

SENATE BILL 866

A2

5lr3003

By: **Senator Peters**

Introduced and read first time: February 26, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Licenses, Salaries, and**
3 **Inspectors**

4 FOR the purpose of altering in Prince George's County a certain requirement that must be
5 included in certain regulations that define a catering establishment for the purpose
6 of a certain license; altering the requirements relating to residency for an alcoholic
7 beverages license applicant acting on behalf of a sole proprietorship, a partnership,
8 a corporation, an unincorporated association, or a limited liability company;
9 repealing a certain obsolete provision; providing that certain provisions of law
10 prohibiting a license from being granted to sell alcoholic beverages in buildings
11 within a certain distance of churches and schools do not apply to a certain license;
12 increasing the annual salaries of the members, the chair, and the attorney of the
13 County Board of License Commissioners; altering the number of part-time
14 inspectors; altering the salary of a part-time inspector; making conforming and
15 technical changes; and generally relating to alcoholic beverages in Prince George's
16 County.

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 6–201(r)(8), 9–101(a)(4) and (d), 9–217(e) and (f)(3), 15–109(r), and
20 15–112(r)(3)
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2014 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article 2B – Alcoholic Beverages
25 Section 9–217(a) and (f)(5) and 15–112(r)(1)
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 2B – Alcoholic Beverages**

4 6–201.

5 (r) (8) (i) There is a Class BCE license.

6 (ii) The annual license fee is \$3,630.

7 (iii) The Board may issue a special Class B on–sale beer, wine and
8 liquor license to be known as Class BCE which shall be issued only to catering
9 establishments.

10 (iv) A catering establishment shall be defined by the regulations of
11 the Board which shall require that:

12 1. The catering establishment have a minimum capital
13 investment of ~~[\$500,000]~~ **\$1,000,000** for dining room facilities and kitchen equipment.
14 This sum may not include the cost of land, buildings, or a lease; and

15 2. A minimum seating capacity of 150 persons.

16 (v) The Board shall prescribe regulations pertaining to the hours
17 and days of sale.

18 (vi) Food shall be served with alcoholic beverages.

19 (vii) A Class BCE license is limited and restricted to the purpose of
20 providing alcoholic beverages for consumption on the licensed premises by participants of
21 catered events only, and off–sale privileges may not be exercised.

22 9–101.

23 (a) (4) In Prince George’s County, if an application is made for a sole
24 proprietorship or partnership, the license shall be applied for and issued to all partners as
25 individuals, ~~[all]~~ **ONE** of whom shall have resided in ~~[Prince George’s County for at least 2~~
26 ~~years]~~ **THE STATE FOR AT LEAST 1 YEAR** prior to the application, ~~[are]~~ **IS A** registered
27 ~~[voters]~~ **VOTER** in ~~[Prince George’s County]~~ **THE STATE**, and shall continue to be ~~[bona~~
28 ~~fide residents of Prince George’s County]~~ **A BONA FIDE RESIDENT OF THE STATE** as long
29 as the license is in effect.

30 (d) (1) This subsection applies only in Prince George’s County.

31 (2) If the application is made for a corporation or a club, whether
32 incorporated or unincorporated, or for a limited liability company, the license shall be

1 applied for by and be issued to 3 of the officers of a corporation or club, or 3 of the authorized
2 persons of a limited liability company, as individuals, for the use of the corporation, club,
3 or limited liability company.

4 (3) In addition to the provisions of subsection (a)(3) of this section, a license
5 may not be issued, renewed, or transferred to an individual applying on behalf of a
6 corporation, unincorporated association, or limited liability company, unless bona fide
7 residents of [Prince George's County] **THE STATE** own 25 percent of the total issued capital
8 stock of the corporation or unincorporated association or 25 percent of the interests of the
9 limited liability company, as the case may be.

10 (4) The application for a license shall:

11 (i) Set forth the names and addresses of all the officers of the
12 corporation or club or of all the authorized persons of a limited liability company;

13 (ii) Be signed by the president or vice president of a corporation or
14 club or the 3 officers or authorized persons, as the case may be, to whom the license is
15 issued;

16 (iii) Disclose the name and address of the corporation, club,
17 partnership, association, or limited liability company as well as the names and addresses
18 of the applicants; and

19 (iv) In the case of a corporation where there are less than 3 officers
20 or directors of the corporation, or in the case of a limited liability company where there are
21 less than 3 authorized persons, all officers, directors, or authorized persons, as the case
22 may be, shall make the application.

23 (5) If a close corporation has no officers or directors, in order to make the
24 application:

25 (i) At least 25 percent of the stock shall be held by [Prince George's
26 County] **STATE** residents;

27 (ii) There shall be an affirmative vote of the stockholders holding a
28 majority of the stock;

29 (iii) At least 1 stockholder shall apply for the license as provided in
30 this section; and

31 (iv) The applicants or the corporation shall furnish annually to the
32 Board of License Commissioners a sworn statement giving the name and address of each
33 stockholder of the corporation and the number of shares that each stockholder owns in his
34 name on which he has a right to vote at any stockholder meeting.

1 (6) This section does not apply to racetrack licenses, Class BLX licenses,
2 arena licenses, Class BCE (catering) licenses, Class B–CC (convention center) licenses,
3 Class B/ECF (educational conference facility) licenses, issuance, renewal, or transfer of
4 Class B–DD (development district) licenses, or to businesses whose sales of stock or
5 interests are authorized for sale by the Securities and Exchange Commission of the United
6 States.

7 [(7) Current licensees shall comply with the provisions of this section by
8 July 1, 1985.]

9 9–217.

10 (a) This section applies only in Prince George’s County.

11 (e) (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this
12 paragraph, a license may not be granted to sell alcoholic beverages in any building located
13 within 1,000 feet of a school building, or within 500 feet of a place of worship. The 1,000
14 feet, or the 500 feet, as the case may be, is to be measured from the front door or main
15 entrance, whichever is nearest the street abutting the premises, of the proposed licensed
16 establishment along the nearest usual pedestrian route to the door closest to the licensed
17 premises which is used as an entrance or exit to any school, or to the main entrance of the
18 place of worship.

19 (ii) In the part of the Gateway Arts and Entertainment District
20 located in the City of Hyattsville, as designated by the Secretary of Business and Economic
21 Development, the front door or main entrance of an establishment for which a Class D beer
22 and wine license is issued may be used if the door or entrance is at least 350 feet from a
23 place of worship.

24 (iii) In the City of College Park, a license may be granted to sell
25 alcoholic beverages in a building located more than 400 feet from a school building if the
26 land on which the proposed licensed establishment is located is in a commercial district.

27 (iv) In the City of Laurel, a license may be granted to sell alcoholic
28 beverages in any building regardless of its distance from a place of worship.

29 (2) This restriction does not apply in the case of a place of worship if the
30 governing body of the place of worship concerned consents in writing to the granting of the
31 license. The consent shall be filed with the application. The license of any person or persons
32 or for the use of a corporation or unincorporated association issued for any building located
33 within the requisite distance from a place of worship or school building may be renewed or
34 extended for the same building.

35 (3) This restriction does not apply to any transfer or assignment of a license
36 located within the distance of 1,000 feet to another place of business within the specified
37 distance or to an assignee of the license within the distance of the same place of worship or
38 school building.

1 (4) This does not apply to the issuance of a license for a place of business,
2 not having an alcoholic beverage license, to which an alcoholic beverage license had been
3 issued and was in force and effect on June 1, 1965, as to a license of the same class which
4 was in force and effect as of that date, applied for in the place of business nor to a renewal
5 of a license of any establishment where, subsequent to the original granting of the license
6 a school building or place of worship was erected within 1,000 feet.

7 (5) This subsection does not apply to any license issued under § 6–201(r)(3),
8 (4), (6), **(8)**, (15), (16), or (18) or § 7–101 of this article.

9 (6) This restriction does not apply in the case of a private kindergarten or
10 nursery school.

11 (f) (3) Notwithstanding other provisions of this subsection or other provisions
12 of this article, the Board of License Commissioners may permit an individual, partnership,
13 or corporation to hold or have an interest in [not more than four] **AN UNLIMITED NUMBER**
14 **OF BH** licenses.

15 (5) (i) This paragraph does not apply to a restaurant located within a
16 chain store, supermarket, discount house, drug store, or convenience store.

17 (ii) Notwithstanding any other provision of this article, the Board of
18 License Commissioners may allow an individual, partnership, corporation, unincorporated
19 association, or limited liability company to hold or have an interest in more than one Class
20 B beer, wine and liquor license, if the restaurant for which the license is sought is located
21 within:

22 1. Any of the following areas that are underserved by
23 restaurants:

24 A. Suitland business district, consisting of properties
25 fronting on or having access to Silver Hill Road between Suitland Parkway and Sunset
26 Lane, and on Suitland Road between Arnold Road and Eastern Lane;

27 B. Part of the Port Towns business district, consisting of
28 properties fronting on or having access to Rhode Island Avenue, Bladensburg Road,
29 Annapolis Road, or 38th Street, in legislative district 22; or

30 C. Largo area, consisting of properties within the area
31 bounded by the Capital Beltway (I–495) on the west, Central Avenue and Landover Road
32 on the south and southeast, Campus Way North on the east and Route 214 and Landover
33 Road on the north and northwest; or

34 2. A. A waterfront entertainment retail complex as
35 defined by a county zoning ordinance; or

1 B. A commercial establishment on 100 or more acres that is
2 designated by the County Executive as a recreational, destination, or entertainment
3 attraction.

4 (iii) 1. Except as provided in sub-subparagraph 2 and 3 of this
5 subparagraph, a license holder may not hold more than 4 Class B beer, wine and liquor
6 licenses within all of the underserved areas described in subparagraph (ii)1 of this
7 paragraph.

8 2. A license holder may be issued or transferred a fifth Class
9 B beer, wine and liquor license only if the date of the application for the fifth license is at
10 least 1 year after the date the license holder was issued or transferred the fourth license.

11 3. A license holder may be issued or transferred a sixth Class
12 B beer, wine and liquor license only if the date of the application for the sixth license is at
13 least 1 year after the date the license holder was issued or transferred the fifth license.

14 (iv) An individual, partnership, corporation, unincorporated
15 association, or limited liability company that holds or has an interest in a license located in
16 an underserved area described in subparagraph (ii)1 of this paragraph may not hold or
17 have an interest in more than one license located outside of all the underserved areas.

18 (v) An individual, partnership, corporation, unincorporated
19 association, or limited liability company may not hold or have an interest in more than one
20 license in a commercial establishment described in subparagraph (ii)2 of this paragraph.

21 (vi) The annual license fee for a Class B license obtained under this
22 paragraph is \$2,500.

23 (vii) A Class B license obtained under this paragraph does not confer
24 off-sale privileges.

25 (viii) The residency requirements under § 9-101 of this title apply to
26 an applicant for a Class B license under this paragraph.

27 (ix) The limit on the maximum number of Class B beer, wine and
28 liquor licenses in the county under subsection (b) of this section applies to the issuance of
29 licenses under this paragraph.

30 15-109.

31 (r) (1) This subsection applies only in Prince George's County.

32 (2) (i) Each of the members of the Board shall receive an annual salary
33 of [~~\$17,000~~] **\$20,000**.

1 (ii) The chairman shall receive an annual salary of ~~[\$18,000]~~
2 **\$22,000.**

3 (3) The Board shall meet at least two times per month.

4 (4) (i) The administrator of the Board shall be appointed by and serve
5 at the will of the Board and shall devote full time and attention to the duties of the Board.

6 (ii) The administrator may receive an annual salary of \$40,705 as
7 determined by the Board of License Commissioners after a performance evaluation.

8 (5) (i) The attorney for the Board shall be appointed by, and serve at
9 the will of, the Board.

10 (ii) The attorney shall receive an annual salary of ~~[\$15,500]~~
11 **\$18,500.**

12 (iii) In addition to the annual salary designated in subparagraph (ii)
13 of this paragraph, the County Council shall pay to the attorney for the Board:

14 1. All court costs and expenses incurred therein by the
15 attorney to the Board; and

16 2. Legal fees that the Board approves for representing the
17 Board in court.

18 (iv) The Board shall establish the fee rate for representing the Board
19 in court.

20 (6) (i) The County Council shall pay for all expenses of the Board of
21 License Commissioners upon the submission of an annual budget.

22 (ii) In that budget, the salary of the members of the Board, the salary
23 of the attorney for the Board, and any additional compensation for legal fees for the
24 attorney for the Board, shall be approved as hereinbefore set forth.

25 (iii) Except as provided in subparagraph (iv) of this paragraph, all
26 other expenses, including, but not restricted to, the salary of the administrator as limited
27 herein, compensation of other personnel, who shall be qualified and employed under the
28 county merit system, printing, supplies, and office space, shall be at the discretion of the
29 County Council.

30 (7) (i) Members of the Board of Alcoholic Beverages License
31 Commissioners and the attorney for the Board are eligible for:

32 1. All county health benefits; and

1 2. Membership in and retirement benefits of the State
2 Employees' Pension System.

3 (ii) The health benefits under this paragraph include:

- 4 1. Hospitalization;
- 5 2. Vision care;
- 6 3. Prescriptions;
- 7 4. Dental care;
- 8 5. Life insurance; and
- 9 6. Expense reimbursement.

10 (iii) The administrator of the Board of License Commissioners is
11 eligible to participate in the County's supplemental retirement plan.

12 (iv) The County Executive and the County Council may not adopt,
13 either through public local law or personnel law, any policy contrary to the provisions of
14 subparagraph (i) or (iii) of this paragraph.

15 15–112.

16 (r) (1) This subsection applies only in Prince George's County.

17 (3) (i) The inspectors shall:

- 18 1. Each have all the powers of a peace officer or a constable
19 or sheriff of this State;
- 20 2. Make oath to faithfully perform the duties entrusted to
21 them, as provided in Article I, § 9 of the Maryland Constitution;
- 22 3. Be known as "alcoholic beverages inspectors for Prince
23 George's County";
- 24 4. Have the duty of visiting and inspecting every licensed
25 premises periodically; and
- 26 5. Carry on the other duties the Board prescribes.

27 (ii) There are three full-time and **[32] 24** part-time inspectors, all
28 of whom shall be county residents. The three full-time inspector positions shall be
29 designated as the chief inspector and the deputy chief inspectors. The three full-time

1 inspectors who meet the standards set out by the Prince George's County merit board and
2 who are certified by the personnel director as meeting these standards shall be entitled to
3 the provisions of the county merit system.

4 (iii) Each part-time inspector shall receive an annual salary of
5 ~~[\$10,900]~~ **\$13,900**.

6 (iv) The Board shall designate annually a chief inspector from among
7 the three full-time inspectors. The chief inspector, under the direction of the Board, shall
8 regulate the duties, hours, and assignments of the various inspectors.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2015.