

## **CHAPTER 390**

**(House Bill 299)**

AN ACT concerning

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

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

BY repealing

Article 2B – Alcoholic Beverages

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

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 6–301(n)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–301(n)(6), 10–202(a)(2), 15–112(n), and 15–202(b)(2) and (c)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Preamble

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

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

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

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

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

### **Article 2B – Alcoholic Beverages**

5–201.

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

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

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

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

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

(vi) A licensee may not permit any gambling, keno, gaming, pinball, video machines, video poker, or similar games or devices on the premises. A

licensee may not operate a pool hall or have pool tables on the premises. Further, a licensee may not have a bar on the premises.

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

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

6-301.

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

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

1. "Miscellaneous organization or club" means a country club, [racquet club, indoor soccer box lacrosse club,] a yacht or boat club, or topiary garden.

[2. "Box lacrosse and indoor soccer club" means a club or organization that:

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

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

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

D. Has a facility for preparing food;

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

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

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

- A. May be operated for profit or not for profit;
- B. Has 75 or more bona fide members each of whom pays not less than \$50 per year; and
- C. Maintains at the time of the application for the license and continues to maintain a regular or championship golf course of 9 holes or more, or, instead of the golf course, a swimming pool at least 20 by 40 feet in size, and at least 6 tennis courts.

[4. “Racquet club” means a club or organization:

- A. That may be operated for profit or not for profit;
- B. That has 75 or more bona fide members each of whom pays dues of not less than \$50 per year;
- C. That has at the time of application for the license and continues to maintain a minimum of 6 playing courts and has facilities for preparing food; and
- D. The premises of which is to be licensed is not located within 300 feet of any existing establishment licensed to sell alcoholic beverages for on-sale or off-sale consumption.]

[5.] **3.** “Topiary garden” means an organization that:

- A. Operates a public museum and garden for its membership and the general public as guests of the membership;
- B. Is open to the general public for at least 6 days a week for at least 6 hours a day during 5 months each year; and
- C. Has food preparation facilities on the topiary garden premises for the convenience of visiting guests.

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

- A. May be operated for profit or not for profit; and
- B. Owns real property in Harford County; and

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

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

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

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

9-213.

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

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

[(g) Except as otherwise provided in this article, in Harford County, the Board of License Commissioners may not issue or transfer to any neighborhood a Class A (off-sale) beer, wine and liquor license, if any of these classes of licenses exist in that neighborhood. This restriction does not apply if the license is acquired pursuant to the provisions of subsection (f)(2) of this section.]

10-202.

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

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

1. The public need and desire for the license;
2. The number and location of existing licensees and the potential effect on existing licensees of the license applied for;

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

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

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

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

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

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

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

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

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

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

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

11-513.

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

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

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

12-213.

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

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

15-112.

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

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

15-202.

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

[(i) Harford County — \$75,000]

[(ii) (I) Somerset County — \$50,000

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

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

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

(i) Harford County;

(ii) Somerset County; and

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

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

**Approved by the Governor, May 8, 2007.**