

HOUSE BILL 686

A2

2lr0805

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B**
3 **On- and Off-Sale License**

4 **MC 17-12**

5 FOR the purpose of adding an off-sale privilege to the Class B beer and light wine
6 license issued for hotels and restaurants in the City of Takoma Park; providing
7 for the termination of this Act; and generally relating to Class B beer and light
8 wine, hotel and restaurant licenses in the City of Takoma Park.

9 BY repealing and reenacting, with amendments,
10 Article 2B – Alcoholic Beverages
11 Section 8-216(d)
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

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

16 **Article 2B – Alcoholic Beverages**

17 8-216.

18 (d) (1) The Montgomery County Board of License Commissioners may
19 issue, renew, and transfer and otherwise provide for 8 classes of alcoholic beverages
20 licenses in the City of Takoma Park as follows:

21 (i) Class B [(on-sale)] **(ON- AND OFF-SALE)** beer and light
22 wine, hotel and restaurant licenses;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Class H (on-sale) beer and light wine, hotel and restaurant
2 licenses;

3 (iii) Class B (on-sale) beer, wine and liquor, hotel and restaurant
4 licenses;

5 (iv) Class H-TP (on-sale) beer license;

6 (v) Class D-TP (on- and off-sale) beer and light wine license;

7 (vi) Class A-TP (off-sale) beer, wine and liquor license;

8 (vii) Class C-TP (on-sale) beer, wine and liquor license; and

9 (viii) Beer and wine sampling or tasting (BWST) licenses issued
10 under § 8-408.2 of this title.

11 (2) (i) The provisions of this paragraph apply only to
12 Class -TP type licenses.

13 (ii) The Prince George's County Board of License
14 Commissioners shall certify a list to the Montgomery County Board of License
15 Commissioners of the alcoholic beverages licenses as of June 30, 1997, in that portion
16 of the City of Takoma Park that became part of Montgomery County on July 1, 1997.

17 (iii) On July 1, 1997, the Montgomery County Board shall issue
18 Class -TP type licenses to those licensees who were certified by the Prince George's
19 County Board. License fees may not be charged until May 1, 1998.

20 (iv) Unless revoked or not renewed for good cause, the certified
21 licenses shall continue in existence and be renewed, subject to payment of the annual
22 license fee.

23 (v) The Class -TP type licenses are not transferable to other
24 locations but are transferable to other persons, subject to the restrictions on similar
25 transfers for other alcoholic beverages licenses in Montgomery County.

26 (vi) Class -TP licenses are subject to the same conditions and
27 restrictions specified by law or by the Montgomery County Board of License
28 Commissioners as are other licenses issued by the Board. However, the Board may
29 waive whatever statutory and regulatory provisions it so chooses for the affected
30 licenses so that equity, fairness, and reasonableness are achieved.

31 (vii) The Montgomery County Department of Health and Human
32 Services may not charge an annual fee to the Class -TP licensees until January 1,
33 1998.

1 (3) (i) Notwithstanding that Class –TP licensees as of July 1, 1997
2 are subject to Montgomery County laws and regulations, those same licensees may
3 retain the particular Prince George’s County alcoholic beverages license they
4 possessed prior to unification.

5 (ii) The Prince George’s County license shall remain valid in
6 every sense except that it does not apply to the licensed premises to which the
7 Class –TP license applies, but is an open–location license. The Prince George’s County
8 licensee may transfer, to another person or to a new location with the same licensee,
9 the license into Prince George’s County without statutory or regulatory restriction.

10 (iii) While the Class –TP licensee remains in the same location
11 where it was located on July 1, 1997, another license issued by Prince George’s County
12 may not be granted or transferred to another Prince George’s licensee if the premises
13 for which that license was issued is located within 300 feet of the premises licensed
14 under the Class –TP license.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2012. It shall remain effective for a period of 2 years and, at the end of June
17 30, 2014, with no further action required by the General Assembly, this Act shall be
18 abrogated and of no further force and effect.