

HOUSE BILL 690

A2
HB 664/96 – ECM

2lr0433

By: **Montgomery County Delegation**
Introduced and read first time: February 8, 2012
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Damascus – Class H Beer and Light Wine Licenses – Repeal of Prohibition**

3 **MC 6–12**

4 FOR the purpose of repealing the prohibition in Montgomery County on the issuance
5 of Class H beer and light wine licenses in Damascus (12th election district);
6 submitting this Act to a referendum of the qualified voters of the 12th election
7 district; and generally relating to the repeal of the prohibition in Damascus on
8 the issuance of Class H beer and light wine licenses.

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

14 BY adding to
15 Article 2B – Alcoholic Beverages
16 Section 8–216(f)
17 Annotated Code of Maryland
18 (2011 Replacement Volume)

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

21 **Article 2B – Alcoholic Beverages**

22 8–216.

23 (a) (1) In this subsection “place of business” does not include:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) A country club; or

2 (ii) A restaurant located within the country inn zone of
3 Montgomery County where alcoholic beverages are sold for consumption on the
4 premises only; provided that a maximum of 2 (two) such alcoholic beverages licenses
5 may be issued in any election district identified in paragraph (2) of this subsection.

6 (2) (i) Except as provided in subparagraphs (ii), (iii), (iv), (v), and
7 (vi) of this paragraph **AND IN SUBSECTION (F) OF THIS SECTION**, in Montgomery
8 County, a license for the sale of alcoholic beverages authorized by this article may not
9 be issued for any place of business located in Damascus (12th election district), and in
10 the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of
11 Takoma Park.

12 (ii) In the town of Barnesville, the Montgomery County Board of
13 License Commissioners may issue a special 7-day on-sale beer, wine and liquor
14 license to any bona fide religious, fraternal, civic, or charitable organization.

15 (iii) In the town of Kensington, the Montgomery County Board of
16 License Commissioners may issue a special 2-day on-sale beer and wine license or a
17 special 2-day on-sale beer, wine and liquor license to any bona fide religious,
18 fraternal, civic, or charitable organization holding an event on municipal property
19 located at 3710 Mitchell Street, Kensington, Maryland.

20 (iv) 1. In the town of Kensington, the Montgomery County
21 Board of License Commissioners may issue a special B-K beer and wine license or a
22 special B-K beer, wine and liquor license for use on the premises of a restaurant
23 located in the following commercial areas:

24 A. The west side of Connecticut Avenue between
25 Knowles Avenue and Perry Avenue;

26 B. The east side of Connecticut Avenue between Knowles
27 Avenue and Dupont Street and between University Boulevard and Perry Avenue;

28 C. The west side of University Boulevard West;

29 D. Dupont Avenue, west of Connecticut Avenue;

30 E. Plyers Mill Road, west of Metropolitan Avenue;

31 F. Summit Avenue between Knowles Avenue and
32 Howard Avenue;

33 G. Detrick Avenue between Knowles Avenue and
34 Howard Avenue;

1 H. The southwest side of Metropolitan Avenue between
2 North Kensington Parkway and Plyers Mill Road;

3 I. East Howard Avenue;

4 J. Armory Avenue between Howard Avenue and
5 Knowles Avenue;

6 K. Montgomery Avenue between Howard Avenue and
7 Kensington Parkway; or

8 L. Kensington Parkway and Frederick Avenue, from
9 Montgomery Avenue to Silver Creek.

10 2. A special B–K beer, wine and liquor license or a
11 special B–K beer and wine license authorizes the holder to keep for sale and sell
12 alcoholic beverages for consumption on the premises only.

13 3. A licensee shall maintain average daily receipts from
14 the sale of food, not including carryout food, of at least 50% of the overall average daily
15 receipts.

16 4. In addition to the restrictions in subsubparagraphs 2
17 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a
18 special B–K beer, wine and liquor license in the commercial areas specified in
19 subsubparagraph 1I, J, K, and L of this subparagraph may not serve alcoholic
20 beverages after 11 p.m.

21 (v) 1. In the town of Kensington, the Montgomery County
22 Board of License Commissioners may issue not more than three Class A (off–sale) beer
23 and light wine licenses for use in the commercial areas specified in subparagraph (iv)1
24 of this paragraph.

25 2. A Class A beer and light wine license authorizes the
26 holder to keep for sale and sell beer or light wine for consumption off the premises 7
27 days a week, from 10 a.m. to 8 p.m. daily.

28 3. A holder of a Class A beer and light wine license may
29 not:

30 A. Sell single bottles or cans of beer;

31 B. Sell refrigerated products; or

32 C. On a side, door, or window of the building of the
33 licensed premises, place a sign or other display that advertises alcoholic beverages in a
34 publicly visible location.

1 4. The annual license fee is \$250.

2 (vi) In Damascus (12th election district), the Montgomery
3 County Board of License Commissioners may issue a special 7-day Class C on-sale
4 beer, wine and liquor license to any bona fide volunteer fire department.

5 (3) This subsection does not prohibit the issuance of an on-sale license
6 for the sale of beer only during daylight hours only for any restaurant or snack bar or
7 similar facility located upon land owned by the Montgomery County Revenue
8 Authority and operated by the Revenue Authority or others in connection with the
9 operation by the Revenue Authority of a public golf course.

10 (4) This subsection does not prohibit the issuance of an on-sale license
11 for the sale of beer and wine for any restaurant located upon land owned by the
12 Montgomery County Revenue Authority and operated by the Revenue Authority or
13 others in connection with the operation of an airport.

14 (5) The City of Takoma Park is excepted from the provisions of
15 paragraph (2) of this subsection if subsection (d) of this section becomes effective.

16 (6) The town of Laytonsville is excepted from the provisions of
17 paragraph (2) of this subsection if subsection (e) of this section becomes effective.

18 **(7) DAMASCUS (12TH ELECTION DISTRICT) IS EXCEPTED FROM**
19 **THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION IF SUBSECTION (F)**
20 **OF THIS SECTION BECOMES EFFECTIVE.**

21 **(F) THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS**
22 **MAY ISSUE, RENEW, AND TRANSFER AND OTHERWISE PROVIDE CLASS H**
23 **(ON-SALE) BEER AND LIGHT WINE, HOTEL, AND RESTAURANT LICENSES FOR**
24 **USE IN DAMASCUS (12TH ELECTION DISTRICT) PROVIDED THAT:**

25 **(1) A LICENSE MAY NOT BE ISSUED TO ANY RESTAURANT IN**
26 **WHICH POOL TABLES, BILLIARD TABLES, SHUFFLEBOARDS, DART BOARDS,**
27 **VIDEO GAMES, PINBALL MACHINES, OR RECREATIONAL DEVICES ARE USED; AND**

28 **(2) ALCOHOLIC BEVERAGES SERVED BY A LICENSEE MAY BE**
29 **CONSUMED BY A PATRON ONLY WHILE THE PATRON IS SEATED.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes
31 effective it shall first be submitted to a referendum of the qualified voters of Damascus
32 (12th election district) in Montgomery County at the general election to be held in
33 November of 2012. The County governing body and the Montgomery County Board of
34 Elections shall do those things necessary and proper to provide for and hold the
35 referendum required by this section. If a majority of the votes cast on the question are

1 “For the referred law” the provisions of this Act shall become effective on the 30th day
2 following the official canvass of votes for the referendum, but if a majority of the votes
3 cast on the question are “Against the referred law” the provisions of this Act are of no
4 effect and null and void.

5 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
6 of Section 2 of this Act and for the sole purpose of providing for the referendum
7 required by Section 2 of this Act, this Act shall take effect July 1, 2012.