

# HOUSE BILL 1064

A2

6lr0772

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By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Sale of Alcoholic Beverages – Distance From Places of**  
3 **Worship**

4 **MC 18–16**

5 FOR the purpose of repealing certain provisions of law prohibiting the Montgomery County  
6 Board of License Commissioners from approving an application for a license to sell  
7 alcoholic beverages within a certain distance of a place of worship; repealing certain  
8 provisions of law that authorize the Board of License Commissioners to approve an  
9 application for a license to sell alcoholic beverages more than a certain distance away  
10 from a place of worship under certain circumstances; and generally relating to the  
11 sale of alcoholic beverages in Montgomery County.

12 BY repealing and reenacting, with amendments,

13 Article – Alcoholic Beverages

14 Section 25–1608

15 Annotated Code of Maryland

16 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
17 Assembly of 2016)

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

20 **Article – Alcoholic Beverages**

21 25–1608.

22 (a) Except as provided in subsections (c) through (j) of this section, the Board may  
23 not issue a license for an establishment that is within 750 feet of:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) [a place of worship;

2 (2)] an elementary or a secondary school; or

3 [(3)] (2) a youth center sponsored or operated by a governmental unit.

4 (b) The distance from the establishment to the [place of worship,] elementary or  
5 secondary school[,] or youth center is to be measured from the nearest point of the building  
6 of the establishment to the nearest point of the building of the [place of worship,] school[,]  
7 or youth center.

8 (c) (1) The prohibition against issuing a license in subsection (a) of this section  
9 does not apply:

10 (i) to a culinary school license;

11 (ii) to a per diem license issued for use on the site of [a place of  
12 worship,] an elementary or a secondary school[,] or a youth center; or

13 (iii) if a [place of worship,] school[,] or youth center was built within  
14 750 feet of an establishment after issuance of the license, to a license:

15 1. renewal;

16 2. transfer; or

17 3. subject to paragraph (2) of this subsection, reissuance, if  
18 the license is reissued within 1 year after the date of expiration or revocation of the prior  
19 license.

20 (2) Reissuance is prohibited if the acts of the owner of an establishment  
21 caused the license to be revoked.

22 (d) If the establishment is on land that is zoned commercial or industrial and is  
23 adjacent or contiguous to other land similarly classified, the Board, by majority vote, may  
24 issue a license for an establishment that is more than 300 feet from [a place of worship,]  
25 AN elementary or secondary school[,] or A youth center.

26 (e) The Board, by unanimous vote, may issue an on-sale license for a restaurant  
27 that is located in Burtonsville Town Square shopping center at the northwest corner of MD  
28 198 and US 29a if the issuance of the license will not adversely affect nearby [places of  
29 worship,] schools, youth centers, or the nearest residential community.

30 (f) (1) Subject to paragraph (2) of this subsection, the Board, by unanimous  
31 vote, may issue a license with an on-sale privilege for a restaurant on land classified in or  
32 near:

- 1 (i) a CBD zone (central business district zone);
- 2 (ii) the Rockville Town Center Performance District;
- 3 (iii) the Takoma Park Transit Impact Area, as approved and adopted  
4 in the sector plan for Takoma Park; or
- 5 (iv) the Kensington commercial areas specified in § 25–1604 of this  
6 subtitle.

7 (2) A license may be issued for a restaurant specified in paragraph (1) of  
8 this subsection if:

- 9 (i) 1. the nearest point of the restaurant building is within 500  
10 feet of the nearest boundary line of the respective zone, district, or area; or
- 11 2. the restaurant building is entirely contained in land  
12 classified in the respective zone, district, or area; and
- 13 (ii) the issuance of the license will not adversely affect nearby  
14 [places of worship,] schools, youth centers, or the nearest residential community.

15 (g) The Board, by majority vote, may issue an on–sale Class B beer, wine, and  
16 liquor license for a restaurant in Gaithersburg if:

- 17 (1) the restaurant is located in a shopping center bordered by Maryland  
18 Route 355, Central Avenue, Poplarwood Place, and North Westland Drive; **AND**
- 19 (2) [the restaurant is located more than 275 feet from a place of worship;  
20 and
- 21 (3)] a prior owner or tenant at the site of the restaurant held an alcoholic  
22 beverages license.

23 (h) The Board, by unanimous vote, may issue a license with an on–sale privilege  
24 for a restaurant that is located in the Hillandale Shopping Center at the northeast corner  
25 of MD 650 and Interstate 495 if the issuance of the license will not adversely affect nearby  
26 [places of worship,] schools, youth centers, or the nearest residential community.

27 (i) The Board, by unanimous vote, may issue a license with an on–sale privilege  
28 for a restaurant in the Rockshire Planned Residential Unit development in Rockville if:

- 29 (1) the restaurant building is entirely contained on land in the Rockshire  
30 Planned Residential Unit development area; and

1                   (2)     the issuance of the license will not adversely affect nearby [places of  
2 worship,] schools, youth centers, or the nearest residential community.

3                   (j)     The Board, by unanimous vote, may issue a license with an on-sale privilege  
4 for an establishment in Rock Spring Centre bordered by Rock Spring Drive, Rockledge  
5 Drive, Interstate 270, and Old Georgetown Road in Bethesda, if the issuance of the license  
6 will not adversely affect nearby [places of worship,] schools, youth centers, or the nearest  
7 residential community.

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2016.