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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 with amendments  
House action: Adopted  
Read second time: March 21, 2000

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CHAPTER \_\_\_\_\_

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; making a  
13 technical correction; eliminating certain duplicative listings of license  
14 combinations; and generally relating to alcoholic beverages licenses in  
15 Montgomery County.

16 BY repealing and reenacting, without amendments,  
17 Article 2B - Alcoholic Beverages  
18 Section 6-201(q)(1)(i)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 1999 Supplement)

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

1 (1998 Replacement Volume and 1999 Supplement)

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

4 **Article 2B - Alcoholic Beverages**

5 6-201.

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

7 (2) (i) 1. The Board may issue this license only to the owner of any  
8 restaurant or hotel.

9 2. The restaurant shall be located in the SECOND, third,  
10 fourth, SIXTH, seventh, eighth, ninth, tenth, or thirteenth election districts.

11 3. The licensee may not be located in the Towns of  
12 Poolesville, Takoma Park, and Kensington.

13 9-102.1.

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

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

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

17 (3) "ENTERPRISE ZONE" HAS THE MEANING SPECIFIED IN ARTICLE ~~83B~~  
18 83A, § 5-401(F) OF THE CODE.

19 [(3)] (4) "License" means a Class B ~~(hotel-restaurant or hotel-motel)~~  
20 beer, wine and liquor on-sale only license.

21 [(4)] (5) "Original license" means a Class B license as set forth in §  
22 6-201(q) of this article.

23 (c) After making an application and paying the fees, the holder of an original  
24 license may obtain the additional license or licenses authorized by this section.

25 (d) (1) A licensee may obtain additional licenses for premises operated as a  
26 public hotel.

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

28 (i) Meet the minimum requirements set forth in § 6-201(a)(3) of  
29 this article. If the capital investment in the hotel exceeds \$3,000,000, the building  
30 height and elevator requirements required by that section do not apply; and

31 (ii) Have a minimum restaurant seating capacity, as specified in §  
32 6-201(a)(3) of this article, of 100 persons.

1 (e) (1) A licensee may obtain one additional license for premises which meet  
2 the qualifications specified in this subsection. For identification purposes, the  
3 additional license may be referred to as a "1-year" license.

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

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

6 (ii) Have been the holder of a license for at least 1 year;

7 (iii) Operate a restaurant, as defined by regulations of the Board;

8 (iv) Have a capital investment of at least \$250,000 for restaurant  
9 facilities, excluding the cost of land and buildings; and

10 (v) Have a seating capacity of at least 125 persons.

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

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

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

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

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

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

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

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

32 (2) THE RESTAURANT SHALL BE LOCATED WITHIN THE GERMANTOWN  
33 TOWN CENTER DISTRICT.

34 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE FOR  
35 1 YEAR DOES NOT APPLY TO THIS SUBSECTION.

1 (I) (1) A LICENSEE MAY OBTAIN UP TO ONE ADDITIONAL LICENSE FOR  
2 PREMISES THAT MEET THE QUALIFICATIONS SPECIFIED IN THIS SUBSECTION. FOR  
3 IDENTIFICATION PURPOSES, EACH ADDITIONAL LICENSE MAY BE REFERRED TO AS A  
4 "GAITHERSBURG" LICENSE.

5 (2) THE RESTAURANT SHALL BE LOCATED WITHIN THE CITY OF  
6 GAITHERSBURG.

7 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE FOR  
8 1 YEAR DOES NOT APPLY TO THIS SUBSECTION.

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

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

15 (3) THE REQUIREMENT THAT THE HOLDER HAVE BEEN A LICENSEE FOR  
16 1 YEAR DOES NOT APPLY TO THIS SUBSECTION.

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

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

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

23 [and]

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

25 AND

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

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

32 [(3)] (4) The requirement that the holder have been a licensee for 1 year  
33 does not apply to this subsection.

34 [(4)] (5) This is an on-sale license only.

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

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

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

6                     (ii)    Have been for at least 5 years the holder of two licenses under  
7 this section that are not restricted by location; and

8                     (iii)   Operate a restaurant, as defined by regulations of the Board.

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

10    [(j)]     (M)     (1)     [This subsection] SUBSECTION (N) OF THIS SECTION excludes  
11 additional licenses issued pursuant to subsection (d) of this section, which relates to  
12 public hotels.

13             (2)     This section does not permit the issuance to a person or for the use of  
14 any partnership, corporation, unincorporated association, or limited liability company  
15 of more than the number of licenses specified.

16             [(3)]    Additional restaurant licenses may be issued as follows:

17                     (i)     Including the original license, the maximum number of licenses  
18 is four.

19                     (ii)    The maximum number of licenses may be obtained as follows:

20                             1.     Original license;

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

22                             3.     If the applicant has already obtained a restaurant license  
23 for property located in the Silver Spring Enterprise Zone or for CBD zoned property  
24 located in the Rockville Town Center mixed use district, one incentive license; and

25                             4.     One 5-year license.

26                     (iii)   Four licenses may also be obtained as follows:

27                             1.     Original license;

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

29                             3.     One Silver Spring license under subsection (f) of this  
30 section; and

31                             4.     One Rockville license under subsection (g) of this section.

- 1 (iv) Three licenses may be obtained as follows:
- 2 1. Original license;
- 3 2. One 1-year license under subsection (e) of this section;
- 4 and
- 5 3. A. If the applicant has already obtained a restaurant
- 6 license for property in the Silver Spring Enterprise Zone or, for CBD zoned property
- 7 in the Rockville Town Center mixed use district, one incentive license; or
- 8 B. One 5-year license.

- 9 (v) Three licenses may also be obtained as follows:
- 10 1. Original license;
- 11 2. One Silver Spring license under subsection (f) of this
- 12 section; and
- 13 3. One Rockville license under subsection (g) of this section.

- 14 (vi) Three licenses may also be obtained as follows:
- 15 1. Original license;
- 16 2. One 1-year license under subsection (e) of this section;
- 17 and
- 18 3. A. One Silver Spring license under subsection (f) of this
- 19 section; or
- 20 B. One Rockville license under subsection (g) of this section.]

21 (N) (1) A LICENSEE THAT HOLDS AN ORIGINAL LICENSE, MAY OBTAIN A

22 MAXIMUM OF FIVE ADDITIONAL LICENSES AND MAY NOT HOLD MORE THAN SIX

23 LICENSES ALTOGETHER.

24 (2) SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (E) THROUGH (L)

25 OF THIS SECTION, A LICENSEE MAY HOLD ANY COMBINATION OF THE FOLLOWING

26 LICENSES:

27 (I) ONE 1-YEAR LICENSE UNDER SUBSECTION (E) OF THIS

28 SECTION;

29 (II) ONE 5-YEAR LICENSE UNDER SUBSECTION (L) OF THIS

30 SECTION;

31 (III) ONE ENTERPRISE ZONE LICENSE IN EACH OF TWO ENTERPRISE

32 ZONES UNDER SUBSECTION (F) OF THIS SECTION;

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1 (IV) ONE ROCKVILLE LICENSE UNDER SUBSECTION (G) OF THIS  
2 SECTION;

3 (V) ONE GERMANTOWN LICENSE UNDER SUBSECTION (H) OF THIS  
4 SECTION;

5 (VI) ONE GAITHERSBURG LICENSE UNDER SUBSECTION (I) OF THIS  
6 SECTION;

7 (VII) ONE MONTGOMERY VILLAGE LICENSE UNDER SUBSECTION (J)  
8 OF THIS SECTION; AND

9 (VIII) TWO INCENTIVE LICENSES UNDER SUBSECTION (K) OF THIS  
10 SECTION.

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