

# SENATE BILL 33

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(PRE-FILED)

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By: **Senator Astle**

Requested: October 13, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Licenses**

3 FOR the purpose of allowing a license holder in Anne Arundel County to be issued a second  
4 or third alcoholic beverages license of a certain type for a restaurant if the restaurant  
5 is located in a shopping center that has a certain zoning classification; exempting  
6 certain alcoholic beverages licenses in the County from a prohibition against issuing  
7 multiple licenses to any one person; exempting a certain class of license from a  
8 prohibition against issuing an alcoholic beverages license for a location within a  
9 certain distance from a place of worship or school; authorizing a holder of a certain  
10 license to be issued a special music license, special entertainment license, special  
11 outdoor license, or special outdoor entertainment license; authorizing a holder of a  
12 certain license to be issued a special dancing license, except under certain conditions;  
13 making certain stylistic changes; and generally relating to alcoholic beverages  
14 licenses in Anne Arundel County.

15 BY repealing and reenacting, without amendments,  
16 Article 2B – Alcoholic Beverages  
17 Section 8–202.1(a) and 9–102(a)  
18 Annotated Code of Maryland  
19 (2011 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article 2B – Alcoholic Beverages  
22 Section 8–202.1(j) and (k), 9–102(i), 9–203(c), and 12–202(a)  
23 Annotated Code of Maryland  
24 (2011 Replacement Volume and 2015 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article 2B – Alcoholic Beverages**

8–202.1.

(a) This section applies only in Anne Arundel County.

(j) A licensee may be issued a second license if:

(1) The licensee holds a Class B license that has a restriction prohibiting off-sales, a Class H license, or a Class BLX license;

(2) The license sought is a Class H license or a Class BLX license; and

(3) The restaurant for which the license is sought is located in:

(i) The Glen Burnie Urban Renewal Area;

(ii) The Parole Town Center Growth Management Area;

(iii) The Odenton Town Center Growth Management Area;

(iv) The Baltimore–Washington International Thurgood Marshall Airport State Priority Funding Area, as designated by Anne Arundel County in accordance with § 6–301(f)(8) of the Economic Development Article;

(v) A shopping center with a gross area of at least 1,000,000 square feet that is zoned C3 **OR MDX–C** General Commercial by the zoning article of the Anne Arundel County Code;

(vi) The Route 198 corridor, consisting of properties located within 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east to the Prince George’s County–Anne Arundel County line on the west;

(vii) A community revitalization zone with a designation in the series “A” through “P”, inclusive, as shown on the map adopted by the Anne Arundel County Council by Bill 97–01;

(viii) The Severn Commercial District, consisting of properties designated as “commercial zoning” by the comprehensive rezoning maps adopted by the Anne Arundel County Council and located on that portion of Maryland Route 174 west of Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);

(ix) The Edgewater/Mayo Commercial District, consisting of those properties that are designated “commercial zoning districts” on the comprehensive rezoning maps adopted by the Anne Arundel County Council for the Edgewater/Mayo Small Area Planning District;

- 1                   (x)    The Pasadena Commercial District, consisting of those  
2 properties that are designated “commercial zoning areas”, including Lake Shore Crossing,  
3 Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive  
4 zoning maps adopted by the Anne Arundel County Council for the Pasadena Small Area  
5 Planning District; or
- 6                   (xi)   The area in Pasadena known as the Brumwell Property.
- 7           (k)    A licensee may be issued a third license if:
- 8                   (1)    The license sought is a Class BLX license; and
- 9                   (2)    The restaurant for which the license is sought is located in:
- 10                   (i)    The Glen Burnie Urban Renewal Area;
- 11                   (ii)   The Parole Town Center Growth Management Area;
- 12                   (iii)   The Odenton Town Center Growth Management Area;
- 13                   (iv)   The Baltimore–Washington International Thurgood Marshall  
14 Airport State Priority Funding Area, as designated by Anne Arundel County in accordance  
15 with § 6–301(f)(8) of the Economic Development Article;
- 16                   (v)    A shopping center with a gross area of at least 1,000,000 square  
17 feet that is zoned C3 **OR MDX–C** General Commercial by the zoning article of the Anne  
18 Arundel County Code;
- 19                   (vi)   The Route 198 corridor, consisting of properties located within  
20 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east  
21 to the Prince George’s County–Anne Arundel County line on the west;
- 22                   (vii)   A community revitalization zone with a designation in the series  
23 “A” through “P”, inclusive, as shown on the map adopted by the Anne Arundel County  
24 Council by Bill 97–01;
- 25                   (viii)   The Severn Commercial District, consisting of properties  
26 designated as “commercial zoning” by the comprehensive rezoning maps adopted by the  
27 Anne Arundel County Council and located on that portion of Maryland Route 174 west of  
28 Maryland Route 100 and east of the railroad right-of-way owned by the National Railroad  
29 Passenger Corporation (Parcel 117, Anne Arundel County Tax Map 29);
- 30                   (ix)    The Edgewater/Mayo Commercial District, consisting of those  
31 properties that are designated “commercial zoning districts” on the comprehensive rezoning  
32 maps adopted by the Anne Arundel County Council for the Edgewater/Mayo Small Area  
33 Planning District;

1 (x) The Pasadena Commercial District, consisting of those  
2 properties that are designated “commercial zoning areas”, including Lake Shore Crossing,  
3 Lake Shore Plaza, and the Mountain Marketplace Shopping Center on the comprehensive  
4 zoning maps adopted by the Anne Arundel County Council for the Pasadena Small Area  
5 Planning District; or

6 (xi) The area in Pasadena known as the Brumwell Property.

7 9–102.

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

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

14 (3) This subsection may not be construed to apply to § 6–201(l)(8), (9), and  
15 (10) and (r)(4), (15), (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e),  
16 § 8–508, § 8–902, § 9–102.1, § 9–217(b–1), or § 12–202 of this article.

17 (i) The [provisions of] **PROHIBITION IN** subsection (a) of this section [do]  
18 **AGAINST ISSUING MORE THAN ONE LICENSE TO A PERSON DOES** not apply in Anne  
19 Arundel County to **HOTEL–LIMITED SERVICE (ON–SALE) LICENSES OR** licenses issued  
20 under this article for premises operated as motel–restaurant complexes or hotel–restaurant  
21 complexes having one hundred (100) rooms or more.

22 9–203.

23 (c) (1) (i) In this subsection the following words have the meanings  
24 indicated.

25 (ii) “Transfer or assignment” means the transfer or assignment of a  
26 license from the licensee to whom issued to a new licensee and does not mean the transfer  
27 of a license permitting the sale of alcoholic beverages in the premises designated in the  
28 license to other premises within the 1,000–foot limitation set forth in this subsection.

29 (iii) “Extended for the same building” means the extension of the area  
30 of the premises licensed and does not mean a change in the operational classification of an  
31 existing license, except when the change is from a Class B, C or D license to a Class H  
32 license.

33 (2) (i) A new license may not be granted to sell alcoholic beverages in  
34 any building located within 1,000 feet in a straight line from entry to entry from a [church]  
35 **PLACE OF WORSHIP** or school.

1 (ii) A license for the same building may be renewed or extended for  
2 any building located within the specified distance of the grounds of a [church] **PLACE OF**  
3 **WORSHIP** or school.

4 (3) Paragraph (2) of this subsection does not apply to:

5 (i) The City of Annapolis;

6 (ii) Any transfer or assignment of a license located within the  
7 1,000-foot requirement;

8 (iii) Any nonprofit club or nonprofit organization;

9 (iv) Any restaurant destroyed by fire, flood, windstorm or any other  
10 act of God and which held a valid alcoholic beverage license at the time it was destroyed if  
11 a new [church] **PLACE OF WORSHIP** or school has not been constructed within the  
12 1,000-foot requirement;

13 (v) Any Class H beer and wine license (on-sale) or Class H beer,  
14 wine and liquor license (on-sale); [or]

15 (vi) Any motel-restaurant complex, hotel-restaurant complex, beer,  
16 wine and liquor license (on-sale); **OR**

17 **(VII) ANY CLASS BLX (DELUXE RESTAURANT) (ON-SALE) BEER,**  
18 **WINE AND LIQUOR LICENSE.**

19 (4) (i) An alcoholic beverage license may not be renewed or transferred  
20 unless the licensee has actively engaged in the sale of alcoholic beverages as authorized by  
21 the license within one year prior to the date of application for renewal or transfer. Any  
22 attempted renewal or transfer of a dormant license not in accordance with the provisions  
23 of this section is null and void.

24 (ii) The reissuance of any license to any licensee whose license has  
25 been nonrenewed under the provisions of this section is subject to the hearing, notice and  
26 other provisions of § 10-202 of this article except if the main building on the premises is  
27 destroyed by fire, wind, or flood. The Board of License Commissioners may renew the  
28 license if it has been proven that the licensee is making substantial efforts to restore,  
29 replace, or repair the building. This extension shall be effective for one year from the date  
30 of approval by the Board. If the licensee desires another extension, the licensee shall follow  
31 the same procedure. The licensee shall pay the license fee for each year even though the  
32 establishment is not open.

33 12-202.

1 (a) Except for piped-in background music or one television screen, in Anne  
2 Arundel County no holder of any class of alcoholic beverage license or the holder of a club  
3 license shall permit the playing of music of any kind, including live music, a karaoke  
4 machine, or a disc jockey, or dancing, floor shows, or any other similar type of  
5 entertainment on the licensed premises or on adjacent property over which the licensee has  
6 ownership or control, except:

7 (1) Any holder of a Class B, Class D, [or] Class H, **OR CLASS BLX** license  
8 shall be permitted to play recorded music of any kind, or live music with no more than two  
9 musicians if the licensee obtains a special music license. A special music license may be  
10 issued in the same manner as any other special license. The annual fee for the license shall  
11 be \$100. Dancing, floor shows, or other similar live entertainment may not be permitted.

12 (2) (i) Any holder of a Class B, Class D, [or] Class H, **OR CLASS BLX**  
13 license may allow the playing of more than one television, live music with not more than  
14 four musicians, karaoke, and a disc jockey, provided the licensee obtains a special  
15 entertainment license that shall be issued in the same manner as any other special license.

16 (ii) The annual fee for a special entertainment license is:

17 1. \$300 for a licensee holding a beer, wine and liquor license;

18 and

19 2. \$200 for a licensee holding a beer and wine license.

20 (iii) A holder of a special entertainment license may not allow  
21 dancing, floor shows, or similar live entertainment.

22 (3) (i) Except as provided in subparagraph (ii) of this paragraph, any  
23 holder of a Class B, Class D [or], Class H, **OR CLASS BLX** license shall be permitted to  
24 have music, dancing and other legal forms of entertainment, provided the licensee obtains  
25 a special dancing license which shall be issued in the same manner as any other special  
26 license. The annual fee shall be:

27 1. \$400 when issued to a licensee holding a beer, wine and  
28 liquor license; and

29 2. \$200 when issued to a licensee holding a beer and wine  
30 license.

31 (ii) A Class H **OR CLASS BLX** license that is located within 1,000  
32 feet in a straight line from entry to entry from a [church] **PLACE OF WORSHIP** or school  
33 may not obtain a special dancing license.

34 (4) Any holder of a Class C license shall be permitted to have music,  
35 dancing and other legal forms of entertainment, provided the licensee obtains a special

1 dancing license which shall be issued in the same manner as any other special license at  
2 no additional charge.

3 (5) (i) The Board may issue a special outdoor license to a holder of a  
4 Class B, Class C, Class D, [or] Class H, **OR CLASS BLX** license.

5 (ii) A special outdoor license under this paragraph entitles the  
6 holder to provide outdoor table service to customers on the grounds of the licensed  
7 establishment.

8 (iii) The annual fee for a special outdoor license is \$100.

9 (iv) Before a special outdoor license is renewed, a holder shall obtain  
10 approval from the Board.

11 (6) (i) The Board may issue a special outdoor entertainment license to  
12 a holder of a Class B, Class C, Class D, [and] Class H, **OR CLASS BLX** license who also  
13 holds a special dancing license, a special music license, or a special entertainment license  
14 under paragraph (1), (2), (3), or (4) of this subsection.

15 (ii) A special outdoor entertainment license under this paragraph  
16 entitles the holder to provide:

17 1. The same form of entertainment outdoors that the holder  
18 is allowed to provide indoors under the holder's special dancing license, special music  
19 license, or special entertainment license; and

20 2. Outdoor table service or cafe service.

21 (7) All special licenses set forth in paragraphs (1), (2), (3), (4), (5), and (6)  
22 of this subsection shall be authorized by the Board of License Commissioners for Anne  
23 Arundel County only when the Board finds:

24 (i) That the use of the licensed premises for such purposes shall not  
25 be in violation of any fire, health, or building regulation of Anne Arundel County,

26 (ii) That the applicant can adequately control the persons using the  
27 licensed premises,

28 (iii) That the granting of such special license is necessary for the  
29 accommodation of the public,

30 (iv) That the operation of the premises under such special license will  
31 not unduly disturb the peace of the residents of the neighborhood in which the place of  
32 business is located, and

1                                   (v)     That in the opinion of the Board the granting of such special  
2 license will not be detrimental to the general public welfare.

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2016.