

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 95  
Economic Matters

(Montgomery County Delegation)  
Education, Health, and Environmental Affairs

---

**City of Gaithersburg - Licensed Alcoholic Beverages Restaurants - Distance from Churches or Other Places of Worship**  
**MC 23-15**

---

This bill authorizes the Montgomery County Board of License Commissioners, by majority vote, to issue a Class B beer, wine, and liquor (on-sale) license for a restaurant located more than 275 feet from a church or place of worship if (1) the restaurant is located in a shopping center in Gaithersburg in Montgomery County that is bordered by Maryland Route 355, Central Avenue, Poplarwood Place, and North Westland Drive and (2) a prior owner or tenant at the site of the restaurant held an alcoholic beverages license.

The bill takes effect July 1, 2015.

---

**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Assuming one application is filed and one license is issued as a result of the bill, Montgomery County revenues increase by \$600 in the first year due to the applicable filing fee and \$2,500 annually due to the applicable license fee. Monitoring can be handled with existing resources.

**Small Business Effect:** Minimal overall, but potential meaningful positive impact for any small business that obtains a Class B beer, wine, and liquor (on-sale) license under the bill.

---

## Analysis

**Current Law:** The Montgomery County Board of License Commissioners requires a filing fee of \$600 with each application for an alcoholic beverages license, and the annual license fee for a Class B beer, wine, and liquor license is \$2,500.

Generally, the Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any (1) secondary or elementary school; (2) church or other place of worship; or (3) youth center sponsored or conducted by any governmental agency. However, by majority vote, the Montgomery County Board of License Commissioners may issue a license for use at a location more than 300 feet from an elementary or secondary school, church or other place of worship, or youth center sponsored or conducted by a governmental agency under specified conditions.

The limitation regarding distance does not apply to, affect, or prohibit the renewal, transfer, or reissuance of an alcoholic beverages license that was issued before a school, church or other place of worship, or youth center was erected within 750 feet of the licensed premises. This restriction also does not apply to a special culinary school license that may be issued for use on the premises of a private culinary educational institution.

**Background:** In fiscal 2014, 507 Class B beer, wine, and liquor licenses were in effect for locations in Montgomery County.

**Local Revenues:** The Montgomery County Board of License Commissioners requires a filing fee of \$600 with each application for an alcoholic beverages license, and the annual license fee for a Class B beer, wine, and liquor license is \$2,500. Thus, local revenues increase by \$600 at the time of application and \$2,500 annually for each license issued as a result of the bill. *For illustrative purposes*, if one entity applies for and obtains a Class B license due to the bill's provisions, Montgomery County revenues increase by \$3,100 in the first year and \$2,500 annually thereafter. Any enforcement activities can be handled with existing resources.

---

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, City of Gaithersburg, Comptroller's Office, Department of Legislative Services

**Fiscal Note History:** First Reader - January 28, 2015  
min/lgc Revised - Correction - January 29, 2015

---

Analysis by: Richard L. Duncan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510