

Chapter 701

(House Bill 869)

AN ACT concerning

Howard County – Alcoholic Beverages – Marketplace License

Ho. Co. 06–19

FOR the purpose of establishing a marketplace license in Howard County; authorizing the Board of License Commissioners to issue the license to certain individuals; specifying the scope, hours of sale, and fees for the license; authorizing the license holder to sell beer, wine, and liquor within the marketplace under certain conditions; authorizing a license holder to obtain a refillable container permit and a nonrefillable container permit under certain conditions; specifying certain standards to be met by the marketplace; requiring an applicant for a marketplace license to include a certain list with an application submitted to the Board of License Commissioners of Howard County; prohibiting a certain license holder from exercising the privileges of the license on a certain day when a ticketed public event is held that meets certain conditions, except under certain circumstances; defining a certain term; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 23–102
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 23–1004.1
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

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

Article – Alcoholic Beverages

23–102.

This title applies only in Howard County.

23–1004.1.

(A) IN THIS SECTION, “MARKETPLACE” MEANS A PREMISES THAT:

(1) ACCOMMODATES THE PUBLIC; AND

(2) IS EQUIPPED WITH FIVE OR MORE OUTLETS FOR PREPARING AND SERVING REGULAR MEALS THAT MAY BE CONSUMED BY PATRONS IN A COMMON SEATING AREA OR ANYWHERE ELSE ON THE PREMISES.

(B) THERE IS A MARKETPLACE LICENSE.

(C) THE BOARD MAY ISSUE A MARKETPLACE LICENSE ONLY TO INDIVIDUALS ON BEHALF OF THE PERSON, FIRM, OR CORPORATION THAT OWNS, MANAGES, OR LEASES THE MARKETPLACE.

(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR THROUGH VENDORS OR AGENTS FROM ONE OR MORE OUTLETS WITHIN THE MARKETPLACE BY THE DRINK OR BY THE BOTTLE FOR ON-PREMISES CONSUMPTION.

(2) A LICENSE HOLDER MAY OBTAIN:

(I) A REFILLABLE CONTAINER PERMIT UNDER § 23-1102 OF THIS TITLE TO SELL DRAFT BEER FOR OFF-PREMISES CONSUMPTION; AND

(II) A NONREFILLABLE CONTAINER PERMIT UNDER § 23-1104 OF THIS TITLE TO SELL DRAFT BEER FOR OFF-PREMISES CONSUMPTION.

(E) THE MARKETPLACE SHALL HAVE:

(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$1,000,000 FOR MARKETPLACE FACILITIES;

(2) A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS;

(3) A MINIMUM CAPACITY OF 200 INDIVIDUALS AND A MAXIMUM CAPACITY OF 500 INDIVIDUALS, AS DETERMINED BY THE COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES; AND

(4) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE MARKETPLACE.

(F) AN APPLICANT FOR A MARKETPLACE LICENSE SHALL INCLUDE WITH AN

APPLICATION SUBMITTED TO THE BOARD A LIST OF THE NAMES OF EACH VENDOR OR AGENT FROM THE OUTLETS WITHIN THE MARKETPLACE THAT WILL BE AUTHORIZED TO SELL BEER, WINE, AND LIQUOR UNDER THE LICENSE.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS THE HOURS OF SALE FOR CLASS B BEER, WINE, AND LIQUOR LICENSES UNDER § 23-2004(B) OF THIS TITLE.

(2) (I) THE LICENSE HOLDER MAY NOT EXERCISE THE PRIVILEGES OF THE LICENSE ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD:

1. ON A PROPERTY ADJACENT TO THE LICENSED PREMISES, IF THE ADJACENT PROPERTY HAS A CAPACITY OF AT LEAST 4,000 INDIVIDUALS; OR

2. ON THE SAME PROPERTY AS THE LICENSED PREMISES BUT UNDER A DIFFERENT LICENSE, IF THE PROPERTY HAS A CAPACITY OF AT LEAST 4,000 INDIVIDUALS.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD IF THE LICENSE HOLDER OBTAINS THE WRITTEN PERMISSION OF THE PROMOTER OR PRODUCER OF THE EVENT BEFORE THE EVENT TAKES PLACE.

(H) (1) THE ANNUAL LICENSE FEE IS \$6,000.

(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER SHALL PAY ANNUALLY:

(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.