

HOUSE BILL 545

A2

11r0322

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcohol Sales – Burtonsville ~~Towne~~ Town Square and**
3 **Hillandale Shopping Center**

4 **MC 2–11**

5 FOR the purpose of authorizing the Montgomery County Board of License
6 Commissioners by unanimous vote to approve applications for alcoholic
7 beverages licenses for restaurant establishments located in certain shopping
8 centers in Montgomery County under certain circumstances; specifying that the
9 license authorizes the license holder to keep for sale and sell alcoholic beverages
10 for consumption on the premises only; and generally relating to alcoholic
11 beverages licenses in Montgomery County.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 9–216
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

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

19 **Article 2B – Alcoholic Beverages**

20 9–216.

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 (a) (1) The Montgomery County Board of License Commissioners may not
2 issue any license to sell alcoholic beverages within 750 feet of any secondary or
3 elementary school, church or other place of worship, or youth center sponsored or
4 conducted by any governmental agency.

5 (2) Measurement of the required distance shall be made from the
6 nearest point of the building of the proposed establishment for which the license is
7 requested to the nearest point of the building of the school, church or other place of
8 worship, or youth center.

9 (3) The Board of License Commissioners may within its discretion and
10 by unanimous action of the Board approve the application for any license to sell
11 alcoholic beverages more than 300 feet from any elementary or secondary school,
12 church or other place of worship, or youth center sponsored or conducted by any
13 governmental agency provided that the land upon which the building is situated in
14 which the licensee would operate is classified in a commercial or industrial zone under
15 the applicable zoning ordinance and is adjacent or contiguous to other land which is
16 similarly classified under said zoning ordinance.

17 (4) Nothing in this section shall apply to or affect or prohibit, in any
18 manner, the renewal, transfer, or reissuance of a prior license of any license of any
19 establishment where subsequent to the original granting of the license a school,
20 church or other place of worship, or youth center was erected within 750 feet of the
21 establishment.

22 (5) For the purposes of this section, reissuance shall be limited to a
23 new license for the establishment issued within 1 year from the date of expiration or
24 revocation of a prior license provided the revocation did not result from acts of the
25 owner of the establishment.

26 (b) (1) In this subsection, “Takoma Park Transit Impact Area” means the
27 Takoma Park Transit Impact Area as approved and adopted in the sector plan for
28 Takoma Park, Montgomery County, Maryland.

29 (2) Notwithstanding the provisions of subsection (a) of this section, the
30 Montgomery County Board of License Commissioners by unanimous vote may approve
31 an application for an alcoholic beverages license of an applicant for a restaurant
32 establishment which is located on land classified in or near a CBD zone (central
33 business district zone), in or near the Rockville Town Center Performance District, in
34 or near the Takoma Park Transit Impact Area, or in or near the Kensington
35 commercial areas specified in § 8-216(a)(2)(iv)1 of this article, if the following
36 conditions are satisfied:

37 (i) 1. If the restaurant building is outside the respective
38 zone, district, or area the measurement of the distance of the nearest point of the

1 restaurant building to the nearest boundary line of the respective zone, district, or
2 area is 500 feet or less; or

3 2. The restaurant building is entirely contained in land
4 classified in the respective zone, district, or area;

5 (ii) The issuance of the requested license will not adversely
6 affect nearby schools, churches, youth centers or the nearest residential community;
7 and

8 (iii) Except for the distance restrictions provided in subsection
9 (a) of this section, the restaurant otherwise qualifies under this article for the issuance
10 of the license requested.

11 (3) Any license issued under this subsection authorizes its holder to
12 keep for sale and sell alcoholic beverages for consumption on the premises only.

13 (c) (1) Notwithstanding the provisions of subsection (a) of this section, the
14 Montgomery County Board of License Commissioners by unanimous vote may approve
15 an application for an alcoholic beverages license of an applicant for a restaurant that
16 is in existence as of June 1, 2004, and located in the Rockshire Planned Residential
17 Unit development of the City of Rockville, if the following conditions are satisfied:

18 (i) The restaurant building is entirely contained on land located
19 within the Rockshire Planned Residential Unit development area;

20 (ii) The issuance of the license will not adversely affect nearby
21 schools, churches, youth centers, or the nearest residential community; and

22 (iii) Except for the distance restrictions provided in subsection
23 (a) of this section, the restaurant otherwise qualifies under this article for the issuance
24 of the license requested.

25 (2) Any license under this subsection authorizes its holder to keep for
26 sale and sell alcoholic beverages for consumption on the premises only.

27 **(D) (1) IN THIS SUBSECTION, “BURTONSVILLE ~~TOWNE~~ TOWN**
28 **SQUARE” MEANS THE SHOPPING CENTER LOCATED IN MONTGOMERY COUNTY**
29 **AT THE NORTHWEST CORNER OF MD 198 AND US 29A.**

30 **(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF**
31 **THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE**
32 **COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN**
33 **ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR A RESTAURANT THAT**
34 **IS LOCATED IN BURTONSVILLE ~~TOWNE~~ TOWN SQUARE IF THE FOLLOWING**
35 **CONDITIONS ARE SATISFIED:**

1 **(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY**
2 **AFFECT NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST**
3 **RESIDENTIAL COMMUNITY; AND**

4 **(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED**
5 **IN SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES**
6 **UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.**

7 **(3) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS**
8 **HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR**
9 **CONSUMPTION ON THE PREMISES ONLY.**

10 **(E) (1) IN THIS SUBSECTION, "HILLANDALE SHOPPING CENTER"**
11 **MEANS THE SHOPPING CENTER LOCATED IN MONTGOMERY COUNTY AT THE**
12 **NORTHEAST CORNER OF MD 650 AND INTERSTATE 495.**

13 **(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF**
14 **THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE**
15 **COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN**
16 **ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR A RESTAURANT THAT**
17 **IS ~~IN EXISTENCE AS OF JUNE 1, 2011, AND~~ LOCATED IN THE HILLANDALE**
18 **SHOPPING CENTER IF THE FOLLOWING CONDITIONS ARE SATISFIED:**

19 **(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY**
20 **AFFECT NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST**
21 **RESIDENTIAL COMMUNITY; AND**

22 **(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED**
23 **IN SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES**
24 **UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.**

25 **(3) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS**
26 **HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR**
27 **CONSUMPTION ON THE PREMISES ONLY.**

28 **[(d)] (F) (1) Subject to the provisions of paragraph (2) of this subsection,**
29 **the Montgomery County Board of License Commissioners may not issue any class of**
30 **alcoholic beverages license for use in a business establishment that sells motor vehicle**
31 **fuel to motorists from a fuel pump that is located on the premises.**

32 **(2) The Montgomery County Board of License Commissioners may**
33 **renew an alcoholic beverages license that has been issued for use in a business**
34 **establishment that sells motor vehicle fuel to motorists from a fuel pump that is**
35 **located on the premises if the license was in existence on January 1, 1989.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.