

HOUSE BILL 795

A2

7lr2531
CF 7lr2530

By: **Delegate Impallaria**

Introduced and read first time: February 3, 2017

Assigned to: Economic Matters

A BILL ENTITLED

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; and generally relating to
7 alcoholic beverages in Harford County.

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

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

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

20 **Article – Alcoholic Beverages**

21 22–102.

22 This title applies only in Harford County.

23 22–1602.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section does not apply to:

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

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

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

7 (4) the issuance of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (d) The Board may waive the distance restrictions from a public or private school
11 building and issue a Class B (on-sale) restaurant license [if:

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

13 (i) six or more retail uses;

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2017.