

Bill No.: _____
Requested: _____
Committee: _____

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Kensington – Alcoholic Beverages Licenses**

3 **MC 12–18**

4 FOR the purpose of authorizing the Board of License Commissioners for Montgomery
5 County to issue a local caterer’s license to a certain Class B license holder in
6 Kensington; altering the ratio of gross receipts between certain food and alcoholic
7 beverages for a B–K license holder; authorizing the Board to issue not more than a
8 certain number in aggregate of Class A (off–sale) beer and wine licenses, Class D
9 beer licenses, and Class D beer and wine licenses for use in certain commercial areas
10 in Kensington; repealing a certain provision of law that prohibits a holder of a Class
11 A beer and wine license in Kensington from selling single bottles or cans of beer and
12 selling refrigerated products; prohibiting a holder of a Class D beer license and a
13 Class D beer and wine license in Kensington from placing certain alcoholic beverages
14 advertisements in a certain location; altering the hours of sale for a Class A beer and
15 wine license holder in Kensington; and generally relating to alcoholic beverages in
16 Kensington.

17 BY repealing and reenacting, without amendments,
18 Article – Alcoholic Beverages
19 Section 25–102
20 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2016 Volume and 2017 Supplement)
2 BY repealing and reenacting, with amendments,
3 Article – Alcoholic Beverages
4 Section 25–1201, 25–1604, and 25–2004(c)
5 Annotated Code of Maryland
6 (2016 Volume and 2017 Supplement)

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

9 **Article – Alcoholic Beverages**

10 25–102.

11 This title applies only in Montgomery County.

12 25–1201.

13 (a) (1) There is a local caterer’s license.

14 (2) The license is a separate alcoholic beverages license.

15 (b) (1) Subject to paragraph (2) of this subsection, the Board may issue the
16 license to a person that:

17 (i) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
18 **SUBSECTION,** does not already hold a license issued by the Board;

19 (ii) has facilities to prepare and deliver food to the site of a catered
20 event; and

21 (iii) meets all other requirements of this article.

22 **(2) THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT HOLDS**
23 **A CLASS B BEER AND WINE LICENSE OR A CLASS B BEER, WINE, AND LIQUOR**
24 **LICENSE IN KENSINGTON.**

1 **[(2)] (3)** Before the Board issues or renews the license, the county health
2 department shall approve the food preparation facilities for a catered event.

3 **[(3)] (4)** An applicant for or holder of the license is not required to have a
4 banquet hall.

5 (c) The license authorizes a holder to:

6 (1) provide alcoholic beverages at an event that is held off the premises of
7 the food preparation facilities; and

8 (2) exercise the privileges of the license only during the hours and on the
9 days authorized for a Class B beer, wine, and liquor license.

10 (d) The license holder may not:

11 (1) hold an event that the license holder sponsors; or

12 (2) provide only alcoholic beverages at an event.

13 (e) The license holder shall:

14 (1) contract for and provide food for consumption at a catered event;

15 (2) meet the same ratio of gross receipts between food and alcoholic
16 beverage sales as a holder of a Class B beer, wine, and liquor license; and

17 (3) purchase all alcoholic beverages from the Department of Liquor
18 Control.

19 (f) The annual license fee is \$1,250.

20 25–1604.

21 (a) This section applies only to Kensington.

22 (b) (1) The Board may issue:

1 (i) a 2–day on–sale beer and wine license or a 2–day on–sale beer,
2 wine, and liquor license to a religious, fraternal, civic, or charitable organization holding
3 an event on municipal property located at 3710 Mitchell Street; and

4 (ii) a B–K beer and wine license or a B–K beer, wine, and liquor
5 license for use on the site of a restaurant in the following commercial areas:

6 1. the west side of Connecticut Avenue between Knowles
7 Avenue and Perry Avenue;

8 2. the east side of Connecticut Avenue between Knowles
9 Avenue and Dupont Street and between University Boulevard and Perry Avenue;

10 3. the west side of University Boulevard West;

11 4. Dupont Avenue, west of Connecticut Avenue;

12 5. Plyers Mill Road, west of Metropolitan Avenue;

13 6. Summit Avenue between Knowles Avenue and Howard
14 Avenue;

15 7. Detrick Avenue between Knowles Avenue and Howard
16 Avenue;

17 8. the southwest side of Metropolitan Avenue between North
18 Kensington Parkway and Plyers Mill Road;

19 9. East Howard Avenue;

20 10. Armory Avenue between Howard Avenue and Knowles
21 Avenue;

22 11. Montgomery Avenue between Howard Avenue and
23 Kensington Parkway;

24 12. Kensington Parkway and Frederick Avenue, from
25 Montgomery Avenue to Silver Creek; or

1 13. the east side of Connecticut Avenue between Warner
2 Street and Knowles Avenue.

3 (2) A B–K beer, wine, and liquor license or a B–K beer and wine license
4 authorizes the holder to keep for sale and sell alcoholic beverages for on–premises
5 consumption.

6 (3) A license holder shall maintain average daily receipts from the sale of
7 food, not including carryout food, of at least ~~[50%]~~ **40%** of the overall average daily receipts.

8 (c) (1) The Board may issue:

9 (i) **IN AGGREGATE**, not more than ~~[three]~~ **FOUR** Class A (off–sale)
10 beer and wine licenses, **CLASS D BEER LICENSES, AND CLASS D BEER AND WINE**
11 **LICENSES** for use in the commercial areas specified in subsection (b)(1)(ii) of this section;
12 and

13 (ii) subject to § 25–1306 of this title, not more than three beer and
14 wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.

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

18 (3) A holder of a Class A beer and wine license, **A CLASS D BEER**
19 **LICENSE, AND A CLASS D BEER AND WINE LICENSE** may not[:

20 (i) sell single bottles or cans of beer;

21 (ii) sell refrigerated products; or

22 (iii)], on a side, door, or window of the building of the licensed
23 premises, place a sign or other display that advertises alcoholic beverages in a publicly
24 visible location.

25 (4) The annual license fee is \$250.

1 25–2004.

2 (c) (1) Except as provided in paragraph (2) of this subsection, a holder of a
3 Class B–K beer and wine license may sell beer and wine:

4 (i) on Monday through Saturday, from 9 a.m. to 1 a.m. the following
5 day; and

6 (ii) on Sunday, from 10 a.m. to 1 a.m. the following day.

7 (2) The license holder may not sell beer or wine after [11 p.m.] **12 A.M.** if
8 the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through
9 13 of this title.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2018.