

Chapter 765

(House Bill 1117)

AN ACT concerning

Washington County – Alcoholic Beverages – Class B, C, and D Licenses – Sidewalk Cafe/Patio Permit ~~and Purchases~~

FOR the purpose of altering the sidewalk cafe permit in Washington County to be a sidewalk cafe/patio permit; authorizing the Board of License Commissioners for Washington County to issue the sidewalk cafe/patio permit to certain license holders or applicants; altering and establishing requirements for the sidewalk cafe/patio permit; ~~authorizing the holders of certain Class B, Class C, and Class D licenses to purchase certain alcoholic beverages from certain license holders for a certain period of time in a certain manner;~~ and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 31–102
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 31–1103, 31–2003(e) and (f), and 31–2004(e) and (f)
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing
Article – Alcoholic Beverages
Section 31–2003(d) and 31–2004(d)
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

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

Article – Alcoholic Beverages

31–102.

This title applies only in Washington County.

31–1103.

(a) There is a sidewalk [cafe] **CAFE/PATIO** permit.

(b) The Board may issue the permit to a holder of or an applicant for a Class B, **CLASS B RESTAURANT, OR CLASS D** license.

(c) The permit authorizes the permit holder to sell and serve alcoholic beverages in an area [on the sidewalk directly in front of the licensed establishment] **APPROVED BY THE BOARD.**

(d) To maintain a sidewalk [cafe] **CAFE/PATIO** permit, the permit holder shall:

(1) comply with regulations applicable to the issuance of the underlying Class B, **CLASS B RESTAURANT, OR CLASS D** license [and with];

(2) OBSERVE all COUNTY AND municipal ordinances [and] INCLUDING ZONING, fire and health department regulations, AND, IF APPLICABLE, ANY LANDLORD REQUIREMENTS REGARDING PROPERTY USAGE AND NOISE CONTROL; AND

[(2) ensure that at least one employee certified by an alcohol awareness program is on the premises at all times during the operation of the sidewalk cafe; and]

(3) keep the kitchen open during all hours of operation and have prepared meals available to be served in the sidewalk [cafe] **CAFE/PATIO.**

(E) (1) IN ACCORDANCE WITH THIS SUBSECTION, BEFORE GRANTING A PERMIT UNDER THIS SECTION, THE BOARD MUST APPROVE THE OUTDOOR AREA OF THE PREMISES WHERE ALCOHOLIC BEVERAGES WILL BE PROVIDED.

(2) THE APPLICANT SHALL SUBMIT FOR THE BOARD'S APPROVAL ANY PLAN OF A PROPOSED RENOVATION OR CONSTRUCTION OF A SIDEWALK CAFE/PATIO, DECK, OR OTHER OUTDOOR AREA ON THE PREMISES, INCLUDING THE AREA OF THE PREMISES WHERE ALCOHOLIC BEVERAGES WILL BE STORED AND SOLD.

(3) (I) THE ENTRANCES AND EXITS OF THE OUTDOOR AREA OF THE PREMISES MUST INCLUDE AN EMERGENCY EXIT THAT OPENS OUTWARD THAT IS APPROVED BY THE FIRE MARSHAL AND THE BOARD.

(II) IF THE EMERGENCY EXIT REQUIRED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH CONSISTS OF A LATCHED GATE OR DOOR, THE GATE OR DOOR MUST HAVE A FUNCTIONING PANIC BAR.

(4) THE BOARD SHALL APPROVE THE HEIGHT, SIZE, CONSTRUCTION, AND SECURITY OF A FENCE OR PRIVACY SHIELD SURROUNDING THE OUTDOOR

SPACE OF THE PREMISES ON A CASE-BY-CASE BASIS, BASED ON THE FOLLOWING FACTORS:

(I) THE ARCHITECTURAL STRUCTURE OF THE FENCE OR PRIVACY SHIELD;

(II) THE NEIGHBORHOOD WITHIN WHICH THE PREMISES IS SITUATED;

(III) THE AESTHETIC APPEARANCE OF THE FENCE OR PRIVACY SHIELD; AND

(IV) THE SECURITY OF THE PREMISES.

(5) WITH APPROVAL FROM THE BOARD, THE PREMISES MAY INCLUDE AN OUTDOOR SERVING BAR IF IT ALSO INCLUDES OUTDOOR BAR SEATING ARRANGEMENTS.

(6) (I) WITH APPROVAL FROM THE BOARD, MUSIC, LIVE ENTERTAINMENT, OR THE VIEWING OF TELEVISED SPORTING EVENTS MAY BE PERMITTED IN THE OUTDOOR AREA OF THE PREMISES.

(II) IN DETERMINING WHETHER TO APPROVE MUSIC, LIVE ENTERTAINMENT, OR THE VIEWING OF TELEVISED SPORTING EVENTS, THE BOARD SHALL CONSIDER THE DEMOGRAPHIC LOCATION OF THE PREMISES WITH REGARD TO NOISE VIOLATIONS OR MAINTAINING THE PEACE AND QUIET OF THE NEIGHBORHOOD.

[(e)] (F) A permit holder may sell or serve alcoholic beverages in the sidewalk [cafe] CAFE/PATIO every day of the week from noon to midnight.

(G) (1) NOTWITHSTANDING § 31-1903(A) OF THIS TITLE, A PERMIT HOLDER SHALL REQUIRE AT LEAST ONE EMPLOYEE WHO HAS COMPLETED A CERTIFIED ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT ALL TIMES WHEN ALCOHOL IS BEING SERVED.

(2) NO ALCOHOL MAY BE SERVED AND ALL ALCOHOL MUST BE SECURED WHEN THERE IS NO EMPLOYEE WHO HAS COMPLETED A CERTIFIED ALCOHOL AWARENESS PROGRAM ON THE LICENSED PREMISES.

[(f)] (H) The annual permit fee is \$500.

31-2003.

[(d) A holder of a Class B sidewalk cafe permit may sell or provide beer and light wine in the sidewalk cafe on Monday through Sunday, from noon to midnight.]

[(e)] (D) (1) A holder of a Class C beer and light wine license may sell beer and light wine:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday from noon to midnight, if a fee is paid.

(2) The license holder may sell beer and light wine on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer and light wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

[(f)] (E) (1) A holder of a Class D beer and light wine (on-sale) license may sell beer and light wine:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) When a federal holiday falls on a Monday, the license holder may sell beer and light wine on the Sunday immediately before the Monday holiday, from noon to 2 a.m. the following day.

31-2004.

[(d) A holder of a Class B sidewalk cafe permit may sell or provide beer, wine, and liquor in the sidewalk cafe on Monday through Sunday, from noon to midnight.]

[(e)] (D) (1) A holder of a Class C beer, wine, and liquor (on-sale) license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraphs (2) and (3) of this subsection, on Sunday, from noon to midnight.

(2) The license holder may sell beer, wine, and liquor on Sunday, from 11 a.m. to midnight, if:

(i) the consumer places an order for a meal simultaneously with or before placing an order for an alcoholic beverage; or

(ii) the consumer is entitled to a meal on the premises as part of a prearranged event.

(3) When a federal holiday falls on a Monday, the license holder may sell beer, wine, and liquor on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

[(f)] (E) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) except as provided in paragraph (2) of this subsection, on Sunday, from noon to midnight, if a fee is paid.

(2) When a federal holiday falls on a Monday, the license holder may exercise the privileges conferred by the license on the Sunday immediately preceding the Monday holiday, from noon to 2 a.m. the following day.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 6-311 and 31-2701 of the Alcoholic Beverages Article, the holder of a Class B, Class C, or Class D license that has an on-sale privilege in Washington County may obtain a permit from the Board of License Commissioners for Washington County, at no cost, that authorizes the holder to purchase alcoholic beverages, from the holder of a retail license in the county or a wholesale license, for the sole purpose of preparing and selling alcoholic beverages for on-premises consumption at the licensed premises of the Class B, Class C, or Class D license.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That each license holder that obtains a permit and purchases alcoholic beverages under Section 2 of this Act shall report to the Board of License Commissioners for Washington County, on or before September 30,~~

~~2022, and every 6 months thereafter through March 31, 2024, on the types and quantities of alcoholic beverages purchased under the permit.~~

SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That ~~Section 1~~ of this Act shall take effect July 1, 2022.

~~SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect April 12, 2022. Section 2 of this Act shall remain effective through December 31, 2023, and, at the end of December 31, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.