

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 559 (Senator Kasemeyer)  
Education, Health, and Environmental Affairs

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**Baltimore County - Alcoholic Beverages - Issuance of Licenses Near Places of  
Worship**

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This bill adds an additional exception to the prohibition against issuing an alcoholic beverages license in Baltimore County to an establishment within 300 feet of a place of worship. The bill exempts the issuance, renewal, or transfer of a Class B beer, wine, and liquor (BWL) (on-sale) service bar license from the distance requirement, if the licensed premises is (1) within a county revitalization district; (2) zoned BL-CCC and in compliance with any applicable zoning ordinance; (3) used for on-premises consumption of BWL only as part of the operation of a restaurant as defined by the rules of the Baltimore County Board of License Commissioners; (4) located in the election district for which the license was issued; and (5) located at least 100 feet from a place of worship.

The bill takes effect July 1, 2017.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential minimal increase in Baltimore County revenues due to application fees and license fees collected from establishments newly eligible to receive a license under the bill. County expenditures are not affected.

**Small Business Effect:** Minimal overall but potential meaningful impact for small businesses newly eligible to receive a license.

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## Analysis

**Bill Summary:** Under the bill, a license may not be issued for a location that has been licensed under any class of on-sale license within two years before the date of application for the license, or a restaurant that allows service of purchased food to a customer who is not seated at a table. Additionally, a license may not be converted to any other class of license.

The qualifications for a license holder, the license fees, and the hours and days of sale for a license issued under the bill are the same as those for a class B BWL (on-sale) hotel and restaurant license.

**Current Law:** Generally, the Baltimore County Board of License Commissioners may not issue an alcoholic beverages license for an establishment that is within 300 feet of a place of worship or school. The distance from the establishment to the place of worship or school must be measured from the nearest point of the establishment to the nearest point of the building of the place of worship or school.

The prohibition does not apply to (1) the renewal or transfer of a license if, after the license was issued, a place of worship or school was built within 300 feet of the establishment; (2) the issuance of a temporary license; (3) a transfer that moves the licensed premises within the same building; (4) a transfer of ownership of the licensed premises; or (5) the renewal of a Class B BWL (on-sale) license or a seven-day Class BDR (deluxe restaurant) (on-sale) BWL license, if the establishment has a seating capacity of more than 50 and is within a town center.

**Background:** In fiscal 2016, there were 769 alcoholic beverages licenses issued for use in Baltimore County, of which 323 are Class B BWL licenses.

There are 18 designated [commercial revitalization districts](#) in Baltimore County, including areas in Arbutus, Catonsville, Pikesville, Perry Hall, and Towson. The revitalization district classification makes available specified building improvement loans, commercial revitalization tax credits, and commercial revitalization grants.

BL-CCC zoning refers to an area zoned for small-scale commercial businesses, located within a commercial community core district.

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## **Additional Information**

**Prior Introductions:** HB 643 of 2016, a similar bill, received a hearing in the House Economic Matters Committee, but no further action was taken.

**Cross File:** HB 436 (Delegate Ebersole, *et al.*) - Economic Matters.

**Information Source(s):** Baltimore County; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2017

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