

Chapter 219

(House Bill 248)

AN ACT concerning

Charles County – Alcoholic Beverages – Beer, Wine and Liquor Licenses

FOR the purpose of establishing a Class B–R (restaurant) on–sale beer, wine and liquor license, a Class B–RB (restaurant/bar) on–sale beer, wine and liquor license, a Class B–T (tavern) on–sale beer, wine and liquor license, a Class B–N (nightclub) on–sale beer, wine and liquor license, and a Class B–H (hotel) on–sale beer, wine and liquor license in Charles County; authorizing the Charles County Board of License Commissioners to issue certain licenses; establishing certain conditions for the issuance of certain licenses; prohibiting a certain license holder from establishing an area that is a bar and providing live entertainment; establishing certain annual license fees; requiring certain license holders to pay certain additional annual fees, if they provide live entertainment or outdoor table service; authorizing the Board of License Commissioners to adopt certain regulations; making certain clarifying and stylistic changes; and generally relating to Class B beer, wine and liquor licenses in Charles County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–201(j)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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.

(j) (1) This subsection applies only in Charles County.

(2) (I) THERE IS A CLASS B–R (RESTAURANT) ON–SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.

(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT THAT:

1. IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES; AND

2. CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS.

(III) A LICENSE HOLDER MAY NOT:

1. ESTABLISH AN AREA ON THE PREMISES OF THE RESTAURANT THAT IS A BAR; OR

2. PROVIDE LIVE ENTERTAINMENT.

[(2)] (IV) The annual license fee is \$360.

(V) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY \$200 IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

[(3) This license shall provide for the consumption of beer, wine and liquor on the premises only.]

(3) (I) THERE IS A CLASS B–RB (RESTAURANT/BAR) ON–SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.

(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT THAT:

1. IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES;

2. CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS; AND

3. CONTAINS AN AREA COMMONLY KNOWN AS A BAR, WITH STOOLS TO ACCOMMODATE PATRONS WITH OR WITHOUT SERVICE OF FOOD.

(III) THE ANNUAL LICENSE FEE IS \$460.

(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:

- 1. \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**
- 2. \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

(4) (I) THERE IS A CLASS B-T (TAVERN) ON-SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS.

(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT OR BAR THAT:

- 1. IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC BEVERAGES, ON A DRINK-BY-DRINK BASIS; AND**
- 2. HAS A SEATING CAPACITY OF LESS THAN 100 PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.**

(III) THE ANNUAL LICENSE FEE IS \$460.

(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:

- 1. \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**
- 2. \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

(5) (I) THERE IS A CLASS B-N (NIGHTCLUB) ON-SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.

(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A NIGHTCLUB FACILITY THAT:

1. IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC BEVERAGES, ON A DRINK-BY-DRINK BASIS; AND

2. HAS A SEATING CAPACITY OF MORE THAN 100 PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.

(III) THE ANNUAL LICENSE FEE IS \$610.

(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY \$200 IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT.

(6) (I) THERE IS A CLASS B-H (HOTEL) ON-SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.

(II) THE LICENSE AUTHORIZES THE ON PREMISES SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR IN A HOTEL COMMON AREA, FOR A PREMISES PRIMARILY ENGAGED IN THE DAY-TO-DAY RENTAL OF HOTEL ROOMS.

(III) THE ANNUAL LICENSE FEE IS \$360.

(IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:

1. \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND

2. \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.

[(4)] (7) (i) There is [in addition to the classes provided for,] a [special Class B license known as a Class BLX] CLASS B-BLX (LUXURY RESTAURANT) ON-SALE BEER, WINE AND LIQUOR LICENSE, which is issued BY THE BOARD OF LICENSE COMMISSIONERS only to luxury-type restaurants.

(ii) The Class [BLX] B-BLX license shall be applied for in the same manner as are other classes of licenses.

(iii) The ANNUAL license fee is \$2,400.

(iv) A luxury-type restaurant shall be defined by the Board of License Commissioners.

(v) To qualify for a Class [BLX] ~~B-BLX~~ license a restaurant shall have:

1. A minimum capital investment of \$550,000 for the dining room facilities and kitchen equipment, not including the cost of land, buildings, or leases; and

2. A seating capacity of at least 150 persons.

(vi) Notwithstanding any other provision of this article, an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons may not have a direct or indirect interest in any combination in more than 6 Class B-~~BLX~~ licenses.

(vii) An indirect interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

1. A common parent company;

2. A franchise agreement;

3. A licensing agreement;

4. A concession agreement;

5. Dual membership in a chain of businesses commonly owned and operated;

6. A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

7. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or

8. A sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

[(5)] (8) (i) 1. In this paragraph, "guest" means a person whose name and address appear on the registry that is maintained by the establishment and who is an occupant of a sleeping room in the establishment.

2. “Guest” does not include a person who is registered only for the purpose of obtaining alcoholic beverages.

(ii) There is a [~~special~~] Class B–B&B (bed and breakfast) on–sale beer, wine, and liquor license.

(iii) The Board may issue a Class B–B&B **(BED AND BREAKFAST) ON–SALE BEER, WINE, AND LIQUOR** license.

(iv) To qualify for a Class B–B&B license, the applicant’s establishment:

1. Shall have rooms, excluding the resident management quarters, that the public, for consideration, may use for sleeping accommodations for a specified period of time; and

2. May not have dining facilities that are open to the general public.

(v) A Class B–B&B [~~licensee~~] **LICENSE HOLDER** may sell beer, wine, and liquor only to guests for consumption on the licensed premises.

(vi) The annual license fees are:

1. \$25 for an establishment with one to five bedrooms; or

2. \$50 for an establishment with six or more bedrooms.

(vii) The hours and days for sale under the license shall be in accordance with § 11–509 of this article.

(viii) An applicant for a Class B–B&B license shall meet all other qualifications to hold an alcoholic beverages license in the county.

(ix) The Board may adopt additional regulations consistent with this paragraph.

(x) If the licensed premises ceases to be operated as a bed and breakfast establishment, the license is void.

[(6)] (9) (i) There is a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license.

(ii) The Board of License Commissioners may issue a 7–day Class B–Stadium license to:

1. The owner of any professional team franchise, whether the franchise is a partnership, corporation, or limited liability company; or

2. A private concessionaire that is under contract with the County or a professional baseball team franchise.

(iii) A Class B–Stadium license authorizes the holder to sell beer, wine, and liquor on the premises of a baseball stadium owned or operated by the County to individuals present at baseball games or other events held at the stadium.

(iv) Except as provided in subparagraph (v) of this paragraph, beer, wine, and liquor shall be served in plastic, styrofoam, or paper containers on the stadium premises.

(v) Beer, wine, and liquor may be served in glass containers in an enclosed stadium dining area in which patrons are seated.

(vi) A patron:

1. May consume and carry beer and wine anywhere on the stadium premises; but

2. May consume liquor only in the enclosed stadium dining area or bar; and

3. May not carry liquor out of the enclosed stadium dining area or bar.

(vii) The annual fee for the Class B–Stadium license is \$2,200.

(viii) Except for a distributor of beer who is conducting business with a holder of a Class B–Stadium license for the purposes of this paragraph, the holder may not allow any individual to carry alcoholic beverages onto or from the licensed premises.

(ix) The Board of License Commissioners may adopt additional regulations consistent with this paragraph relating to:

1. The manner of dispensing alcoholic beverages;

2. The number of outlets authorized to dispense alcoholic beverages; and

3. The hours and days of sale of alcoholic beverages.

(10) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 14, 2014.