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

Introduced and read first time: February 9, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages License Restriction - Repeal**
3 **of Exemption**
4 **PG 326-06**

5 FOR the purpose of repealing an exemption from the restriction on certain premises
6 licensed for alcoholic beverages sales within a certain distance of a school
7 building or church in Prince George's County; and generally relating to premises
8 licensed for alcoholic beverages sales in Prince George's County.

9 BY repealing and reenacting, without amendments,
10 Article 2B - Alcoholic Beverages
11 Section 6-201(r)(2) and (5), 7-101(b)(1)(i) and (11) and (d)(1)(i) and (11), and
12 9-217(a)
13 Annotated Code of Maryland
14 (2005 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 9-217(e)
18 Annotated Code of Maryland
19 (2005 Replacement Volume)

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

22 **Article 2B - Alcoholic Beverages**

23 6-201.

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

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

1 (ii) 1. A separate license fee may be charged whenever the
2 applicant for or holder of a Class B (on-sale) beer, wine and liquor license proposes to
3 or in fact establishes and conducts on the licensed premises, an area or portion of
4 these licensed premises, where there are maintained "off-sale" shelves or counters
5 not contained within and an integral part of the main bar and in the main dining
6 facilities where the majority of the meals are served and consumed in the licensed
7 premises (whether enclosed or opened, partitioned or otherwise partly separated from
8 the main bar or the usual serving area within these premises for the sale of alcoholic
9 beverages for consumption on the premises and not part of the premises where the
10 major portion of meals are served and consumed in these licensed premises) for the
11 sale of alcoholic beverages for consumption off the licensed premises.

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

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

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

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

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

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

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

33 (5) (i) There is a special Sunday "on-sale" permit.

34 (ii) The annual fee for a special Sunday "on-sale" permit is \$770,
35 which is in addition to the annual fee for the Class B beer, wine and liquor license to
36 which it is attached.

37 (iii) 1. The Board may issue to the holders of a Class B beer, wine
38 and liquor license who meet the qualifications specified in paragraph (2) of this
39 subsection a special Sunday "on-sale" permit to allow the holder to keep for sale and

1 to sell at retail beer, wine and liquor on Sunday for consumption on the licensed
2 premises.

3 2. Sales may be made between the hours of 12 noon and 2
4 a.m. the following day.

5 3. The average daily receipts from the sale of food shall equal
6 40 percent of the total daily receipts from the sale of "on-sale" food and alcoholic
7 beverages in the establishments where it is proposed to locate this permit, and the
8 ratio of food sales to the sale of alcoholic beverages has been maintained for at least 6
9 months prior to the application for this permit. For a newly licensed establishment
10 the Board may immediately authorize the issuance of a special Sunday "on-sale"
11 permit if in the opinion of the Board and upon good cause shown the newly licensed
12 establishment meets the specifications of paragraph (2) of this subsection pertaining
13 to the preparation, serving and sale of food and if the holder of the license complies
14 with the provisions of this paragraph. Applicants for a special Sunday "on-sale"
15 permit shall furnish the Board with any proof it considers necessary indicating the
16 qualifications of the establishment to be issued this permit.

17 (iv) The holder of a special Sunday "on-sale" permit is subject to all
18 other provisions of this article pertaining to Class B beer, wine and liquor licenses,
19 except that any restrictions on the sale of alcoholic beverages on Sunday appearing in
20 § 11-517 of this article and elsewhere may not apply. Holders of this permit shall
21 submit to the Board, from time to time at regular intervals to be established by the
22 Board, a statement indicating in detail the ratio of food sales to the sales of alcoholic
23 beverages. If the average daily receipts from the sale of food fail for 3 successive
24 months to equal 40 percent of the total daily receipts from the sale of food and
25 alcoholic beverages, the Board shall cancel this permit. Class B beer, wine and liquor
26 licensees with a special Sunday "on-sale" permit and Class BH licensees may sell
27 beer, wine and liquor by the drink from the bar or a cocktail lounge to persons on the
28 licensed premises.

29 (v) The Board may adopt regulations it considers necessary
30 relating to the issuance, suspension, and cancellation of these permits in furtherance
31 of this subsection.

32 7-101.

33 (b) (1) (i) Subject to subsection (a) of this section, a special Class C beer
34 license or a special Class C beer and wine license entitles the holder to exercise any of
35 the privileges conferred by the respective classes of licenses for the use of any person
36 holding any bona fide entertainment conducted by any club, society or association at
37 the place described in the license, for a period not exceeding seven consecutive days
38 from the effective date thereof.

39 (11) In Prince George's County:

40 (i) Except as provided in item (ii) of this paragraph, the fee is \$50
41 per day;

1 (ii) For a club, society, or association holding a casino or gambling
2 event, the fee is \$100 per day, which shall be paid by the club, society, or association
3 and shall be considered as part of the club's, society's, or association's special license
4 fee; and

5 (iii) The Board of License Commissioners may deny an application
6 for this license if it is determined that the applicant does not qualify under the
7 provisions of this article.

8 (d) (1) (i) A special Class C beer, wine and liquor license entitles the
9 holder to exercise any of the privileges conferred by this class of license for the use of
10 any person holding a bona fide entertainment conducted by a club, society, or
11 association at the place described for a period not exceeding seven consecutive days,
12 upon the payment of a fee of \$15 per day.

13 (11) In Prince George's County:

14 (i) Except as provided in item (ii) of this paragraph, the fee is \$150
15 per day;

16 (ii) For a club, society, or association holding a casino or gambling
17 event, the fee is \$150 per day, which shall be paid by the club, society, or association
18 and shall be considered as part of the club's, society's, or association's special license
19 fee; and

20 (iii) The Board of License Commissioners may deny an application
21 for this license if it is determined that the applicant does not qualify under the
22 provisions of this article.

23 9-217.

24 (a) This section applies only in Prince George's County.

25 (e) (1) A license may not be granted to sell alcoholic beverages in any
26 building located within 1,000 feet of a school building, or within 500 feet of a church.
27 The 1,000 feet, or the 500 feet, as the case may be, is to be measured from the front
28 door or main entrance, whichever is nearest the street abutting the premises, of the
29 proposed licensed establishment along the nearest usual pedestrian route to the door
30 closest to the licensed premises which is used as an entrance or exit to any school, or
31 to the main entrance of the church building.

32 (2) This restriction does not apply in the case of a church if the governing
33 body of the church concerned consents in writing to the granting of the license. The
34 consent shall be filed with the application. The license of any person or persons or for
35 the use of a corporation or unincorporated association issued for any building located
36 within the requisite distance from a church or school building may be renewed or
37 extended for the same building.

38 (3) This restriction does not apply to any transfer or assignment of a
39 license located within the distance of 1,000 feet to another place of business within

1 the specified distance and/or to an assignee of the license within the distance of the
2 same church or school building.

3 (4) This does not apply to the issuance of a license for a place of business,
4 not having an alcoholic beverage license, to which an alcoholic beverage license had
5 been issued and was in force and effect on June 1, 1965, as to a license of the same
6 class which was in force and effect as of that date, applied for in the place of business
7 nor to a renewal of a license of any establishment where, subsequent to the original
8 granting of the license a school or church building was erected within 1,000 feet.

9 (5) [This does not apply to any licenses or to any license issued under §
10 6-201(r)(2) or (5) or § 7-101 of this article.

11 (6)] This restriction does not apply in the case of a private kindergarten
12 or nursery school.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2006.