

HOUSE BILL 1153

A2

EMERGENCY BILL

71r2847
CF SB 845

By: **Carroll County Delegation**

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, February 26, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2007

CHAPTER _____

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 new Class A license to be issued ~~on or after a certain~~
8 ~~date~~ under certain circumstances; specifying a certain exception; providing that,
9 for purposes of this Act, the renewal or transfer of a license is not a new license;
10 making this Act an emergency measure; and generally relating to alcoholic
11 beverages licenses in 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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article 2B - Alcoholic Beverages

9-207.

(a) This section applies only in Carroll County.

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

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

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

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

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

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

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

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

(3) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A NEW CLASS A LICENSE, REGARDLESS OF KIND, MAY NOT BE ISSUED ~~ON OR AFTER JULY 1, 2007,~~ IF IN THE ELECTION DISTRICT IN WHICH THE LICENSE WOULD BE LOCATED:

1 (I) THE RATIO ALREADY EXCEEDS ONE CLASS A LICENSE
2 FOR EVERY 5,000 INDIVIDUALS; OR

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

5 (4) FOR THE PURPOSES OF THIS SECTION, THE RENEWAL OR
6 TRANSFER OF A LICENSE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS
7 IS NOT A NEW LICENSE.

8 (5) A WINERY THAT APPLIES FOR A CLASS A LIGHT WINE
9 LICENSE UNDER § 4-201 OF THIS ARTICLE IS EXEMPT FROM THE QUOTA
10 LIMITATIONS ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.