

Chapter 133

(House Bill 690)

AN ACT concerning

Damascus – Class H Beer and Light Wine Licenses – Repeal of Prohibition

MC 6–12

FOR the purpose of repealing the prohibition in Montgomery County on the issuance of Class H beer and light wine licenses in Damascus (12th election district); submitting this Act to a referendum of the qualified voters of the 12th election district; and generally relating to the repeal of the prohibition in Damascus on the issuance of Class H beer and light wine licenses.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–216(a)

Annotated Code of Maryland

(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–216(f)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

8–216.

(a) (1) In this subsection “place of business” does not include:

(i) A country club; or

(ii) A restaurant located within the country inn zone of Montgomery County where alcoholic beverages are sold for consumption on the premises only; provided that a maximum of 2 (two) such alcoholic beverages licenses may be issued in any election district identified in paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii), (iii), (iv), (v), and (vi) of this paragraph **AND IN SUBSECTION (F) OF THIS SECTION**, in Montgomery County, a license for the sale of alcoholic beverages authorized by this article may not be issued for any place of business located in Damascus (12th election district), and in the towns of Barnesville, Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

(ii) In the town of Barnesville, the Montgomery County Board of License Commissioners may issue a special 7-day on-sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization.

(iii) In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special 2-day on-sale beer and wine license or a special 2-day on-sale beer, wine and liquor license to any bona fide religious, fraternal, civic, or charitable organization holding an event on municipal property located at 3710 Mitchell Street, Kensington, Maryland.

(iv) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue a special B-K beer and wine license or a special B-K beer, wine and liquor license for use on the premises of a restaurant located in the following commercial areas:

A. The west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

B. The east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

C. The west side of University Boulevard West;

D. Dupont Avenue, west of Connecticut Avenue;

E. Plyers Mill Road, west of Metropolitan Avenue;

F. Summit Avenue between Knowles Avenue and Howard Avenue;

G. Detrick Avenue between Knowles Avenue and Howard Avenue;

H. The southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;

I. East Howard Avenue;

J. Armory Avenue between Howard Avenue and Knowles Avenue;

K. Montgomery Avenue between Howard Avenue and Kensington Parkway; or

L. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek.

2. A special B–K beer, wine and liquor license or a special B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for consumption on the premises only.

3. A licensee shall maintain average daily receipts from the sale of food, not including carryout food, of at least 50% of the overall average daily receipts.

4. In addition to the restrictions in subparagraphs 2 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a special B–K beer, wine and liquor license in the commercial areas specified in subparagraph 1I, J, K, and L of this subparagraph may not serve alcoholic beverages after 11 p.m.

(v) 1. In the town of Kensington, the Montgomery County Board of License Commissioners may issue not more than three Class A (off–sale) beer and light wine licenses for use in the commercial areas specified in subparagraph (iv)1 of this paragraph.

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

3. A holder of a Class A beer and light wine license may not:

A. Sell single bottles or cans of beer;

B. Sell refrigerated products; or

C. 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.

4. The annual license fee is \$250.

(vi) In Damascus (12th election district), the Montgomery County Board of License Commissioners may issue a special 7-day Class C on-sale beer, wine and liquor license to any bona fide volunteer fire department.

(3) This subsection does not prohibit the issuance of an on-sale license for the sale of beer only during daylight hours only for any restaurant or snack bar or similar facility located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation by the Revenue Authority of a public golf course.

(4) This subsection does not prohibit the issuance of an on-sale license for the sale of beer and wine for any restaurant located upon land owned by the Montgomery County Revenue Authority and operated by the Revenue Authority or others in connection with the operation of an airport.

(5) The City of Takoma Park is excepted from the provisions of paragraph (2) of this subsection if subsection (d) of this section becomes effective.

(6) The town of Laytonsville is excepted from the provisions of paragraph (2) of this subsection if subsection (e) of this section becomes effective.

(7) DAMASCUS (12TH ELECTION DISTRICT) IS EXCEPTED FROM THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION IF SUBSECTION (F) OF THIS SECTION BECOMES EFFECTIVE.

(F) THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE, RENEW, AND TRANSFER AND OTHERWISE PROVIDE CLASS H (ON-SALE) BEER AND LIGHT WINE, HOTEL, AND RESTAURANT LICENSES FOR USE IN DAMASCUS (12TH ELECTION DISTRICT) PROVIDED THAT:

(1) A LICENSE MAY NOT BE ISSUED TO ANY RESTAURANT IN WHICH POOL TABLES, BILLIARD TABLES, SHUFFLEBOARDS, DART BOARDS, VIDEO GAMES, PINBALL MACHINES, OR RECREATIONAL DEVICES ARE USED; AND

(2) ALCOHOLIC BEVERAGES SERVED BY A LICENSEE MAY BE CONSUMED BY A PATRON ONLY WHILE THE PATRON IS SEATED.

SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the qualified voters of Damascus (12th election district) in Montgomery County at the general election to be held in November of 2012. The County governing body and the Montgomery County Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the referred law" the provisions of this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes

cast on the question are "Against the referred law" the provisions of this Act are of no effect and null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect July 1, 2012.

Approved by the Governor, April 10, 2012.