

HOUSE BILL 436

A2

7lr0739
CF SB 559

By: **Delegates Ebersole, Aumann, Grammer, Hettleman, Hill, Jones, Lafferty, Lam, West, and P. Young**

Introduced and read first time: January 26, 2017

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages – Issuance of Licenses Near Places of**
3 **Worship**

4 FOR the purpose of authorizing the Baltimore County Board of License Commissioners to
5 ~~issue or~~ transfer, convert, and issue a certain license for an establishment that is at
6 least a certain number of feet away from a place of worship under certain
7 circumstances and subject to certain restrictions and qualifications; making a certain
8 exception to a prohibition against issuing a license for an establishment that is
9 within 300 feet of a place of worship or school; and generally relating to alcoholic
10 beverages in Baltimore County.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 13–102
14 Annotated Code of Maryland
15 (2016 Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 13–1601
19 Annotated Code of Maryland
20 (2016 Volume and 2016 Supplement)

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Alcoholic Beverages
Section 13–1710
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

13–102.

This title applies only in Baltimore County.

13–1601.

(a) (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship or school.

(2) The distance from the establishment to the place of worship or school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the renewal or transfer of a license of an establishment if, after issuance of the license, a place of worship or school was built within 300 feet of the establishment;

(2) the issuance of a temporary license;

(3) a transfer that moves the licensed premises within the same building;

(4) a transfer of ownership of the licensed premises; [or]

(5) the renewal of a Class B beer, wine, and liquor (on-sale) license or a 7-day Class BDR (deluxe restaurant) (on-sale) beer, wine, and liquor license, if the licensed premises has a seating capacity of more than 50 individuals and is within a town center;

OR

~~(6) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE ISSUANCE, RENEWAL, OR TRANSFER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) SERVICE BAR LICENSE, IF THE LICENSED PREMISES IS:~~

~~(1) LOCATED WITHIN A COUNTY REVITALIZATION DISTRICT;~~

~~(H) ZONED BL-CCC AND IN COMPLIANCE WITH ANY APPLICABLE ZONING ORDINANCE;~~

~~(HH) USED FOR ON-PREMISES CONSUMPTION OF BEER, WINE, AND LIQUOR ONLY AS PART OF THE OPERATION OF A RESTAURANT AS DEFINED IN THE RULES OF THE BOARD;~~

~~(IV) LOCATED IN THE ELECTION DISTRICT FOR WHICH THE LICENSE WAS ISSUED; AND~~

~~(V) LOCATED AT LEAST 100 FEET FROM A PLACE OF WORSHIP.~~

~~(C) (1) A LICENSE MAY NOT BE ISSUED FOR:~~

~~(I) A LOCATION THAT HAS BEEN LICENSED UNDER ANY CLASS OF ON-SALE LICENSE WITHIN 2 YEARS PRECEDING THE DATE OF APPLICATION FOR THE LICENSE; OR~~

~~(II) A RESTAURANT THAT ALLOWS SERVICE OF PURCHASED FOOD TO A CUSTOMER WHO IS NOT SEATED AT A TABLE.~~

~~(2) A LICENSE MAY NOT BE CONVERTED TO ANY OTHER CLASS OF LICENSE.~~

~~(D) THE QUALIFICATIONS FOR A LICENSE HOLDER, THE LICENSE FEES, AND THE HOURS AND DAYS OF SALE FOR A LICENSE EXEMPTED UNDER SUBSECTION (B)(6) OF THIS SECTION ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE. THE TRANSFER, CONVERSION, AND ISSUANCE OF A LICENSE UNDER § 13-1710 OF THIS TITLE.~~

13-1710.

(A) (1) IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER TO AN ESTABLISHMENT SPECIFIED IN SUBSECTION (C) OF THIS SECTION OF A CLASS B BEER, WINE, AND LIQUOR LICENSE OR A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT:

(I) WAS ISSUED ON OR BEFORE DECEMBER 31, 2016;

(II) WAS IN EXISTENCE IN THE SAME ELECTION DISTRICT OF THE COUNTY AS THE PROPOSED LICENSED PREMISES ON DECEMBER 31, 2016; AND

(III) IS VALID ON THE DATE OF TRANSFER.

(2) TO BE TRANSFERRED UNDER THIS SECTION, A LICENSE MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY STATUTE OR REGULATION.

(3) ON THE DATE OF TRANSFER, A LICENSE SHALL BE CONVERTED INTO A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) SERVICE BAR COMMERCIAL REVITALIZATION DISTRICT LICENSE (B-SB-CRD LICENSE).

(B) THE QUALIFICATIONS FOR A LICENSE HOLDER, THE FEE, AND THE HOURS AND DAYS OF SALE FOR A SERVICE BAR LICENSE ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

(C) (1) A B-SB-CRD LICENSE MAY BE ISSUED ONLY FOR A PREMISES THAT IS:

(I) IN A FREE-STANDING BUILDING WITH ITS OWN PARKING LOT;

(II) ZONED BL-CCC AND IN COMPLIANCE WITH ANY APPLICABLE ZONING ORDINANCE; AND

(III) AT LEAST 100 FEET FROM A PLACE OF WORSHIP.

(2) A B-SB-CRD LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD.

(3) THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS OFFERED FOR SALE.

(4) THE B-SB-CRD LICENSE SHALL BE USED TO ALLOW THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES TO PATRONS ONLY AS PART OF A MEAL AT A DINING TABLE.

(5) THE LICENSED PREMISES MAY NOT HAVE A SEPARATE BAR AREA FOR SERVICE OF ALCOHOLIC BEVERAGES.

(6) THE B-SB-CRD LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION.

(D) A B-SB-CRD BAR LICENSE ISSUED UNDER THIS SECTION MAY NOT BE CONVERTED INTO ANY OTHER CLASS OF LICENSE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.