

HOUSE BILL 62

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2000 Regular Session
0lr0698

(PRE-FILED)

By: ~~Delegates Leopold, Sophocleus, and Love~~ Anne Arundel County
Delegation

Requested: October 15, 1999
Introduced and read first time: January 12, 2000
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2000

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County - Multiple Class H Licenses**

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

18 BY adding to
19 Article 2B - Alcoholic Beverages
20 Section 9-102(h-1)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1999 Supplement)

23 BY repealing and reenacting, with amendments,

1 Article 2B - Alcoholic Beverages
 2 Section 9-301(3)
 3 Annotated Code of Maryland
 4 (1998 Replacement Volume and 1999 Supplement)

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

7 **Article 2B - Alcoholic Beverages**

8 9-102.

9 (H-1) (1) A CURRENT HOLDER OF ANY RETAIL ALCOHOLIC BEVERAGES
 10 LICENSE IN ANNE ARUNDEL COUNTY MAY BE ISSUED A SECOND LICENSE BY THE
 11 ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS IF:

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

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

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

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

21 A. THE GLEN BURNIE URBAN RENEWAL AREA;

22 B. THE PAROLE TOWN CENTER GROWTH MANAGEMENT
 23 AREA;

24 C. THE ODENTON TOWN CENTER GROWTH MANAGEMENT
 25 AREA;

26 D. THE BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT
 27 STATE PRIORITY FUNDING AREA, AS DESIGNATED BY ANNE ARUNDEL COUNTY IN
 28 ACCORDANCE WITH ARTICLE 83A, § 5-1101(K)(6) OF THE CODE; ~~OR~~

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

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

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

4 (I) AT LEAST ONE OF THE LICENSES IS A CLASS H (BEER AND
 5 WINE) LICENSE OR A CLASS H (BEER, WINE AND LIQUOR) LICENSE; AND

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

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

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

13 A. THE GLEN BURNIE URBAN RENEWAL AREA;

14 B. THE PAROLE TOWN CENTER GROWTH MANAGEMENT
 15 AREA;

16 C. THE ODENTON TOWN CENTER GROWTH MANAGEMENT
 17 AREA;

18 D. THE BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT
 19 STATE PRIORITY FUNDING AREA, AS DESIGNATED BY ANNE ARUNDEL COUNTY IN
 20 ACCORDANCE WITH ARTICLE 83A, § 5-1101(K)(6) OF THE CODE; ~~OR~~

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

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

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

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

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

1 (3) (4) THE ANNE ARUNDEL COUNTY BOARD OF LICENSE
2 COMMISSIONERS SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

3 (4) (5) THE ANNE ARUNDEL COUNTY ECONOMIC DEVELOPMENT
4 CORPORATION, IN CONSULTATION WITH THE BOARD OF LICENSE COMMISSIONERS
5 FOR ANNE ARUNDEL COUNTY:

6 (I) SHALL CONDUCT A COMPREHENSIVE STUDY OF THE IMPACT
7 OF THIS ACT ON THE ECONOMY OF ANNE ARUNDEL COUNTY; AND

8 (II) ON OR BEFORE JANUARY 1, 2006, SHALL SUBMIT ITS FINDINGS
9 AND RECOMMENDATIONS TO THE ANNE ARUNDEL COUNTY HOUSE DELEGATION,
10 THE ANNE ARUNDEL COUNTY SENATE DELEGATION, THE COUNTY EXECUTIVE FOR
11 ANNE ARUNDEL COUNTY, AND THE ANNE ARUNDEL COUNTY COUNCIL.

12 9-301.

13 In the enumerated subdivisions below, a person, partnership, firm or
14 corporation, except by way of renewal, may not have an interest in more than one
15 license, whether held or controlled by direct or indirect ownership, by stock
16 ownership, interlocking directors or interlocking stock ownership, or in any other
17 manner, directly or indirectly. It is the intention of this section to prohibit any person,
18 firm, partnership or corporation from having any interest, directly or indirectly, in
19 more than one license.

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

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

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

