

## CHAPTER 358

(Senate Bill 845)

AN ACT concerning

### Carroll County – Alcoholic Beverages – Quota for Class A Licenses

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

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

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

### 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:**

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

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

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

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

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

**Approved by the Governor, May 8, 2007.**