
By: **Harford County Delegation**

Introduced and read first time: February 7, 2001

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Alcoholic Beverages - Class BDR (Deluxe Restaurant)**
3 **Licenses**

4 FOR the purpose of creating in Harford County a special 7-day Class B (on-sale)
5 license known as the Class BDR (deluxe restaurant) beer, wine and liquor
6 license; restricting the issuance of a Class BDR license for restaurants that meet
7 certain requirements; setting a certain annual license fee; requiring the Liquor
8 Control Board to adopt certain regulations; exempting from certain stock
9 ownership requirements certain applicants for Class BDR licenses; authorizing
10 the Liquor Control Board to issue not more than four licenses of a certain class
11 to an individual for the use of a sole proprietorship, partnership, corporation,
12 unincorporated association, or limited liability company; defining certain terms;
13 and generally relating to alcoholic beverages licenses in Harford County.

14 BY repealing and reenacting, without amendments,
15 Article 2B - Alcoholic Beverages
16 Section 6-201(n)(1)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2000 Supplement)

19 BY adding to
20 Article 2B - Alcoholic Beverages
21 Section 6-201(n)(6) and 9-213(j)
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2000 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article 2B - Alcoholic Beverages
26 Section 9-101(k)(7)(ii) and 9-213(e)
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2000 Supplement)

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

3 **Article 2B - Alcoholic Beverages**

4 6-201.

5 (n) (1) This subsection applies only in Harford County.

6 (6) (I) THERE IS A SPECIAL 7-DAY CLASS B (ON-SALE) LICENSE
7 KNOWN AS THE CLASS BDR (DELUXE RESTAURANT) BEER, WINE AND LIQUOR
8 LICENSE.

9 (II) THIS LICENSE MAY ONLY BE ISSUED TO RESTAURANTS THAT:

10 1. MEET THE DEFINITION REQUIREMENTS OF
11 "RESTAURANT" ESTABLISHED UNDER THE REGULATIONS OF THE LIQUOR CONTROL
12 BOARD;

13 2. HAVE A COCKTAIL LOUNGE OR BAR AREA SEATING
14 CAPACITY NOT EXCEEDING 25% OF THE SEATING CAPACITY FOR DINING; AND

15 3. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,
16 HAVE A MINIMUM CAPITAL INVESTMENT OF \$800,000 EXCLUSIVE OF THE COST OF
17 THE LAND.

18 (III) FOR PURPOSES OF SUBPARAGRAPH (II)5 OF THIS PARAGRAPH:

19 1. "CAPITAL INVESTMENT" MEANS THE AMOUNT PAID TO
20 ACQUIRE PROPERTY:

21 A. FOR A USEFUL LIFE OF GREATER THAN 1 YEAR; OR

22 B. FOR A PERMANENT IMPROVEMENT OR BETTERMENT OF
23 THE PROPERTY THAT HAS A USEFUL LIFE GREATER THAN 1 YEAR;

24 2. "COST OF LAND" INCLUDES:

25 A. THE PURCHASE PRICE, TAXES, AND FEES INCIDENTAL TO
26 THE PURCHASE, INCLUDING COSTS RELATED TO OBTAINING APPROPRIATE ZONING
27 AND LICENSING;

28 B. THE COSTS OF SITE GRADING, PREPARATION, PAVING,
29 SIDEWALKS, GUTTERS, CURBS, AND LANDSCAPING; AND

30 C. THE COST OF CONSTRUCTION AND INSTALLATION OF ALL
31 UTILITIES.

32 (IV) 1. IF THE APPLICANT PURCHASES OR LEASES AN EXISTING
33 BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE LAND
34 AND IMPROVEMENTS SHALL BE BASED ON THE ASSESSED VALUE OF THE LAND AND

1 IMPROVEMENTS IN ACCORDANCE WITH THE RECORDS OF THE STATE DEPARTMENT
2 OF ASSESSMENTS AND TAXATION AT THE TIME OF PURCHASE.

3 2. THE CAPITAL INVESTMENT IN OTHER THAN LAND OR
4 BUILDING SHELLS SHALL ALSO BE EVALUATED AT THE FAIR MARKET VALUE AT THE
5 TIME OF PURCHASE.

6 (V) THE ANNUAL LICENSEE FEE IS \$5,000.

7 (VI) THE HOURS AND DAYS THAT A HOLDER MAY EXERCISE THE
8 PRIVILEGES OF SALE UNDER THIS LICENSE ARE THE SAME AS A CLASS B (ON-SALE)
9 BEER, WINE AND LIQUOR LICENSE.

10 (VII) A CLASS BDR LICENSE MAY BE ISSUED IN ADDITION TO ANY
11 OTHER ALCOHOLIC BEVERAGES LICENSE THAT THE APPLICANT HOLDS.

12 (VIII) THE LIQUOR CONTROL BOARD SHALL ADOPT REGULATIONS TO
13 ISSUE THE CLASS BDR LICENSE.

14 9-101.

15 (k) In Harford County, if the application is made for a corporation, whether
16 incorporated or unincorporated or for a limited liability company:

17 (7) (ii) Stock ownership requirements do not apply to an applicant for a
18 Class B hotel or restaurant beer, wine and liquor license [or], a Class BNR beer, wine
19 and liquor license, OR A CLASS BDR (ON-SALE) BEER, WINE AND LIQUOR LICENSE in
20 which:

21 1. A majority of the shares of stock are owned or controlled
22 either directly or indirectly by 1 or more corporations whose shares of stock are
23 authorized for sale by the Securities and Exchange Commission of the United States;

24 2. At least 1 of the licensees is a resident operator of the
25 business conducted on the licensed premises and that same individual is responsible
26 for the day to day operation of the license;

27 3. All licensees, including the resident applicant, are named
28 officers of the corporation; and

29 4. The residency requirement in effect at the time the license
30 is issued remains in effect as long as the license is in effect.

31 9-213.

32 (e) [In] EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, IN
33 Harford County, a person, franchiser, franchisee, chain store operation, partnership,
34 firm or corporation may not have interest in more than one license, whether held or
35 controlled by direct or indirect ownership, by franchise operation, by stock ownership,
36 interlocking directors or interlocking stock ownership, or in any other manner,

1 directly or indirectly. It is the intention of this section to prohibit any person,
2 franchiser, franchisee, chain store operation, firm, partnership or corporation from
3 having any interest, directly or indirectly, in more than one license. This section does
4 not apply to licenses issued under the provisions of § 7-101 or to club licenses.

5 (J) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
6 SUBSECTION, IN HARFORD COUNTY, THE LIQUOR CONTROL BOARD MAY ISSUE
7 ADDITIONAL CLASS BDR (DELUXE RESTAURANT) LICENSES (ON-SALE ONLY) TO AN
8 INDIVIDUAL FOR THE USE OF A SOLE PROPRIETORSHIP, PARTNERSHIP,
9 CORPORATION, UNINCORPORATED ASSOCIATION, OR LIMITED LIABILITY COMPANY
10 IN THE COUNTY.

11 (2) THE MAXIMUM NUMBER OF CLASS B, INCLUDING CLASS BDR,
12 LICENSES THAT MAY BE ISSUED BY THE LIQUOR CONTROL BOARD TO AN
13 INDIVIDUAL FOR THE USE OF A SOLE PRACTITIONER, PARTNERSHIP, CORPORATION,
14 UNINCORPORATED ASSOCIATION, OR LIMITED LIABILITY COMPANY IN THE COUNTY
15 IS FOUR.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2001.