

SENATE BILL 577

Unofficial Copy
A2

2003 Regular Session
(3r1966)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Economic Matters --

Introduced by **Senator Jacobs**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Harford County - Alcoholic Beverages Deluxe Restaurant License -**
3 **Aberdeen**

4 FOR the purpose of authorizing in Harford County the issuance of a certain number of
5 Class BDR (deluxe restaurant) beer, wine and liquor licenses under certain
6 conditions; authorizing ~~in Harford County~~ the issuance of Class BDR (~~deluxe~~
7 ~~restaurant~~) beer, wine and liquor licenses in the corporate limits of the
8 Municipality of Aberdeen under certain circumstances; making certain technical
9 changes; and generally relating to alcoholic beverages licenses in Harford
10 County.

11 BY repealing and reenacting, without amendments,
12 Article 2B - Alcoholic Beverages
13 Section 6-201(n)(1)
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2002 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article 2B - Alcoholic Beverages
 3 Section 6-201(n)(6)
 4 Annotated Code of Maryland
 5 (2001 Replacement Volume and 2002 Supplement)

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

8 **Article 2B - Alcoholic Beverages**

9 6-201.

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

11 (6) (i) There is a special 7-day Class B (on-sale) license known as the
 12 Class BDR (deluxe restaurant) beer, wine and liquor license.

13 (ii) The license may be issued only in accordance with the
 14 provisions of this paragraph.

15 (III) THERE MAY BE A TOTAL OF 2 CLASS BDR LICENSES ISSUED IN
 16 ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH.

17 ~~(iii)~~ (IV) A current holder of any type of Class B alcoholic beverages
 18 license issued in Harford County may apply for and be issued a Class BDR (beer, wine
 19 and liquor) license only if the restaurant for which the Class BDR license is sought is
 20 located within ONE OF the following [area] AREAS of Harford County:

21 1. All of election district 1, precincts 1, 3, 4, 5, 6, 10, 16, and
 22 1-45, as that election district and those precincts existed on January 1, 2001;

23 2. That [the] area of election district 1, precinct 2, as that
 24 election district and that precinct existed on January 1, 2001, that is south of a line
 25 that runs along the center of Philadelphia Road beginning at the Harford
 26 County-Baltimore County boundary line and ending at the intersection with Old
 27 Mountain Road; [and]

28 3. That area of election district 1, precinct 7, as that election
 29 district and that precinct existed on January 1, 2001, that is south of a line that runs
 30 along the center of Philadelphia Road beginning at Old Mountain Road and ending at
 31 Winter's Run, which is the creek that forms the eastern boundary of precinct 7 of
 32 election district 1; OR

33 4. THE AREA WITHIN THE CORPORATE LIMITS OF THE
 34 MUNICIPALITY OF ABERDEEN.

35 ~~(iv)~~ (V) Subject to the provisions of subparagraph ~~(v)~~ (VI) of this
 36 paragraph, a person that does not currently hold any type of Class B alcoholic

1 beverages license in Harford County may apply for and be issued a maximum of two
 2 Class BDR licenses as follows:

3 1. A Class BDR license, regardless of the location of the
 4 restaurant in Harford County; and

5 2. One additional Class BDR license, but only if the license
 6 sought is for a restaurant that is located within ONE OF the following [area] AREAS
 7 in Harford County:

8 A. All of election district 1, precincts 1, 3, 4, 5, 6, 10, 16, and
 9 1-45, as that election district and those precincts existed on January 1, 2001;

10 B. That area of election district 1, precinct 2, as that
 11 ELECTION district and that precinct existed on January 1, 2001, that is south of a line
 12 that runs along the center of Philadelphia Road beginning at the Harford
 13 County-Baltimore County line and ending at the intersection with Old Mountain
 14 Road; [and]

15 C. That area of election district 1, precinct 7, as that election
 16 district and that precinct existed on January 1, 2001, that is south of a line that runs
 17 along the center of Philadelphia Road beginning at Old Mountain Road and ending at
 18 Winter's Run, which is the creek that forms the eastern boundary of precinct 7 of
 19 election district 1; OR

20 D. THE AREA WITHIN THE CORPORATE LIMITS OF THE
 21 MUNICIPALITY OF ABERDEEN.

22 ~~(v)~~ (VI) A person that has obtained a Class BDR license under
 23 subparagraph ~~(iv)~~ (V) 1 of this paragraph may not apply for and obtain any other
 24 Class B license other than a license obtained in accordance with subparagraph ~~(iv)~~ (V)
 25 2 of this paragraph.

26 ~~(vi)~~ (VII) This license may only be issued to restaurants that:

27 1. Meet the definition requirements of "restaurant"
 28 established under the regulations of the Liquor Control Board;

29 2. Have a cocktail lounge or bar area seating capacity not
 30 exceeding 25% of the seating capacity for dining; and

31 3. Subject to subparagraph ~~(vii)~~ (VIII) of this paragraph, have
 32 a minimum capital investment of \$800,000 exclusive of the cost of the land.

33 ~~(vii)~~ (VIII) For purposes of subparagraph ~~(vi)~~ (VII) of this paragraph:

34 1. "Capital investment" means the amount paid to acquire
 35 property:

36 A. For a useful life of greater than 1 year; or

1 B. For a permanent improvement or betterment of the
2 property that has a useful life greater than 1 year;

3 2. "Cost of land" includes:

4 A. The purchase price, taxes, and fees incidental to the
5 purchase, including costs related to obtaining appropriate zoning and licensing;

6 B. The costs of site grading, preparation, paving, sidewalks,
7 gutters, curbs, and landscaping; and

8 C. The cost of construction and installation of all utilities.

9 ~~(viii)~~ (IX) 1. If the applicant purchases or leases an existing
10 building, the capital investment attributable to the cost of the land and improvements
11 shall be based on the assessed value of the land and improvements in accordance with
12 the records of the State Department of Assessments and Taxation at the time of
13 purchase.

14 2. The capital investment in other than land or building
15 shells shall also be evaluated at the fair market value at the time of purchase.

16 ~~(ix)~~ (X) The annual licensee fee is \$5,000.

17 ~~(x)~~ (XI) The hours and days that a holder may exercise the
18 privileges of sale under this license are the same as a Class B (on-sale) beer, wine and
19 liquor license.

20 ~~(xi)~~ (XII) A Class BDR license may be issued in addition to any
21 other alcoholic beverages license that the applicant holds.

22 ~~(xii)~~ (XIII) The Liquor Control Board shall adopt regulations to issue
23 the Class BDR license.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2003.