

SENATE BILL 902

A2

5lr3016
CF HB 1240

By: **Senators Young and Hough**

Introduced and read first time: March 4, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages Licenses**

3 FOR the purpose of establishing in Frederick County a Class B–CC (conference center)
4 license, a Class BLX (luxury restaurant) license, and a Class MEC
5 (micro–brewery/entertainment center) license; specifying certain requirements for
6 the licensed establishments; specifying the types of alcoholic beverages that may be
7 sold for on–premises consumption in certain locations at the licensed establishments;
8 providing for the hours of sale and license fees; requiring that the Board of License
9 Commissioners define a certain term; authorizing the Board of License
10 Commissioners to issue a Class MEC license to a person for a certain use; providing
11 that the entertainment center for which a Class MEC license is issued may contain
12 or allow certain features; providing an exception to a prohibition against the issuance
13 of a license in a certain election district; providing an exception to a prohibition
14 against the issuance of more than one license being issued to one person or for one
15 premises; and generally relating to alcoholic beverages in Frederick County.

16 BY repealing and reenacting, without amendments,
17 Article 2B – Alcoholic Beverages
18 Section 2–208(a)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 2B – Alcoholic Beverages
23 Section 2–208(b)(3), 8–211(b), and 9–102(a)
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2014 Supplement)

26 BY adding to
27 Article 2B – Alcoholic Beverages
28 Section 6–201(l)(8) through (10)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2014 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 2–208.

7 (a) There is a Class 7 micro–brewery (on– and off–sale) license.

8 (b) The license shall be issued:

9 (3) (i) Only to a holder of a Class B beer, wine and liquor (on–sale)
10 license that is issued for use on the premises of a restaurant located in a jurisdiction listed
11 in paragraph (2) of this subsection;

12 (ii) To a holder of a Class D beer (off–sale) license that is issued for
13 use on the premises of the existing Class D license if the premises are located in Kent
14 County or the Town of Berlin in Worcester County; [or]

15 (iii) To a holder of a Class D alcoholic beverages license that is issued
16 for use on the premises of the existing Class D license if the premises are located in:

17 1. The 22nd Alcoholic Beverages District of Prince George’s
18 County;

19 2. Washington County;

20 3. Dorchester County; or

21 4. The 40th Alcoholic Beverages District of Baltimore City;

22 [and] OR

23 **(IV) TO A HOLDER OF A CLASS MEC LICENSE THAT IS ISSUED**
24 **FOR USE ON THE PREMISES OF THE EXISTING CLASS MEC LICENSE IF THE**
25 **PREMISES ARE LOCATED IN THE BALLENGER (23RD) ELECTION DISTRICT IN**
26 **FREDERICK COUNTY; AND**

27 6–201.

28 **(1) (8) (I) THERE IS A CLASS B–CC (CONFERENCE CENTER) BEER,**
29 **WINE AND LIQUOR LICENSE.**

1 **(II) THE BOARD MAY ISSUE THE LICENSE FOR AN**
2 **ESTABLISHMENT THAT IS EQUIPPED WITH:**

3 1. **AT LEAST 150 BEDROOMS FOR THE ACCOMMODATION**
4 **OF THE PUBLIC;**

5 2. **AT LEAST ONE DINING AREA WITH FACILITIES FOR**
6 **PREPARING AND SERVING REGULAR MEALS;**

7 3. **ROOMS FOR MEETINGS, DISPLAYS, BANQUETS,**
8 **BALLS, DANCING, AND LIVE ENTERTAINMENT; AND**

9 4. **A NIGHTCLUB EQUIPPED WITH A BAR AND AN**
10 **ENTERTAINMENT OR A DANCING AREA.**

11 **(III) THE TOTAL AVERAGE DAILY RECEIPTS FROM THE RENTING**
12 **OF MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD IN THE**
13 **ESTABLISHMENT SHALL EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF**
14 **ALCOHOLIC BEVERAGES.**

15 **(IV) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND**
16 **LIQUOR FOR CONSUMPTION THROUGHOUT THE LICENSED PREMISES, BOTH**
17 **INDOORS AND OUTDOORS, INCLUDING MEETING AND BANQUET ROOMS, PATIOS,**
18 **VERANDAS, AND GREEN SPACES.**

19 **(V) THE HOURS OF SALE ARE:**

20 1. **ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
21 **A.M. THE FOLLOWING DAY; AND**

22 2. **ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING**
23 **DAY.**

24 **(VI) THE ANNUAL LICENSE FEE IS \$1,500.**

25 **(9) (I) THERE IS A CLASS BLX (LUXURY RESTAURANT) LICENSE.**

26 **(II) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A**
27 **LUXURY-TYPE RESTAURANT THAT HAS:**

28 1. **A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR**
29 **DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF**
30 **LAND, BUILDINGS, OR LEASES; AND**

1 **2. SEATING FOR AT LEAST 50 INDIVIDUALS.**

2 **(III) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND**
3 **LIQUOR FOR ON-PREMISES CONSUMPTION.**

4 **(IV) THE BOARD OF LICENSE COMMISSIONERS SHALL DEFINE**
5 **“LUXURY-TYPE RESTAURANT” BY REGULATION.**

6 **(V) THE HOURS OF SALE ARE:**

7 **1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
8 **A.M. THE FOLLOWING DAY; AND**

9 **2. ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING**
10 **DAY.**

11 **(VI) THE ANNUAL LICENSE FEE IS \$1,500.**

12 **(10) (I) THERE IS A CLASS MEC**
13 **(MICRO-BREWERY/ENTERTAINMENT CENTER) LICENSE.**

14 **(II) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE**
15 **LICENSE TO A PERSON FOR USE IN CONJUNCTION WITH A CLASS 7 MICRO-BREWERY**
16 **LICENSE THAT THE PERSON THEN OBTAINS FROM THE COMPTROLLER.**

17 **(III) THE ENTERTAINMENT CENTER LICENSE AUTHORIZES THE**
18 **LICENSE HOLDER TO SELL, IN AN ENTERTAINMENT CENTER FOR ON-PREMISES**
19 **CONSUMPTION, MALT BEVERAGES THAT ARE BREWED IN THE LICENSE HOLDER’S**
20 **MICRO-BREWERY.**

21 **(IV) THE ENTERTAINMENT CENTER MAY:**

22 **1. CONTAIN:**

23 **A. RIDES AND GAMES SUCH AS BOWLING LANES,**
24 **BILLIARD TABLES, AND GO-CARTS; AND**

25 **B. ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR**
26 **LOUNGES; AND**

27 **2. ALLOW THE PLAYING OF MUSIC AND DANCING.**

(V) THE HOURS OF SALE ARE:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(VI) THE ANNUAL LICENSE FEE IS \$1,500.

8–211.

(b) (1) This subsection does not apply to a Class 8 farm brewery license issued under § 2–209 of this article.

(2) A license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in any of the following election districts:

(i) Catoctin (6th);

(ii) Hauvers (10th);

(iii) Jackson (16th);

(iv) Linganore (19th); and

(v) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, Ballenger (23rd).

(3) LICENSES THAT MAY BE ISSUED FOR AN ESTABLISHMENT IN THE BALLENGER ELECTION DISTRICT ARE:

(I) A CLASS 7 MICRO-BREWERY LICENSE UNDER § 2–208 OF THIS ARTICLE;

(II) A CLASS B-CC LICENSE UNDER § 6–201(L)(8) OF THIS ARTICLE;

(III) A CLASS BLX LICENSE UNDER § 6–201(L)(9) OF THIS ARTICLE; OR

(IV) A CLASS MEC LICENSE UNDER § 6–201(L)(10) OF THIS ARTICLE.

9–102.

1 (a) (1) No more than one license provided by this article, except by way of
2 renewal or as otherwise provided in this section, shall be issued in any county or Baltimore
3 City, to any person, or for the use of any partnership, corporation, unincorporated
4 association, or limited liability company, in Baltimore City or any county of the State.

5 (2) No more than one license shall be issued for the same premises except
6 as provided in §§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this article.

7 (3) This subsection may not be construed to apply to § 6–201(L)(8), (9),
8 AND (10) AND (r)(4), (15), (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), §
9 8–217(e), § 8–508, § 8–902, § 9–102.1, § 9–217(b–1), or § 12–202 of this article.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2015.