

SENATE BILL 321

A2

2lr1023
CF HB 787

By: **Senators Young and Brinkley**

Introduced and read first time: January 27, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 29, 2012

CHAPTER _____

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)

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.



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

3 **Article 2B – Alcoholic Beverages**

4 6–201.

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

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

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

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

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

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

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

26 B. The provisions of this sub–subparagraph of this
27 subparagraph do not apply to or affect any licensee that had a license on December 31,
28 1993, or to any person who has a permit for a building that was under construction on
29 that date.

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

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

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

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

8 **C. MAY NOT ALLOW INTO THE RESTAURANT MORE**
9 **THAN THE MAXIMUM NUMBER OF OCCUPANTS THAT THE COUNTY FIRE**
10 **MARSHAL ALLOWS.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.