

HOUSE BILL 795

A2

7lr2531
CF 7lr2530

By: ~~Delegate Impallaria~~ **Harford County Delegation**

Introduced and read first time: February 3, 2017

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2017

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Waiver From School Distance**
3 **Restrictions**

4 FOR the purpose of altering the circumstances under which the Board of License
5 Commissioners for Harford County may issue a waiver from certain school distance
6 restrictions for certain alcoholic beverages licenses; requiring certain hearings to be
7 held, certain recommendations to be made, and certain recommendations and
8 comments to be considered before a certain waiver can be issued; and generally
9 relating to alcoholic beverages in Harford County.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 22–102
13 Annotated Code of Maryland
14 (2016 Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 22–1602
18 Annotated Code of Maryland
19 (2016 Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–1602.

(a) This section does not apply to:

(1) a license in effect on July 1, 1975, or the issuance or transfer of a Class B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

(2) a license in effect on July 1, 1977;

(3) the renewal, transfer, or upgrading of a license, unless the license is transferred to a new location; and

(4) the issuance of:

(i) a 1-day license that is to be used on the premises of a place of worship or school;

(ii) a Class GC (golf course) license; and

(iii) a Class CCFA (continuing care facility) license.

(b) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license for an establishment that is within 300 feet of a place of worship.

(ii) The distance from the establishment to the place of worship is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship.

(2) Paragraph (1) of this subsection does not apply to the issuance of:

(i) a 1-day license for use in a building;

(ii) a license issued to a hotel, motel, restaurant, club, or caterer in a municipality; and

(iii) a Class H beer, wine, and liquor license issued to a caterer for use in a banquet facility in an establishment if:

1. the construction of the establishment was completed after July 1, 1991; and

2. the establishment is used for emergency operations by a volunteer fire company.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license to a business establishment that is within 1,000 feet of a public or private school building.

(ii) The distance from the establishment to the public or private school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the school.

(2) The Board may issue a license to a business establishment in Harford County and in a municipality in Harford County if the business establishment is not located within 300 feet of a public or private school.

(3) A decision of the County Board of Education to locate a public school building within 1,000 feet of the premises of a license holder may not be the basis to revoke or deny the renewal, transfer, or upgrading of the license.

(d) **(1) ~~The~~ SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE** Board may waive the distance restrictions from a public or private school building and issue a Class B (on-sale) restaurant license [if:

(1) the restaurant is located in a community shopping center that contains:

(i) six or more retail uses;

(ii) six or more retail and service uses; or

(iii) a gross floor area of more than 20,000 square feet; and

(2) the Board takes into account comments received from parents whose children attend the public or private school] **OR A CLASS B CAFE LICENSE ON A CASE-BY-CASE BASIS.**

(2) BEFORE THE BOARD DECIDES WHETHER TO WAIVE THE DISTANCE RESTRICTIONS FROM A PUBLIC OR PRIVATE SCHOOL BUILDING UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) A PUBLIC HEARING SHALL BE HELD BY THE GOVERNING BODY OF:

1. IF THE RESTAURANT IS LOCATED IN A MUNICIPALITY, THE MUNICIPALITY WHERE THE RESTAURANT IS LOCATED; OR

1 2. IF THE RESTAURANT IS LOCATED OUTSIDE THE
2 BOUNDARIES OF A MUNICIPALITY, THE COUNTY WHERE THE RESTAURANT IS
3 LOCATED;

4 (II) THE GOVERNING BODY SHALL MAKE A RECOMMENDATION
5 TO THE BOARD REGARDING WHETHER THE DISTANCE RESTRICTIONS SHOULD BE
6 WAIVED; AND

7 (III) AFTER RECEIVING THE RECOMMENDATION, THE BOARD
8 SHALL HOLD A PUBLIC HEARING.

9 (3) IN MAKING A DECISION WHETHER TO WAIVE THE DISTANCE
10 RESTRICTIONS FROM A PUBLIC OR PRIVATE SCHOOL BUILDING, THE BOARD SHALL
11 TAKE INTO CONSIDERATION:

12 (I) THE RECOMMENDATION FROM THE GOVERNING BODY;

13 (II) COMMENTS RECEIVED FROM PARENTS WHOSE CHILDREN
14 ATTEND THE PUBLIC OR PRIVATE SCHOOL; AND

15 (III) COMMENTS MADE AT THE PUBLIC HEARING HELD BY THE
16 BOARD.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.