASS H (BEER, WINE AND LIQUOR) LICENSE; AND

21 (II) THE RESTAURANT FOR WHICH ~~THE CLASS H LICENSE~~ ONE OF
22 THE CLASS H LICENSES UNDER ITEM (I) OF THIS PARAGRAPH IS SOUGHT IS LOCATED
23 WITHIN:

24 1. A SUBURBAN COMMUNITY CENTER DESIGNATED BY ANNE
25 ARUNDEL COUNTY IN ACCORDANCE WITH BILL NOS. 36-96 AND 70-96 OF THE
26 ORDINANCES OF ANNE ARUNDEL COUNTY; OR

27 2. ONE OF THE FOLLOWING LOCATIONS AS THEY EXISTED
28 ON OCTOBER 1, 1999:

- 29 A. THE GLEN BURNIE URBAN RENEWAL AREA;
- 30 B. THE PAROLE TOWN CENTER GROWTH MANAGEMENT
31 AREA;
- 32 C. THE ODENTON TOWN CENTER GROWTH MANAGEMENT
33 AREA;
- 34 D. THE BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT
35 STATE PRIORITY FUNDING AREA, AS DESIGNATED BY ANNE ARUNDEL COUNTY IN
36 ACCORDANCE WITH ARTICLE 83A, § 5-1101(K)(6) OF THE CODE; ~~OR~~

1 E. A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1
 2 MILLION SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING
 3 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE; OR

4 F. THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES
 5 LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM
 6 ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S COUNTY-ANNE ARUNDEL COUNTY
 7 LINE ON THE WEST.

8 (3) A PERSON WHO INDEPENDENTLY OWNS AND OPERATES A
 9 RESTAURANT THAT IS PART OF A COMMON FRANCHISE CORPORATE ENTITY MAY:

10 (I) BE ISSUED ONLY ONE CLASS H (BEER AND WINE) LICENSE BY
 11 THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS IF THE PERSON
 12 DID NOT HOLD A RETAIL ALCOHOLIC BEVERAGES LICENSE IN ANNE ARUNDEL
 13 COUNTY ON JANUARY 1, 2000; OR

14 (II) BE ISSUED ONE ADDITIONAL CLASS H (BEER AND WINE)
 15 LICENSE BY THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS, IN
 16 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, IF THE PERSON HELD A
 17 CLASS H (BEER AND WINE) LICENSE IN ANNE ARUNDEL COUNTY ON JANUARY 1, 2000.

18 ~~(3)~~ (4) THE BOARD MAY NOT ISSUE MORE THAN 30 ADDITIONAL CLASS
 19 H LICENSES UNDER THIS SUBSECTION.

20 (5) THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS
 21 SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

22 ~~(4)~~ ~~(5)~~ (6) THE ANNE ARUNDEL COUNTY ECONOMIC DEVELOPMENT
 23 CORPORATION, IN CONSULTATION WITH THE BOARD OF LICENSE COMMISSIONERS
 24 FOR ANNE ARUNDEL COUNTY:

25 (I) SHALL CONDUCT A COMPREHENSIVE STUDY OF THE IMPACT
 26 OF THIS ~~ACT~~ SUBSECTION ON THE ECONOMY OF ANNE ARUNDEL COUNTY; AND

27 (II) ON OR BEFORE JANUARY 1, 2006, SHALL SUBMIT ITS FINDINGS
 28 AND RECOMMENDATIONS TO THE ANNE ARUNDEL COUNTY HOUSE DELEGATION,
 29 THE ANNE ARUNDEL COUNTY SENATE DELEGATION, THE COUNTY EXECUTIVE FOR
 30 ANNE ARUNDEL COUNTY, AND THE ANNE ARUNDEL COUNTY COUNCIL.

31 9-203.

32 (a) This section applies only in Anne Arundel County.

33 (b) (I) (i) The Board of License Commissioners may restrict any specified
 34 area within the County to the existing number of licenses in that area or to any other
 35 number of licenses it deems appropriate.

36 (ii) Before any specified area is restricted, the Board shall conduct a
 37 hearing on the proposed restricted area. The hearing shall be advertised in the manner

1 required for the issuance of a new license. After testimony is taken for and against the
 2 restriction of licenses in a specified area, the Board may prohibit the issuance of
 3 additional licenses, or fix the number of licenses to be permitted in that area, and shall
 4 determine the limits of that area.

5 (iii) The Board may restrict the number of licenses or prohibit
 6 additional licenses in any specified area, when, in the opinion of the Board, the area
 7 has:

8 1. Sufficient licensed premises for the accommodation of the
 9 public;

10 2. Become saturated with licensed premises to the extent that
 11 special policing is required and traffic hazards are created; or

12 3. Changed character so that the existing number of licensed
 13 premises is inconsistent with present usage of the area and an increase in the number
 14 of licensed premises located within the area will unduly disturb the peace of its
 15 residents.

16 (iv) A specified area may be restricted by the Board for any period
 17 between one and four years. At the end of the period fixed by the Board, the restrictions
 18 shall terminate and be of no further effect, unless the Board conducts another hearing
 19 and further restricts the number of licenses as provided in this section.

20 (2) The Board shall conduct a hearing on restricting the number of
 21 licenses or prohibiting additional licenses in any specified area upon the receipt of a
 22 petition requesting the restriction or prohibition and designating the specific area to be
 23 restricted. The petition shall be signed by at least 25 persons who are property owners
 24 and registered voters of the precinct in which the proposed restricted area is located.

25 (3) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE
 26 MEANINGS INDICATED.

27 2. "OVERSERVED DISTRICT" MEANS AN ASSESSMENT
 28 DISTRICT IN THE COUNTY IN WHICH THE RATIO OF OFF-SALE LICENSES PER
 29 PERSON IS LESS THAN ONE PER 4,000 PERSONS.

30 3. "UNDERSERVED DISTRICT" MEANS AN ASSESSMENT
 31 DISTRICT IN THE COUNTY IN WHICH THE RATIO OF OFF-SALE LICENSES PER
 32 PERSON IS MORE THAN ONE PER 4,000 PERSONS.

33 (II) 1. THE BOARD MAY ISSUE A CLASS A, CLASS B, OR CLASS D
 34 (OFF-SALE) LICENSE BASED ON ITS DETERMINATION AS TO WHETHER THE LICENSE
 35 IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC.

36 2. IN DETERMINING WHETHER A CLASS A, CLASS B, OR
 37 CLASS D (OFF-SALE) LICENSE IS NECESSARY FOR THE ACCOMMODATION OF THE
 38 PUBLIC, THE BOARD MAY, BUT IS NOT REQUIRED TO, CONSIDER WHETHER THE

1 PREMISES TO WHICH THE LICENSE WOULD APPLY IS LOCATED IN AN UNDERSERVED
2 DISTRICT OR AN OVERSERVED DISTRICT.

3 9-301.

4 In the enumerated subdivisions below, a person, partnership, firm or
5 corporation, except by way of renewal, may not have an interest in more than one
6 license, whether held or controlled by direct or indirect ownership, by stock
7 ownership, interlocking directors or interlocking stock ownership, or in any other
8 manner, directly or indirectly. It is the intention of this section to prohibit any person,
9 firm, partnership or corporation from having any interest, directly or indirectly, in
10 more than one license.

11 (3) (i) In Anne Arundel County, a person, franchisor, franchisee, chain
12 store operation, partnership, firm or corporation, except by way of renewal, may not
13 have any interest in more than one license, whether held or controlled by direct or
14 indirect ownership, by franchise operation, by chain store operation, by stock
15 ownership, interlocking directors or interlocking stock ownership, or in any other
16 manner directly or indirectly. It is the intention of this subsection to prohibit any such
17 persons, franchisor, franchisee, chain store operation, firm, partnership, or
18 corporation from having any interest, directly or indirectly, in more than one license.
19 Nothing in this subsection applies to or affects any such type of business
20 establishment already holding such a license or the possibility of such licensee having
21 the license transferred to a similar type of business establishment.

22 (ii) This subsection does not apply to licenses issued under the
23 provisions of §§ 8-202(i) AND 9-102(H-1) of this article.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 ~~October~~ July 1, 2000.