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By: **Harford County Delegation**

Introduced and read first time: February 10, 2005

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Alcoholic Beverages - License Fees**

3 FOR the purpose of altering the fees for certain alcoholic beverages licenses in  
4 Harford County; repealing certain alcoholic beverages licenses in the county and  
5 establishing certain new alcoholic beverages licenses to replace them; providing  
6 for the applicability of the provisions of this Act; and generally relating to  
7 alcoholic beverages licenses in Harford County.

8 BY repealing and reenacting, without amendments,  
9 Article 2B - Alcoholic Beverages  
10 Section 5-101(a), 5-201(a) and (n)(1), (4), and (5), 6-201(n)(1) and (4), and  
11 7-101(b)(1) and (d)(1)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 2B - Alcoholic Beverages  
16 Section 4-201, 5-101(n), 5-201(n)(2), (3), and (7), 5-301(a), 6-101(n),  
17 6-201(n)(2), (3), and (5), 6-301(a), 6-704, 7-101(b)(8), (d)(9), and (v),  
18 8-309, and 8-503  
19 Annotated Code of Maryland  
20 (2001 Replacement Volume and 2004 Supplement)

21 BY repealing  
22 Article 2B - Alcoholic Beverages  
23 Section 5-301(n) and 6-301(n)  
24 Annotated Code of Maryland  
25 (2001 Replacement Volume and 2004 Supplement)

26 BY adding to  
27 Article 2B - Alcoholic Beverages  
28 Section 5-301(n) and 6-301(n)  
29 Annotated Code of Maryland

1 (2001 Replacement Volume and 2004 Supplement)

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

4 **Article 2B - Alcoholic Beverages**

5 4-201.

6 (a) A Class A light wine license may be issued only in:

7 (1) Baltimore County;

8 (2) Calvert County;

9 (3) Carroll County;

10 (4) Dorchester County;

11 (5) Frederick County;

12 (6) Garrett County;

13 (7) Harford County;

14 (8) Montgomery County;

15 (9) Queen Anne's County;

16 (10) St. Mary's County;

17 (11) Somerset County;

18 (12) Talbot County; and

19 (13) Washington County.

20 (b) (1) The annual fee for this license is \$50.

21 (2) In Montgomery County the annual license fee is \$100.

22 (3) In Garrett County, the issuing fee for this license is \$50.

23 (4) IN HARFORD COUNTY, THE ANNUAL FEE FOR THIS LICENSE IS \$100.

24 (c) A Class A light wine license may be issued by the license issuing authority  
25 of the county in which the place of business is located to any holder of a Class 4  
26 manufacturer's license.

27 (d) (1) The license authorizes the holder to keep for sale and to sell light  
28 wines produced at the winery in any quantity to any consumer at retail at the place

1 described in the license. The light wine shall be delivered in a sealed package or  
2 container which may not be opened or the contents consumed on the licensed  
3 premises.

4 (2) In Montgomery County the licensee may not make more than 20,000  
5 gallons of on-premises sales per year.

6 (3) In Frederick County and Baltimore County, the licensee may keep for  
7 sale and sell light wines and ports that contain not in excess of 21 percent of alcohol  
8 by volume produced at the winery in any quantity to any consumer at retail at the  
9 place described in the license.

10 (4) (i) Notwithstanding any other provision of law to the contrary, in  
11 Harford County, the licensee may keep for sale and sell light wines and port wines  
12 produced at the winery in accordance with the provisions of subparagraph (ii) of this  
13 paragraph.

14 (ii) The light wines and port wines under the provisions of  
15 subparagraph (i) of this paragraph:

- 16 1. May not exceed 23 percent of alcohol by volume;
- 17 2. May be sold in any quantity to a consumer; and
- 18 3. Shall be sold at retail at the place described in the license.

19 (e) (1) This subsection applies only in the following counties:

- 20 (i) Baltimore County;
- 21 (ii) Frederick County;
- 22 (iii) Garrett County;
- 23 (iv) Harford County;
- 24 (v) Somerset County;
- 25 (vi) Talbot County; and
- 26 (vii) Washington County.

27 (2) A Class A light wine license may be issued to a holder of a Class 3  
28 manufacturer's license, who makes wine from agricultural products grown in  
29 Maryland.

30 (3) Baltimore County wineries applying for a Class A/Class 3 license are  
31 exempt from quotas established by the Baltimore County Liquor Board as to the  
32 number of licenses in that election district.

1 5-101.

2 (a) (1) A Class A beer and light wine license shall be issued by the license  
3 issuing authority of the county in which the place of business is located. The holder of  
4 the license may keep for sale and sell beer and light wines at retail, in any quantity to  
5 any consumers, at the place described in the license. The holder shall deliver the beer  
6 and light wines in a sealed package or container, which package or container may not  
7 be opened nor its contents consumed on the premises where sold.

8 (2) The annual fee for the license shall be paid to the local collecting  
9 agent before any license is issued, for distribution as provided.

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

11 (2) (i) The annual license fee for a six day, Monday through Saturday,  
12 license is [~~\$125~~] \$625.

13 (ii) The annual license fee for a seven day license is [~~\$250~~] \$850.

14 (3) (i) In this paragraph, "premises" includes any building, parking  
15 lot, terrace, or grounds which form an integral part of the licensed premises.

16 (ii) The licenses shall be granted by the Liquor Control Board only  
17 to proprietors of bona fide retail stores selling food, drugs, or other similar  
18 commodities.

19 (iii) These licenses authorize the licensee to sell for consumption off  
20 the premises only fermented beverages, including split bottles and brewed beverages.  
21 Brewed beverages sold in bottles or cans for consumption off the premises may be sold  
22 individually.

23 5-201.

24 (a) (1) A Class B beer and light wine license shall be issued by the license  
25 issuing authority of the county in which the place of business is located. The holder  
26 may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at  
27 the place described in the license, for consumption on the premises or elsewhere.

28 (2) The annual fee shall be paid to the local collecting agent before any  
29 license is issued.

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

31 (2) (i) 1. The annual license fee for a Class B-1 6-day restaurant  
32 license is [~~\$225~~] \$350.

33 2. A Class B-1 6-day restaurant license is a 6-day, Monday  
34 through Saturday, license which may be issued by the Liquor Control Board to bona  
35 fide restaurants.

1 (ii) 1. The annual license fee for a Class B-1 7-day restaurant  
2 license is [~~\$350~~] \$500.

3 2. A Class B-1 7-day restaurant license is a 7-day license  
4 which may be issued by the Liquor Control Board to bona fide restaurants.

5 (iii) The licensee shall comply with the food sale requirements of §  
6 1-102(a)(22) of this article only for the purpose of meeting the requirements of §  
7 6-201(n) of this article necessary to apply for a Class B restaurant license.

8 (3) (i) 1. The annual license fee for a Class B-2 6-day restaurant  
9 license is [~~\$300~~] \$500.

10 2. A Class B-2 6-day restaurant license is a 6-day, Monday  
11 through Saturday, license which may be issued by the Liquor Control Board to  
12 restaurants.

13 (ii) 1. The annual license fee for a Class B-2 7-day restaurant  
14 license is [~~\$425~~] \$700.

15 2. A Class B-2 7-day restaurant license is a 7-day license  
16 which may be issued by the Liquor Control Board to bona fide restaurants.

17 (iii) These licenses may be issued to a licensee who has been  
18 operating that business establishment for one year prior to the application for the  
19 license and who, in the judgment of the Board, is equipped and stocked for the  
20 continued regular sale of food to customers and guests. The licensee does not have to  
21 comply with the food sale requirement set forth in § 1-102(a)(22) of this article.

22 (4) (i) As to any Class B-1 or B-2 restaurant license issued prior to  
23 July 1, 1984, "off-sales" of licensees shall be limited to fermented beverages including  
24 split bottles and brewed beverages. However, brewed beverages sold in bottles or cans  
25 exceeding 12 ounces in weight or size, for consumption off the premises, may be sold  
26 in a numerical quantity of less than six. If brewed beverages are sold in a  
27 containerized package, the package shall hold a minimum of 6 bottles or containers.

28 (ii) As to any Class B-1 or B-2 restaurant license issued on or after  
29 July 1, 1984, "off-sales" by Class B-1 and B-2 licensees are prohibited.

30 (5) Provisions relating to Class B-3 licenses are found in § 6-201(n)(3) of  
31 this article.

32 (7) (i) There is a 7-day Class B-4 on-sale seafood restaurant license.

33 (ii) The annual license fee is [~~\$350~~] \$500.

34 (iii) The Liquor Control Board may issue this license only to an  
35 applicant who is the operator of and who has been the operator of a seafood  
36 restaurant in existence prior to January 1, 1995, at the same location for which this  
37 license is requested.

1 (iv) The exclusion of Harford County in § 1-102(a)(22)(iii) of this  
2 article does not apply to this Class B-4 (seafood restaurant) license; a licensee shall  
3 comply with the 50% average gross monthly receipts of food commodities mandated in  
4 § 1-102(a)(22)(iii) of this article.

5 (v) A licensee may not have facilities outside of the building in  
6 which the restaurant is located, such as an outdoor café, a patio, or a beer garden.

7 (vi) A licensee may not permit any gambling, keno, gaming, pinball,  
8 video machines, video poker, or similar games or devices on the premises. A licensee  
9 may not operate a pool hall or have pool tables on the premises. Further, a licensee  
10 may not have a bar on the premises.

11 (vii) The license may not be transferred except after a hearing and  
12 upon the approval of the Liquor Board.

13 (viii) The licensee may not have any signs on the exterior of the  
14 building that advertise any alcoholic beverages.

15 5-301.

16 (a) (1) [A] EXCEPT AS PROVIDED IN SUBSECTION (N) OF THIS SECTION, A  
17 Class C beer and light wine license shall be issued by the license issuing authority of  
18 the county in which the place of business is located. The holder of the license may  
19 keep for sale and sell beer and light wines at retail to bona fide members and their  
20 guests, at any club, at the place described in the license, for consumption on the  
21 premises only.

22 (2) The annual fee for the license shall be paid to the local collecting  
23 agent before any license is issued, for distribution as provided.

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

25 (2) The annual license fee for a 6-day license is \$150.

26 (3) The annual license fee for a 7-day license is \$225.

27 (4) The Liquor Control Board may issue a 6-day, Monday through  
28 Saturday, or a 7-day club license for the sale of beer and wine for consumption on the  
29 premises only to bona fide clubs as defined by § 1-102(a)(4) of this article, which have  
30 held regular meetings at an established headquarters for a period of one year prior to  
31 the application for the license.]

32 (N) (1) THIS SUBSECTION APPLIES ONLY IN HARFORD COUNTY.

33 (2) (I) THE LIQUOR CONTROL BOARD MAY ISSUE A 6-DAY, MONDAY  
34 THROUGH SATURDAY, OR A 7-DAY CLASS C-1 BEER AND LIGHT WINE LICENSE FOR  
35 THE SALE OF BEER AND LIGHT WINE FOR CONSUMPTION ON THE PREMISES ONLY TO  
36 A BONA FIDE NOT FOR PROFIT ASSOCIATION OR CORPORATION THAT:

1 IS ORGANIZED FOR PATRIOTIC OR WAR VETERANS  
2 PURPOSES; AND

3 2. HAS HELD REGULAR MEETINGS AT AN ESTABLISHED  
4 HEADQUARTERS FOR A PERIOD OF 1 YEAR PRIOR TO THE APPLICATION FOR THE  
5 LICENSE.

6 (II) 1. THE ANNUAL FEE FOR A 6-DAY LICENSE UNDER THIS  
7 PARAGRAPH IS \$150.

8 2. THE ANNUAL FEE FOR A 7-DAY LICENSE UNDER THIS  
9 PARAGRAPH IS \$225.

10 (3) (I) THE LIQUOR CONTROL BOARD MAY ISSUE A 6-DAY, MONDAY  
11 THROUGH SATURDAY, OR A 7-DAY CLASS C-2 BEER AND LIGHT WINE LICENSE FOR  
12 THE SALE OF BEER AND LIGHT WINE FOR CONSUMPTION ON THE PREMISES ONLY TO  
13 A BONA FIDE NOT FOR PROFIT ASSOCIATION OR CORPORATION THAT:

14 1. IS ORGANIZED FOR FRATERNAL PURPOSES; AND

15 2. HAS HELD REGULAR MEETINGS AT AN ESTABLISHED  
16 HEADQUARTERS FOR A PERIOD OF 1 YEAR PRIOR TO THE APPLICATION FOR THE  
17 LICENSE.

18 (II) 1. THE ANNUAL FEE FOR A 6-DAY LICENSE UNDER THIS  
19 PARAGRAPH IS \$350.

20 2. THE ANNUAL FEE FOR A 7-DAY LICENSE UNDER THIS  
21 PARAGRAPH IS \$425.

22 (4) (I) THE LIQUOR CONTROL BOARD MAY ISSUE A 6-DAY, MONDAY  
23 THROUGH SATURDAY, OR A 7-DAY CLASS C-3 BEER AND LIGHT WINE LICENSE FOR  
24 THE SALE OF BEER AND LIGHT WINE FOR CONSUMPTION ON THE PREMISES ONLY TO  
25 A BONA FIDE NOT FOR PROFIT ASSOCIATION OR CORPORATION THAT:

26 1. IS ORGANIZED FOR SOCIAL, EDUCATIONAL, OR ATHLETIC  
27 PURPOSES; AND

28 2. HAS HELD REGULAR MEETINGS AT AN ESTABLISHED  
29 HEADQUARTERS FOR A PERIOD OF 1 YEAR PRIOR TO THE APPLICATION FOR THE  
30 LICENSE.

31 (II) 1. THE ANNUAL FEE FOR A 6-DAY LICENSE UNDER THIS  
32 PARAGRAPH IS \$450.

33 2. THE ANNUAL FEE FOR A 7-DAY LICENSE UNDER THIS  
34 PARAGRAPH IS \$525.

35 6-101.

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

- 1           (2)     The following licenses have the fees specified:
- 2                   (i)     The annual license fee for a 7-day Class A-1 off-sale beer, wine  
3 and liquor license is [\$1,250] \$1,470.
- 4                   (ii)    The annual license fee for a 6-day (Monday through Saturday)  
5 Class A-2 off-sale beer, wine and liquor license is [\$800] \$980.
- 6           (3)     Any license issued under the provisions of this section shall be issued  
7 by the Liquor Control Board.
- 8           (4)     Each license issued under this section is subject to:
- 9                   (i)     The regulations of the Board;
- 10                  (ii)    The provisions of this section; and
- 11                  (iii)   Section 5-101(n) of this article.
- 12           (5)     Any licensee who holds a Class B beer, wine and liquor license under  
13 § 6-201(n) of this article or a Class B beer and wine license under § 5-201(n) of this  
14 article, and who has been granted an option to the existing license that allows for  
15 off-sale liquor is subject to § 6-201(n)(3) of this article.
- 16           (6)     A Class A-1 or Class A-2 licensee shall provide a separate outside  
17 entrance for the use of off-sale customers if the majority of the retail sales are of  
18 items other than alcoholic beverages. Additionally, if the business is predominately  
19 one of other types of retail sales, such as drugs or groceries, the alcoholic beverages  
20 shall be displayed and purchased in an area separate and distinct from that of the  
21 other retail items. The Board may require partitions if deemed conducive to the intent  
22 of this paragraph.
- 23           (7)     Any licensee having the off-sale option provided for in this section  
24 shall continually maintain a minimum stock of \$8,000 wholesale value in beer, wine,  
25 and liquor.
- 26 6-201.
- 27   (n)   (1)     This subsection applies only in Harford County.
- 28           (2)     (i)     The annual license fee is:
- 29                   1.     For a 6-day, Monday through Saturday, license:
- 30                   A.     [\$1,600] \$1,720 for a restaurant; and
- 31                   B.     [\$2,100] \$2,260 for a hotel; and
- 32                   2.     For a 7-day license:
- 33                   A.     [\$1,975] \$2,145 for a restaurant; and



- 1 B. [\$2,475] \$2,685 for a hotel.
- 2 (ii) 1. The license permits the sale of liquor for consumption  
3 inside the premises only.
- 4 2. As to any 6- or 7-day restaurant or hotel license issued  
5 prior to July 1, 1984, beer and wine may be sold for consumption on- and off-sale  
6 pursuant to § 5-201(n) of this article.
- 7 3. As to any 6- or 7-day restaurant license issued on or after  
8 July 1, 1984, beer and wine may be sold for consumption on the premises only.
- 9 4. These licenses shall be issued by the Liquor Control  
10 Board.
- 11 (iii) This license may be issued to an applicant for a bona fide hotel  
12 which:
- 13 1. Is an establishment for the accommodation of the public,  
14 providing services ordinarily found in hotels; and
- 15 2. Is equipped with no fewer than 25 rooms, a lobby with a  
16 registration and mail desk and seating facilities, and a dining room which serves  
17 full-course meals at least twice daily.
- 18 (iv) 1. This license in a hotel permits sales at bars or counters,  
19 but not liquor, beer, or wine for consumption off the premises.
- 20 2. As to any such license issued prior to July 1, 1984, beer  
21 and wine may be sold for consumption on- and off-sale pursuant to § 5-201(n) of this  
22 article.
- 23 (v) This license may be issued to an applicant for a restaurant  
24 which meets the following requirements and conditions:
- 25 1. Serves full-course meals at least twice daily;
- 26 2. Has a regular seating capacity of tables, not including  
27 seats at bars or counters for 60 or more persons;
- 28 3. Has been in full-time operation as a restaurant for not  
29 less than 6 months immediately preceding the time the application is made for the  
30 license. However, the 6-month time period requirement does not apply to a licensee  
31 whose business has been disrupted or interrupted as a result of fire or other disaster;  
32 and
- 33 4. Has had daily average receipts from the sale of food in  
34 excess of sales of alcoholic beverages during the 6-month period immediately  
35 preceding the application for license.

1 (3) (i) 1. There is a "Class B-3 restaurant/hotel license", which may  
2 be issued by the Liquor Control Board to a licensee who has been operating his  
3 business establishment under the Class B beer, wine and liquor license for 1 year  
4 prior to the application for this license and who is, in the judgment of the Board,  
5 equipped and stocked for the continued regular sale of food to customers and guests  
6 and does at least 25 percent of his business in the sale of food.

7 2. The annual license fee:

8 A. For a six-day, Monday through Saturday, license is  
9 [\$2,000] \$2,050 for a restaurant and [\$2,500] \$2,620 for a hotel.

10 B. For a seven-day license is [\$2,375] \$2,435 for a restaurant  
11 and [\$2,875] \$3,045 for a hotel.

12 (ii) 1. The restaurant or hotel may purchase liquor or spirituous  
13 beverages from licensed suppliers.

14 2. This subsection may not be construed to limit the powers  
15 of the Liquor Control Board to control the number of licensees under §§ 9-201 and  
16 16-301 of this article.

17 3. This subsection may not contravene the provisions of §§  
18 10-103, 10-104, and 11-513 of this article, as the several sections may be amended  
19 from time to time.

20 (4) (i) Any Class B licensee who was granted an option that authorizes  
21 the sale of liquor off-sale as provided for in § 6-101(n) of this article shall pay the  
22 following additional fees:

23 1. Six-day restaurant - \$350; and

24 2. Seven-day restaurant - \$450.

25 (ii) Any licensee who has been previously granted an option under  
26 the provision of § 6-101(n)(5) of this article shall apply that option only to the area  
27 described in the application and that area may not exceed 20 percent of the area  
28 normally used in the operation of the restaurant business. This area shall be separate  
29 and distinct from the restaurant seating area, unless sales are merely from behind  
30 the bar. The 20 percent area limitation does not apply to additions or extensions. If  
31 the application indicates that off-sale of liquor will be more extensive than from  
32 behind the bar, a separate outside entrance for the use of off-sale customers shall be  
33 provided.

34 (iii) Class B licensees who utilize this option shall meet all of the  
35 appropriate operating requirements stipulated in this subsection and § 5-201(n) of  
36 this article. However, for the purposes of meeting food sale requirements, off-sale  
37 liquor receipts may not be included in the calculation of sales.

1 (5) (i) There is a special Class B on-sale license known as Class BNR  
2 which may be issued only to newly opened restaurants that:

3 1. Have a minimum capital investment of \$250,000 for new  
4 dining room facilities and newly installed kitchen equipment, which sum may not  
5 include the cost of land, buildings, or a lease;

6 2. Comply with paragraph (2)(v)1 and 2 of this subsection;  
7 and

8 3. Are as further defined by the regulations of the Liquor  
9 Control Board.

10 (ii) The annual license fee is [\$2,000] \$3,000.

11 (iii) The licensee may serve alcoholic beverages on Monday through  
12 Sunday and only between 8 a.m. and 2 a.m. the following morning.

13 (iv) The Liquor Control Board has complete discretion as to:

14 1. The number of licenses to be issued; and

15 2. To whom these licenses shall be issued.

16 (v) A BNR license is restricted to the purpose of providing alcoholic  
17 beverages for consumption on the licensed premises only and provides no off-sale  
18 privileges.

19 6-301.

20 (a) (1) [A] EXCEPT AS PROVIDED IN SUBSECTION (N) OF THIS SECTION, A  
21 Class C beer, wine and liquor license shall be issued by the license issuing authority  
22 of the county in which the place of business is located. It authorizes the holder to keep  
23 for sale and sell all alcoholic beverages at retail at any club, at the place described in  
24 the license, for consumption on the premises only.

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

26 (2) The Liquor Board may issue a 6-day, Monday through Saturday,  
27 "club and organization license" covering "on-sales" of beer, wine and liquor to the  
28 members and the guests of these clubs and organizations.

29 (3) The annual fee for a 6-day license is:

30 (i) \$350 annually for a club with from 50 to 99 bona fide  
31 dues-paying members;

32 (ii) \$600 annually for a club with from 100 to 250 such members;

33 (iii) \$850 annually for a club with from 251 to 450 such members;

34 and

1 (iv) \$1,000 annually for a club with 451 or more such members.

2 (4) The license fee shall be established on the maximum number of  
3 dues-paying members during the calendar year immediately preceding the  
4 application for a license.

5 (5) Any club or organization described in this subsection is entitled to the  
6 issuance of a 7-day license upon payment of an additional fee of \$100.

7 (6) The license shall be issued only for the following clubs and  
8 organizations:

9 (i) A bona fide nationally chartered nonprofit organization or club  
10 which has been incorporated for a period of not fewer than 5 years immediately prior  
11 to the filing of the application, composed solely of members who served in the armed  
12 forces of the United States in any war in which the United States was engaged, which  
13 organization or club operates solely for the use of its own members and its guests  
14 when accompanied by such members, and meets in a clubhouse principally used for a  
15 club, and is neither directly nor indirectly operated as a public business;

16 (ii) Any lodge or chapter of a bona fide nonprofit and nationally  
17 chartered fraternal organization composed of members duly elected and initiated in  
18 accordance with the rites and customs of such fraternal organizations which is  
19 operating a house or clubhouse for the use of its members, and is neither directly or  
20 indirectly operated as a public business. The club or organization shall have 100 or  
21 more bona fide members paying such dues as required by its national organization in  
22 the year immediately preceding the year in which the license is issued. The home or  
23 clubhouse shall have facilities for preparing and serving food on the premises to the  
24 members and their guests;

25 (iii) A bona fide yacht or boat club, regardless of whether the club is  
26 operated for profit, owning real estate in the county and having a dues-paying  
27 membership of not less than 150 persons, not less than 50 of whom own yachts, boats,  
28 or other vessels;

29 (iv) A country club, regardless of whether the club is operated for  
30 profit, which has 75 or more bona fide members paying dues of not less than \$50 per  
31 annum per member, which maintains at the time of the application for license a  
32 regular or championship golf course of 9 holes or more, or, in lieu of the golf course, a  
33 swimming pool at least 20 by 40 feet in size, and at least 6 tennis courts;

34 (v) A racquet club, regardless of whether the club is operated for  
35 profit, that has 75 or more bona fide members paying dues of not less than \$50 each  
36 per year, which has at the time of application and continues to maintain a minimum  
37 of 6 playing courts, with facilities for preparing food. No license may be issued if the  
38 licensee is within 300 feet of any existing licensed establishment of any kind;

39 (vi) A bona fide nonprofit topiary garden that operates a public  
40 museum and garden for its membership and the general public as its guests, and is  
41 open to the general public for at least 6 days a week for at least 6 hours a day during

1 5 months a year and that has food preparation facilities on the topiary garden  
 2 premises for the convenience of visiting guests; or

3 (vii) A box lacrosse and indoor soccer ball club, regardless of whether  
 4 the club is operated for profit, if the club:

5 1. Has at the time of application and continues to maintain  
 6 facilities for playing box lacrosse and indoor soccer;

7 2. Has 75 or more bona fide members paying dues of not less  
 8 than \$50 each per year;

9 3. Has a facility for preparing food;

10 4. Is not located within 300 feet of an existing licensed  
 11 establishment; and

12 5. Permits the sale of beer, wine, and liquor only from the  
 13 hours of 11:30 a.m. to 12:00 a.m.]

14 (N) (1) THIS SUBSECTION APPLIES ONLY IN HARFORD COUNTY.

15 (2) THE LIQUOR CONTROL BOARD MAY ISSUE 6-DAY (MONDAY  
 16 THROUGH SATURDAY) AND 7-DAY CLASS C-1, CLASS C-2, AND CLASS C-3 (ON-SALE)  
 17 ORGANIZATION OR CLUB BEER, WINE AND LIQUOR LICENSES IN ACCORDANCE WITH  
 18 THIS SECTION.

19 (3) A LICENSE ISSUED UNDER THIS SUBSECTION AUTHORIZES THE  
 20 HOLDER OF THE LICENSE TO SELL OR PROVIDE ALCOHOLIC BEVERAGES ONLY FOR  
 21 ON-PREMISES CONSUMPTION BY THE MEMBERS AND GUESTS OF THE CLUB OR  
 22 ORGANIZATION.

23 (4) (I) IN THIS PARAGRAPH, "WAR VETERANS ORGANIZATION" MEANS  
 24 A BONA FIDE NATIONALLY CHARTERED NONPROFIT ORGANIZATION OR CLUB THAT:

25 1. HAS BEEN INCORPORATED FOR A PERIOD OF NOT FEWER  
 26 THAN 5 YEARS IMMEDIATELY BEFORE THE FILING OF THE APPLICATION FOR A  
 27 LICENSE UNDER THIS PARAGRAPH;

28 2. IS COMPOSED SOLELY OF MEMBERS WHO SERVED IN THE  
 29 ARMED FORCES OF THE UNITED STATES IN ANY WAR IN WHICH THE UNITED STATES  
 30 WAS ENGAGED;

31 3. OPERATES SOLELY FOR THE USE OF ITS OWN MEMBERS  
 32 AND ITS GUESTS WHEN ACCOMPANIED BY SUCH MEMBERS;

33 4. MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR A CLUB;  
 34 AND

35 5. IS NEITHER DIRECTLY NOR INDIRECTLY OPERATED AS A  
 36 PUBLIC BUSINESS.

1 (II) A CLASS C-1 LICENSE MAY BE ISSUED ONLY TO A WAR  
2 VETERANS ORGANIZATION.

3 (III) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
4 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 50 TO 99 BONA  
5 FIDE MEMBERS, THE ANNUAL FEE FOR A 6-DAY, MONDAY THROUGH SATURDAY,  
6 (ON-SALE) CLASS C-1 LICENSE IS \$350.

7 (IV) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
8 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 50 TO 99 BONA  
9 FIDE MEMBERS, THE ANNUAL FEE FOR A 7-DAY (ON-SALE) CLASS C-1 LICENSE IS  
10 \$450.

11 (V) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
12 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 100 TO 250 BONA  
13 FIDE MEMBERS, THE ANNUAL FEE FOR A 6-DAY, MONDAY THROUGH SATURDAY,  
14 (ON-SALE) CLASS C-1 LICENSE IS \$600.

15 (VI) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
16 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 100 TO 250 BONA  
17 FIDE MEMBERS, THE ANNUAL FEE FOR A 7-DAY (ON-SALE) CLASS C-1 LICENSE IS  
18 \$700.

19 (VII) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
20 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 251 TO 450 BONA  
21 FIDE MEMBERS, THE ANNUAL FEE FOR A 6-DAY, MONDAY THROUGH SATURDAY,  
22 (ON-SALE) CLASS C-1 LICENSE IS \$850.

23 (VIII) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
24 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 251 TO 450 BONA  
25 FIDE MEMBERS, THE ANNUAL FEE FOR A 7-DAY (ON-SALE) CLASS C-1 LICENSE IS  
26 \$950.

27 (IX) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
28 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 451 OR MORE  
29 BONA FIDE MEMBERS, THE ANNUAL FEE FOR A 6-DAY, MONDAY THROUGH  
30 SATURDAY, (ON-SALE) CLASS C-1 LICENSE IS \$1,000.

31 (X) FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
32 C-1 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 451 OR MORE  
33 BONA FIDE MEMBERS, THE ANNUAL FEE FOR A 7-DAY (ON-SALE) CLASS C-1 LICENSE  
34 IS \$1,100.

35 (5) (I) IN THIS PARAGRAPH, "FRATERNAL ORGANIZATION" MEANS A  
36 LODGE OR CHAPTER OF A BONA FIDE NATIONALLY CHARTERED FRATERNAL  
37 ORGANIZATION THAT IS:

38 1. COMPOSED OF MEMBERS DULY ELECTED AND INITIATED  
39 IN ACCORDANCE WITH THE RITES AND CUSTOMS OF THE ORGANIZATION;

1                                   2.       OPERATES A CLUBHOUSE OR BUILDING:  
2                                   A.       FOR THE USE OF ITS MEMBERS; AND  
3                                   B.       THAT HAS FACILITIES FOR PREPARING AND SERVING  
4 FOOD ON THE PREMISES FOR THE MEMBERS AND THEIR GUESTS;  
5                                   3.       IS NEITHER DIRECTLY NOR INDIRECTLY OPERATED AS A  
6 PUBLIC BUSINESS; AND  
7                                   4.       HAS AT LEAST 100 BONA FIDE MEMBERS, EACH OF WHOM  
8 PAID DUES AS REQUIRED BY THE NATIONAL ORGANIZATION IN THE YEAR  
9 IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE WAS APPLIED OR  
10 ISSUED.

11                               (II)     A CLASS C-2 LICENSE MAY BE ISSUED ONLY TO A FRATERNAL  
12 ORGANIZATION.

13                               (III)    FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
14 C-2 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 100 TO 250 BONA  
15 FIDE MEMBERS, THE ANNUAL FEE FOR A 6-DAY, MONDAY THROUGH SATURDAY,  
16 (ON-SALE) CLASS C-2 LICENSE IS \$800.

17                               (IV)    FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
18 C-2 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 100 TO 250 BONA  
19 FIDE MEMBERS, THE ANNUAL FEE FOR A 7-DAY (ON-SALE) CLASS C-2 LICENSE IS  
20 \$900.

21                               (V)     FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
22 C-2 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 251 TO 450 BONA  
23 FIDE MEMBERS, THE ANNUAL FEE FOR A 6-DAY, MONDAY THROUGH SATURDAY,  
24 (ON-SALE) CLASS C-2 LICENSE IS \$1,050.

25                               (VI)    FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
26 C-2 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 251 TO 450 BONA  
27 FIDE MEMBERS, THE ANNUAL FEE FOR A 7-DAY (ON-SALE) CLASS C-2 LICENSE IS  
28 \$1,150.

29                               (VII)   FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
30 C-2 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 451 OR MORE  
31 BONA FIDE MEMBERS, THE ANNUAL FEE FOR A 6-DAY, MONDAY THROUGH  
32 SATURDAY, (ON-SALE) CLASS C-2 LICENSE IS \$1,200.

33                               (VIII)  FOR A CLUB OR ORGANIZATION THAT QUALIFIES FOR A CLASS  
34 C-2 LICENSE UNDER THIS PARAGRAPH AND HAS A MEMBERSHIP OF 451 OR MORE  
35 BONA FIDE MEMBERS, THE ANNUAL FEE FOR A 7-DAY (ON-SALE) CLASS C-2 LICENSE  
36 IS \$1,300.

37                               (6)    (I)     IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE  
38 MEANINGS INDICATED.

- 1                                   1.       "MISCELLANEOUS ORGANIZATION OR CLUB" MEANS A  
2 COUNTRY CLUB, RACQUET CLUB, INDOOR SOCCER BOX LACROSSE CLUB, A YACHT OR  
3 BOAT CLUB, OR TOPIARY GARDEN.
- 4                                   2.       "BOX LACROSSE AND INDOOR SOCCER CLUB" MEANS A  
5 CLUB OR ORGANIZATION THAT:
- 6                                   A.       MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT;
- 7                                   B.       HAS AT THE TIME OF APPLICATION FOR THE LICENSE AND  
8 CONTINUES TO MAINTAIN FACILITIES FOR PLAYING BOX LACROSSE AND INDOOR  
9 SOCCER;
- 10                                  C.       HAS 75 OR MORE BONA FIDE MEMBERS EACH OF WHOM  
11 PAYS DUES OF NOT LESS THAN \$50 PER YEAR;
- 12                                  D.       HAS A FACILITY FOR PREPARING FOOD;
- 13                                  E.       IS NOT LOCATED WITHIN 300 FEET OF AN EXISTING  
14 ESTABLISHMENT THAT IS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-SALE  
15 OR OFF-SALE CONSUMPTION; AND
- 16                                  F.       ALLOWS THE SALE OF BEER, WINE, AND LIQUOR ONLY  
17 FROM THE HOURS OF 11:30 A.M. TO 12:00 A.M.
- 18                                  3.       "COUNTRY CLUB" MEANS A CLUB OR ORGANIZATION  
19 THAT:
- 20                                  A.       MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT;
- 21                                  B.       HAS 75 OR MORE BONA FIDE MEMBERS EACH OF WHOM  
22 PAYS NOT LESS THAN \$50 PER YEAR; AND
- 23                                  C.       MAINTAINS AT THE TIME OF THE APPLICATION FOR THE  
24 LICENSE AND CONTINUES TO MAINTAIN A REGULAR OR CHAMPIONSHIP GOLF  
25 COURSE OF 9 HOLES OR MORE, OR, INSTEAD OF THE GOLF COURSE, A SWIMMING  
26 POOL AT LEAST 20 BY 40 FEET IN SIZE, AND AT LEAST 6 TENNIS COURTS.
- 27                                  4.       "RACQUET CLUB" MEANS A CLUB OR ORGANIZATION:
- 28                                  A.       THAT MAY BE OPERATED FOR PROFIT OR NOT FOR  
29 PROFIT;
- 30                                  B.       THAT HAS 75 OR MORE BONA FIDE MEMBERS EACH OF  
31 WHOM PAYS DUES OF NOT LESS THAN \$50 PER YEAR;
- 32                                  C.       THAT HAS AT THE TIME OF APPLICATION FOR THE  
33 LICENSE AND CONTINUES TO MAINTAIN A MINIMUM OF 6 PLAYING COURTS AND HAS  
34 FACILITIES FOR PREPARING FOOD; AND



1 D. THE PREMISES OF WHICH IS TO BE LICENSED IS NOT  
2 LOCATED WITHIN 300 FEET OF ANY EXISTING ESTABLISHMENT LICENSED TO SELL  
3 ALCOHOLIC BEVERAGES FOR ON-SALE OR OFF-SALE CONSUMPTION.

4 5. "TOPIARY GARDEN" MEANS AN ORGANIZATION THAT:

5 A. OPERATES A PUBLIC MUSEUM AND GARDEN FOR ITS  
6 MEMBERSHIP AND THE GENERAL PUBLIC AS GUESTS OF THE MEMBERSHIP;

7 B. IS OPEN TO THE GENERAL PUBLIC FOR AT LEAST 6 DAYS A  
8 WEEK FOR AT LEAST 6 HOURS A DAY DURING 5 MONTHS EACH YEAR; AND

9 C. HAS FOOD PREPARATION FACILITIES ON THE TOPIARY  
10 GARDEN PREMISES FOR THE CONVENIENCE OF VISITING GUESTS.

11 6. "YACHT OR BOAT CLUB" MEANS A CLUB OR ORGANIZATION  
12 THAT:

13 A. MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT; AND

14 B. OWNS REAL PROPERTY IN HARFORD COUNTY; AND

15 C. HAS NOT LESS THAN 150 BONA FIDE DUES-PAYING  
16 MEMBERS AND NOT LESS THAN 50 OF WHOM OWN A YACHT, BOAT, OR OTHER  
17 VESSEL.

18 (II) A CLASS C-3 LICENSE MAY BE ISSUED ONLY TO A  
19 MISCELLANEOUS ORGANIZATION OR CLUB.

20 (III) 1. THE FEE FOR A 6-DAY, MONDAY THROUGH SATURDAY,  
21 (ON-SALE) CLASS C-3 LICENSE UNDER THIS PARAGRAPH IS \$1,300.

22 2. THE FEE FOR A 7-DAY CLASS C-3 LICENSE UNDER THIS  
23 PARAGRAPH IS \$1,400.

24 6-704.

25 (a) (1) This section applies only in Harford County.

26 (2) The annual license fee is [~~\$750~~] \$1,500, which shall be paid to the  
27 Board before the license is issued and which shall be distributed as provided.

28 (3) In this section, "caterer" means an establishment that owns or leases  
29 1 or more banquet rooms suitable for public gatherings, with food preparation  
30 facilities on the premises, which contracts to provide food and alcoholic beverages to  
31 sponsors of public or private events.

32 (b) (1) A Class H beer, wine and liquor license may be issued upon the  
33 approval of the Liquor Control Board and authorizes the owner or operator of a  
34 catering establishment to keep for sale and sell all alcoholic beverages at retail at the  
35 premises described therein for consumption on the premises during the catered event.

1           (2)     Notwithstanding the provisions of § 12-107 of this article or any  
2 other contrary provision of this article, a caterer licensed under this section also may  
3 contract with patrons to permit them to bring personal alcoholic beverages onto the  
4 premises of the caterer for consumption at catered events.

5           (3)     A caterer licensed under this section may contract to provide alcoholic  
6 beverages at events held off the premises, provided that:

7                   (i)     The caterer contracts to provide food, as well as alcoholic  
8 beverages, for consumption at the catered event; and

9                   (ii)    The event is held in Harford County.

10          (4)     A caterer licensed under this section may provide food and keep and  
11 sell at retail alcoholic beverages, for consumption only on the premises of the caterer,  
12 at a self-sponsored event held once during a calendar year on a day selected by the  
13 caterer.

14          (c)     (1)     This section does not require a hotel or restaurant which presently  
15 holds a Class B beer, wine and liquor license to obtain a Class H license if catering is,  
16 or has been, a part of the service provided by the hotel or restaurant.

17          (2)     If a holder of an existing hotel or restaurant Class B beer, wine and  
18 liquor license provides catering services on or off the licensed premises, the holder is  
19 subject to the requirements of subsection (b)(3) of this section.

20          (d)     A beer, wine and liquor license may be issued to a caterer who has entered  
21 into an exclusive lease with a volunteer fire company for a banquet facility owned by  
22 that volunteer fire company.

23 7-101.

24          (b)     (1)     (i)     Subject to subsection (a) of this section, a special Class C beer  
25 license or a special Class C beer and wine license entitles the holder to exercise any of  
26 the privileges conferred by the respective classes of licenses for the use of any person  
27 holding any bona fide entertainment conducted by any club, society or association at  
28 the place described in the license, for a period not exceeding seven consecutive days  
29 from the effective date thereof.

30                   (ii)    The fee is \$5 per day.

31          (8)     In Harford County the fee is [~~\$10~~] \$15 per day.

32          (d)     (1)     (i)     A special Class C beer, wine and liquor license entitles the  
33 holder to exercise any of the privileges conferred by this class of license for the use of  
34 any person holding a bona fide entertainment conducted by a club, society, or  
35 association at the place described for a period not exceeding seven consecutive days,  
36 upon the payment of a fee of \$15 per day.

1 (ii) The provisions of § 11-517 of this article do not apply to holders  
2 of this license. Alcoholic beverages sold under this special license shall be purchased  
3 by such special license holder from retail dealers.

4 (9) In Harford County the fee is [~~\$20~~] \$30 per day.

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

6 (2) The Liquor Control Board may grant a special Class C beer and wine  
7 license which entitles the holder to exercise any of the privileges conferred by that  
8 class of license at any bona fide entertainment held or conducted by any county fire  
9 department.

10 (3) The Board shall prescribe the form for the application and the  
11 applicant shall sign it. The fee shall be paid before the license is issued.

12 (4) The annual license fees are as follows for up to:

13 (i) 10 events per year.....[~~\$100~~] \$150;

14 (ii) 20 events per year.....[~~\$200~~] \$300;

15 (iii) 30 events per year.....[~~\$300~~] \$450; and

16 (iv) 40 events per year.....[~~\$400~~] \$600.

17 (5) A license may not be granted to a fire department more than one time  
18 in any year.

19 (6) The total number of days authorized by this special license may not  
20 exceed 40 in any calendar year.

21 (7) A licensee shall notify the Board in writing at least 7 days prior to  
22 each event.

23 (8) This subsection does not preclude a fire department from obtaining a  
24 single event special Class C license under other provisions of this section.

25 8-309.

26 (a) The Harford County Liquor Control Board may issue a special wine  
27 festival (WF) license.

28 (b) Notwithstanding any other provision to the contrary, an applicant for a  
29 special WF license shall be a holder of an existing State retail alcoholic beverages  
30 license, State Class 3 winery license, or State Class 4 winery license issued pursuant  
31 to this article.

32 (c) A special WF licensee shall only display and sell wine that is produced and  
33 processed in Maryland.

1 (d) A special WF license entitles the holder to display and sell at retail wine  
2 for consumption on or off the licensed premises on the days and for the hours  
3 designated for the wine festival in Harford County.

4 (e) The license fee is [~~\$15~~] \$20.

5 (f) The provisions of this section may not prohibit the licensee from holding  
6 another alcoholic beverages license of a different class or nature.

7 (g) The Harford County Liquor Control Board:

8 (1) May select 1 weekend annually during the months of June, July,  
9 August, or September for the wine festival that does not conflict with the Anne  
10 Arundel County Beer and Wine Festival, the Cumberland and Shenandoah Valley  
11 Wine Festival, or the Maryland Wine Festival; and

12 (2) Shall choose a location in Harford County for this festival which does  
13 not hold an alcoholic beverages license.

14 (h) The Harford County Liquor Control Board shall adopt regulations for  
15 implementing this section.

16 8-503.

17 (a) This section applies only in Harford County.

18 (b) There is a Class GC (golf course) beer, wine and liquor license.

19 (c) The licensee shall own or operate a golf course that:

20 (1) Is open to the public;

21 (2) Is operated for profit; and

22 (3) Has a minimum of 18 holes.

23 (d) The annual license fee is [~~\$2,200~~] \$3,500.

24 (e) The licensee may sell beer, wine and liquor for consumption only on the  
25 land and in the buildings, including the clubhouse, used for golfing purposes.

26 (f) A patron need not be seated to be served.

27 (g) The hours and days for sale are as specified in § 11-513(b)(1) of this article.

28 (h) The prohibition on the distance a licensee must remain from a church or  
29 school specified in § 9-213 of this article does not apply to Class GC (golf course)  
30 licensees.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of Section  
32 1 of this Act shall apply to licenses issued or renewed by the Harford County Liquor

1 Control Board as of the licensing period that begins on May 1, 2006. Nothing in this  
2 Act may be construed to affect the license fees in effect during the May 1, 2005  
3 through April 30, 2006 licensing period in Harford County.

4 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions  
5 of Section 2 of this Act, this Act shall take effect October 1, 2005.