

ENROLLED BILL

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

Introduced by **Harford County Delegation**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Harford County - Alcoholic Beverages - Class B Restaurant Beer, Wine and**
3 **Liquor Licenses Within an Integrated Community Shopping Center -**
4 **Exception**

5 FOR the purpose of providing that the Harford County Liquor Control Board may
6 waive certain restrictions on the issuance of certain alcoholic beverages licenses
7 for a restaurant in the county or in a municipal corporation of the county if the
8 restaurant is located in a shopping center designated as an integrated
9 community shopping center *and the Board takes into account, among other*
10 *considerations, comments received from certain parents*; defining a certain term;
11 and generally relating to alcoholic beverages licenses in Harford County.

12 BY repealing and reenacting, with amendments,
13 Article 2B - Alcoholic Beverages
14 Section 9-213(b)
15 Annotated Code of Maryland
16 (2005 Replacement Volume)

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 9-213.

5 (b) (1) (i) Except as provided in paragraphs (2), (3), (4), (5), (6), [and] (7),
6 AND (8) of this subsection, the Harford County Board of License Commissioners may
7 not issue any license to sell alcoholic beverages within 300 feet of any church or other
8 place of worship or within 1,000 feet of any public school building.

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

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

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

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

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

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

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

26 (2) In Bel Air, Aberdeen, and Havre de Grace, the Board may issue a
27 Class B license to sell alcoholic beverages to a bona fide hotel, motel, or restaurant, as
28 defined in § 6-201(n) of this article, a Class C license to a club, as defined in §
29 6-301(o)(2) of this article, or a Class H license to a caterer, as defined in § 6-704(a) of
30 this article, if the club, hotel, motel, restaurant, or caterer is not located within 300
31 feet of any public or nonpublic school.

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

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

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

4 (4) The Board may waive restrictions under this subsection in approving
 5 an application for an alcoholic beverages license where an existing retail building or
 6 unit has an entrance not within 1,000 feet of the nearest point of a school building and
 7 no more than 25 percent of the floor area of the existing unit is within 1,000 feet of a
 8 school building.

9 (5) (I) IN THIS PARAGRAPH, "INTEGRATED COMMUNITY SHOPPING
 10 CENTER" MEANS A SHOPPING CENTER THAT CONTAINS:

- 11 1. SIX OR MORE RETAIL USES;
- 12 2. SIX OR MORE RETAIL AND SERVICE USES; OR
- 13 3. A GROSS FLOOR AREA OF MORE THAN 20,000 SQUARE
 14 FEET.

15 (II) WITH RESPECT TO A PUBLIC OR PRIVATE SCHOOL BUILDING
 16 ONLY, THE BOARD MAY WAIVE THE RESTRICTIONS UNDER THIS SUBSECTION IN
 17 APPROVING AN APPLICATION FOR A CLASS B (ON-SALE ONLY) RESTAURANT LICENSE
 18 IN THE COUNTY OR A MUNICIPAL CORPORATION WITHIN THE COUNTY ~~IF THE~~
 19 ~~RESTAURANT THAT IS THE SUBJECT OF THE LICENSE IS LOCATED IN AN~~
 20 ~~INTEGRATED COMMUNITY SHOPPING CENTER~~ IF:

21 1. THE RESTAURANT THAT IS THE SUBJECT OF THE
 22 LICENSE IS LOCATED IN AN INTEGRATED COMMUNITY SHOPPING CENTER; AND

23 2. THE BOARD TAKES INTO ACCOUNT, AMONG OTHER
 24 CONSIDERATIONS, COMMENTS RECEIVED FROM PARENTS WHOSE CHILDREN
 25 ATTEND THE PUBLIC OR PRIVATE SCHOOL.

26 [(5)] (6) The provisions of paragraph (1) of this subsection relating to
 27 distance from a church or place of worship do not apply to either the issuance of a
 28 1-day alcoholic beverages license for use within a building or to the issuance of a
 29 Class H beer, wine and liquor license issued under § 6-704(d) of this article to a
 30 caterer for use in a banquet facility located within a building if:

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

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

35 [(6)] (7) The provisions of paragraph (1) of this subsection do not apply
 36 to the issuance of a Class B-4 (seafood restaurant) license as set forth in § 5-201(n)(6)
 37 of this article.

1 [(7)] (8) The provisions of paragraph (1) of this subsection do not apply
2 to the issuance of a Class GC (golf course) license as set forth in § 8-503 of this article.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect July 1, 2006.