

Chapter 349

(House Bill 860)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Town of Kensington

MC 15–20

FOR the purpose of authorizing, in the Town of Kensington in Montgomery County, the Board of License Commissioners for Montgomery County to renew, approve the transfer of, and otherwise provide for certain licenses; repealing a limitation on the number of a certain license that the Board may issue in the Town of Kensington; altering the number of Class A–K beer and wine licenses the Board may issue; authorizing the issuance of not more than a certain number of Class 9 limited distillery licenses for use in the town; authorizing the Board to alter the number of Class A–K license holders under certain circumstances; expanding the hours of sale for Class A–K license holders; specifying an annual fee for certain licenses; requiring that certain license holders maintain a percentage of daily sales from food; prohibiting certain license holders from posting certain signage; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 25–102
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 25–406, 25–1307(a), and 25–1604
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–406.

A holder of a Class B beer, wine, and liquor (on-sale) license, **A CLASS B–K BEER, WINE, AND LIQUOR LICENSE**, or a Class D beer, wine, and liquor (on-sale) license may be issued a Class 9 limited distillery license to sell the distilled products that the holder manufactures for on- and off-premises consumption.

25–1307.

(a) [(1)] There is a beer and wine tasting (BWT) license in the Town of Kensington.

[(2) The Board may issue not more than three beer and wine tasting licenses in the Town of Kensington.]

25–1604.

(a) This section applies only to Kensington.

(b) [(1) The] **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE Board may issue, RENEW, APPROVE THE TRANSFER OF, AND OTHERWISE PROVIDE FOR:**

[(i) (1) a 2-day on-sale beer and wine license or a 2-day on-sale beer, wine, and liquor license to a [religious, fraternal, civic, or charitable organization] **PERSON** holding an event **BETWEEN THE HOURS OF 10 A.M. TO 10:30 P.M. FOR WHICH THE TOWN HAS ISSUED A PERMIT** on [municipal] property [located at 3710 Mitchell Street] **OWNED OR CONTROLLED BY THE TOWN OR ON PRIVATE COMMERCIAL ZONED PROPERTY; [and]**

(2) BEER AND WINE TASTING (BWT) LICENSES, AS PROVIDED IN § 25–1306 OF THIS TITLE;

(3) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, A CLASS A–K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE FOR OFF–PREMISES CONSUMPTION;

[(ii) a Class B–K beer and wine license or a Class B–K beer, wine, and liquor license for use on the site of a restaurant in the following commercial areas:

1. the west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

2. the east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

3. the west side of University Boulevard West;
4. Dupont Avenue, west of Connecticut Avenue;
5. Plyers Mill Road, west of Metropolitan Avenue;
6. Summit Avenue between Knowles Avenue and Howard Avenue;
7. Detrick Avenue between Knowles Avenue and Howard Avenue;
8. the southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;
9. East Howard Avenue;
10. Armory Avenue between Howard Avenue and Knowles Avenue;
11. Montgomery Avenue between Howard Avenue and Kensington Parkway;
12. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or
13. the east side of Connecticut Avenue between Warner Street and Knowles Avenue.]

(4) A CLASS B–K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION;

[(2)] (5) [A] A Class B–K beer, wine, and liquor license [or a Class B–K beer and wine license] THAT authorizes the LICENSE holder to [keep for sale and] sell [alcoholic beverages for on–premises] BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES consumption[.];

[(3)] A license holder shall maintain average daily receipts from the sale of food, not including carryout food, of at least 40% of the overall average daily receipts.]

(6) IN ACCORDANCE WITH § 25–903 OF THIS TITLE, A CLASS BD–BWL BEER, WINE, AND LIQUOR LICENSE;

(7) A CLASS C BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE LICENSE, TO MEMBERS OF A PRIVATE SOCIAL CLUB AND GUESTS OF MEMBERS, FOR ON-PREMISES CONSUMPTION;

(8) A CLASS D-K BEER LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;

(9) A CLASS D-K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;

(10) A CLASS H BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION;

~~(11) A CLASS 9 LIMITED DISTILLERY LICENSE TO SELL THE DISTILLED PRODUCTS THAT THE HOLDER MANUFACTURES FOR ON- AND OFF-PREMISES CONSUMPTION;~~

~~(12) A CLASS 3 WINERY LICENSE TO SELL WINE THAT THE HOLDER MANUFACTURES FOR ON- AND OFF-PREMISES CONSUMPTION;~~

~~(13) A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE;~~

~~(14) A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE;~~

~~(15)~~ (11) IN ACCORDANCE WITH § 4-1102 OF THIS ARTICLE, THE CONSUMPTION OF WINE NOT PURCHASED FROM THE LICENSE HOLDER ON A LICENSED PREMISES;

~~(16)~~ (12) IN ACCORDANCE WITH § 4-1103 OF THIS ARTICLE, THE REMOVAL OF A PARTIALLY CONSUMED BOTTLE OF WINE FROM A LICENSED PREMISES;

~~(17)~~ (13) IN ACCORDANCE WITH § 25-1002 OF THIS TITLE, A BEAUTY SALON LICENSE;

~~(18)~~ (14) IN ACCORDANCE WITH § 25-1005 OF THIS TITLE, A CONTINUING CARE RETIREMENT COMMUNITY LICENSE;

~~(19)~~ **(15)** IN ACCORDANCE WITH § 25-1007 OF THIS TITLE, A COUNTRY CLUB LICENSE;

~~(20)~~ **(16)** IN ACCORDANCE WITH § 25-1009 OF THIS TITLE, A FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE;

~~(21)~~ **(17)** IN ACCORDANCE WITH § 25-1014 OF THIS TITLE, A VETERANS' ORGANIZATION OR CLUB LICENSE;

~~(22)~~ **(18)** IN ACCORDANCE WITH § 25-1103 OF THIS TITLE, A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER FOR CLASS D-K LICENSE; AND

~~(23)~~ **(19)** IN ACCORDANCE WITH § 25-1104 OF THIS TITLE, A REFILLABLE CONTAINER PERMIT FOR WINE FOR CLASS D-K LICENSE.

(c) (1) [The] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE** Board may issue[:],

(i) in aggregate, not more than [four] **EIGHT** Class A-K (off-sale) beer and wine licenses[, Class D-K beer licenses and Class D-K beer and wine licenses for use in the commercial areas specified in subsection (b)(1)(ii) of this section; and

(ii) subject to § 25-1306 of this title, not more than three beer and wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.

(2) A Class A-K beer and wine license authorizes the holder to keep for sale and sell beer or wine for off-premises consumption 7 days a week, from 10 a.m. to 8 p.m. daily.

(3) A holder of a Class A-K beer and wine license, a Class D-K beer license, and a Class D-K beer and wine license may not, on a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location].

(2) THE BOARD, BY MAJORITY VOTE, MAY ISSUE ONE ADDITIONAL CLASS A-K BEER AND WINE LICENSE IF THERE IS:

(I) A PUBLIC HEARING BEFORE THE TOWN COUNCIL; AND

(II) A SUBSEQUENT REQUEST MADE BY THE TOWN COUNCIL.

(3) A CLASS A-K BEER AND WINE LICENSE HOLDER MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION MONDAY THROUGH SUNDAY, FROM 10 A.M. TO 10 P.M.

(D) (1) A CLASS 9 LIMITED DISTILLERY LICENSE MAY BE ISSUED TO A CLASS B–K BEER, WINE, AND LIQUOR LICENSE HOLDER.

(2) NOT MORE THAN FOUR CLASS 9 LIMITED DISTILLERY LICENSES, IN AGGREGATE, MAY BE ISSUED.

[(4)] (E) The annual license fee FOR EACH CLASS OF LICENSE IS EQUAL TO THE FEE REQUIRED BY THE COUNTY FOR A COMPARABLE LICENSE.

(F) THE HOLDER OF A CLASS B–K BEER AND WINE LICENSE, A CLASS B–K BEER, WINE, AND LIQUOR LICENSE, OR A CLASS H BEER AND WINE LICENSE SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 40% OF THE OVERALL AVERAGE DAILY RECEIPTS.

(G) THE BOARD MAY ISSUE, IN AGGREGATE, NOT MORE THAN EIGHT LICENSES FROM AMONG THE FOLLOWING TYPES:

- (1) A CLASS B–K BEER AND WINE LICENSE;**
- (2) A CLASS B–K BEER, WINE, AND LIQUOR LICENSE;**
- (3) A CLASS BD–BWL LICENSE;**
- (4) A CLASS C BEER AND WINE LICENSE;**
- (5) A CLASS D–K BEER LICENSE;**
- (6) A CLASS D–K BEER AND WINE LICENSE; AND**
- (7) A CLASS H BEER AND WINE LICENSE.**

(H) A LICENSE HOLDER WHOSE LICENSED PREMISES IS LOCATED IN THE TOWN OF KENSINGTON MAY NOT, ON A FRONT, REAR, SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.