

HOUSE BILL 299

A2

71r0956

By: **Harford County Delegation**

Introduced and read first time: January 31, 2007

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 27, 2007

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused**
3 **Provisions**

4 FOR the purpose of repealing certain alcoholic beverage provisions for Harford County
5 that are obsolete or no longer used; repealing certain provisions regarding a
6 Class B–4 (seafood restaurant) license, the distance required between a school
7 and a premises licensed for alcoholic beverages, the use of a neighborhood by
8 the Liquor Control Board as a factor in deciding whether to issue a license,
9 possession of alcoholic beverages brought on the premises of a racetrack in the
10 county, a certain requirement regarding alcoholic beverages inspectors, licenses
11 for racquet clubs and box lacrosse clubs, and the borrowing power of the Board
12 for the benefit of dispensaries; and generally relating to alcoholic beverages in
13 Harford County.

14 BY repealing

15 Article 2B – Alcoholic Beverages

16 Section 5–201(n)(6), 9–213(b)(4) and (7) and (g), 11–513(b)(2), and 12–213(d)(3)

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2006 Supplement)

19 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article 2B – Alcoholic Beverages
 2 Section 6–301(n)(1)
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2006 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article 2B – Alcoholic Beverages
 7 Section 6–301(n)(6), 10–202(a)(2), 15–112(n), and 15–202(b)(2) and (c)(1)
 8 Annotated Code of Maryland
 9 (2005 Replacement Volume and 2006 Supplement)

10 Preamble

11 WHEREAS, The statutory provisions regulating alcoholic beverages in Harford
 12 County are found throughout Article 2B – Alcoholic Beverages of the Annotated Code
 13 of Maryland; and

14 WHEREAS, Over the years, some of these provisions have been allowed to
 15 remain in the Code, despite having become irrelevant or obsolete; and

16 WHEREAS, Some examples of these provisions pertain to licenses that the
 17 Liquor Control Board has not issued for years and to conditions that no longer exist in
 18 the county, such as the operation of a racetrack and the operation of a liquor
 19 dispensary system; and

20 WHEREAS, Repealing these provisions from Article 2B of the Code would be
 21 beneficial to users of the Code; now, therefore,

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

24 **Article 2B – Alcoholic Beverages**

25 5–201.

26 (n) [(6) (i) There is a 7–day Class B–4 on–sale seafood restaurant
 27 license.

28 (ii) The annual license fee is \$500.

29 (iii) The Liquor Control Board may issue this license only to an
 30 applicant who is the operator of and who has been the operator of a seafood restaurant

1 in existence prior to January 1, 1995, at the same location for which this license is
2 requested.

3 (iv) The exclusion of Harford County in § 1–102(a)(22)(iii) of this
4 article does not apply to this Class B–4 (seafood restaurant) license; a licensee shall
5 comply with the 50% average gross monthly receipts of food commodities mandated in
6 § 1–102(a)(22)(iii) of this article.

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

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

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

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

17 6–301.

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

19 (6) (i) In this paragraph the following words have the meanings
20 indicated.

21 1. “Miscellaneous organization or club” means a country
22 club, [racquet club, indoor soccer box lacrosse club,] a yacht or boat club, or topiary
23 garden.

24 [2. “Box lacrosse and indoor soccer club” means a club or
25 organization that:

26 A. May be operated for profit or not for profit;

27 B. Has at the time of application for the license and
28 continues to maintain facilities for playing box lacrosse and indoor soccer;

1 C. Has 75 or more bona fide members each of whom pays
2 dues of not less than \$50 per year;

3 D. Has a facility for preparing food;

4 E. Is not located within 300 feet of an existing
5 establishment that is licensed to sell alcoholic beverages for on-sale or off-sale
6 consumption; and

7 F. Allows the sale of beer, wine, and liquor only from the
8 hours of 11:30 a.m. to 12:00 a.m.]

9 [3.] 2. "Country club" means a club or organization that:

10 A. May be operated for profit or not for profit;

11 B. Has 75 or more bona fide members each of whom pays
12 not less than \$50 per year; and

13 C. Maintains at the time of the application for the
14 license and continues to maintain a regular or championship golf course of 9 holes or
15 more, or, instead of the golf course, a swimming pool at least 20 by 40 feet in size, and
16 at least 6 tennis courts.

17 [4. "Racquet club" means a club or organization:

18 A. That may be operated for profit or not for profit;

19 B. That has 75 or more bona fide members each of whom
20 pays dues of not less than \$50 per year;

21 C. That has at the time of application for the license and
22 continues to maintain a minimum of 6 playing courts and has facilities for preparing
23 food; and

24 D. The premises of which is to be licensed is not located
25 within 300 feet of any existing establishment licensed to sell alcoholic beverages for
26 on-sale or off-sale consumption.]

27 [5.] 3. "Topiary garden" means an organization that:

1 A. Operates a public museum and garden for its
2 membership and the general public as guests of the membership;

3 B. Is open to the general public for at least 6 days a week
4 for at least 6 hours a day during 5 months each year; and

5 C. Has food preparation facilities on the topiary garden
6 premises for the convenience of visiting guests.

7 [6.] 4. “Yacht or boat club” means a club or organization
8 that:

9 A. May be operated for profit or not for profit; and

10 B. Owns real property in Harford County; and

11 C. Has not less than 150 bona fide dues-paying members
12 and not less than 50 of whom own a yacht, boat, or other vessel.

13 (ii) A Class C-3 license may be issued only to a miscellaneous
14 organization or club.

15 (iii) 1. The fee for a 6-day, Monday through Saturday, (on-
16 sale) Class C-3 license under this paragraph is \$1,300.

17 2. The fee for a 7-day Class C-3 license under this
18 paragraph is \$1,400.

19 9-213.

20 (b) [(4) The Board may waive restrictions under this subsection in
21 approving an application for an alcoholic beverages license where an existing retail
22 building or unit has an entrance not within 1,000 feet of the nearest point of a school
23 building and no more than 25 percent of the floor area of the existing unit is within
24 1,000 feet of a school building.]

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

28 [(g) Except as otherwise provided in this article, in Harford County, the
29 Board of License Commissioners may not issue or transfer to any neighborhood a

1 Class A (off-sale) beer, wine and liquor license, if any of these classes of licenses exist
 2 in that neighborhood. This restriction does not apply if the license is acquired
 3 pursuant to the provisions of subsection (f)(2) of this section.]

4 10-202.

5 (a) (2) [(i) This paragraph does not apply in Harford County.]

6 [(ii) (I) Before approving an application and issuing a license,
 7 the board shall consider:

8 1. The public need and desire for the license;

9 2. The number and location of existing licensees and the
 10 potential effect on existing licensees of the license applied for;

11 3. The potential commonality or uniqueness of the
 12 services and products to be offered by the applicant's business;

13 4. The impact on the general health, safety, and welfare
 14 of the community, including issues relating to crime, traffic conditions, parking, or
 15 convenience; and

16 5. Any other necessary factors as determined by the
 17 board.

18 [(iii) (II) The application shall be disapproved and the license
 19 for which application is made shall be refused if the Board of License Commissioners
 20 for the City or any county determines that:

21 1. The granting of the license is not necessary for the
 22 accommodation of the public;

23 2. The applicant is not a fit person to receive the license
 24 for which application is made;

25 3. The applicant has made a material false statement in
 26 his application;

27 4. The applicant has practiced fraud in connection with
 28 the application;

1 5. The operation of the business, if the license is
2 granted, will unduly disturb the peace of the residents of the neighborhood in which
3 the place of business is to be located; or

4 6. There are other reasons, in the discretion of the
5 board, why the license should not be issued.

6 [(iv)] (III) Except as otherwise provided in this section, if no
7 such findings are made by the board, then the application shall be approved and the
8 license issuing authority shall issue the license for which application is made upon
9 payment of the fee required to the local collecting agent.

10 11-513.

11 (b) [(2) A Class B-4 (seafood restaurant) licensee may offer to sell beer and
12 wine:

13 (i) On Mondays through Saturdays from 5:30 p.m. to 11:00
14 p.m.; and

15 (ii) On Sundays from 12 noon to 11:00 p.m.]

16 12-213.

17 (d) Notwithstanding the provisions of § 12-107 or of any other contrary
18 provisions of this article, the possession of alcoholic beverages upon the premises of a
19 licensee under the provisions of this article is not unlawful under any of the following
20 conditions:

21 [(3) When the alcoholic beverages have been brought upon the
22 premises of a racetrack licensed under the provisions of the Maryland Horse Racing
23 Act, and the track is licensed for the sale of alcoholic beverages under this article.
24 However, it is lawful if the alcoholic beverages have been furnished by the licensee.]

25 15-112.

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

27 (2) In addition to any inspector who is serving prior to July 1, 1979,
28 the Board and general manager may appoint additional inspectors as necessary to
29 provide appropriate control over newly created Class A off-sale licensees. [Each
30 inspector shall be directly responsible on a day to day basis to the general manager.]

1 15-202.

2 (b) (2) The aggregate sum advanced to or borrowed by the liquor control
3 board may not exceed the following amounts:

4 [(i) Harford County — \$75,000]

5 [(ii) (I) Somerset County — \$50,000

6 [(iii) (II) Wicomico County — \$500,000

7 [(iv) (III) Worcester County — \$5,000,000.

8 (c) (1) The interest rate limitation provided in paragraph (2) of this
9 subsection does not apply in [the following jurisdictions:

10 (i) Harford County;

11 (ii) Somerset County; and

12 (iii) Worcester County] **SOMERSET COUNTY AND WORCESTER**
13 **COUNTY.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.