### HOUSE BILL 808 EMERGENCY BILL

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# By: Montgomery County Delegation

Introduced and read first time: February 9, 2001 Assigned to: Economic Matters

Committee Report: Favorable with amendments House action: Adopted Read second time: March 13, 2001

CHAPTER\_\_\_\_\_

1 AN ACT concerning

## 2 Montgomery County - Alcoholic Beverages - Class B License Fees 3 MC 104-01

4 FOR the purpose of increasing in Montgomery County certain Class B alcoholic

- 5 beverages license fees; making this Act an emergency measure; providing for the
- 6 <u>termination of this Act</u>; and generally relating to alcoholic beverages in
- 7 Montgomery County.

8 BY repealing and reenacting, with amendments,

- 9 Article 2B Alcoholic Beverages
- 10 Section 6-201(q)
- 11 Annotated Code of Maryland
- 12 (1998 Replacement Volume and 2000 Supplement)

## 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

- 14 MARYLAND, That the Laws of Maryland read as follows:
- 15

## Article 2B - Alcoholic Beverages

16 6-201.

- 17 (q) (1) (i) This subsection applies only in Montgomery County.
  18 (ii) 1. In this subsection the following words have the meanings
  19 indicated.
- 20 2. "Board" means the Board of License Commissioners.

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	3. "Dining area" means the area occupied by patrons for the onsumption of food and includes a cocktail area where food need not be served if here is no separate outdoor entrance to the cocktail area.
4 5	(2) (i) 1. The Board may issue this license only to the owner of any estaurant or hotel.
6 7	2. The restaurant shall be located in the second, third, ourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.
8 9	3. The licensee may not be located in the Towns of Poolesville, Takoma Park, and Kensington.
12	(ii) 1. As a prerequisite for the initial issuance of a license under this subsection, the owner shall attest in a sworn statement that gross receipts from food sales in the restaurant or hotel will be at least equal to the gross receipts from the sale of alcoholic beverages.
16 17	2. As a prerequisite for each renewal of a license issued under this subsection, the owner shall attest in a sworn statement that the gross receipts from food sales in the restaurant or hotel for the 12-month period immediately preceding the application for renewal have been at least equal to the gross receipts from the sale of alcoholic beverages.
	3. The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.
24 25 26	4. Any regulations adopted by the Board shall include a requirement of at least monthly physical inspections of the premises during the initial license year of any licensee and the submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.
30 31 32 33 34 35	5. In the event that a licensee, during the initial license year, fails to maintain the sales ratio requirement provided in this paragraph for a period of three consecutive months or after the initial license year for each license or calendar year, the Board, in its discretion, may revoke the license. The Board may require any licensee to provide supporting data as it, in its discretion, deems necessary, in order to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic peverages have been met.
36	(iii) A license issued under this subsection authorizes its holder to

keep for sale and sell alcoholic beverages for consumption on the premises only, andalcoholic beverages may not be served to patrons or consumed at any bar, counter

39 without seats, or other room but in the dining area. However, the seats in the cocktail 40 area may not exceed 25 percent of the seats normally available for the general public

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1 in the dining area, including the cocktail area portion, but excluding special banquet2 and private party facilities.

3 (iv) Signs visible from the exterior of the building, advertising the 4 sale of alcoholic beverages, are not permitted in connection with any restaurant or 5 hotel holding a license issued under the provisions of this section except for the

6 display of the menu then in use by the licensee.

7 The annual license fee is [\$2,000] \$2,500. 1. (v) 8 2. For the third license that is not restricted by location and 9 is obtained by a licensee under § 9-102.1 of this article, the annual fee is \$5,000. 10 (3)(i) There is a special Class B license known as Class B-BWL 11 (H-M) which shall be issued only for hotels and motels that meet the minimum 12 requirements set forth in subsection (a)(3) of this section. All of the privileges and 13 restrictions provided for in paragraph (2) of this subsection are applicable to this 14 special Class B license except that the gross receipts from the sale of alcoholic 15 beverages may not exceed the gross receipts from the sale of food, and registered 16 guests may be served in their rooms. In any instance where there is more than one 17 licensed establishment within the hotel or motel, the foregoing sales ratio shall be 18 applicable only to one license and that shall be the one that provides the food and 19 beverage service to the conventions, banquets and other groups that utilize facilities 20 within the hotel or motel. 21 (ii) The annual license fee is [\$2,000] \$2,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 4 years and, at the end of the 4-year period, with no further action required by the General Assembly, this

28 Act shall be abrogated and of no further force and effect.

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