

HOUSE BILL 1013

A2

8lr0628

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

Introduced and read first time: February 7, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2008

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Class BH (Hotel) Licenses**
3 **and Class B-DD (Development District) ~~Alcoholic Beverages~~ Licenses –**
4 **Greenbelt Station**

5 **PG 310-08**

6 FOR the purpose of altering the annual license fee for a BH (Hotel) license; altering
7 the hours for licensed premises with a BH license to sell alcoholic beverages on
8 Sunday; repealing the limitation on the number of BH licenses that an
9 individual, partnership, or corporation may hold; repealing the limitation on the
10 number of BH licenses that the Board of License Commissioners may issue;
11 exempting BH licenses from certain limitations on granting licenses
12 within certain distances of certain schools or churches; altering the areas
13 in Prince George's County in which a Class B-DD (Development District) 7-day
14 beer, wine and liquor license for on-sale consumption may be issued; specifying
15 that a Class B-DD license may be issued under certain conditions for
16 restaurants located within Greenbelt Station; clarifying the conditions for the
17 issuance of a certain license; making stylistic changes; and generally relating to
18 alcoholic beverages licenses in Prince George's County.

19 BY repealing and reenacting, without amendments,
20 Article 2B – Alcoholic Beverages
21 Section 6-201(r)(1)(i), (4)(i), and (15)(i), (ii), (iii), (v), (vii), and (viii) and 9-217(a)
22 and (e)(1)
23 Annotated Code of Maryland
24 (2005 Replacement Volume and 2007 Supplement)

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.



1 BY repealing and reenacting, with amendments,
2 Article 2B – Alcoholic Beverages
3 Section ~~6-201(r)(15)(iv)~~ 6-201(r)(4)(ii), (iv), (vi), and (vii) and (15)(iv), (vi), and
4 (ix), 9-201(a), and 9-217(f)(7) 9-217(b)(15), (e)(5), and (f)(7)
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2007 Supplement)

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

9 **Article 2B – Alcoholic Beverages**

10 6-201.

11 (r) (1) (i) This subsection applies only in Prince George’s County.

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

14 (ii) The annual license fee is [\$3,850] **\$5,000.**

15 (iv) Class BH licenses are subject to all other provisions
16 pertaining to Class B beer, wine and liquor licenses, except that any restrictions
17 against the sale of alcoholic beverages on Sunday appearing in § 11-517 of this article
18 and elsewhere in this article do not apply; and any alcoholic beverages may not be
19 sold, served or consumed on the licensed premises on Sunday after 2 a.m. and before
20 [12 noon] **10 A.M.**

21 (vi) [Notwithstanding the provisions of § 9-102 of this article or
22 other provisions of this article, an individual, partnership, or corporation may not hold
23 or have an interest in more than four Class BH licenses.

24 (vii) The Board shall adopt regulations to establish compliance
25 with the provisions of this paragraph.

26 (15) (i) There is a Class B-DD (Development District) 7-day beer,
27 wine and liquor license.

28 (ii) Only on-sale consumption is permitted.

29 (iii) The annual license fee is \$2,750.

30 (iv) A Class B-DD license may be issued only for a restaurant
31 within [an] **ANY SINGLE** area designated in § 9-217(f)(7) of this article.

(v) Ownership of a Class B-DD license may be transferred from one license holder to another if the license is to be used at the same location but may not be transferred for use at a different location.

(vi) 1. The Board of License Commissioners shall determine the number of Class B-DD licenses to be issued, the persons to whom Class B-DD licenses are to be issued, and the number of licenses each recipient may hold.

2. Notwithstanding subsubparagraph 1 of this subparagraph, the Board of License Commissioners may not issue a Class B-DD license to any restaurant located within [the] **A SINGLE** area described in § 9-217(f)(7) of this article, if, at the time of issuance:

A. There are four restaurants operating with a Class B-DD license within that area; or

B. The applicant for that license is the license holder of three Class B-DD licenses [for restaurants operating within that area].

(vii) Notwithstanding any other provision of this article, a license holder may hold a Class B-DD license in addition to any other license issued under this article.

(viii) A Class B-DD license may not be issued to a restaurant located within a chain store, supermarket, discount house, drug store, or convenience store.

(ix) 1. A restaurant in [the Capital Plaza commercial] **A SINGLE** area described in § 9-217(f)(7) of this article is not eligible for a Class B-DD license unless:

A. It satisfies all of the requirements set forth in paragraph (1)(ii)3 of this subsection; and

B. Its average daily receipts from the sale of food and nonalcoholic beverages exceed its average daily receipts from the sale of alcoholic beverages.

2. The Board of License Commissioners may revoke a license in order to enforce the provisions of this subparagraph.

3. A license holder for a restaurant described in subsubparagraph 1 of this subparagraph shall submit a monthly report to the Board of License Commissioners of the restaurant's average daily receipts from the sale of food and nonalcoholic beverages and the restaurant's average daily receipts from the sale of alcoholic beverages to verify that the restaurant has met the requirements of subsubparagraph 1 of this subparagraph.

1 9-102.

2 (a) No more than one license provided by this article, except by way of
3 renewal or as otherwise provided in this section, shall be issued in any county or
4 Baltimore City, to any person, or for the use of any partnership, corporation,
5 unincorporated association, or limited liability company, in Baltimore City or any
6 county of the State, and no more than one license shall be issued for the same
7 premises except as provided in §§ 2-201 through 2-208, 2-301, and 6-701 OF THIS
8 ARTICLE, and nothing herein shall be construed to apply to [§ 6-201(r)(15)] §
9 **6-201(R)(4) AND (15),** § 7-101(b) and (c), § 8-202(g)(2)(ii) and (iii), § 8-508, or §
10 12-202 of this article.

11 9-217.

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

13 (b) The number of licenses of each class of alcoholic beverage licenses may
14 not exceed the following maximum amounts:

15 (15) [Beer, wine and liquor license, Class BH..... 25] **RESERVED.**

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

23 (5) This subsection does not apply to any license issued under §
24 6-201(r)(2), **(4)**, (5), or (15) or § 7-101 of this article.

25 (f) (7) Subject to § 6-201(r)(15) of this article, the Board of License
26 Commissioners may [issue up] **ISSUE:**

27 (I) **UP** to four Class B-DD [(development district)]
28 **(DEVELOPMENT DISTRICT)** licenses for restaurants located within the Capital Plaza
29 commercial area, consisting of commercial properties within the area bounded by the
30 Baltimore-Washington Parkway on the west and northwest, Maryland Route 450 on
31 the south, and Cooper Lane on the east and northeast; **AND**

32 (II) **UP TO FOUR CLASS B-DD (DEVELOPMENT DISTRICT)**
33 **LICENSES FOR RESTAURANTS LOCATED WITHIN THE AREA OF GREENBELT**
34 **STATION, LOCATED INSIDE THE CAPITAL BELTWAY AND ADJACENT TO THE**
35 **GREENBELT METRO STATION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.