

HOUSE BILL 939

A2

71r0549

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

Introduced and read first time: February 9, 2007

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages Licenses – Waterfront**
3 **Entertainment Retail Complex**

4 **PG 312-07**

5 FOR the purpose of establishing in Prince George's County certain alcoholic beverages
6 licenses to be issued for use in a waterfront entertainment retail complex, as
7 defined by the County Executive; making a certain hotel issued a Class BH
8 license exempt from a certain definition; making a certain hotel issued a special
9 Sunday on-sale permit exempt from a certain requirement and penalty;
10 establishing a special Class B (convention hotel) (on- and off-sale) beer, wine
11 and liquor license, a special Class B (entertainment venue) (on-sale) beer, wine
12 and liquor license, and a Class A (entertainment district) (off-sale) beer, wine
13 and liquor license; requiring that the licenses be issued for use within a
14 waterfront entertainment retail complex; providing for fees, restrictions on, and
15 requirements for the licenses; authorizing the Board of License Commissioners
16 to transfer or issue certain licenses to a supermarket or grocery store within a
17 waterfront entertainment retail complex; and generally relating to alcoholic
18 beverages licenses in Prince George's County.

19 BY repealing and reenacting, without amendments,
20 Article 2B – Alcoholic Beverages
21 Section 6-201(r)(4)(i) and (5)(i) and (iii)3.
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article 2B – Alcoholic Beverages
 3 Section 6–201(r)(4)(iii)2.C. and (5)(iv) and 9–102(a–1)
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2006 Supplement)

6 BY adding to
 7 Article 2B – Alcoholic Beverages
 8 Section 6–201(r)(4)(viii) and (5)(vi), 8–217.1, and 9–102(a–2)
 9 Annotated Code of Maryland
 10 (2005 Replacement Volume and 2006 Supplement)

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

13 **Article 2B – Alcoholic Beverages**

14 6–201.

15 (r) (4) (i) There is a special Class B license known as Class BH, which
 16 may be issued only to hotels.

17 (iii) In this paragraph “hotel” means an establishment:

18 2. Which is equipped with:

19 C. [A] **EXCEPT AS PROVIDED IN SUBPARAGRAPH**
 20 **(VIII) OF THIS PARAGRAPH, A dining room with facilities for preparing and serving**
 21 **regular meals;**

22 **(VIII) A HOTEL NEED NOT BE EQUIPPED WITH A DINING ROOM**
 23 **WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS IF THE HOTEL**
 24 **OR ITS HOSPITALITY VENUE IS WITHIN A WATERFRONT ENTERTAINMENT**
 25 **RETAIL COMPLEX, AS DEFINED BY THE COUNTY EXECUTIVE, THAT HAS MORE**
 26 **THAN THREE RESTAURANTS WITHIN 1,500 FEET OF THE HOTEL OR HOSPITALITY**
 27 **VENUE.**

28 (5) (i) There is a special Sunday “on–sale” permit.

29 (iii) 3. The average daily receipts from the sale of food shall
 30 equal 40 percent of the total daily receipts from the sale of “on–sale” food and alcoholic
 31 beverages in the establishments where it is proposed to locate this permit, and the

1 ratio of food sales to the sale of alcoholic beverages has been maintained for at least 6
 2 months prior to the application for this permit. For a newly licensed establishment the
 3 Board may immediately authorize the issuance of a special Sunday “on-sale” permit if
 4 in the opinion of the Board and upon good cause shown the newly licensed
 5 establishment meets the specifications of paragraph (2) of this subsection pertaining to
 6 the preparation, serving and sale of food and if the holder of the license complies with
 7 the provision of this paragraph. Applicants for a special Sunday “on-sale” permit
 8 shall furnish the Board with any proof it considers necessary indicating the
 9 qualifications of the establishment to be issued this permit.

10 (iv) 1. The holder of a special Sunday “on-sale” permit is
 11 subject to all other provisions of this article pertaining to Class B beer, wine and liquor
 12 licenses, except that any restrictions on the sale of alcoholic beverages on Sunday
 13 appearing in § 11-517 of this article and elsewhere may not apply.

14 2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (VI) OF
 15 THIS PARAGRAPH:

16 A. Holders of this permit shall submit to the Board,
 17 from time to time at regular intervals to be established by the Board, a statement
 18 indicating in detail the ratio of food sales to the sales of alcoholic beverages[.]; AND

19 B. If the average daily receipts from the sale of food fail
 20 for 3 successive months to equal 40 percent of the total daily receipts from the sale of
 21 food and alcoholic beverages, the Board shall cancel this permit.

22 3. Class B beer, wine and liquor licensees with a special
 23 Sunday “on-sale” permit and Class BH licensees may sell beer, wine and liquor by the
 24 drink from the bar or a cocktail lounge to persons on the licensed premises.

25 (VI) THE REQUIREMENT THAT A STATEMENT BE SUBMITTED
 26 TO THE BOARD OF LICENSE COMMISSIONERS UNDER SUBPARAGRAPH (IV)2A
 27 OF THIS PARAGRAPH AND THE PENALTY PROVISION UNDER SUBPARAGRAPH
 28 (IV)2B OF THIS PARAGRAPH DO NOT APPLY TO A HOTEL IF THE HOTEL OR ITS
 29 HOSPITALITY VENUE IS WITHIN A WATERFRONT ENTERTAINMENT RETAIL
 30 COMPLEX, AS DEFINED BY THE COUNTY EXECUTIVE, THAT HAS MORE THAN
 31 THREE RESTAURANTS WITHIN 1,500 FEET OF THE HOTEL OR HOSPITALITY
 32 VENUE.

33 8-217.1.

1 **(A) THE BOARD OF LICENSE COMMISSIONERS OF PRINCE GEORGE'S**
2 **COUNTY MAY ISSUE ANY OF THE LICENSES IN THIS SECTION FOR USE WITHIN A**
3 **WATERFRONT ENTERTAINMENT RETAIL COMPLEX, AS DEFINED BY THE COUNTY**
4 **EXECUTIVE.**

5 **(B) (1) THERE IS A SPECIAL CLASS B (CONVENTION HOTEL)**
6 **(ON- AND OFF-SALE) BEER, WINE AND LIQUOR LICENSE.**

7 **(2) THE LICENSE MAY BE ISSUED FOR USE BY A CONVENTION**
8 **HOTEL WITH:**

9 **(I) MORE THAN 300,000 SQUARE FEET OF EXHIBITION**
10 **SPACE;**

11 **(II) MORE THAN 1,400 HOTEL ROOMS; AND**

12 **(III) AT LEAST THREE RESTAURANT VENUES.**

13 **(3) THE ANNUAL LICENSE FEE IS \$5,000.**

14 **(4) A HOLDER OF THE LICENSE:**

15 **(I) MAY EXERCISE SUNDAY SALES PRIVILEGES; BUT**

16 **(II) NEED NOT SERVE FOOD.**

17 **(C) (1) THERE IS A SPECIAL CLASS B (ENTERTAINMENT VENUE)**
18 **(ON-SALE) BEER, WINE AND LIQUOR LICENSE.**

19 **(2) THE LICENSE MAY BE ISSUED FOR USE BY AN**
20 **ESTABLISHMENT THAT:**

21 **(I) PROVIDES COMEDY, DANCING, MUSIC, THEATER, OR**
22 **SIMILAR ART; BUT**

23 **(II) MAY NOT PROVIDE MOVIES OR ENTERTAINMENT**
24 **PROHIBITED BY COUNTY LAW.**

25 **(3) THE ANNUAL LICENSE FEE IS \$2,750.**

1 **(4) A HOLDER OF THE LICENSE:**

2 **(I) MAY EXERCISE SUNDAY SALES PRIVILEGES; BUT**

3 **(II) NEED NOT SERVE FOOD.**

4 **(D) (1) THERE IS A CLASS A (ENTERTAINMENT DISTRICT)**
5 **(OFF-SALE) BEER, WINE AND LIQUOR LICENSE.**

6 **(2) AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE BOARD**
7 **OF LICENSE COMMISSIONERS FOR ITS APPROVAL A MAP SHOWING THE**
8 **BOUNDARIES OF A PROPOSED ENTERTAINMENT DISTRICT WITHIN WHICH**
9 **PATRONS MAY CONSUME ALCOHOLIC BEVERAGES PURCHASED FROM THE**
10 **LICENSE HOLDER.**

11 **(3) IF THE BOARD APPROVES THE MAP, THE BOARD MAY ISSUE A**
12 **LICENSE TO THE OPERATOR, DEVELOPER, OR LANDLORD OF THE MAJORITY OF**
13 **PROPERTIES OR VENUES ADJACENT TO THE BOUNDARIES OF THE DEFINED**
14 **ENTERTAINMENT DISTRICT.**

15 **(4) THE BOARD MAY IMPOSE ON THE LICENSE HOLDER ANY**
16 **REQUIREMENT IT CONSIDERS NECESSARY, INCLUDING REQUIREMENTS**
17 **REGARDING ACCESS TO THE DISTRICT AND TIME THAT THE PRIVILEGES**
18 **CONFERRED BY THE LICENSE MAY BE USED.**

19 **(5) (I) THE ANNUAL LICENSE FEE IS \$2,500.**

20 **(II) AN ADDITIONAL ANNUAL FEE OF \$500 SHALL BE**
21 **CHARGED FOR EACH VENUE THAT MAY SELL OR SERVE ALCOHOLIC BEVERAGES**
22 **BUT THAT DOES NOT HAVE A LICENSE AT THE TIME THE CLASS A**
23 **(ENTERTAINMENT DISTRICT) LICENSE IS ISSUED.**

24 9-102.

25 (a-1) [A] **EXCEPT AS PROVIDED IN SUBSECTION (A-2) OF THIS SECTION, A**
26 **Class A, B, or D beer license, beer and wine license, or beer, wine and liquor license,**
27 **except by way of renewal, may not be granted, transferred, or issued to, or for use in**
28 **conjunction with, or upon the premises of any business establishment of the type**
29 **commonly known as chain stores, supermarkets, or discount houses. This subsection**

1 does not apply to or affect any business establishment already holding such a license
2 or the possibility of such licensee having the license transferred to a similar type of
3 business establishment. Discount houses do not include licensees who sell at discount
4 prices.

5 **(A-2) THE BOARD OF LICENSE COMMISSIONERS OF PRINCE**
6 **GEORGE'S COUNTY MAY ISSUE OR APPROVE THE TRANSFER OF A CLASS A, B,**
7 **OR D BEER AND WINE LICENSE OR A CLASS A, B, OR D BEER, WINE AND LIQUOR**
8 **LICENSE TO A SUPERMARKET OR GROCERY STORE THAT IS WITHIN A**
9 **WATERFRONT ENTERTAINMENT RETAIL COMPLEX, AS DEFINED BY THE COUNTY**
10 **EXECUTIVE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 June 1, 2007.