

CHAPTER 676

(House Bill 1013)

AN ACT concerning

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

PG 310-08

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

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 6-201(r)(1)(i), (4)(i), and (15)(i), (ii), (iii), (v), (vii), and (viii) and 9-217(a) and (e)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section ~~6-201(r)(15)(iv)~~ 6-201(r)(4)(ii), (iv), (vi), and (vii) and (15)(iv), (vi), and (ix), 9-201(a), and ~~9-217(f)(7)~~ 9-217(b)(15), (e)(5), and (f)(7)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

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

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

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

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

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

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

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

(ii) Only on–sale consumption is permitted.

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

(iv) A Class B–DD license may be issued only for a restaurant 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.

9-102.

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

9-217.

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 22, 2008.