

**HOUSE BILL 802**

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A2

2000 Regular Session  
0lr0499

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By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2000

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alcoholic Beverages - Montgomery County (Kensington) - Special B-K**  
3 **License**  
4 **MC 14-00**

5 FOR the purpose of authorizing the Montgomery County Board of License  
6 Commissioners to issue a certain special alcoholic beverages license to certain  
7 entities located in certain areas of the town of Kensington in Montgomery  
8 County; establishing the privileges, terms, and conditions for the license;  
9 submitting this Act to a referendum of the legally qualified voters of the town of  
10 Kensington; and generally relating to alcoholic beverages in the town of  
11 Kensington.

12 BY repealing and reenacting, with amendments,  
13 Article 2B - Alcoholic Beverages  
14 Section 8-216(a)(2)  
15 Annotated Code of Maryland  
16 (1998 Replacement Volume and 1999 Supplement)

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

19 **Article 2B - Alcoholic Beverages**

20 8-216.

21 (a) (2) (i) Except as provided in subparagraphs (ii) [and], (iii), AND (IV) of  
22 this paragraph, in Montgomery County, a license for the sale of alcoholic beverages

1 authorized by this article may not be issued for any place of business located in  
2 Damascus (12th election district), and in the towns of Barnesville, Kensington,  
3 Laytonsville, Washington Grove and the City of Takoma Park.

4 (ii) In the town of Barnesville, the Montgomery County Board of  
5 License Commissioners may issue a special 7-day on-sale beer, wine, and liquor  
6 license to any bona fide religious, fraternal, civic, or charitable organization.

7 (iii) In the town of Kensington, the Montgomery County Board of  
8 License Commissioners may issue a special 2-day on-sale beer, wine, and liquor  
9 license to any bona fide religious, fraternal, civic, or charitable organization holding  
10 an event on municipal property located at 3710 Mitchell Street, Kensington,  
11 Maryland.

12 (IV) 1. IN THE TOWN OF KENSINGTON, THE MONTGOMERY  
13 COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL B-K BEER, WINE  
14 AND LIQUOR LICENSE FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN  
15 THE FOLLOWING COMMERCIAL AREAS:

16 A. THE WEST SIDE OF CONNECTICUT AVENUE BETWEEN  
17 KNOWLES AVENUE AND PERRY AVENUE;

18 B. THE EAST SIDE OF CONNECTICUT AVENUE BETWEEN  
19 KNOWLES AVENUE AND DUPONT STREET AND BETWEEN UNIVERSITY BOULEVARD  
20 AND PERRY AVENUE;

21 C. THE WEST SIDE OF UNIVERSITY BOULEVARD WEST;

22 D. DUPONT AVENUE, WEST OF CONNECTICUT AVENUE;

23 E. PLYERS MILL ROAD, WEST OF METROPOLITAN AVENUE;

24 F. SUMMIT AVENUE BETWEEN KNOWLES AVENUE AND  
25 HOWARD AVENUE;

26 G. DETRICK AVENUE BETWEEN KNOWLES AVENUE AND  
27 HOWARD AVENUE; OR

28 H. THE SOUTHWEST SIDE OF METROPOLITAN AVENUE  
29 BETWEEN NORTH KENSINGTON PARKWAY AND PLYERS MILL ROAD.

30 2. A SPECIAL B-K BEER, WINE AND LIQUOR LICENSE  
31 AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES  
32 FOR CONSUMPTION ON THE PREMISES ONLY.

33 3. A LICENSEE SHALL MAINTAIN AVERAGE DAILY RECEIPTS  
34 FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 70% OF  
35 THE OVERALL AVERAGE DAILY RECEIPTS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes  
2 legally effective it shall first be submitted to a referendum of the legally qualified  
3 voters of the town of Kensington at a special election in 2000, to be determined by the  
4 Kensington Town Council and Mayor. The Kensington Town Council and the Mayor of  
5 Kensington shall do those things necessary and proper to provide for and hold the  
6 referendum required by this section. If a majority of the votes cast on the question are  
7 "For the referred law" the provisions of this Act shall become effective on the 30th day  
8 following the official canvass of votes for the referendum, but if a majority of the votes  
9 cast on the question are "Against the referred law" the provisions of this Act are of no  
10 effect and null and void.

11 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions  
12 of Section 2 of this Act and for the sole purpose of providing for the referendum  
13 required by Section 2 of this Act, this Act shall take effect June 1, 2000.