
By: **Montgomery County Delegation**
Introduced and read first time: February 11, 2000
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages Licenses**
3 **MC 5-00**

4 FOR the purpose of authorizing in Montgomery County the issuance of Class B beer,
5 wine and liquor licenses in certain election districts of Montgomery County;
6 authorizing the issuance of certain multiple licenses to single licensees for use in
7 a certain area of Germantown, in Enterprise Zones, in the City of Gaithersburg,
8 and in a certain town sector zoned area called Montgomery Village; altering the
9 number of licenses a single licensee may hold in Montgomery County under
10 certain conditions; broadening the geographic area in which the Montgomery
11 County Enterprise Zone license may be issued; increasing the number of
12 Enterprise Zone licenses that may be issued; defining a certain term;
13 eliminating certain duplicative listings of license combinations; and generally
14 relating to alcoholic beverages licenses in Montgomery County.

15 BY repealing and reenacting, without amendments,
16 Article 2B - Alcoholic Beverages
17 Section 6-201(q)(1)(i)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 1999 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 2B - Alcoholic Beverages
22 Section 6-201(q)(2)(i) and 9-102.1
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 1999 Supplement)

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

1 **Article 2B - Alcoholic Beverages**

2 6-201.

3 (q) (1) (i) This subsection applies only in Montgomery County.

4 (2) (i) 1. The Board may issue this license only to the owner of any
5 restaurant or hotel.6 2. The restaurant shall be located in the SECOND, third,
7 fourth, SIXTH, seventh, eighth, ninth, tenth, or thirteenth election districts.8 3. The licensee may not be located in the Towns of
9 Poolesville, Takoma Park, and Kensington.

10 9-102.1.

11 (a) This section applies only in Montgomery County.

12 (b) (1) In this section the following words have the meanings indicated.

13 (2) "Board" means the Board of License Commissioners.

14 (3) "ENTERPRISE ZONE" HAS THE MEANING SPECIFIED IN ARTICLE 83B, §
15 5-401(F) OF THE CODE.16 [(3)] (4) "License" means a Class B (hotel-restaurant or hotel-motel)
17 beer, wine and liquor on-sale only license.18 [(4)] (5) "Original license" means a Class B license as set forth in §
19 6-201(q) of this article.20 (c) After making an application and paying the fees, the holder of an original
21 license may obtain the additional license or licenses authorized by this section.22 (d) (1) A licensee may obtain additional licenses for premises operated as a
23 public hotel.

24 (2) An applicant for this additional license shall:

25 (i) Meet the minimum requirements set forth in § 6-201(a)(3) of
26 this article. If the capital investment in the hotel exceeds \$3,000,000, the building
27 height and elevator requirements required by that section do not apply; and28 (ii) Have a minimum restaurant seating capacity, as specified in §
29 6-201(a)(3) of this article, of 100 persons.30 (e) (1) A licensee may obtain one additional license for premises which meet
31 the qualifications specified in this subsection. For identification purposes, the
32 additional license may be referred to as a "1-year" license.

- 1 (2) An applicant for this additional license shall:
- 2 (i) Have the applicant's place of business located in this State;
- 3 (ii) Have been the holder of a license for at least 1 year;
- 4 (iii) Operate a restaurant, as defined by regulations of the Board;
- 5 (iv) Have a capital investment of at least \$250,000 for restaurant
6 facilities, excluding the cost of land and buildings; and
- 7 (v) Have a seating capacity of at least 125 persons.

8 (3) This is an on-sale license only.

9 (f) (1) A licensee may obtain [one additional license] NOT MORE THAN TWO
10 ADDITIONAL LICENSES for premises which meet the qualifications specified in this
11 subsection. For identification purposes, this additional license may be referred to as
12 [a "Silver Spring"] AN ENTERPRISE ZONE license.

13 (2) [The] EACH restaurant shall be located within [a designated
14 enterprise zone in Silver Spring] ONE OF TWO DESIGNATED ENTERPRISE ZONES,
15 WITH NOT MORE THAN ONE RESTAURANT IN EACH ENTERPRISE ZONE.

16 (3) The requirement that the holder have been a licensee for 1 year does
17 not apply to this subsection.

18 (g) (1) A licensee may obtain one additional license for premises which meet
19 the qualifications specified in this subsection. For identification purposes, this
20 additional license may be referred to as a "Rockville" license.

21 (2) The restaurant shall be located within CBD zoned property within
22 the Rockville Town Center mixed use district.

23 (3) The requirement that the holder have been a licensee for 1 year does
24 not apply to this subsection.

25 (H) (1) A LICENSEE MAY OBTAIN ONE ADDITIONAL LICENSE FOR PREMISES
26 THAT MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
27 IDENTIFICATION PURPOSES, EACH ADDITIONAL LICENSE MAY BE REFERRED TO AS A
28 "GERMANTOWN" LICENSE.

29 (2) THE RESTAURANT SHALL BE LOCATED WITHIN THE GERMANTOWN
30 TOWN CENTER DISTRICT.

31 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE FOR
32 1 YEAR DOES NOT APPLY TO THIS SUBSECTION.

33 (I) (1) A LICENSEE MAY OBTAIN UP TO ONE ADDITIONAL LICENSE FOR
34 PREMISES THAT MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR

1 IDENTIFICATION PURPOSES, EACH ADDITIONAL LICENSE MAY BE REFERRED TO AS A
2 "GAITHERSBURG" LICENSE.

3 (2) THE RESTAURANT SHALL BE LOCATED WITHIN THE CITY OF
4 GAITHERSBURG.

5 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE FOR
6 1 YEAR DOES NOT APPLY TO THIS SUBSECTION.

7 (J) (1) A LICENSEE MAY OBTAIN UP TO ONE ADDITIONAL LICENSE FOR
8 PREMISES THAT MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR
9 IDENTIFICATION PURPOSES, EACH ADDITIONAL LICENSE MAY BE REFERRED TO AS A
10 "MONTGOMERY VILLAGE" LICENSE.

11 (2) THE RESTAURANT SHALL BE LOCATED WITHIN THE TOWN SECTOR
12 ZONED AREA CALLED MONTGOMERY VILLAGE.

13 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE FOR
14 1 YEAR DOES NOT APPLY TO THIS SUBSECTION.

15 [(h)] (K) (1) A licensee may obtain [one additional license] A MAXIMUM OF
16 TWO ADDITIONAL LICENSES for premises which meet the qualifications specified in
17 this subsection. For identification purposes, [the] EACH additional license may be
18 referred to as an "incentive" license.

19 (2) An applicant for an additional license shall:

20 (i) Have the applicant's place of business located in this State;

21 [and]

22 (ii) Operate a restaurant, as defined by regulations of the Board;

23 AND

24 (III) HOLD AN ENTERPRISE ZONE LICENSE, A ROCKVILLE LICENSE,
25 A GERMANTOWN LICENSE, A GAITHERSBURG LICENSE, OR A MONTGOMERY VILLAGE
26 LICENSE.

27 (3) A MAXIMUM OF ONE INCENTIVE LICENSE MAY BE ISSUED FOR EACH
28 ENTERPRISE ZONE LICENSE, ROCKVILLE LICENSE, GERMANTOWN LICENSE,
29 GAITHERSBURG LICENSE, OR MONTGOMERY VILLAGE LICENSE.

30 [(3)] (4) The requirement that the holder have been a licensee for 1 year
31 does not apply to this subsection.

32 [(4)] (5) This is an on-sale license only.

33 [(i)] (L) (1) A licensee may obtain one additional license for premises which
34 meet the qualifications specified in this subsection. For identification purposes, the
35 additional license may be referred to as a "5-year" license.

36 (2) An applicant for an additional license shall:

- 1 (i) Have the applicant's place of business located in this State;
- 2 (ii) Have been for at least 5 years the holder of two licenses under
3 this section that are not restricted by location; and
- 4 (iii) Operate a restaurant, as defined by regulations of the Board.
- 5 (3) This is an on-sale license only.
- 6 [(j)] (M) (1) [This subsection] SUBSECTION (N) OF THIS SECTION excludes
7 additional licenses issued pursuant to subsection (d) of this section, which relates to
8 public hotels.
- 9 (2) This section does not permit the issuance to a person or for the use of
10 any partnership, corporation, unincorporated association, or limited liability company
11 of more than the number of licenses specified.
- 12 [(3) Additional restaurant licenses may be issued as follows:
- 13 (i) Including the original license, the maximum number of licenses
14 is four.
- 15 (ii) The maximum number of licenses may be obtained as follows:
- 16 1. Original license;
- 17 2. One 1-year license under subsection (e) of this section;
- 18 3. If the applicant has already obtained a restaurant license
19 for property located in the Silver Spring Enterprise Zone or for CBD zoned property
20 located in the Rockville Town Center mixed use district, one incentive license; and
- 21 4. One 5-year license.
- 22 (iii) Four licenses may also be obtained as follows:
- 23 1. Original license;
- 24 2. One 1-year license under subsection (e) of this section;
- 25 3. One Silver Spring license under subsection (f) of this
26 section; and
- 27 4. One Rockville license under subsection (g) of this section.
- 28 (iv) Three licenses may be obtained as follows:
- 29 1. Original license;
- 30 2. One 1-year license under subsection (e) of this section;
- 31 and

1 3. A. If the applicant has already obtained a restaurant
2 license for property in the Silver Spring Enterprise Zone or, for CBD zoned property
3 in the Rockville Town Center mixed use district, one incentive license; or

4 B. One 5-year license.

5 (v) Three licenses may also be obtained as follows:

6 1. Original license;

7 2. One Silver Spring license under subsection (f) of this
8 section; and

9 3. One Rockville license under subsection (g) of this section.

10 (vi) Three licenses may also be obtained as follows:

11 1. Original license;

12 2. One 1-year license under subsection (e) of this section;
13 and

14 3. A. One Silver Spring license under subsection (f) of this
15 section; or

16 B. One Rockville license under subsection (g) of this section.]

17 (N) (1) A LICENSEE THAT HOLDS AN ORIGINAL LICENSE, MAY OBTAIN A
18 MAXIMUM OF FIVE ADDITIONAL LICENSES AND MAY NOT HOLD MORE THAN SIX
19 LICENSES ALTOGETHER.

20 (2) SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (E) THROUGH (L)
21 OF THIS SECTION, A LICENSEE MAY HOLD ANY COMBINATION OF THE FOLLOWING
22 LICENSES:

23 (I) ONE 1-YEAR LICENSE UNDER SUBSECTION (E) OF THIS
24 SECTION;

25 (II) ONE 5-YEAR LICENSE UNDER SUBSECTION (L) OF THIS
26 SECTION;

27 (III) ONE ENTERPRISE ZONE LICENSE IN EACH OF TWO ENTERPRISE
28 ZONES UNDER SUBSECTION (F) OF THIS SECTION;

29 (IV) ONE ROCKVILLE LICENSE UNDER SUBSECTION (G) OF THIS
30 SECTION;

31 (V) ONE GERMANTOWN LICENSE UNDER SUBSECTION (H) OF THIS
32 SECTION;

HOUSE BILL 1058

1 (VI) ONE GAITHERSBURG LICENSE UNDER SUBSECTION (I) OF THIS
2 SECTION;

3 (VII) ONE MONTGOMERY VILLAGE LICENSE UNDER SUBSECTION (J)
4 OF THIS SECTION; AND

5 (VIII) TWO INCENTIVE LICENSES UNDER SUBSECTION (K) OF THIS
6 SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2000.