

HOUSE BILL 860

A2

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By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Town of Kensington**

3 **MC 15–20**

4 FOR the purpose of authorizing, in the Town of Kensington in Montgomery County, the
5 Board of License Commissioners for Montgomery County to renew, approve the
6 transfer of, and otherwise provide for certain licenses; repealing a limitation on the
7 number of a certain license that the Board may issue in the Town of Kensington;
8 altering the number of Class A–K beer and wine licenses the Board may issue;
9 authorizing the issuance of not more than a certain number of Class 9 limited
10 distillery licenses for use in the town; authorizing the Board to alter the number of
11 Class A–K license holders under certain circumstances; expanding the hours of sale
12 for Class A–K license holders; specifying an annual fee for certain licenses; requiring
13 that certain license holders maintain a percentage of daily sales from food;
14 prohibiting certain license holders from posting certain signage; and generally
15 relating to alcoholic beverages in Montgomery County.

16 BY repealing and reenacting, without amendments,
17 Article – Alcoholic Beverages
18 Section 25–102
19 Annotated Code of Maryland
20 (2016 Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Alcoholic Beverages
23 Section 25–406, 25–1307(a), and 25–1604
24 Annotated Code of Maryland
25 (2016 Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



liquor license for use on the site of a restaurant in the following commercial areas:

1. the west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;
2. the east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;
3. the west side of University Boulevard West;
4. Dupont Avenue, west of Connecticut Avenue;
5. Plyers Mill Road, west of Metropolitan Avenue;
6. Summit Avenue between Knowles Avenue and Howard Avenue;
7. Detrick Avenue between Knowles Avenue and Howard Avenue;
8. the southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;
9. East Howard Avenue;
10. Armory Avenue between Howard Avenue and Knowles Avenue;
11. Montgomery Avenue between Howard Avenue and Kensington Parkway;
12. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or
13. the east side of Connecticut Avenue between Warner Street and Knowles Avenue.]

(4) A CLASS B–K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION;

[(2)] (5) [A] A Class B–K beer, wine, and liquor license [or a Class B–K beer and wine license] THAT authorizes the LICENSE holder to [keep for sale and] sell [alcoholic beverages for on–premises] BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES consumption[.];

1 [(3) A license holder shall maintain average daily receipts from the sale of
2 food, not including carryout food, of at least 40% of the overall average daily receipts.]

3 **(6) IN ACCORDANCE WITH § 25-903 OF THIS TITLE, A CLASS BD-BWL**
4 **BEER, WINE, AND LIQUOR LICENSE;**

5 **(7) A CLASS C BEER AND WINE LICENSE THAT AUTHORIZES THE**
6 **LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE**
7 **LICENSE, TO MEMBERS OF A PRIVATE SOCIAL CLUB AND GUESTS OF MEMBERS, FOR**
8 **ON-PREMISES CONSUMPTION;**

9 **(8) A CLASS D-K BEER LICENSE THAT AUTHORIZES THE LICENSE**
10 **HOLDER TO SELL BEER, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
11 **OFF-PREMISES CONSUMPTION;**

12 **(9) A CLASS D-K BEER AND WINE LICENSE THAT AUTHORIZES THE**
13 **LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE**
14 **LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;**

15 **(10) A CLASS H BEER AND WINE LICENSE THAT AUTHORIZES THE**
16 **LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT THE**
17 **PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION;**

18 **(11) A CLASS 9 LIMITED DISTILLERY LICENSE TO SELL THE DISTILLED**
19 **PRODUCTS THAT THE HOLDER MANUFACTURES FOR ON- AND OFF-PREMISES**
20 **CONSUMPTION;**

21 **(12) A CLASS 3 WINERY LICENSE TO SELL WINE THAT THE HOLDER**
22 **MANUFACTURES FOR ON- AND OFF-PREMISES CONSUMPTION;**

23 **(13) A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE;**

24 **(14) A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE;**

25 **(15) IN ACCORDANCE WITH § 4-1102 OF THIS ARTICLE, THE**
26 **CONSUMPTION OF WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED**
27 **PREMISES;**

28 **(16) IN ACCORDANCE WITH § 4-1103 OF THIS ARTICLE, THE REMOVAL**
29 **OF A PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES;**

1 **(17) IN ACCORDANCE WITH § 25–1002 OF THIS TITLE, A BEAUTY SALON**
2 **LICENSE;**

3 **(18) IN ACCORDANCE WITH § 25–1005 OF THIS TITLE, A CONTINUING**
4 **CARE RETIREMENT COMMUNITY LICENSE;**

5 **(19) IN ACCORDANCE WITH § 25–1007 OF THIS TITLE, A COUNTRY CLUB**
6 **LICENSE;**

7 **(20) IN ACCORDANCE WITH § 25–1009 OF THIS TITLE, A**
8 **FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE;**

9 **(21) IN ACCORDANCE WITH § 25–1014 OF THIS TITLE, A VETERANS’**
10 **ORGANIZATION OR CLUB LICENSE;**

11 **(22) IN ACCORDANCE WITH § 25–1103 OF THIS TITLE, A REFILLABLE**
12 **CONTAINER PERMIT FOR DRAFT BEER FOR CLASS D–K LICENSE; AND**

13 **(23) IN ACCORDANCE WITH § 25–1104 OF THIS TITLE, A REFILLABLE**
14 **CONTAINER PERMIT FOR WINE FOR CLASS D–K LICENSE.**

15 (c) (1) **[The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
16 **Board may issue[:],**

17 **[(i)] in aggregate, not more than [four] EIGHT Class A–K (off–sale)**
18 **beer and wine licenses[, Class D–K beer licenses and Class D–K beer and wine licenses for**
19 **use in the commercial areas specified in subsection (b)(1)(ii) of this section; and**

20 (ii) subject to § 25–1306 of this title, not more than three beer and
21 **wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.**

22 (2) A Class A–K beer and wine license authorizes the holder to keep for
23 **sale and sell beer or wine for off–premises consumption 7 days a week, from 10 a.m. to 8**
24 **p.m. daily.**

25 (3) A holder of a Class A–K beer and wine license, a Class D–K beer license,
26 **and a Class D–K beer and wine license may not, on a side, door, or window of the building**
27 **of the licensed premises, place a sign or other display that advertises alcoholic beverages**
28 **in a publicly visible location].**

29 **(2) THE BOARD, BY MAJORITY VOTE, MAY ISSUE ONE ADDITIONAL**
30 **CLASS A–K BEER AND WINE LICENSE IF THERE IS:**

31 **(I) A PUBLIC HEARING BEFORE THE TOWN COUNCIL; AND**

(II) A SUBSEQUENT REQUEST MADE BY THE TOWN COUNCIL.

(3) A CLASS A–K BEER AND WINE LICENSE HOLDER MAY SELL BEER AND WINE FOR OFF–PREMISES CONSUMPTION MONDAY THROUGH SUNDAY, FROM 10 A.M. TO 10 P.M.

(D) (1) A CLASS 9 LIMITED DISTILLERY LICENSE MAY BE ISSUED TO A CLASS B–K BEER, WINE, AND LIQUOR LICENSE HOLDER.

(2) NOT MORE THAN FOUR CLASS 9 LIMITED DISTILLERY LICENSES, IN AGGREGATE, MAY BE ISSUED.

[(4)] (E) The annual license fee FOR EACH CLASS OF LICENSE IS EQUAL TO THE FEE REQUIRED BY THE COUNTY FOR A COMPARABLE LICENSE.

(F) THE HOLDER OF A CLASS B–K BEER AND WINE LICENSE, A CLASS B–K BEER, WINE, AND LIQUOR LICENSE, OR A CLASS H BEER AND WINE LICENSE SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 40% OF THE OVERALL AVERAGE DAILY RECEIPTS.

(G) THE BOARD MAY ISSUE, IN AGGREGATE, NOT MORE THAN EIGHT LICENSES FROM AMONG THE FOLLOWING TYPES:

(1) A CLASS B–K BEER AND WINE LICENSE;

(2) A CLASS B–K BEER, WINE, AND LIQUOR LICENSE;

(3) A CLASS BD–BWL LICENSE;

(4) A CLASS C BEER AND WINE LICENSE;

(5) A CLASS D–K BEER LICENSE;

(6) A CLASS D–K BEER AND WINE LICENSE; AND

(7) A CLASS H BEER AND WINE LICENSE.

(H) A LICENSE HOLDER WHOSE LICENSED PREMISES IS LOCATED IN THE TOWN OF KENSINGTON MAY NOT, ON A FRONT, REAR, SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.

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

1 1, 2020.