

# HOUSE BILL 642

A2

6lr2041  
CF SB 33

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By: **Delegates Sophocleus, Carey, and Chang**

Introduced and read first time: February 4, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Licenses**

3 FOR the purpose of authorizing in Anne Arundel County a holder of a certain license to be  
4 issued a music permit, an entertainment permit, an outdoor permit, or an outdoor  
5 entertainment permit; authorizing a holder of a certain license to be issued a dancing  
6 permit, except under certain circumstances; exempting certain alcoholic beverages  
7 licenses in the county from a prohibition against issuing multiple licenses to any one  
8 person; exempting a certain class of license from a prohibition against issuing an  
9 alcoholic beverages license for a location within a certain distance from a place of  
10 worship or school; allowing a license holder to be issued a second or third alcoholic  
11 beverages license of a certain type for a restaurant if the restaurant is located in a  
12 shopping center that has a certain zoning classification; and generally relating to  
13 alcoholic beverages licenses in Anne Arundel County.

14 BY repealing and reenacting, without amendments,

15 Article – Alcoholic Beverages

16 Section 11–102

17 Annotated Code of Maryland

18 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
19 Assembly of 2016)

20 BY repealing and reenacting, with amendments,

21 Article – Alcoholic Beverages

22 Section 11–1102, 11–1507, 11–1603, and 11–1607

23 Annotated Code of Maryland

24 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
25 Assembly of 2016)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

27 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

11-1102.

(a) (1) On the premises, or on adjacent property over which a license holder has ownership or control, a license holder:

(i) may allow piped-in background music or one television screen; but

(ii) unless issued a permit described in this section that authorizes the activity, may not allow:

1. the playing of music, including live music;
2. the operation of a karaoke machine;
3. the playing of music by a disc jockey; or
4. dancing, floor shows, or any other similar type of entertainment.

(2) The Board may issue a permit described in this section only if the Board finds that:

(i) the applicant can control the individuals using the licensed premises;

(ii) the operation of the premises under the permit will not unduly disturb the peace of the residents of the neighborhood in which the place of business is located; and

(iii) the issuing of the permit:

1. is necessary to accommodate the public;
2. will not be detrimental to the public welfare; and
3. will not violate a County fire, health, or building regulation.

(b) (1) There is a music permit.

1           (2)    The Board may issue the permit to a holder of a Class B license, A  
2 **CLASS BLX LICENSE**, a Class D license, or a Class H license.

3           (3)    The permit authorizes the playing of recorded music or live music with  
4 not more than two musicians.

5           (4)    The permit holder may not allow dancing, floor shows, or similar live  
6 entertainment.

7           (5)    The annual permit fee is \$100.

8       (c)   (1)    There is an entertainment permit.

9           (2)    The Board may issue the permit to a holder of a Class B license, A  
10 **CLASS BLX LICENSE**, a Class D license, or a Class H license.

11          (3)    The permit authorizes:

12               (i)    live music with not more than four musicians; and

13               (ii)   the playing of:

14                     1.    more than one television;

15                     2.    a karaoke machine; and

16                     3.    music by a disc jockey.

17          (4)    The permit holder may not allow dancing, floor shows, or similar live  
18 entertainment.

19          (5)    The annual permit fees are:

20               (i)    \$200 for a holder of a beer and wine license; and

21               (ii)   \$300 for a holder of a beer, wine, and liquor license.

22       (d)   (1)    There is a dancing permit.

23          (2)    The Board may issue the permit to a holder of:

24               (i)    a Class B license;

25               (ii)   **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**  
26 **SUBSECTION, A CLASS BLX LICENSE;**

1 (III) a Class C license;

2 [(iii)] (IV) a Class D license; or

3 [(iv)](V) except as provided in paragraph (4) of this subsection, a  
4 Class H license.

5 (3) The permit authorizes the holder to provide music, dancing, and other  
6 legal forms of entertainment.

7 (4) The Board may not issue the permit to a holder of a **CLASS BLX**  
8 **LICENSE OR A** Class H license if the premises for which the **CLASS BLX LICENSE OR**  
9 Class H license is issued is within 1,000 feet in a straight line from entry to entry from a  
10 place of worship or school.

11 (5) The annual permit fees are:

12 (i) \$200 for a holder of a beer and wine license;

13 (ii) \$400 for a holder of a beer, wine, and liquor license; and

14 (iii) no charge for a holder of a Class C license.

15 (e) (1) There is an outdoor permit.

16 (2) The Board may issue the permit to a holder of a Class B license, A  
17 **CLASS BLX LICENSE**, a Class C license, a Class D license, or a Class H license.

18 (3) The permit authorizes the holder to provide outdoor table service to  
19 customers on the grounds of the licensed establishment.

20 (4) The annual permit fee is \$100.

21 (5) Before the permit may be renewed, a holder shall obtain approval from  
22 the Board.

23 (f) (1) There is an outdoor entertainment permit.

24 (2) The Board may issue the permit to a holder of a Class B license, A  
25 **CLASS BLX LICENSE**, a Class C license, a Class D license, or a Class H license who also  
26 holds a music permit, an entertainment permit, or a dancing permit under this section.

27 (3) The permit authorizes the holder to provide:

1 (i) the same form of entertainment outdoors that the holder is  
2 allowed to provide indoors under the holder's music permit, entertainment permit, or  
3 dancing permit; and

4 (ii) outdoor table service or cafe service.

5 11-1507.

6 The prohibition against issuing multiple licenses to an individual or for use of an  
7 entity does not apply to:

8 (1) resort complexes;

9 (2) entertainment facilities, including entertainment concessions;

10 (3) motel-restaurant complexes; [or]

11 (4) hotel-restaurant complexes having at least 100 rooms; **OR**

12 **(5) HOTEL-LIMITED SERVICE (ON-SALE) LICENSES.**

13 11-1603.

14 (a) Except as provided in subsection (b) of this section, the Board may not issue a  
15 new license for an establishment whose entry is within 1,000 feet in a straight line from  
16 the entry of a place of worship or school.

17 (b) The prohibition against issuing a license in subsection (a) of this section does  
18 not apply to:

19 (1) the transfer of a license from the current license holder to a new license  
20 holder, unless the transfer would allow the sale of alcoholic beverages by another  
21 establishment within the 1,000-foot restriction;

22 (2) a nonprofit club or nonprofit organization;

23 (3) a restaurant that held a license at the time the restaurant was  
24 destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school  
25 has not been constructed within the 1,000-foot restriction;

26 (4) the issuance of a Class H beer and wine (on-sale) license or beer, wine,  
27 and liquor (on-sale) license; [or]

28 (5) the issuance of a motel-restaurant complex or hotel-restaurant  
29 complex beer, wine, and liquor (on-sale) license; **OR**

1                   **(6) THE ISSUANCE OF A CLASS BLX (DELUXE RESTAURANT)**  
2 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

3           (c) For an establishment that is within 1,000 feet of the grounds of a place of  
4 worship or school, the Board:

5                   (1) may renew a license;

6                   (2) may extend the area of the licensed premises; but

7                   (3) may not change the operational classification of an existing license,  
8 unless the change is from a Class B, Class C, or Class D license to a Class H license.

9 11-1607.

10           (a) (1) A license holder may hold not more than 10 licenses of any class in  
11 accordance with this section.

12                   (2) Of the licenses held by a license holder:

13                           (i) not more than four licenses may be licenses in which the license  
14 holder holds a direct interest; and

15                           (ii) the remaining licenses may only be licenses in which the license  
16 holder holds an indirect interest, as evidenced by any of the following relationships  
17 involving the license holder and another license holder or the license holder and an  
18 applicant for a license:

19   1. a common parent company;

20   2. a franchise agreement;

21   3. a licensing agreement;

22   4. a concession agreement;

23   5. membership by the license holder and the other person in  
24 a chain of businesses commonly owned and operated and so portrayed to the public;

25   6. sharing of directors or stockholders or sharing of directors  
26 or stockholders of parent companies or subsidiaries;

27   7. common direct or indirect sharing of profit from the sale of  
28 alcoholic beverages;

29   8. sharing of a common trade name, trademark, logo, or  
30 theme; or

1                                   9.     except for hotels and motels, sharing of a mode of  
2 operation identifiable by the public.

3           (b)     The Board may issue one Class B license, Class BLX license, or Class H license  
4 to a person for a restaurant located anywhere in the County.

5           (c)     The Board may issue a second license to a license holder if:

6                   (1)     the license holder holds a Class B license that has a restriction  
7 prohibiting off-sales, a Class H license, or a Class BLX license;

8                   (2)     the license sought is a Class H license or a Class BLX license; and

9                   (3)     the restaurant for which the license is sought is located in:

10                           (i)     the Glen Burnie Urban Renewal Area;

11                           (ii)    the Parole Town Center Growth Management Area;

12                           (iii)  the Odenton Town Center Growth Management Area;

13                           (iv)    the Baltimore–Washington International Thurgood Marshall  
14 Airport State Priority Funding Area, as designated by the County in accordance with §  
15 6–301(f)(8) of the Economic Development Article;

16                           (v)     a shopping center with a gross area of at least 1,000,000 square  
17 feet that is zoned C3 **OR MDX–C** General Commercial by the zoning article of the County  
18 Code;

19                           (vi)    the Route 198 corridor, consisting of properties located within  
20 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east  
21 to the Prince George’s County–Anne Arundel County line on the west;

22                           (vii)  a community revitalization zone with a designation in the series  
23 “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill  
24 97–01 of the County ordinances;

25                           (viii) the Severn Commercial District, consisting of properties  
26 designated as “commercial zoning” by the comprehensive rezoning maps adopted by the  
27 County Council and located on that portion of Maryland Route 174 west of Maryland Route  
28 100 and east of the railroad right-of-way owned by the National Railroad Passenger  
29 Corporation (Parcel 117, Anne Arundel County Tax Map 29);

30                           (ix)    the Edgewater/Mayo Commercial District, consisting of those  
31 properties that are designated “commercial zoning districts” on the comprehensive rezoning  
32 maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;

1 (x) the Pasadena Commercial District, consisting of those properties  
2 that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore  
3 Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps  
4 adopted by the County Council for the Pasadena Small Area Planning District; or

5 (xi) the area in Pasadena known as the Brumwell Property.

6 (d) The Board may issue a third license to a license holder if:

7 (1) the license sought is a Class BLX license; and

8 (2) the restaurant for which the license is sought is located in:

9 (i) the Glen Burnie Urban Renewal Area;

10 (ii) the Parole Town Center Growth Management Area;

11 (iii) the Odenton Town Center Growth Management Area;

12 (iv) the Baltimore–Washington International Thurgood Marshall  
13 Airport State Priority Funding Area, as designated by the County in accordance with §  
14 6–301(f)(8) of the Economic Development Article;

15 (v) a shopping center with a gross area of at least 1,000,000 square  
16 feet that is zoned C3 **OR MDX–C** General Commercial by the zoning article of the County  
17 Code;

18 (vi) the Route 198 corridor, consisting of properties located within  
19 500 feet of the right-of-way of Maryland Route 198, from Maryland Route 32 on the east  
20 to the Prince George’s County–Anne Arundel County line on the west;

21 (vii) a community revitalization zone with a designation in the series  
22 “A” through “P”, inclusive, as shown on the map adopted by the County Council by Bill  
23 97–01 of the County ordinances;

24 (viii) the Severn Commercial District, consisting of properties  
25 designated as “commercial zoning” by the comprehensive rezoning maps adopted by the  
26 County Council and located on that portion of Maryland Route 174 west of Maryland Route  
27 100 and east of the railroad right-of-way owned by the National Railroad Passenger  
28 Corporation (Parcel 117, Anne Arundel County Tax Map 29);

29 (ix) the Edgewater/Mayo Commercial District, consisting of those  
30 properties that are designated “commercial zoning districts” on the comprehensive rezoning  
31 maps adopted by the County Council for the Edgewater/Mayo Small Area Planning District;



1 (x) the Pasadena Commercial District, consisting of those properties  
2 that are designated “commercial zoning areas”, including Lake Shore Crossing, Lake Shore  
3 Plaza, and the Mountain Marketplace Shopping Center on the comprehensive zoning maps  
4 adopted by the County Council for the Pasadena Small Area Planning District; or

5 (xi) the area in Pasadena known as the Brumwell Property.

6 (e) (1) The Board may issue a fourth, fifth, sixth, seventh, eighth, ninth, or  
7 tenth license to a license holder if the license sought is a Class BLX license.

8 (2) The restaurant for which the license is sought may be located anywhere  
9 in the County.

10 (f) (1) Except as provided in paragraph (2) of this subsection, a license that  
11 was issued on or before June 30, 2006, and in which a license holder holds a direct interest  
12 or an indirect interest shall be counted against the maximum number of 10 licenses that  
13 the license holder may hold under this section but is exempt from the restrictions under  
14 subsections (b) through (e) of this section.

15 (2) A Class H license that was issued in the period beginning on March 14,  
16 2005, and ending on December 1, 2005, may not be counted against the maximum number  
17 of 10 licenses that the license holder may hold under this section.

18 (g) The Board shall adopt regulations to carry out this section.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
20 1, 2016.