
By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Class B (Restaurant) Alcoholic Beverages**
 3 **Licensees - Requirements - 47th District**
 4 **PG 302-05**

5 FOR the purpose of establishing certain requirements related to seating capacity and
 6 food service for Class B (restaurant) beer, beer and light wine, and beer, wine
 7 and liquor licensees located in the 47th alcoholic beverages district of Prince
 8 George's County; authorizing the Prince George's County Board of License
 9 Commissioners to grant a certain waiver of the seating capacity and food service
 10 requirements if the Board makes certain determinations; and generally relating
 11 to requirements for Class B (restaurant) licensees in the 47th alcoholic
 12 beverages district of Prince George's County.

13 BY repealing and reenacting, without amendments,
 14 Article 2B - Alcoholic Beverages
 15 Section 3-201(a), 5-201(a), and 6-201(a)(1) and (2) and (r)(1)
 16 Annotated Code of Maryland
 17 (2001 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,
 19 Article 2B - Alcoholic Beverages
 20 Section 3-201(r), 5-201(r), and 6-201(r)(2)
 21 Annotated Code of Maryland
 22 (2001 Replacement Volume and 2004 Supplement)

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

25 **Article 2B - Alcoholic Beverages**

26 3-201.

27 (a) (1) A Class B license shall be issued by the license issuing authority of
 28 the county in which the place of business is located. The holder of the license may

1 keep for sale and sell beer at retail at any hotel or restaurant at the place described in
2 the license for consumption on the premises or elsewhere.

3 (2) The annual fee for the license shall be paid to the local collecting
4 agent before any license is issued, for distribution as provided.

5 (r) (1) In Prince George's County the annual license fee is \$330.

6 (2) Notwithstanding the provisions of subsection (a) of this section, the
7 Board of License Commissioners for Prince George's County may not issue any Class
8 B beer license with other than the privilege of selling beer for consumption on the
9 licensed premises (on-sale only). However, licensees holding this class of license prior
10 to July 1, 1975, who have been exercising the privilege of selling beer for consumption
11 off the licensed premises may continue to exercise this privilege.

12 (3) (I) THIS PARAGRAPH APPLIES ONLY IN THE 47TH ALCOHOLIC
13 BEVERAGES DISTRICT AS DESCRIBED IN § 9-217 OF THIS ARTICLE.

14 (II) THE BOARD MAY ONLY ISSUE OR RENEW A CLASS B
15 (RESTAURANT) LICENSE UNDER THIS SECTION TO APPLY TO A RESTAURANT THAT
16 HAS:

17 1. A MINIMUM INDOOR SEATING CAPACITY AT TABLES, NOT
18 INCLUDING SEATS AT BARS OR COUNTERS, OF 25 PERSONS; AND

19 2. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD
20 CONSUMED IN THE RESTAURANT THAT ARE AT LEAST 50% OF THE TOTAL DAILY
21 RECEIPTS OF THE RESTAURANT.

22 (III) A RESTAURANT LICENSED UNDER THIS SECTION MAY SERVE
23 BEER ONLY DURING THE HOURS THAT FOOD SERVICE IS AVAILABLE.

24 (IV) A LICENSEE UNDER THIS SECTION, AT THE TIME THE LICENSE
25 IS RENEWED, ANNUALLY SHALL FILE WITH THE BOARD A STATEMENT OF AVERAGE
26 DAILY RECEIPTS AND AN AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC
27 ACCOUNTANT THAT VERIFY THAT THE LICENSEE HAS MET THE REQUIREMENT OF
28 SUBPARAGRAPH (II)2 OF THIS PARAGRAPH.

29 (V) THE BOARD MAY GRANT ONE 120-DAY WAIVER OF THE
30 REQUIREMENTS OF THIS PARAGRAPH WITHIN A 3-YEAR PERIOD IF THE BOARD
31 DETERMINES THAT THE RESTAURANT TO WHICH THE LICENSE APPLIES CANNOT
32 OPERATE DUE TO RENOVATION, REPAIR, OR NATURAL DISASTER.

33 5-201.

34 (a) (1) A Class B beer and light wine license shall be issued by the license
35 issuing authority of the county in which the place of business is located. The holder
36 may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at
37 the place described in the license, for consumption on the premises or elsewhere.

1 (2) The annual fee shall be paid to the local collecting agent before any
2 license is issued.

3 (r) (1) This subsection applies only in Prince George's County.

4 (2) The annual license fee is \$330.

5 (3) (i) Notwithstanding the provisions of subsection (a) of this section,
6 the Board of License Commissioners may not issue any Class B beer and light wine
7 license with other than the privilege of selling beer and light wine for consumption on
8 the licensed premises (on-sale only).

9 (ii) However, licensees holding this class of license prior to July 1,
10 1975, who have been exercising the privilege of selling alcoholic beverages for
11 consumption off the licensed premises may continue to exercise this privilege.

12 (4) (i) There is a Class B-Stadium beer and light wine license.

13 (ii) The annual license fee is \$2,200.

14 (iii) The license is a special 7-day Class B-Stadium (baseball
15 stadium) license for on-sale consumption only for exclusive use on the premises of a
16 baseball stadium owned or operated by the Maryland-National Capital Park and
17 Planning Commission.

18 (iv) The license may be issued either to the Maryland-National
19 Capital Park and Planning Commission or to a private concessionaire that is under
20 contract with the Commission.

21 (v) Alcoholic beverages may be sold only by employees who are 18
22 years old or older.

23 (vi) The residency requirement specified by § 9-101 of this article
24 does not apply to an applicant for a Class B-Stadium license.

25 (vii) Any profit from the sale of beer or light wine made by the
26 licensee may accrue to the benefit and use of either the Commission or the
27 concessionaire.

28 (5) (I) THIS PARAGRAPH APPLIES ONLY IN THE 47TH ALCOHOLIC
29 BEVERAGES DISTRICT AS DESCRIBED IN § 9-217 OF THIS ARTICLE.

30 (II) THE BOARD MAY ONLY ISSUE OR RENEW A CLASS B
31 (RESTAURANT) LICENSE UNDER THIS SECTION TO APPLY TO A RESTAURANT THAT
32 HAS:

33 1. A MINIMUM INDOOR SEATING CAPACITY AT TABLES, NOT
34 INCLUDING SEATS AT BARS OR COUNTERS, OF 25 PERSONS; AND

1 D. Equipped with a kitchen having complete facilities and
2 utensils for preparing hot and cold meals to the public;

3 E. Employing a sufficient number of cooks, waiters or
4 waitresses to serve the number of patrons provided for in the dining area or areas;
5 and

6 F. Maintaining and displaying a menu advertising the
7 serving of a variety of hot meals. There shall be on the premises at all times sufficient
8 food to fill orders made from the menu.

9 (2) (i) 1. The annual license fee is \$1,320.

10 2. The licensee may not make any sale of alcoholic beverages
11 for consumption off the licensed premises except from the main bar and within the
12 main portion of the dining room facilities.

13 (ii) 1. A separate license fee may be charged whenever the
14 applicant for or holder of a Class B (on-sale) beer, wine and liquor license proposes to
15 or in fact establishes and conducts on the licensed premises, an area or portion of
16 these licensed premises, where there are maintained "off-sale" shelves or counters
17 not contained within and an integral part of the main bar and in the main dining
18 facilities where the majority of the meals are served and consumed in the licensed
19 premises (whether enclosed or opened, partitioned or otherwise partly separated from
20 the main bar or the usual serving area within these premises for the sale of alcoholic
21 beverages for consumption on the premises and not part of the premises where the
22 major portion of meals are served and consumed in these licensed premises) for the
23 sale of alcoholic beverages for consumption off the licensed premises.

24 2. The annual license fee is \$2,200.

25 (iii) 1. The license holder under this subsection may sell alcoholic
26 beverages for consumption off the premises from any portion of these premises other
27 than from the main bar, or the usual place maintained for sale of alcoholic beverages
28 for consumption on the premises and where the major portion of the meals are
29 consumed in these premises.

30 2. The annual license fee for this privilege is \$2,200.

31 (iv) The number of licenses which are permitted to have any
32 off-sale privileges referred to in this subsection are limited to those licenses having
33 the permit and facilities on May 28, 1969.

34 (v) Any interruption of restaurant facilities for any reason shall be
35 reported to the Board promptly.

36 (vi) Any drug, candy or confectionery store may not be construed to
37 be a restaurant.

1 (vii) On and after May 1, 1966, any new application for a beer, wine
2 and liquor license, Class B may not be granted by the Board, and any transfer from
3 one location to another location by the same license holder, and any transfer from one
4 license holder to another at the same location, or from one license holder to another at
5 a different location, may not be approved unless the establishment where it is
6 proposed to locate or transfer the license meets the standards contained in this
7 section.

8 (VIII) 1. THIS PARAGRAPH APPLIES ONLY IN THE 47TH ALCOHOLIC
9 BEVERAGES DISTRICT AS DESCRIBED IN § 9-217 OF THIS ARTICLE.

10 2. THE BOARD MAY ONLY ISSUE OR RENEW A CLASS B
11 (RESTAURANT) LICENSE UNDER THIS SECTION TO APPLY TO A RESTAURANT THAT
12 HAS:

13 A. A MINIMUM INDOOR SEATING CAPACITY AT TABLES, NOT
14 INCLUDING SEATS AT BARS OR COUNTERS, OF 25 PERSONS; AND

15 B. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD
16 CONSUMED IN THE RESTAURANT THAT ARE AT LEAST 50% OF THE TOTAL DAILY
17 RECEIPTS OF THE RESTAURANT.

18 3. A RESTAURANT LICENSED UNDER THIS SECTION MAY
19 SERVE ALCOHOLIC BEVERAGES ONLY DURING THE HOURS THAT FOOD SERVICE IS
20 AVAILABLE.

21 4. A LICENSEE UNDER THIS SECTION, AT THE TIME THE
22 LICENSE IS RENEWED, ANNUALLY SHALL FILE WITH THE BOARD A STATEMENT OF
23 AVERAGE DAILY RECEIPTS AND AN AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC
24 ACCOUNTANT THAT VERIFY THAT THE LICENSEE HAS MET THE REQUIREMENT OF
25 SUBSUBPARAGRAPH B OF THIS SUBPARAGRAPH.

26 5. THE BOARD MAY GRANT ONE 120-DAY WAIVER OF THE
27 REQUIREMENTS OF THIS PARAGRAPH WITHIN A 3-YEAR PERIOD IF THE BOARD
28 DETERMINES THAT THE RESTAURANT CANNOT OPERATE DUE TO RENOVATION,
29 REPAIR, OR NATURAL DISASTER.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 June 1, 2005.