

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1030 (Montgomery County Delegation)
Economic Matters

**Montgomery County - Alcoholic Beverages - Premises Near Schools, Places of
Worship, and Youth Centers**
MC 1-16

This bill authorizes the Montgomery County Board of License Commissioners to issue an alcoholic beverages license to a restaurant that is located less than 300 feet from any (1) secondary or elementary school; (2) place of worship; or (3) youth center sponsored or conducted by any governmental agency if specified conditions are met. Four-fifths of the board must vote affirmatively in order to approve such a license, and the licensee may only sell alcoholic beverages for on-premises consumption.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None.

Local Effect: To the extent that the bill results in additional applications for and issuance of alcoholic beverages licenses, Montgomery County revenues increase due to applicable filing and annual licensing fees; however, any such increase is expected to be minimal. Monitoring of any additional licenses can be handled using existing resources.

Small Business Effect: Minimal overall but potentially meaningful for any approved applicant that is no longer subject to the distance restriction.

Analysis

Bill Summary: A license may only be issued less than 300 feet from a secondary or elementary school, place of worship, or government sponsored or conducted youth center if:

- the restaurant is located in a commercial or industrial zone and adjacent or contiguous to land that is similarly classified;
- prior to approving the license, the board solicits input from any affected secondary or elementary school, place of worship, or youth center;
- the issuance of the license does not adversely affect any secondary or elementary school, place of worship, youth center, or the nearest residential community; and
- the applicant otherwise qualifies for an alcoholic beverages license.

Current Law: The Montgomery County Board of License Commissioners requires a filing fee of \$600 with each application for an alcoholic beverages license. Annual license fees vary depending on the type of license but generally range from \$400 to \$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) 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, 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, 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.

In specified towns and geographic locations in Montgomery County, instead of meeting the 750-foot requirement, the issuance of a license must not adversely affect any nearby schools, places of worship, youth centers, or the nearest residential community. Such a license may only be issued if the board votes unanimously to do so. Furthermore, an alcoholic beverages license issued to a restaurant in a specified geographic location in Gaithersburg is required to be at least 275 feet, instead of 750 feet, from any place of worship.

Background: In fiscal 2015, there were 1,009 alcoholic beverages licenses issued for use in Montgomery County.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 15, 2016
min/hlb

Analysis by: Richard L. Duncan

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