

Article - Alcoholic Beverages

§9–213.

(a) This section applies only in Harford County.

(b) (1) (i) Except as provided in paragraphs (2), (3), (5), (6), and (8) of this subsection, the Harford County Board of License Commissioners may not issue any license to sell alcoholic beverages within 300 feet of any church or other place of worship or within 1,000 feet of any public school building.

(ii) This section does not affect any license existing on July 1, 1975 or the transfer or issuance of a Class B (on-sale) beer, wine and liquor license for the use on any premises licensed on July 1, 1975.

(iii) The Board may not issue any license to sell alcoholic beverages within 1,000 feet of any private, parochial, or bona fide church school building.

(iv) This section does not affect any license existing on July 1, 1977.

(v) This section does not affect the renewal, transfer, or upgrading of a license unless transferred to a new location.

(vi) Measurement of the required distance shall be made from the nearest point of the building of the establishment to the nearest point of the building of the school, church, or other place of worship.

(vii) Any decision of the Harford County Board of Education after June 30, 1975 to locate a public school building within 1,000 feet of an existing licensee may not be the basis for the revocation or denial of renewal, transfer, or upgrading of that alcoholic beverages license.

(viii) This section does not preclude a church or school from applying for a 1-day license to be used on their premises.

(2) In Bel Air, Aberdeen, and Havre de Grace, the Board may issue a Class B license to sell alcoholic beverages to a bona fide hotel, motel, or restaurant, as defined in § 6–201(n) of this article, a Class C license to a club, as defined in § 6–301(o)(2) of this article, or a Class H license to a caterer, as defined in § 6–704(a) of this article, if the club, hotel, motel, restaurant, or caterer is not located within 300 feet of any public or nonpublic school.

(3) In the incorporated municipalities of Harford County, the Board:

(i) May, according to the provisions of § 10–202 of this article, issue a license to sell alcoholic beverages to a bona fide hotel, motel, or restaurant as defined in § 6–201(n) of this article, club as defined in § 6–301(o)(2) of this article, or caterer as defined in § 6–704(a) of this article, within 300 feet of a church or place of worship; and

(ii) May issue any alcoholic beverages license to a business establishment, if the business is not located within 300 feet of any public or nonpublic school.

(4) Repealed.

(5) (i) In this paragraph, “integrated community shopping center” means a shopping center that contains:

1. Six or more retail uses;
2. Six or more retail and service uses; or
3. A gross floor area of more than 20,000 square feet.

(ii) With respect to a public or private school building only, the Board may waive the restrictions under this subsection in approving an application for a Class B (on-sale only) restaurant license in the county or a municipal corporation within the county if:

1. The restaurant that is the subject of the license is located in an integrated community shopping center; and

2. The Board takes into account, among other considerations, comments received from parents whose children attend the public or private school.

(6) The provisions of paragraph (1) of this subsection relating to distance from a church or place of worship do not apply to either the issuance of a 1-day alcoholic beverages license for use within a building or to the issuance of a Class H beer, wine and liquor license issued under § 6-704(d) of this article to a caterer for use in a banquet facility located within a building if:

(i) The construction of the building is completed after July 1, 1991; and

(ii) The building is used for emergency operations by a volunteer fire company.

(7) Repealed.

(8) The provisions of paragraph (1) of this subsection do not apply to the issuance of a Class GC (golf course) license as set forth in § 8-503 of this article.

(c) (1) This section does not preclude the renewal or transfer of any license issued prior to July 1, 1981 even after existing license provisions have been exercised under §§ 6-101(n) and 6-201(n) of this article.

(2) (i) For every 3,000 individuals of the population of Harford County,

the Board may not issue more than:

1. One Class A off-sale license;
2. One Class A-1 off-sale license; or
3. One Class A-2 off-sale license.

(ii) However, a B-1 temporary (on-sale) license may be issued to those persons who wish after six months to operate a bona fide Class B license. The B-1 license shall be revoked after the six-month period has expired if the licensee has not met all requirements for a Class B license.

(3) The population figures are those specified by the State Department of Health and Mental Hygiene.

(d) (1) In Harford County if the number of any class of licenses issued as of July 1, 1984, exceeds the quota specified in subsection (c) of this section, new licenses of this class may not be issued unless the number of licenses of this class have been reduced by revocation or surrender creating a vacancy under the particular quota specified in subsection (c).

(2) For the purpose of this subsection a transfer, conversion, or renewal of an existing license may not be construed to be a new license.

(e) (1) Except as provided in subsection (j) of this section, in Harford County, a person, franchiser, franchisee, chain store operation, partnership, firm or corporation may not have interest in more than one license, whether held or controlled by direct or indirect ownership, by franchise operation, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly. It is the intention of this section to prohibit any person, franchiser, franchisee, chain store operation, firm, partnership or corporation from having any interest, directly or indirectly, in more than one license. This section does not apply to licenses issued under the provisions of § 7-101 of this article or to club licenses.

(2) An indirect ownership interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

- (i) A common parent company;
- (ii) A franchise agreement;
- (iii) A licensing agreement;
- (iv) A concession agreement;

(v) Dual membership in a chain of businesses commonly owned and operated;

(vi) A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries;

(vii) Common direct or indirect sharing of profit from the sale of alcoholic beverages; or

(viii) A sharing of a common trade name, trademark, logo, or theme, or mode of operation identifiable by the public.

(f) (1) In Harford County an alcoholic beverages license with an off-sale privilege of any class, except by way of renewal, may not be transferred, or issued to any business establishment of the type commonly known as chain stores, supermarkets, discount houses or their franchisors, and franchisees or concessionaires of every kind and description. Those establishments holding an alcoholic beverages license on July 1, 1976 may continue to hold that license, or apply to upgrade to Class A-1 or A-2.

(2) (i) Those establishments that held an off-sale alcoholic beverages license issued before July 1, 1975, and continued to hold the license as of July 1, 1996, but which license was later canceled or voluntarily surrendered, may reacquire a license of the same class as though it was held on or before July 1, 1975, notwithstanding any of the provisions to the contrary of this article and the regulations of the Harford County Board of License Commissioners.

(ii) An application to reacquire a license under subparagraph (i) of this paragraph shall be submitted to the Harford County Board of License Commissioners by March 1, 1999.

(g) Repealed.

(h) The Harford County Board:

(1) May not issue or transfer the location or ownership of any off-sale alcoholic beverages license of any class for the use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption; or

(2) May not transfer the location or ownership of any off-sale alcoholic beverages license of any class with the privilege of operating the premises as a drive-through purchase facility.

(i) (1) Subject to paragraph (2) of this subsection, in Harford County, for a restaurant holding a license under § 6-201 of this article, if the restaurant is located within a freestanding building containing bowling lanes associated with the restaurant, as an additional privilege of that license the licensee may sell and may allow customers

to carry or consume alcoholic beverages at the bowling lanes and on the concourse of the bowling lanes, or in any place in the bowling alley or restaurant.

(2) The additional privilege granted under paragraph (1) of this subsection is available:

(i) Commencing at 6:00 p.m. and ending at the normal closing time for those days specified under § 11–513 of this article if the bowling facility is open to the public; and

(ii) At any time permitted under §§ 6–201 and 11–513 of this article if the bowling facility is closed to the public for the purpose of holding a private function.

(3) This subsection does not create any separate class of license for bowling alleys, but only confers additional privileges on licenses for restaurants that are associated with bowling alleys.

(j) The maximum number of Class B licenses that may be issued by the Liquor Control Board to an individual for the use of a sole practitioner, partnership, corporation, unincorporated association, or limited liability company in the county is 9.