

SENATE BILL 219

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By: **Senators Young and Hough**

Introduced and read first time: January 18, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – Seating Requirement for Class B**
3 **Licenses**

4 FOR the purpose of altering the seating requirement for facilities in Frederick County for
5 which certain Class B alcoholic beverages licenses are issued; and generally relating
6 to alcoholic beverages licenses in Frederick County.

7 BY repealing and reenacting, without amendments,
8 Article – Alcoholic Beverages
9 Section 20–102
10 Annotated Code of Maryland
11 (2016 Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Alcoholic Beverages
14 Section 20–902, 20–903, and 20–904
15 Annotated Code of Maryland
16 (2016 Volume and 2017 Supplement)

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

19 **Article – Alcoholic Beverages**

20 20–102.

21 This title applies only in Frederick County.

22 20–902.

23 (a) There is a Class B license in the Ballenger (23rd) election district.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The Board may issue the license for use by a luxury-type restaurant that has:

2 (1) a capital investment of at least \$250,000 for dining room facilities and
3 kitchen equipment, not including the cost of land, buildings, or leases; and

4 (2) seating for at least ~~50~~ 28 individuals.

5 (c) The license authorizes the sale of beer, wine, and liquor for on-premises
6 consumption.

7 (d) The license holder may sell beer, wine, and liquor during the hours and days
8 as set out under § 20-2006(d) of this title.

9 (e) The annual license fee is \$1,500.

10 (f) The Board shall define "luxury-type restaurant" by regulation.

11 20-903.

12 (a) There is a Class B beer, wine, and liquor hotel or motel license.

13 (b) The Board may issue the license for use by a hotel or motel that:

14 (1) is an establishment to accommodate the public by providing services
15 ordinarily found in a hotel or motel;

16 (2) has at least 15 rooms;

17 (3) has a dining room with facilities for preparing and serving full-course
18 meals for at least ~~50~~ 28 individuals at one seating; and

19 (4) has a capital investment in the hotel or motel facility of at least
20 \$400,000.

21 (c) (1) The license authorizes the license holder to sell beer, wine, and liquor
22 by the individual drink at any place on the hotel or motel premises.

23 (2) (i) Subject to subparagraph (ii) of this paragraph, the license
24 authorizes the license holder to sell beer, wine, and liquor by the bottle:

25 1. at any place on the premises for a banquet, party,
26 hospitality room, meeting, or a similar function; and

27 2. for dinner in the restaurant portion of the premises.

28 (ii) A customer may not remove from the premises any contents of a

1 bottle sold under this paragraph that remains unused.

2 (3) (i) The license authorizes the sale of beer, wine, and liquor by the
3 bottle through room service to a registered patron in a hotel or motel room.

4 (ii) Not more than two bottles may be sold through room service to
5 any one customer in a 24-hour period.

6 (iii) A bottle sold through room service may be removed from the
7 premises by the customer on checking out from the hotel or motel.

8 (d) The license holder may sell beer, wine, and liquor during the hours and days
9 as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

10 (e) The annual license fee is \$2,000.

11 20-904.

12 (a) There is a Class B beer, wine, and liquor hotel or restaurant license.

13 (b) The Board may issue the license for use by a hotel that:

14 (1) is an establishment for the accommodation of the public providing
15 service ordinarily found in hotels;

16 (2) contains:

17 (i) at least 25 rooms;

18 (ii) a lobby with a registration and mail desk; and

19 (iii) seating facilities and a dining room that serves full-course meals
20 at least twice daily and that has a regular seating at tables, not including seats at bars or
21 counters, for **[50] 28** or more individuals; and

22 (3) is operated in a facility that:

23 (i) is valued for State and local assessment and taxation at not less
24 than \$20,000; and

25 (ii) has personal property valued for State and local assessment and
26 taxation at not less than \$3,000.

27 (c) (1) Subject to paragraph (2) of this subsection, the Board may issue the
28 license for use by a restaurant that:

29 (i) serves full-course meals at least twice daily;

1 (ii) has regular seating at tables, not including seats at bars or
2 counters, for [50] 28 or more individuals;

3 (iii) is operated in a facility valued for State and local assessment and
4 taxation at not less than \$40,000; and

5 (iv) has personal property valued for State and local assessment and
6 taxation at not less than \$5,000.

7 (2) (i) This subsection does not apply to or affect any license holder that
8 had the license on December 31, 1993, or to a person who has a permit for a building that
9 was under construction on that date.

10 (ii) The area normally used as a restaurant for the preparation and
11 consumption of food and beverages shall occupy at least 80% of the square foot area of the
12 licensed premises, except for premises used for recreation, such as a bowling alley or pool
13 hall.

14 (3) (i) The license holder may remove tables and chairs to accommodate
15 additional patrons at not more than four special events held in the restaurant in a calendar
16 year.

17 (ii) A restaurant that removes its tables and chairs for a special
18 event:

19 1. shall give notice to the Board at least 1 week before the
20 event;

21 2. shall store the removed tables and chairs in an
22 appropriate location in the restaurant and in a manner that does not block the exits of the
23 restaurant; and

24 3. may not allow into the restaurant more than the
25 maximum number of occupants that the County Fire Marshal allows.

26 (d) (1) The license issued for a hotel or restaurant:

27 (i) authorizes the sale of beer, wine, and liquor for on-premises
28 consumption where meals are prepared and served; and

29 (ii) prohibits sales for consumption anywhere else, including at a bar
30 or counter.

31 (2) The license issued for a restaurant authorizes the sale for off-premises
32 consumption of beverages with an alcoholic content of not more than 14.5%.

1 (e) The license holder may sell beer, wine, and liquor during the hours and days
2 as set out for a Class B beer, wine, and liquor license under § 20–2005(b) of this title.

3 (f) The annual license fee is:

4 (1) \$1,500 for a restaurant; and

5 (2) \$2,000 for a hotel.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2018.