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**By: Harford County Delegation**

Introduced and read first time: February 27, 2006

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 6, 2006

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Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2006

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## 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; defining a certain term; and generally relating to  
 10    alcoholic beverages licenses in Harford County.

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

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

18                           **Article 2B - Alcoholic Beverages**

19 9-213.

20    (b)    (1)    (i)    Except as provided in paragraphs (2), (3), (4), (5), (6), [and] (7),  
 21    AND (8) of this subsection, the Harford County Board of License Commissioners may

1 not issue any license to sell alcoholic beverages within 300 feet of any church or other  
2 place of worship or within 1,000 feet of any public school building.

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

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

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

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

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

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

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

20 (2) In Bel Air, Aberdeen, and Havre de Grace, the Board may issue a  
21 Class B license to sell alcoholic beverages to a bona fide hotel, motel, or restaurant, as  
22 defined in § 6-201(n) of this article, a Class C license to a club, as defined in §  
23 6-301(o)(2) of this article, or a Class H license to a caterer, as defined in § 6-704(a) of  
24 this article, if the club, hotel, motel, restaurant, or caterer is not located within 300  
25 feet of any public or nonpublic school.

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

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

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

35 (4) The Board may waive restrictions under this subsection in approving  
36 an application for an alcoholic beverages license where an existing retail building or  
37 unit has an entrance not within 1,000 feet of the nearest point of a school building and

1 no more than 25 percent of the floor area of the existing unit is within 1,000 feet of a  
2 school building.

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

- 5 1. SIX OR MORE RETAIL USES;
- 6 2. SIX OR MORE RETAIL AND SERVICE USES; OR
- 7 3. A GROSS FLOOR AREA OF MORE THAN 20,000 SQUARE  
8 FEET.

9 (II) WITH RESPECT TO A PUBLIC OR PRIVATE SCHOOL BUILDING  
10 ONLY, THE BOARD MAY WAIVE THE RESTRICTIONS UNDER THIS SUBSECTION IN  
11 APPROVING AN APPLICATION FOR A CLASS B (ON-SALE ONLY) RESTAURANT LICENSE  
12 IN THE COUNTY OR A MUNICIPAL CORPORATION WITHIN THE COUNTY IF THE  
13 RESTAURANT THAT IS THE SUBJECT OF THE LICENSE IS LOCATED IN AN  
14 INTEGRATED COMMUNITY SHOPPING CENTER.

15 [(5)] (6) The provisions of paragraph (1) of this subsection relating to  
16 distance from a church or place of worship do not apply to either the issuance of a  
17 1-day alcoholic beverages license for use within a building or to the issuance of a  
18 Class H beer, wine and liquor license issued under § 6-704(d) of this article to a  
19 caterer for use in a banquet facility located within a building if:

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

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

24 [(6)] (7) The provisions of paragraph (1) of this subsection do not apply  
25 to the issuance of a Class B-4 (seafood restaurant) license as set forth in § 5-201(n)(6)  
26 of this article.

27 [(7)] (8) The provisions of paragraph (1) of this subsection do not apply  
28 to the issuance of a Class GC (golf course) license as set forth in § 8-503 of this article.

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

