

Bill No.: _____
Requested: _____
Committee: _____

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Bethesda Center – Alcoholic Beverages Licenses –**
3 **Exemption From Minimum Distance Restrictions**

4 **MC 8–16**

5 FOR the purpose of authorizing the Montgomery County Board of License Commissioners
6 to approve by unanimous action the application for a license holder to sell alcoholic
7 beverages in the Bethesda Center, regardless of the distance from certain schools,
8 places of worship, or youth centers, under certain circumstances; specifying that the
9 license authorizes the holder to sell alcoholic beverages for on–premises consumption
10 only, except under certain circumstances; authorizing a holder of a Class 7
11 micro–brewery license to sell beer for on– and off–premises consumption; defining a
12 certain term; and generally relating to the sale of alcoholic beverages in Montgomery
13 County.

14 BY renumbering
15 Article 2B – Alcoholic Beverages
16 Section 9–216(h) and (i), respectively
17 to be Section 9–216(i) and (j), respectively
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2015 Supplement)

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



1 BY repealing and reenacting, without amendments,
2 Article 2B – Alcoholic Beverages
3 Section 9–216(a)
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2015 Supplement)

6 BY adding to
7 Article 2B – Alcoholic Beverages
8 Section 9–216(h)
9 Annotated Code of Maryland
10 (2011 Replacement Volume and 2015 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That Section(s) 9–216(h) and (i), respectively, of Article 2B – Alcoholic Beverages of the
13 Annotated Code of Maryland be renumbered to be Section(s) 9–216(i) and (j), respectively.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
15 as follows:

16 **Article 2B – Alcoholic Beverages**

17 9–216.

18 (a) (1) This subsection does not apply to:

19 (i) A special culinary school license issued under § 8–216.3 of this
20 article; or

21 (ii) A 1–day special license for use on the premises of:

22 1. An elementary or secondary school;

23 2. A place of worship; or

24 3. A youth center sponsored or conducted by a governmental
25 agency.

1 (2) Except as provided in paragraph (4) of this subsection, the Montgomery
2 County Board of License Commissioners may not issue any license to sell alcoholic
3 beverages within 750 feet of any secondary or elementary school, place of worship, or youth
4 center sponsored or conducted by any governmental agency.

5 (3) Measurement of the required distance shall be made from the nearest
6 point of the building of the proposed establishment for which the license is requested to the
7 nearest point of the building of the school, place of worship, or youth center.

8 (4) The Montgomery County Board of License Commissioners may by
9 majority vote approve the application for any license to sell alcoholic beverages more than
10 300 feet from any elementary or secondary school, place of worship, or youth center
11 sponsored or conducted by any governmental agency provided that the land upon which the
12 building is situated in which the licensee would operate is classified in a commercial or
13 industrial zone under the applicable zoning ordinance and is adjacent or contiguous to other
14 land which is similarly classified under the zoning ordinance.

15 (5) Nothing in this section shall apply to or affect or prohibit, in any
16 manner, the renewal, transfer, or reissuance of a prior license of any license of any
17 establishment where subsequent to the original granting of the license a school, place of
18 worship, or youth center was erected within 750 feet of the establishment.

19 (6) For the purposes of this section, reissuance shall be limited to a new
20 license for the establishment issued within 1 year from the date of expiration or revocation
21 of a prior license provided the revocation did not result from acts of the owner of the
22 establishment.

23 **(H) (1) IN THIS SUBSECTION, "BETHESDA CENTER" MEANS THE MIXED**
24 **USE CENTER LOCATED IN MONTGOMERY COUNTY BORDERED BY EAST-WEST**
25 **HIGHWAY, PEARL STREET, MONTGOMERY AVENUE, AND WAVERLY STREET IN**
26 **BETHESDA.**

27 **(2) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE**
28 **MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS BY UNANIMOUS VOTE**
29 **MAY APPROVE AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE OF AN**
30 **APPLICANT FOR AN ESTABLISHMENT THAT IS LOCATED IN THE BETHESDA CENTER**
31 **IF:**

1 **(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY**
2 **AFFECT NEARBY SCHOOLS, PLACES OF WORSHIP, YOUTH CENTERS, OR THE**
3 **NEAREST RESIDENTIAL COMMUNITY; AND**

4 **(II) THE ESTABLISHMENT OTHERWISE QUALIFIES UNDER THIS**
5 **ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.**

6 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
7 **PARAGRAPH, A LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER TO**
8 **KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES**
9 **CONSUMPTION ONLY.**

10 **(II) A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE**
11 **MAY OBTAIN A CLASS 7 MICRO-BREWERY (ON- AND OFF-SALE) LICENSE TO KEEP**
12 **FOR SALE AND SELL BEER FOR ON- AND OFF-PREMISES CONSUMPTION.**

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2016.