

SENATE BILL 106

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By: **Anne Arundel County Senators**

Introduced and read first time: January 15, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages Act of 2009**

3 FOR the purpose of altering certain alcoholic beverages license fees in Anne Arundel
4 County; establishing certain hotel–limited service licenses in the county;
5 authorizing the Board of License Commissioners to issue the hotel–limited
6 service licenses to certain persons; providing for the privileges and annual fees
7 for the hotel–limited service licenses; requiring the Board to obtain criminal
8 records of alcoholic beverages license applicants from certain governmental
9 units, require applicants for licenses to be fingerprinted, and forward the
10 fingerprints to certain governmental units; establishing a certain nonrefundable
11 license renewal fee; authorizing the Board to issue a special outdoor license and
12 a special outdoor entertainment license to holders of certain licenses; providing
13 for the privileges, annual fees, and renewal requirement for special outdoor
14 licenses and special outdoor entertainment licenses; authorizing the Board to
15 employ a part–time deputy chief inspector at a certain annual salary; altering
16 the number of part–time inspectors that the Board may employ; altering the
17 annual salary of the attorney for the Board; altering the penalty the Board may
18 impose for a violation that is cause for suspension of a license; making certain
19 stylistic changes; defining a certain term; and generally relating to alcoholic
20 beverages in Anne Arundel County.

21 BY repealing and reenacting, with amendments,

22 Article 2B – Alcoholic Beverages

23 Section 1–102(b), 5–101(c)(1), 5–201(c), 5–202(d), 5–301(c), 5–401(c)(1)(i),
24 6–101(c), 6–201(c), 6–301(c)(2), (5)(ii), (6)(ii), and (7)(ii), 6–401(c)(3),
25 7–101(b)(2)(i) and (d)(2), 8–202(d)(4)(ii) and (5), (e)(3), (h)(4)(i), and
26 (i)(4)(i), 8–202.1(f), 12–202(a), 15–112(c)(3) and (5)(iii), and 16–507(c)(1)

27 Annotated Code of Maryland

28 (2005 Replacement Volume and 2008 Supplement)

29 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 2B – Alcoholic Beverages
 2 Section 4–201(a)(1), 5–101(a)(1), 5–202(b)(1), 5–301(a)(1), 5–401(a)(1),
 3 6–101(a)(1), 6–301(a)(1), (c)(1), (5)(i), (6)(i), and (7)(i), 6–401(a)(1) and
 4 (c)(1), 7–101(b)(1)(i), 8–202(a), (b)(1) and (2), (e)(1), (h)(3), and (i)(1),
 5 8–202.1(a) and (c)(1), and 15–112(c)(1)(i)
 6 Annotated Code of Maryland
 7 (2005 Replacement Volume and 2008 Supplement)

8 BY adding to
 9 Article 2B – Alcoholic Beverages
 10 Section 4–201(b)(7), 8–202(j), 10–103(b)(13)(xv), and 10–301(u)
 11 Annotated Code of Maryland
 12 (2005 Replacement Volume and 2008 Supplement)

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

15 **Article 2B – Alcoholic Beverages**

16 1–102.

17 (b) (1) In this article the following words have the meanings indicated
 18 within the specified subdivisions.

19 **(2) IN ANNE ARUNDEL COUNTY, “TAXPAYER” MEANS AN**
 20 **INDIVIDUAL WHO OWNS REAL PROPERTY IN THE INDIVIDUAL’S OWN NAME,**
 21 **INDIVIDUALLY OR JOINTLY WITH OTHERS, AND PAYS REAL PROPERTY TAXES TO**
 22 **ANNE ARUNDEL COUNTY.**

23 **[(2)] (3)** In Prince George’s and St. Mary’s counties “taxpayer” means
 24 a resident who pays either real estate tax, income tax, or both.

25 **[(3)] (4)** In Wicomico County, “bowling alley” means an
 26 establishment in which the primary business activity is to provide bowling lanes and
 27 bowling activities for the public, and which may be equipped with a dining room or
 28 snack bar area for the sale of food and beverages.

29 **[(4)] (5)** In Worcester [County] **COUNTY**, “taxpayer” means an
 30 individual who owns real estate in Worcester County in his own name, either
 31 individually or jointly with others, and actually pays real estate tax in Worcester
 32 County.

33 4–201.

34 (a) A Class A light wine license may be issued only in:

35 (1) Anne Arundel County;

1 (b) (7) IN ANNE ARUNDEL COUNTY THE ANNUAL FEE FOR THIS
2 LICENSE IS \$60.

3 5-101.

4 (a) (1) A Class A beer and light wine license shall be issued by the license
5 issuing authority of the county in which the place of business is located. The holder of
6 the license may keep for sale and sell beer and light wines at retail, in any quantity to
7 any consumers, at the place described in the license. The holder shall deliver the beer
8 and light wines in a sealed package or container, which package or container may not
9 be opened nor its contents consumed on the premises where sold.

10 (c) (1) In Anne Arundel County the annual license fee is [~~\$200~~] **\$240**.

11 5-201.

12 (c) (1) This subsection applies only in Anne Arundel County.

13 (2) The annual license fee for a Class B beer and light wine license is
14 [~~\$400~~] **\$480**.

15 [(3) (i) There is a Class B-LSH (limited service hotel) beer and light
16 wine license for use in a hotel that contains more than 100 rooms and operates a
17 kitchen licensed as a food service facility.

18 (ii) The annual license fee is \$2,000.

19 (iii) A Class B-LSH license authorizes the licensee to sell beer
20 and light wine in containers to registered guests, who may consume the beverage in
21 their hotel rooms or remove unopened containers from the hotel premises.]

22 5-202.

23 (b) (1) A Class H beer and light wine license shall be issued by the license
24 issuing authority of the county in which the place of business is located. The license
25 authorizes the holder to keep for sale and sell beer and light wines at retail at any
26 hotel or restaurant, at the place described in the license, for consumption on the
27 premises.

28 (d) In Anne Arundel County the annual license fee is [~~\$300~~] **\$360**.

29 5-301.

30 (a) (1) Except as provided in subsection (n) of this section, a Class C beer
31 and light wine license shall be issued by the license issuing authority of the county in
32 which the place of business is located. The holder of the license may keep for sale and

1 sell beer and light wines at retail to bona fide members and their guests, at any club,
2 at the place described in the license, for consumption on the premises only.

3 (c) In Anne Arundel County the annual license fee is [~~\$100~~] **\$120**.

4 5-401.

5 (a) (1) A Class D beer and light wine license shall be issued by the license
6 issuing authority of the county in which the place of business is located. The license
7 authorizes its holder to keep for sale and to sell beer and light wines at retail, at the
8 place described in the license, for consumption on the premises or elsewhere. The
9 license may not be issued for any drugstore.

10 (c) (1) (i) In Anne Arundel County the annual license fee is [~~\$400~~]
11 **\$480**.

12 6-101.

13 (a) (1) A Class A beer, wine and liquor license shall be issued by the
14 license issuing authority of the county in which the place of business is located. The
15 license authorizes the holder to keep for sale and to sell all alcoholic beverages at
16 retail, in any quantity, at the place described in the license. The licensee shall deliver
17 the alcoholic beverages in a sealed package or container and the package or container
18 may not be opened nor its contents consumed on the premises where sold.

19 (c) In Anne Arundel County the annual license fee is [~~\$600~~] **\$720**.

20 6-201.

21 (c) (1) The provisions of this subsection apply only in Anne Arundel
22 County and do not apply to the City of Annapolis.

23 (2) The annual fee for a Class B license is [~~\$900~~] **\$1,080**.

24 (3) (i) A Class H beer, wine and liquor license authorizes the
25 holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for
26 consumption on the premises.

27 (ii) The annual fee for this license is [~~\$800~~] **\$960**.

28 6-301.

29 (a) (1) Except as provided in subsection (n) of this section, a Class C beer,
30 wine and liquor license shall be issued by the license issuing authority of the county in
31 which the place of business is located. It authorizes the holder to keep for sale and sell
32 all alcoholic beverages at retail at any club, at the place described in the license, for
33 consumption on the premises only.

- 1 (c) (1) This subsection applies only in Anne Arundel County.
- 2 (2) The annual license fee is [~~\$400~~] **\$480**.
- 3 (5) (i) There is a special Class C (yacht club) license.
- 4 (ii) The annual license fee is [~~\$1,500~~] **\$1,800**.
- 5 (6) (i) There is a special Class C (golf and country club) license.
- 6 (ii) The annual license fee is [~~\$1,500~~] **\$1,800**.
- 7 (7) (i) There is a special Class C (country club) license.
- 8 (ii) The annual license fee is [~~\$625~~] **\$750**.

9 6-401.

10 (a) (1) A Class D beer, wine and liquor license shall be issued by the
11 license issuing authority of the county in which the place of business is located. It
12 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the
13 place described in it, for consumption on the premises or elsewhere. A license may not
14 be issued for any drugstore.

- 15 (c) (1) This subsection applies only in Anne Arundel County.
- 16 (3) (i) The annual license fee for a limited Class D license is [~~\$900~~]
17 **\$1,080**.
- 18 (ii) The annual license fee for a Class D on- and off-sale license
19 is [~~\$1,000~~] **\$1,200**.

20 7-101.

21 (b) (1) (i) Subject to subsection (a) of this section, a special Class C
22 beer license or a special Class C beer and wine license entitles the holder to exercise
23 any of the privileges conferred by the respective classes of licenses for the use of any
24 person holding any bona fide entertainment conducted by any club, society or
25 association at the place described in the license, for a period not exceeding seven
26 consecutive days from the effective date thereof.

- 27 (2) In Anne Arundel County:
- 28 (i) The fee is [~~\$10~~] **\$25** per day; and

29 (d) (2) In Anne Arundel County:

1 (i) A special beer, wine and liquor license, Class C licensee may
2 purchase beer from a wholesaler;

3 (ii) The fee is [~~\$25~~] **\$50** per day; and

4 (iii) The provisions of §§ 10–103(b) and 10–202 of this article and
5 § 10–501 of the State Government Article do not apply to an applicant for the license.
6 8–202.

7 (a) This section applies only in Anne Arundel County.

8 (b) (1) In this section the following words have the meanings indicated.

9 (2) “Board” means the Board of License Commissioners.

10 (d) (4) (ii) A “special Sunday license” may not be issued to any person:

11 **1. WHO HOLDS A HOTEL–LIMITED SERVICE LICENSE**
12 **UNDER SUBSECTION (J) OF THIS SECTION; OR**

13 **2. [who] WHO** does not hold an alcoholic beverages
14 license of some other class issued by the Board.

15 (5) (i) The annual fee for each beer and light wine “special Sunday
16 license” is [~~\$50~~] **\$60**.

17 (ii) The annual fee for each beer, wine and liquor “special
18 Sunday license” is [~~\$100~~] **\$120**.

19 (e) (1) There is a racetrack license.

20 (3) The license fee is [~~\$50~~] **\$60** per day to be paid on January 1 for
21 the racing of the preceding year, payable to the Board. It entitles the holder to sell at
22 one or more locations within its park.

23 (h) (3) The Board may issue a resort complex license covering “on–sales”
24 of beer, wine and liquor to any person, for the sale of any and all alcoholic beverages
25 within the confines of the resort complex. This license shall be issued only to the
26 person, firm, or corporation owning or leasing a resort complex.

27 (4) (i) The annual license fee is [~~\$1,500~~] **\$1,800**.

28 (i) (1) There is a motel/hotel–restaurant license.

1 (4) (i) The annual license fee for each separate establishment is
2 [\$3,000] **\$3,600.**

3 (j) (1) (i) **THERE IS A BEER AND WINE (HOTEL-LIMITED SERVICE)**
4 **(ON-SALE) LICENSE.**

5 (ii) **THERE IS A BEER, WINE AND LIQUOR (HOTEL-LIMITED**
6 **SERVICE) (ON-SALE) LICENSE.**

7 (2) **THE BOARD MAY ISSUE A LICENSE UNDER PARAGRAPH (1)(I)**
8 **OR (II) OF THIS SUBSECTION ONLY TO A PERSON WHO OWNS OR LEASES A**
9 **HOTEL THAT CONTAINS AT LEAST 50 ROOMS AND OPERATES A KITCHEN**
10 **LICENSED AT LEAST AS A FOOD SERVICE FACILITY.**

11 (3) **A LICENSE ISSUED UNDER THIS SUBSECTION ENTITLES THE**
12 **HOLDER TO SELL ALCOHOLIC BEVERAGES EVERY DAY AT ONE OR MORE**
13 **LOCATIONS WITHIN THE HOTEL.**

14 (4) **THE ANNUAL LICENSE FEE IS:**

15 (i) **\$2,400 FOR A BEER AND WINE (HOTEL-LIMITED**
16 **SERVICE) LICENSE; AND**

17 (ii) **\$2,800 FOR A BEER, WINE AND LIQUOR**
18 **(HOTEL-LIMITED SERVICE) LICENSE.**

19 (5) **THE ANNUAL LICENSE FEE SHALL BE PAID ON MAY 1 TO THE**
20 **BOARD.**

21 8-202.1.

22 (a) This section applies only in Anne Arundel County.

23 (c) (1) There is a 7-day Class BLX (deluxe restaurant) (on-sale) beer,
24 wine and liquor license.

25 (f) The annual license fee is [\$1,000] **\$1,200.**

26 10-103.

27 (b) (13) (xv) **IN ANNE ARUNDEL COUNTY, THE BOARD OF LICENSE**
28 **COMMISSIONERS SHALL:**

29 1. **OBTAIN CRIMINAL RECORDS OF ALCOHOLIC**
30 **BEVERAGES LICENSE APPLICANTS FROM THE ANNE ARUNDEL COUNTY POLICE**
31 **DEPARTMENT AND THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL**

1 **REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
2 **SERVICES;**

3 **2. REQUIRE APPLICANTS FOR ALCOHOLIC**
4 **BEVERAGES LICENSES TO BE FINGERPRINTED; AND**

5 **3. FORWARD THE FINGERPRINTS THROUGH THE**
6 **CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE**
7 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR**
8 **TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL**
9 **CRIMINAL HISTORY RECORDS CHECK.**

10 10-301.

11 **(U) IN ANNE ARUNDEL COUNTY, AN APPLICANT FOR A RENEWAL OF A**
12 **LICENSE SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE**
13 **RENEWAL FEE OF \$50 IN ADDITION TO THE ANNUAL LICENSE FEE.**

14 12-202.

15 (a) In Anne Arundel County no holder of any class of alcoholic beverage
16 license or the holder of a club license shall permit the playing of music of any kind
17 (except one radio speaker or one television screen), or dancing, floor shows, or any
18 other similar type of entertainment on the licensed premises or on adjacent property
19 over which the licensee has ownership or control, except:

20 (1) Any holder of a Class B, Class D, or Class H license shall be
21 permitted to play recorded music of any kind, or live music with no more than two
22 musicians if the licensee obtains a special music license. A special music license may
23 be issued in the same manner as any other special license. The annual fee for the
24 license shall be \$100. Dancing, floor shows, or other similar live entertainment may
25 not be permitted.

26 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
27 any holder of a Class B, Class D or Class H license shall be permitted to have music,
28 dancing and other legal forms of entertainment, provided the licensee obtains a special
29 dancing license which shall be issued in the same manner as any other special license.
30 The annual fee shall be \$400 when issued to a licensee holding a beer, wine and liquor
31 license and \$200 when issued to a licensee holding a beer and wine license.

32 (ii) A Class H license that is located within 1,000 feet in a
33 straight line from entry to entry from a church or school may not obtain a special
34 dancing license.

35 (3) Any holder of a Class C license shall be permitted to have music,
36 dancing and other legal forms of entertainment, provided the licensee obtains a special

1 dancing license which shall be issued in the same manner as any other special license
2 at no additional charge.

3 (4) (I) THE BOARD MAY ISSUE A SPECIAL OUTDOOR LICENSE
4 TO A HOLDER OF A CLASS B, CLASS C, CLASS D, OR CLASS H LICENSE.

5 (II) A SPECIAL OUTDOOR LICENSE UNDER THIS PARAGRAPH
6 ENTITLES THE HOLDER TO PROVIDE OUTDOOR TABLE SERVICE TO CUSTOMERS
7 ON THE GROUNDS OF THE LICENSED ESTABLISHMENT.

8 (III) THE ANNUAL FEE FOR A SPECIAL OUTDOOR LICENSE IS
9 \$200.

10 (IV) BEFORE A SPECIAL OUTDOOR LICENSE IS RENEWED, A
11 HOLDER SHALL OBTAIN APPROVAL FROM THE BOARD.

12 (5) (I) THE BOARD MAY ISSUE A SPECIAL OUTDOOR
13 ENTERTAINMENT LICENSE TO A HOLDER OF A CLASS B, CLASS C, CLASS D, AND
14 CLASS H LICENSE WHO ALSO HOLDS A SPECIAL DANCING LICENSE OR A
15 SPECIAL MUSIC LICENSE UNDER PARAGRAPH (1), (2), OR (3) OF THIS
16 SUBSECTION.

17 (II) A SPECIAL OUTDOOR ENTERTAINMENT LICENSE UNDER
18 THIS PARAGRAPH ENTITLES THE HOLDER TO PROVIDE:

19 1. THE SAME FORM OF ENTERTAINMENT OUTDOORS
20 THAT THE HOLDER IS ALLOWED TO PROVIDE INDOORS UNDER THE HOLDER'S
21 SPECIAL DANCING LICENSE OR SPECIAL MUSIC LICENSE; AND

22 2. OUTDOOR TABLE SERVICE OR CAFE SERVICE.

23 (III) THE ANNUAL FEE FOR A SPECIAL OUTDOOR
24 ENTERTAINMENT LICENSE IS \$500.

25 (IV) BEFORE A SPECIAL OUTDOOR ENTERTAINMENT
26 LICENSE IS RENEWED, THE HOLDER OF THE LICENSE SHALL
27 OBTAIN APPROVAL FROM THE BOARD.

28 [(4)] (6) All special licenses set forth in paragraphs (1), (2), [and] (3),
29 [above] (4), AND (5) OF THIS SUBSECTION shall be authorized by the Board of
30 License Commissioners for Anne Arundel County only when the Board finds:

31 (i) That the use of the licensed premises for such purposes shall
32 not be in violation of any fire, health, or building regulation of Anne Arundel County,

1 (ii) That the applicant can adequately control the persons using
2 the licensed premises,

3 (iii) That the granting of such special license is necessary for the
4 accommodation of the public,

5 (iv) That the operation of the premises under such special
6 license will not unduly disturb the peace of the residents of the neighborhood in which
7 the place of business is located, and

8 (v) That in the opinion of the Board the granting of such special
9 license will not be detrimental to the general public welfare.

10 15–112.

11 (c) (1) (i) This subsection applies only in Anne Arundel County.

12 (3) (I) In addition to the powers given to the Board in subsection
13 (a) of this section, the Board may employ one part–time chief inspector at an annual
14 salary of \$10,000, **ONE PART–TIME DEPUTY CHIEF INSPECTOR AT AN ANNUAL**
15 **SALARY OF \$8,000** and [19] **18** part–time inspectors at an annual salary of \$6,000
16 each.

17 (II) In addition to [this] **A salary STATED IN SUBPARAGRAPH**
18 **(I) OF THIS PARAGRAPH**, each of the inspectors shall receive a monthly expense of
19 \$300 per month, subject to the approval of the State Comptroller.

20 (5) The Board of License Commissioners:

21 (iii) Shall employ an attorney at an annual salary of [\$12,000]
22 **\$20,000.**

23 16–507.

24 (c) (1) (I) In Anne Arundel County the Board of License
25 Commissioners may impose a fine of not more than [\$1,000 in lieu of suspension of a
26 license] **\$2,500 OR SUSPEND THE LICENSE OR BOTH** for any violation that is cause
27 for suspension under the alcoholic beverage laws affecting Anne Arundel County.

28 (II) **A FINE OR SUSPENSION UNDER SUBPARAGRAPH (I) OF**
29 **THIS PARAGRAPH IS IN ADDITION TO ANY OTHER TERM OR CONDITION THAT**
30 **THE BOARD MAY IMPOSE AS A RESULT OF THE VIOLATION.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2009.