

SENATE BILL 559

A2

7lr3347
CF HB 436

By: **Senator Kasemeyer**

Introduced and read first time: February 1, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 a certain license for an establishment that is at least a certain
6 number of feet away from a place of worship under certain circumstances and subject
7 to certain restrictions and qualifications; and generally relating to alcoholic
8 beverages in Baltimore County.

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

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

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

21 **Article – Alcoholic Beverages**

22 13–102.

23 This title applies only in Baltimore County.

24 13–1601.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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:

(I) LOCATED WITHIN A COUNTY REVITALIZATION DISTRICT;

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

(III) 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:

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

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

6 **(2) A LICENSE MAY NOT BE CONVERTED TO ANY OTHER CLASS OF**
7 **LICENSE.**

8 **(D) THE QUALIFICATIONS FOR A LICENSE HOLDER, THE LICENSE FEES, AND**
9 **THE HOURS AND DAYS OF SALE FOR A LICENSE EXEMPTED UNDER SUBSECTION**
10 **(B)(6) OF THIS SECTION ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE, AND**
11 **LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2017.