

Chapter 144

(House Bill 1070)

AN ACT concerning

Alcoholic Beverages – City of College Park – Sales by License Holders Near School Buildings

PG 309–13

FOR the purpose of ~~requiring the City Council of the City of College Park to make a certain determination regarding~~ authorizing, in the City of College Park, the granting of a license to sell alcoholic beverages in a certain building located within a certain distance of a ~~place of worship~~ school building under certain circumstances; making certain stylistic changes; and generally relating to the sale of alcoholic beverages in the City of College Park.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

9–217.

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

(e) (1) (i) Except as provided in ~~item~~ **ITEMS** (ii) **AND (III)** 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.

(2) ~~{This} EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, THIS~~ restriction does not apply in the case of a [church] **PLACE OF WORSHIP** if the governing body of the [church] **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 [church] **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 [and/]or to an assignee of the license within the distance of the same [church] **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 [or church] 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)(2), (4), (5), (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.

~~(7) (4) THIS PARAGRAPH APPLIES ONLY IN THE CITY OF COLLEGE PARK.~~

~~(H) THE CITY COUNCIL OF THE CITY OF COLLEGE PARK SHALL DETERMINE IF A LICENSE MAY BE GRANTED TO SELL ALCOHOLIC BEVERAGES IN A BUILDING LOCATED WITHIN 500 FEET OF THE PLACE OF WORSHIP.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, April 9, 2013.