

Chapter 216

(Senate Bill 321)

AN ACT concerning

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

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

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

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

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

Article 2B – Alcoholic Beverages

6–201.

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

- (1) (1) This subsection applies only in Frederick County.
- (2) (iii) This license may be issued to a restaurant which:
1. Serves full-course meals at least twice daily;
 2. Has a regular seating capacity at tables (not including seats at bars or counters) for 50 or more persons;
 3. Is operated in a physical plant which has a valuation for purposes of State and local assessment and taxation of not less than \$40,000 and which has a valuation of personal property for purposes of State and local assessment and taxation of not less than \$5,000. This license in a restaurant permits sales for consumption on the premises on which meals are prepared and served, except in the case of beverages with an alcoholic content of not more than 14.5 percent by volume, which may be sold for off-premises consumption; and
 4. A. The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages on the premises may occupy no less than 80 percent of the square foot area, except for recreational use premises such as bowling alleys and pool halls.
- B. The provisions of this sub-subparagraph of this subparagraph do not apply to or affect any licensee that had a license on December 31, 1993, or to any person who has a permit for a building that was under construction on that date.

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

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

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

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

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

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

Approved by the Governor, May 2, 2012.