HOUSE BILL 787

A2
2lr3127
CF SB 321

By: **Frederick County Delegation**
Introduced and read first time: February 9, 2012
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – Licensed Restaurants – Removal of**
3 **Tables and Chairs for Expanded Occupancy**

4 FOR the purpose of authorizing in Frederick County a restaurant for which a Class B
5   beer, wine and liquor license is issued to remove its tables and chairs to
6   accommodate additional patrons at a certain number of special events in a year;
7   requiring that a restaurant that removes its tables and chairs give notice to the
8   Board of License Commissioners not less than a certain time before the event;
9   requiring the removed tables and chairs to be stored in a certain manner;
10   prohibiting a restaurant from allowing entry to more than the maximum
11   number of occupants that the County Fire Marshal allows; and generally
12   relating to restaurants for which an alcoholic beverages license is issued in
13   Frederick County.

14 BY repealing and reenacting, without amendments,
15   Article 2B – Alcoholic Beverages
16   Section 6–201(a)(1) and (l)(1) and (2)(iii)
17   Annotated Code of Maryland
18   (2011 Replacement Volume)

19 BY adding to
20   Article 2B – Alcoholic Beverages
21   Section 6–201(l)(2)(iv)
22   Annotated Code of Maryland
23   (2011 Replacement Volume)

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

26   **Article 2B – Alcoholic Beverages**

EXPLANATION: **Capitals indicate matter added to existing law.**
    [Brackets] indicate matter deleted from existing law.

1   6–201.

2   (a)   (1)   A Class B beer, wine and liquor license shall be issued by the
3   license issuing authority of the county in which the place of business is located, and
4   the license authorizes its holder to keep for sale and sell all alcoholic beverages at
5   retail at any hotel or restaurant at the place described, for consumption on the
6   premises or elsewhere, or as provided in this section.

7   (l)   (1)   This subsection applies only in Frederick County.

8   (2)   (iii)   This license may be issued to a restaurant which:

9   1.   Serves full–course meals at least twice daily;

10   2.   Has a regular seating capacity at tables (not including
11 seats at bars or counters) for 50 or more persons;

12   3.   Is operated in a physical plant which has a valuation
13 for purposes of State and local assessment and taxation of not less than $40,000 and
14 which has a valuation of personal property for purposes of State and local assessment
15 and taxation of not less than $5,000. This license in a restaurant permits sales for
16 consumption on the premises on which meals are prepared and served, except in the
17 case of beverages with an alcoholic content of not more than 14.5 percent by volume,
18 which may be sold for off–premises consumption; and

19   4.   A.   The area of the licensed premises normally
20 used as a restaurant for the preparation and consumption of food and beverages on the
21 premises may occupy no less than 80 percent of the square foot area, except for
22 recreational use premises such as bowling alleys and pool halls.

23   B.   The provisions of this sub–subparagraph of this
24 subparagraph do not apply to or affect any licensee that had a license on December 31,
25 1993, or to any person who has a permit for a building that was under construction on
26 that date.

27   **(IV)   1.   A RESTAURANT ISSUED A LICENSE UNDER THIS
28 SUBSECTION MAY REMOVE ITS TABLES AND CHAIRS TO ACCOMMODATE
29 ADDITIONAL PATRONS AT NOT MORE THAN FOUR SPECIAL EVENTS HELD IN THE
30 RESTAURANT IN A CALENDAR YEAR.**

31   **2.   A RESTAURANT THAT REMOVES ITS TABLES AND
32 CHAIRS FOR A SPECIAL EVENT:**

33   **A.   SHALL GIVE NOTICE TO THE BOARD OF LICENSE
34 COMMISSIONERS NOT LESS THAN 1 WEEK BEFORE THE EVENT;**

1   **B.**   **SHALL STORE THE REMOVED TABLES AND CHAIRS**
2 **IN AN APPROPRIATE LOCATION IN THE RESTAURANT AND IN A MANNER THAT**
3 **DOES NOT BLOCK THE EXITS OF THE RESTAURANT; AND**

4   **C.**   **MAY NOT ALLOW INTO THE RESTAURANT MORE**
5 **THAN THE MAXIMUM NUMBER OF OCCUPANTS THAT THE COUNTY FIRE**
6 **MARSHAL ALLOWS.**

7   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2012.