

Chapter 264

(House Bill 617)

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Licenses, ~~Commissioners, and~~
Salaries, Inspectors, and Bottle Clubs**

PG 307-15

FOR the purpose of altering in Prince George's County a certain requirement that must be included in certain regulations that define a catering establishment for the purpose of a certain license; altering in ~~Prince George's County~~ the requirements relating to residency for an alcoholic beverages license applicant acting on behalf of a sole proprietorship or partnership; ~~repealing a prohibition against issuing, renewing, or transferring a~~ license to an individual on behalf of a corporation, unincorporated association, or limited liability company; ~~unless County residents own a certain percentage of certain capital stock or interests; repealing certain exemptions from certain provisions relating to applications for certain alcoholic beverages licenses; repealing a certain obsolete provision; repealing certain residency requirements for any issuance, renewal, or transfer of a license, including a Class B beer, wine and liquor license; repealing the prohibition against issuing in or transferring into certain alcoholic beverages districts a beer, wine or liquor license that has an off-sale privilege; providing that certain provisions of law prohibiting a license from being granted to sell alcoholic beverages in buildings within a certain distance of places of worship and schools do not apply to a certain license; increasing the annual salaries of the members ~~and~~ the chairman, and the attorney of the County Board of License Commissioners; altering the number of part-time inspectors; altering the salary of a part-time inspector; providing that inspectors have the authority to order that a bottle club be closed under a certain provision of this Act; authorizing the Board or an inspector to order that a bottle club be closed immediately under certain circumstances; requiring, under certain circumstances, the Board or a certain inspector to give the owner or operator of a certain bottle club certain notice; requiring the Board to hold a certain hearing within a certain time period; requiring the Board at a certain hearing to determine whether a certain threat continues to exist; authorizing, except under certain circumstances, the Board, after making a certain determination, to order a certain bottle club to permanently close or impose certain conditions for reopening the bottle club; requiring, under certain circumstances, the Board to order a certain bottle club to be permanently closed; authorizing the Board to impose a certain fine on a certain person; authorizing an owner or operator of a bottle club who is aggrieved by a certain decision to petition for judicial review to a circuit court; making conforming and technical changes; providing for the application of a certain provision of this Act; and generally relating to alcoholic beverages in Prince George's County.~~

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section ~~6–201(r)(8), 9–101(a)(4) and (d), 9–217(f)(5), (j), and (l) 9–217(f)(3), 15–109(r)(2), and 15–109(r), 15–112(r)(3), and 20–108.1~~

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section ~~9–217(a), (f)(5), and (j), 15–109(r)(1), and 15–112(r)(1)~~

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 9–217(e)

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

(As enacted by Chapter 144 of the Acts of the General Assembly of 2013)

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

Article 2B – Alcoholic Beverages

6–201.

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

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

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

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

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

2. A minimum seating capacity of 150 persons.

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

(vi) Food shall be served with alcoholic beverages.

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

9-101.

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

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

(2) If the application is made for a corporation or a club, whether incorporated or unincorporated, or for a limited liability company, the license shall be applied for by and be issued to 3 of the officers of a corporation or club, or 3 of the authorized persons of a limited liability company, as individuals, for the use of the corporation, club, or limited liability company.

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

(4)~~]~~ The application for a license shall:

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

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

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

(iv) In the case of a corporation where there are less than 3 officers or directors of the corporation, or in the case of a limited liability company where there are

less than 3 authorized persons, all officers, directors, or authorized persons, as the case may be, shall make the application.

~~[(5)] (4)~~ If a close corporation has no officers or directors, in order to make the application:

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

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

~~[(iii)] (ii)~~ At least 1 stockholder shall apply for the license as provided in this section; and

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

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

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

9-217.

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

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

(ii) In the part of the Gateway Arts and Entertainment District located in the City of Hyattsville, as designated by the Secretary of Business and Economic

Development, the front door or main entrance of an establishment for which a Class D beer and wine license is issued may be used if the door or entrance is at least 350 feet from a place of worship.

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

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

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

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

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

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

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

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

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

(ii) Notwithstanding any other provision of this article, the Board of License Commissioners may allow an individual, partnership, corporation, unincorporated

association, or limited liability company to hold or have an interest in more than one Class B beer, wine and liquor license, if the restaurant for which the license is sought is located within:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) ~~¶~~The residency requirement provided for in § 9–101 of this article applies to any issuance, renewal, or transfer of a license] **RESERVED.**

~~(1) ¶(1) The Board of License Commissioners may not issue any new beer, wine or liquor licenses that have an off-sale privilege within, or transfer any additional beer, wine or liquor licenses that have an off-sale privilege into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district as follows:~~

~~(i) The 21st alcoholic beverages district at all times shall be coterminous with the Prince George's County part of the 21st legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the 21st alcoholic beverages district consists of:~~

- ~~1. Prince George's County election district 1;~~
- ~~2. Prince George's County election district 10, precincts 1 through 5, 9, 12, and 13;~~
- ~~3. Prince George's County election district 21, precincts 1, 2, 4, 14, 15, and 17;~~
- ~~4. That part of Prince George's County election district 21, precinct 5 consisting of census tract 8073.05, block 1014, and~~
- ~~5. That part of Prince George's County election district 21, precinct 10 consisting of the following census tracts and blocks:~~
 - ~~A. Census tract 8067.03, blocks 1010, 1011, and 1014;~~

~~B. Census tract 8069.00, blocks 1000 through 1019 and 3000 through 3021;~~

~~C. Census tract 8070.00, blocks 1000 through 1025; and~~

~~D. Census tract 8074.08, blocks 4015 and 4016;~~

~~(ii) The 22nd alcoholic beverages district at all times shall be coterminous with the 22nd legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 22nd alcoholic beverages district consists of:~~

~~1. Prince George's County election district 19;~~

~~2. Prince George's County election district 2, precincts 6 and 10;~~

~~3. Prince George's County election district 14, precinct 8;~~

~~4. Prince George's County election district 16, precincts 2 through 5;~~

~~5. Prince George's County election district 17, precincts 9 and 12;~~

~~6. Prince George's County election district 20, precincts 1, 2, 6, 7, and 11;~~

~~7. Prince George's County election district 21, precincts 3, 6 through 9, 11 through 13, and 16;~~

~~8. That part of Prince George's County election district 2, precinct 5 consisting of the following census tracts and blocks:~~

~~A. Census tract 8039.00, blocks 1000 through 1013, 2000 through 2007, and 3000 through 3015;~~

~~B. Census tract 8040.01, blocks 2001 and 2002; and~~

~~C. Census tract 8040.02, blocks 1003, 1010, 2000 through 2002, and 2004;~~

~~9. That part of Prince George's County election district 2, precinct 8 consisting of census tract 8063.00, block 2016;~~

~~10. That part of Prince George’s County election district 16, precinct 1 consisting of the following census tracts and blocks:~~

~~A. Census tract 8040.02, blocks 2049 and 2095;~~

~~B. Census tract 8063.00, blocks 1000, 1012 through 1035, 1996 through 1999, 2001, 2003 through 2015, and 2997 through 2999; and~~

~~C. Census tract 8065.01, blocks 2096, 2097, 3011 through 3015, 3996, and 3997; and~~

~~11. That part of Prince George’s County election district 21, precinct 10 consisting of the following census tracts and blocks:~~

~~A. Census tract 8067.03, block 1001; and~~

~~B. Census tract 8074.08, block 4014;~~

~~(iii) The 23rd alcoholic beverages district at all times shall be coterminous with the 23rd legislative district in Prince George’s County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 23rd alcoholic beverages district consists of:~~

~~1. Delegate district 23A (two member delegate district):~~

~~A. Prince George’s County election district 7, precincts 1 through 5;~~

~~B. Prince George’s County election district 10, precincts 6 through 8, 10, and 11;~~

~~C. Prince George’s County election district 14, precincts 1 through 7, 9, and 10;~~

~~D. Prince George’s County election district 20, precincts 9 and 10; and~~

~~E. That part of Prince George’s County election district 20, precinct 5 consisting of census tract 8004.08, blocks 2013, 2020, 2021, and 2022; census tract 8036.07, blocks 3009 through 3011; and census tract 8036.08, blocks 1000 through 1002, 1005 through 1009, 1011 through 1015, 2000 through 2006, and 2008 through 2010; and~~

~~2. Delegate district 23B (single member delegate district):~~

~~3; and~~

~~3. Prince George's County election district 3, precincts 2 and 3; and~~

~~4. Prince George's County election district 7, precincts 6 through 11;~~

~~(iv) The 24th alcoholic beverages district at all times shall be coterminous with the 24th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 24th alcoholic beverages district consists of:~~

~~1. Prince George's County election district 6, precincts 3, 6, 9, 12, 15, and 19;~~

~~2. Prince George's County election district 13, precincts 1, 3, 5, 7, 8, 10, and 14 through 17;~~

~~3. Prince George's County election district 18, precincts 1 through 4 and 7 through 11;~~

~~4. Prince George's County election district 20, precincts 4 and 8;~~

~~5. That part of Prince George's County election district 18, precinct 5 consisting of the following census tracts and blocks:~~

~~A. Census tract 8031.00, blocks 1003 through 1015, 1021, 1022, 1024 through 1029, and 2000 through 2017; and~~

~~B. Census tract 8033.00, blocks 3006 and 3008; and~~

~~6. That part of Prince George's County election district 18, precinct 6 consisting of census tract 8028.04, blocks 4005 and 4006;~~

~~(v) The 25th alcoholic beverages district at all times shall be coterminous with the 25th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 25th alcoholic beverages district consists of:~~

~~1. Prince George's County election district 3, precinct 4;~~

~~2. Prince George's County election district 6, precincts 1, 4, 5, 7, 10, 11, 14, 16, 18, and 20 through 23;~~

~~3. Prince George's County election district 7, precinct 12;~~

~~4. Prince George's County election district 9, precincts 1, 3, 10, and 11;~~

~~5. Prince George's County election district 13, precincts 4, 6, 9, and 11 through 13;~~

~~6. Prince George's County election district 15, precinct 2; and~~

~~7. That part of Prince George's County election district 18, precinct 6 consisting of census tract 8028.04, blocks 1006 through 1009, 2000 through 2003, 3000 through 3021, 4000, and 4002 through 4004;~~

~~(vi) The 26th alcoholic beverages district at all times shall be coterminous with the 26th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 26th alcoholic beverages district consists of:~~

~~1. Prince George's County election district 12;~~

~~2. Prince George's County election district 5, precincts 2, 3, and 5 through 7;~~

~~3. Prince George's County election district 6, precincts 2, 8, 13, and 17; and~~

~~4. Prince George's County election district 9, precincts 2 and 5;~~

~~(vii) The 27th alcoholic beverages district at all times shall be coterminous with the Prince George's County part of the 27th legislative district. As ordered by the Maryland Court of Appeals on June 21, 2002, the Prince George's County part of the 21st alcoholic beverages district was in delegate district 27A (two member delegate district) and consists of:~~

~~1. Prince George's County election districts 4, 8, and 11;~~

~~2. Prince George's County election district 3, precinct 1;~~

~~3. Prince George's County election district 5, precincts 1, 4, and 8;~~

~~4. Prince George's County election district 9, precincts 4 and 6 through 9; and~~

~~5. Prince George's County election district 15, precincts 1, 3, and 4; and~~

~~(viii) The 47th alcoholic beverages district at all times shall be coterminous with the 47th legislative district in Prince George's County. As ordered by the Maryland Court of Appeals on June 21, 2002, the 47th alcoholic beverages district consists of:~~

~~1. Prince George's County election district 2, precincts 1 through 4, 7, and 9;~~

~~2. Prince George's County election district 13, precinct 2;~~

~~3. Prince George's County election district 17, precincts 1 through 8, 10, 11, 13, and 14;~~

~~4. Prince George's County election district 20, precinct 3;~~

~~5. That part of Prince George's County election district 2, precinct 5 consisting of the following census tracts and blocks:~~

~~A. Census tract 8040.01, block 2000; and~~

~~B. Census tract 8040.02, block 2003; and~~

~~6. That part of Prince George's County election district 2, precinct 8 consisting of the following census tracts and blocks:~~

~~A. Census tract 8039.00, blocks 3016 and 3017;~~

~~B. Census tract 8040.01, blocks 1000 through 1006, 2003, and 2004;~~

~~C. Census tract 8040.02, blocks 1000, 1001, 1002, 1004 through 1009, 1011 through 1017, 2005, 2006, 2007, 2009 through 2034, 2040, 2047, 2048, 2094, 2096, 2097, 2098, and 2099;~~

~~D. Census tract 8043.00, blocks 1000 through 1005, 1011, and 1014 through 1018;~~

~~E. That part of Prince George's County election district 16, precinct 1 consisting of census tract 8040.02, block 2008;~~

~~F. That part of Prince George's County election district 18, precinct 5 consisting of census tract 8031.00, blocks 1000, 1001, 1002, 1016 through 1020, and 1023; and census tract 8033.00, block 3007;~~

~~G. That part of Prince George's County election district 20, precinct 5 consisting of census tract 8036.01, blocks 1001 through 1005; and census tract 8036.08, blocks 1003, 1004, 1010, 2007, 3000 through 3005, 4000, and 4002 through 4011; and~~

~~H. That part of Prince George's County election district 21, precinct 5 consisting of census tract 8073.01, block 1001; and census tract 8073.05, blocks 1002 through 1013, 2001 through 2009, and 2011 through 2014.~~

~~(2) The Prince George's County Board of License Commissioners may approve the issuance or transfer of a license into the boundaries of the 21st (that part located within the county), 22nd, 23rd, 24th, 25th, 26th, 27th (that part located within the county), or 47th alcoholic beverages district provided any off-sale privileges of the license are permanently waived as long as the license remains within the boundaries of the district.~~

15-109.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. All county health benefits; and
2. Membership in and retirement benefits of the State Employees' Pension System.

(ii) The health benefits under this paragraph include:

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

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

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

15-112.

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

(3) (i) The inspectors shall:

1. Each have all the powers of a peace officer or a constable or sheriff of this State;

2. Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution;

3. Be known as "alcoholic beverages inspectors for Prince George's County";

4. Have the duty of visiting and inspecting every licensed premises periodically; ~~and~~

5. HAVE THE AUTHORITY TO ORDER THAT A BOTTLE CLUB BE CLOSED IMMEDIATELY UNDER § 20-108.1 OF THIS ARTICLE; AND

~~5~~ **6.** Carry on the other duties the Board prescribes.

(ii) There are three full-time and ~~[32]~~ **24** part-time inspectors, all of whom shall be county residents. The three full-time inspector positions shall be designated as the chief inspector and the deputy chief inspectors. The three full-time inspectors who meet the standards set out by the Prince George's County merit board and who are certified by the personnel director as meeting these standards shall be entitled to the provisions of the county merit system.

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

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

20-108.1.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Bottle club" means a premises or establishment that:

1. Is subject to any license issued by the State or Prince George's County; and

2. A. Serves, gives, dispenses, keeps, or allows to be consumed by a patron alcoholic beverages from supplies that the patron purchased, reserved, or otherwise brought to the premises or establishment; or

B. Serves, gives, dispenses, or allows to be consumed by a patron paying admission alcoholic beverages from supplies purchased or otherwise brought to the premises or establishment by an owner or operator or an agent of an owner or operator.

(ii) "Bottle club" includes a restaurant, hotel, club, room, dance studio, disco, place of public entertainment, or other place open to the public.

(iii) "Bottle club" does not include any establishment for which a license for the premises has been issued under the provisions of this article.

(3) "Place of public entertainment" means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10-405 of this article.

(4) "Setups" includes drinking containers and ice.

(b) This section applies only in Prince George's County.

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) An owner or operator of a bottle club may not:

(i) Evade the alcoholic beverage license laws in the county, including laws governing the hours of operation; and

(ii) Sell, give, serve, dispense, keep, or allow to be consumed in the bottle club any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

(D) (1) THE BOARD OR AN INSPECTOR OF THE BOARD MAY ORDER THAT A BOTTLE CLUB BE CLOSED IMMEDIATELY IF THE BOARD OR THE INSPECTOR DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

(2) IF AN IMMEDIATE CLOSURE IS ORDERED, THE BOARD OR THE INSPECTOR WHO ORDERED THE CLOSURE SHALL GIVE THE OWNER OR OPERATOR OF THE BOTTLE CLUB:

(I) WRITTEN NOTICE OF AND THE REASONS FOR THE CLOSURE;
AND

(II) WRITTEN NOTICE OF A HEARING ON THE CLOSURE AT WHICH THE OWNER OR OPERATOR MAY BE HEARD AND PRESENT EVIDENCE.

(3) THE BOARD SHALL HOLD THE HEARING WITHIN 3 BUSINESS DAYS AFTER THE CLOSURE.

(4) (I) AT THE HEARING, THE BOARD SHALL DETERMINE WHETHER THE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE CAUSING THE CLOSURE CONTINUES TO EXIST.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE BOARD DETERMINES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE THREAT CONTINUES, THE BOARD MAY:

1. ORDER THE PERMANENT CLOSURE OF THE BOTTLE CLUB; OR

2. IMPOSE CONDITIONS UNDER WHICH THE BOTTLE CLUB MAY REOPEN.

(III) THE BOARD SHALL ORDER THE BOTTLE CLUB TO BE PERMANENTLY CLOSED IF:

1. THE CLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR WHICH THE HEARING IS BEING HELD IS THE THIRD CLOSURE IN A 2-YEAR PERIOD; AND

2. THE PREVIOUS TWO CLOSURES UNDER PARAGRAPH (1) OF THIS SUBSECTION WERE NOT OVERTURNED BY THE BOARD OR ON JUDICIAL REVIEW.

(5) THE BOARD MAY IMPOSE A FINE OF NOT MORE THAN \$12,500 PER VIOLATION ON A PERSON WHO THE BOARD FINDS HAS VIOLATED THIS SECTION.

(6) THE BOARD SHALL ISSUE A DECISION WITHIN 3 BUSINESS DAYS AFTER A HEARING IS HELD UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(7) AN OWNER OR OPERATOR WHO IS AGGRIEVED BY A DECISION OF THE BOARD MAY PETITION FOR JUDICIAL REVIEW TO A CIRCUIT COURT.

[(d)](E) [A] IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That § 6-201(r)(8)(iv)1 of Article 2B of the Annotated Code of Maryland, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to a Class BCE license issued before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved by the Governor, May 12, 2015.