

# HOUSE BILL 1153

A2

EMERGENCY BILL

71r2847  
CF SB 845

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By: **Carroll County Delegation**

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County – Alcoholic Beverages – Quota for Class A Licenses**

3 FOR the purpose of establishing a certain quota of Class A beer, beer and light wine,  
4 and beer, wine and liquor licenses for each election district in Carroll County;  
5 requiring the Board of License Commissioners to determine the population of  
6 each election district by using a certain report of the Carroll County Planning  
7 Commission; prohibiting a Class A license to be issued on or after a certain date  
8 under certain circumstances; providing that, for purposes of this Act, the  
9 renewal or transfer of a license is not a new license; making this Act an  
10 emergency measure; and generally relating to alcoholic beverages licenses in  
11 Carroll County.

12 BY repealing and reenacting, with amendments,  
13 Article 2B – Alcoholic Beverages  
14 Section 9–207  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2006 Supplement)

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

19 **Article 2B – Alcoholic Beverages**

20 9–207.

21 (a) This section applies only in Carroll County.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The restrictions imposed by **SUBSECTIONS (C) THROUGH (G) OF** this  
2 section apply only to micro-brewery licenses, as set forth in § 2-208 of this article.

3 (c) In this section, "protected building" means any elementary or secondary  
4 school and church or other place of worship.

5 (d) The distance restriction requirement between a licensed premises and a  
6 protected building is 300 feet.

7 (e) This distance shall be measured from the nearest point of the building in  
8 which the licensed premises is located to the nearest point of the property line on  
9 which the protected building is located.

10 (f) If a licensed premises preceded the location of the protected building but  
11 the protected building is located within 300 feet of a licensed premises, the Office of  
12 the Comptroller may renew the license.

13 (g) Distance restriction requirements do not apply to any licensed premises  
14 in existence on July 1, 1997.

15 **(H) (1) THE AGGREGATE NUMBER OF ALL CLASS A BEER, BEER AND**  
16 **LIGHT WINE, AND BEER, WINE AND LIQUOR LICENSES IN EACH ELECTION**  
17 **DISTRICT MAY NOT TOTAL MORE THAN ONE FOR EVERY 5,000 INDIVIDUALS.**

18 **(2) THE BOARD OF LICENSE COMMISSIONERS SHALL**  
19 **DETERMINE THE POPULATION OF EACH ELECTION DISTRICT BY USING THE**  
20 **MOST RECENTLY PUBLISHED POPULATION REPORT OF THE CARROLL COUNTY**  
21 **PLANNING COMMISSION.**

22 **(3) A CLASS A LICENSE, REGARDLESS OF KIND, MAY NOT BE**  
23 **ISSUED ON OR AFTER JULY 1, 2007, IF IN THE ELECTION DISTRICT IN WHICH**  
24 **THE LICENSE WOULD BE LOCATED:**

25 **(I) THE RATIO ALREADY EXCEEDS ONE CLASS A LICENSE**  
26 **FOR EVERY 5,000 INDIVIDUALS; OR**

27 **(II) THE ISSUANCE OF THE LICENSE WOULD CAUSE THE**  
28 **RATIO TO EXCEED ONE CLASS A LICENSE FOR EVERY 5,000 INDIVIDUALS.**

1                   **(4) FOR THE PURPOSES OF THIS SECTION, THE RENEWAL OR**  
2 **TRANSFER OF A LICENSE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS**  
3 **IS NOT A NEW LICENSE.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
5 measure, is necessary for the immediate preservation of the public health or safety,  
6 has been passed by a yea and nay vote supported by three-fifths of all the members  
7 elected to each of the two Houses of the General Assembly, and shall take effect from  
8 the date it is enacted.