

SENATE BILL 875

A2

11r2723
CF HB 1243

By: **Senator Klausmeier (By Request – Baltimore County Administration)**

Introduced and read first time: February 17, 2011

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 28, 2011

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2011

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Baltimore County ~~Executive and County Council of~~**
3 **~~Baltimore County~~ – License Fees**

4 FOR the purpose of ~~repealing certain alcoholic beverages license fees in Baltimore~~
5 ~~County; authorizing the Baltimore County Executive and the County Council of~~
6 ~~Baltimore County to establish alcoholic beverages license fees within Baltimore~~
7 ~~County; and generally relating to the Baltimore County Executive and the~~
8 ~~County Council of Baltimore County regulating~~ altering alcoholic beverages
9 license fees within Baltimore County; and generally relating to alcoholic
10 beverages license fees in Baltimore County.

11 BY repealing and reenacting, without amendments,

12 Article 2B – Alcoholic Beverages

13 Section 4–201(a)(2), 5–101(a)(1), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1),
14 6–101(a)(1), 6–201(a)(1), 6–301(a)(1), 6–401(a)(1), ~~6–702(b)~~, 7–101(b)(1)(i)
15 and (d)(1)(i), 8–204(c), 8–204.1(c), 8–304(a), 8–404(a)(1), ~~8–404.1(a), (b)~~
16 ~~and (e)~~ and 8–802(a)

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article 2B – Alcoholic Beverages

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 5-101(e), 5-201(e)(1), 5-301(e), 5-401(e)(1), 6-101(e), 6-201(e)(2),
 2 6-301(e), 6-401(e)(2), ~~6-702(e)~~, 7-101(b)(4) and (d)(4)(i), 8-204(e),
 3 8-204.1(e), 8-304(d), 8-404(a)(5), ~~8-404.1(d)~~, ~~8-601~~, and 8-802(d)

4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2010 Supplement)

6 BY adding to
 7 Article 2B – Alcoholic Beverages
 8 Section 4-201(b)(8) ~~and 18-105~~
 9 Annotated Code of Maryland
 10 (2005 Replacement Volume and 2010 Supplement)

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

13 Article 2B – Alcoholic Beverages

14 4-201.

15 (a) A Class A light wine license may be issued only in:

16 (2) Baltimore County;

17 (b) **(8) IN BALTIMORE COUNTY, THE FEE FOR THIS LICENSE SHALL**
 18 **~~BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$100.**

19 5-101.

20 (a) (1) A Class A beer and light wine license shall be issued by the license
 21 issuing authority of the county in which the place of business is located. The holder of
 22 the license may keep for sale and sell beer and light wines at retail, in any quantity to
 23 any consumers, at the place described in the license. The holder shall deliver the beer
 24 and light wines in a sealed package or container, which package or container may not
 25 be opened nor its contents consumed on the premises where sold.

26 (e) In Baltimore County the annual license fee [is \$100] **~~SHALL BE~~**
 27 **~~ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$250.**

28 5-201.

29 (a) (1) A Class B beer and light wine license shall be issued by the license
 30 issuing authority of the county in which the place of business is located. The holder
 31 may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at
 32 the place described in the license, for consumption on the premises or elsewhere.

1 (e) (1) In Baltimore County the annual license fee [is \$150] ~~SHALL BE~~
2 ~~ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$300.

3 5-301.

4 (a) (1) Except as provided in subsection (n) of this section, a Class C beer
5 and light wine license shall be issued by the license issuing authority of the county in
6 which the place of business is located. The holder of the license may keep for sale and
7 sell beer and light wines at retail to bona fide members and their guests, at any club,
8 at the place described in the license, for consumption on the premises only.

9 (e) In Baltimore County the annual license fee [is \$35] ~~SHALL BE~~
10 ~~ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$150.

11 5-401.

12 (a) (1) A Class D beer and light wine license shall be issued by the license
13 issuing authority of the county in which the place of business is located. The license
14 authorizes its holder to keep for sale and to sell beer and light wines at retail, at the
15 place described in the license, for consumption on the premises or elsewhere. The
16 license may not be issued for any drugstore.

17 (e) (1) In Baltimore County the annual license fee [is \$100] ~~SHALL BE~~
18 ~~ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$250.

19 6-101.

20 (a) (1) A Class A beer, wine and liquor license shall be issued by the
21 license issuing authority of the county in which the place of business is located. The
22 license authorizes the holder to keep for sale and to sell all alcoholic beverages at
23 retail, in any quantity, at the place described in the license. The licensee shall deliver
24 the alcoholic beverages in a sealed package or container and the package or container
25 may not be opened nor its contents consumed on the premises where sold.

26 (e) In Baltimore County the annual license fee [is \$600] ~~SHALL BE~~
27 ~~ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$900.

28 6-201.

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

1 (e) (2) The annual fee for a license [is \$1,000] ~~SHALL BE ESTABLISHED~~
2 ~~AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$1,500.

3 6-301.

4 (a) (1) Except as provided in subsection (n) of this section, a Class C beer,
5 wine and liquor license shall be issued by the license issuing authority of the county in
6 which the place of business is located. It authorizes the holder to keep for sale and sell
7 all alcoholic beverages at retail at any club, at the place described in the license, for
8 consumption on the premises only.

9 (e) In Baltimore County the annual license fee [is \$500] ~~SHALL BE~~
10 ~~ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$1,000.

11 6-401.

12 (a) (1) A Class D beer, wine and liquor license shall be issued by the
13 license issuing authority of the county in which the place of business is located. It
14 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the
15 place described in it, for consumption on the premises or elsewhere. A license may not
16 be issued for any drugstore.

17 (e) (2) The annual license fee [is \$1,000] ~~SHALL BE ESTABLISHED AS~~
18 ~~PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$1,500.

19 ~~6-702.~~

20 ~~(b) In this section "caterer" means a Class B or Class D on-sale beer, wine~~
21 ~~and liquor licensee who contracts to provide food and sell alcoholic beverages to~~
22 ~~sponsors of public or private events held off the premises.~~

23 ~~(g) The annual license fee for the special off-sale license privilege [is \$500]~~
24 ~~SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF THIS ARTICLE AND SHALL~~
25 ~~BE in addition to the annual fee for the Class B or Class D on-sale beer, wine and~~
26 ~~liquor license.~~

27 7-101.

28 (b) (1) (i) Subject to subsection (a) of this section, a special Class C
29 beer license or a special Class C beer and wine license entitles the holder to exercise
30 any of the privileges conferred by the respective classes of licenses for the use of any
31 person holding any bona fide entertainment conducted by any club, society or
32 association at the place described in the license, for a period not exceeding seven
33 consecutive days from the effective date thereof.

1 (4) In Baltimore County the fee ~~is \$10~~ \$30 per day, except that for
2 any bona fide religious, fraternal, civic, war veterans', hospital or charitable
3 organization, the fee is ~~\$5] SHALL BE ESTABLISHED AS PROVIDED IN § 18-105 OF~~
4 ~~THIS ARTICLE~~ \$20.

5 (d) (1) (i) A special Class C beer, wine and liquor license entitles the
6 holder to exercise any of the privileges conferred by this class of license for the use of
7 any person holding a bona fide entertainment conducted by a club, society, or
8 association at the place described for a period not exceeding seven consecutive days,
9 upon the payment of a fee of \$15 per day.

10 (4) (i) In Baltimore County:

11 1. The fee for this license ~~is \$25~~ \$50 per day, except
12 that for any bona fide religious, fraternal, civic, war veterans', hospital or charitable
13 organization, the fee for this license is ~~\$15] SHALL BE ESTABLISHED AS PROVIDED~~
14 ~~IN § 18-105 OF THIS ARTICLE~~ \$35; and

15 2. The holder of a special 7-day Class C beer, wine and
16 liquor license may purchase beer and light wine from a wholesale dealer.

17 8-204.

18 (c) There is a 7-day Class BDR (deluxe restaurant) (on-sale) beer, wine and
19 liquor license. This license may only be issued for the use of restaurants that:

20 (1) Meet the definition requirements of "restaurant" established under
21 the regulations of the Board of License Commissioners;

22 (2) Have a minimum seating capacity of 150 persons for dining;

23 (3) Have a cocktail lounge or bar area seating capacity not exceeding
24 25 percent of the seating capacity for dining;

25 (4) Have parking facilities to accommodate a minimum of 75 vehicles;
26 and

27 (5) Have a minimum capital investment of \$800,000 by the applicant
28 exclusive of the cost of the land and buildings.

29 (e) The annual license fee is ~~[\$1,000] SHALL BE ESTABLISHED AS~~
30 ~~PROVIDED IN § 18-105 OF THIS ARTICLE~~ \$2,000.

31 8-204.1.

1 (c) The Board may issue a special theater (on-sale) beer, wine and liquor
2 license for use in a theater if the theater:

3 (1) Is housed within a building;

4 (2) Has a capacity to hold a minimum of 1,500 permanently installed
5 seats; and

6 (3) Regularly presents live entertainment.

7 (e) The annual license fee [is \$1,000] ~~SHALL BE ESTABLISHED AS~~
8 ~~PROVIDED IN § 18-105 OF THIS ARTICLE~~ IS \$2,000.

9 8-304.

10 (a) The Baltimore County Board of License Commissioners may issue a
11 special wine festival license.

12 (d) The license fee [is \$15] ~~SHALL BE ESTABLISHED AS PROVIDED IN §~~
13 ~~18-105 OF THIS ARTICLE~~ IS \$60.

14 8-404.

15 (a) (1) The Baltimore County Board of License Commissioners may issue
16 a WS (wine sampling) permit to bona fide nonprofit organizations.

17 (5) The permit fee [is \$15 \$30 per day] ~~SHALL BE ESTABLISHED AS~~
18 ~~PROVIDED IN § 18-105 OF THIS ARTICLE.~~

19 ~~§ 404.1.~~

20 (a) ~~This section applies in Baltimore County.~~

21 (b) ~~The Board of License Commissioners may issue a Class BWT beer and~~
22 ~~light wine (on-premises) tasting license to the holder of a Class A beer and light wine~~
23 ~~license.~~

24 (e) ~~The Board of License Commissioners may issue a Class BWLT beer, wine~~
25 ~~and liquor (on-premises) tasting license to a holder of a Class A beer, wine and liquor~~
26 ~~license.~~

27 (d) (1) ~~The fees for a Class BWT and Class BWLT license [are as follows:~~

28 (i) ~~\$20 for a daily tasting license, which may be issued not more~~
29 ~~than 12 times in any annual license year;~~

1 (ii) ~~\$200 annually for a 26 day tasting license, which may be~~
2 ~~used consecutively or nonconsecutively;~~

3 (iii) ~~\$300 annually for a 52 day tasting license, which may be~~
4 ~~used consecutively or nonconsecutively; and~~

5 (iv) ~~\$400 annually for a 104 day tasting license, which may be~~
6 ~~used consecutively or nonconsecutively.] SHALL BE ESTABLISHED AS PROVIDED IN §~~
7 ~~18 105 OF THIS ARTICLE.~~

8 (2) ~~The fees for a Class BWT license and Class BWLT license are in~~
9 ~~addition to the Class A annual license fee.~~

10 ~~§ 601.~~

11 (a) ~~In Baltimore County the owner or owners of any regular licensed racing~~
12 ~~establishment, or the concessionaire or catering organization at such place, whether~~
13 ~~an individual, association or corporation, shall without additional residential, voting~~
14 ~~or locative qualifications be entitled to procure a license for the sale of beer and light~~
15 ~~wine within the confines of its racing park in said county[, at a cost for such license of~~
16 ~~\$25.00 per day]; and shall be entitled to procure a license for the sale of beer, wine and~~
17 ~~liquor within the confines of its racing park in said county[, at a cost for such license of~~
18 ~~\$50.00 per day.] and shall entitle the holder to sell at one or more locations within its~~
19 ~~said park. Such licenses and the licensees thereunder shall be subject to all laws, rules~~
20 ~~and regulations applicable in Baltimore County to the sale of alcoholic beverages, not~~
21 ~~inconsistent with the provisions of this section.~~

22 **~~(B) THE FEES FOR A LICENSE ISSUED UNDER THIS SECTION SHALL BE~~**
23 **~~ESTABLISHED AS PROVIDED IN § 18 105 OF THIS ARTICLE.~~**

24 **~~[(b)] (C)~~** ~~The provisions of this section are not restricted by the provisions in~~
25 ~~subsection (b) of § 12 107 of this article.~~

26 ~~8-802.~~

27 (a) The Baltimore County Board of License Commissioners may issue a
28 special beer festival license.

29 (d) The license fee ~~[is \$15 \$50]~~ **~~SHALL BE ESTABLISHED AS PROVIDED IN~~**
30 **~~§ 18 105 OF THIS ARTICLE.~~**

31 ~~18 105.~~

32 **~~THE BALTIMORE COUNTY EXECUTIVE AND THE COUNTY COUNCIL OF~~**
33 **~~BALTIMORE COUNTY SHALL REGULATE THE ALCOHOLIC BEVERAGES LICENSE~~**
34 **~~FEES WITHIN BALTIMORE COUNTY.~~**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.