

HOUSE BILL 331

A2

5lr0849

By: **Delegates Vitale and Beidle**

Introduced and read first time: February 5, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of allowing an alcoholic beverages licensee in Anne Arundel County to be
4 issued a second or third license if the restaurant for which the license is sought is
5 located in a shopping center that is zoned MXD–C General Commercial; specifying
6 that the prohibition against issuing more than one license to a person does not apply
7 to hotel–limited service (on–sale) licenses; specifying that the prohibition against
8 granting a new license in a building located within a certain distance from a church
9 or school does not apply to any Class BLX (deluxe restaurant) (on–sale) beer, wine
10 and liquor license; authorizing a holder of a Class BLX license to obtain, under
11 certain circumstances, a special music license, special entertainment license, special
12 dancing license, special outdoor license, or special outdoor entertainment license;
13 prohibiting a holder of a Class BLX license that is located within a certain distance
14 from a church or school from obtaining a special dancing license; and generally
15 relating to alcoholic beverages licenses issued in Anne Arundel County.

16 BY repealing and reenacting, without amendments,
17 Article 2B – Alcoholic Beverages
18 Section 8–202.1(a), 9–102(a) and 9–203(c)(2)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 2B – Alcoholic Beverages
23 Section 8–202.1(j)(3)(v) and (k)(2)(v), 9–102(i), 9–203(c)(3), and 12–202(a)
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2014 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.



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:

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

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

(k) A licensee may be issued a third license if:

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

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

9–102.

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

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

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

(i) The provisions of subsection (a) of this section do not apply in Anne Arundel County to [licenses]:

(1) HOTEL–LIMITED SERVICE (ON–SALE) LICENSES; OR

(2) LICENSES issued under this article for premises operated as motel–restaurant complexes or hotel–restaurant complexes having one hundred (100) rooms or more.

9–203.

1 (c) (2) (i) A new license may not be granted to sell alcoholic beverages in
2 any building located within 1,000 feet in a straight line from entry to entry from a church
3 or school.

4 (ii) A license for the same building may be renewed or extended for
5 any building located within the specified distance of the grounds of a church or school.

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

7 (i) The City of Annapolis;

8 (ii) Any transfer or assignment of a license located within the
9 1,000-foot requirement;

10 (iii) Any nonprofit club or nonprofit organization;

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

14 (v) **ANY CLASS BLX (DELUXE RESTAURANT) (ON-SALE) BEER,**
15 **WINE AND LIQUOR LICENSE;**

16 [(v)] (vi) Any Class H beer and wine license (on-sale) or Class H
17 beer, wine and liquor license (on-sale); or

18 [(vi)] (vii) Any motel-restaurant complex, hotel-restaurant
19 complex, beer, wine and liquor license (on-sale).

20 12-202.

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

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

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

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

6 1. \$300 for a licensee holding a beer, wine and liquor license;
7 and

8 2. \$200 for a licensee holding a beer and wine license.

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

11 (3) (i) Except as provided in subparagraph (ii) of this paragraph, any
12 holder of a Class B, **CLASS BLX**, Class D or Class H license shall be permitted to have
13 music, dancing and other legal forms of entertainment, provided the licensee obtains a
14 special dancing license which shall be issued in the same manner as any other special
15 license. The annual fee shall be \$400 when issued to a licensee holding a beer, wine and
16 liquor license and \$200 when issued to a licensee holding a beer and wine license.

17 (ii) A **CLASS BLX OR** Class H license that is located within 1,000
18 feet in a straight line from entry to entry from a church or school may not obtain a special
19 dancing license.

20 (4) Any holder of a Class C license shall be permitted to have music,
21 dancing and other legal forms of entertainment, provided the licensee obtains a special
22 dancing license which shall be issued in the same manner as any other special license at
23 no additional charge.

24 (5) (i) The Board may issue a special outdoor license to a holder of a
25 Class B, **CLASS BLX**, Class C, Class D, or Class H license.

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

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

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

32 (6) (i) The Board may issue a special outdoor entertainment license to
33 a holder of a Class B, **CLASS BLX**, Class C, Class D, and Class H license who also holds a
34 special dancing license, a special music license, or a special entertainment license under
35 paragraph (1), (2), (3), or (4) of this subsection.

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

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

6 2. Outdoor table service or cafe service.

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

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

12 (ii) That the applicant can adequately control the persons using the
13 licensed premises,

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2015.