

SENATE BILL 9

A2

EMERGENCY BILL

11r0351

By: **Senators Glassman, Jacobs, and Jennings**

Introduced and read first time: January 14, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Special Class C–3 Miscellaneous**
3 **Organization or Club License**

4 FOR the purpose of establishing a special Class C–3 (on–sale) beer, wine and liquor
5 license in Harford County; specifying that the County Liquor Control Board
6 may issue a special Class C–3 license only to certain organizations and clubs;
7 authorizing a special Class C–3 license holder to sell or provide alcoholic
8 beverages to certain persons for consumption on the licensed premises under
9 certain circumstances; establishing certain annual fees for a special Class C–3
10 license; requiring the Board to prescribe a special Class C–3 license application
11 form; requiring an applicant for a special Class C–3 license to sign the
12 application form and pay the annual fee before being issued the license;
13 prohibiting the Board from issuing multiple special Class C–3 licenses to an
14 organization or club in any license year; limiting to a certain amount the total
15 number of days authorized for events held under a special Class C–3 license in
16 any license year; requiring a special Class C–3 license holder to notify the Board
17 of an event in writing within a certain period of time before each event;
18 providing that this Act does not preclude an organization or club from obtaining
19 a single event special Class C license; providing for the application of this Act;
20 making this Act an emergency measure; and generally relating to organization
21 and club licenses in Harford County.

22 BY repealing and reenacting, without amendments,

23 Article 2B – Alcoholic Beverages

24 Section 6–301(n)(1), (2), (3), and (6) and 7–101(a)(1), (b)(1)(i), and (d)(1)(i)

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 Annotated Code of Maryland
2 (2005 Replacement Volume and 2010 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article 2B – Alcoholic Beverages
5 Section 7–101(v)
6 Annotated Code of Maryland
7 (2005 Replacement Volume and 2010 Supplement)

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

10 **Article 2B – Alcoholic Beverages**

11 6–301.

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

13 (2) The Liquor Control Board may issue 6–day (Monday through
14 Saturday) and 7–day Class C–1, Class C–2, and Class C–3 (on–sale) organization or
15 club beer, wine and liquor licenses in accordance with this section.

16 (3) A license issued under this subsection authorizes the holder of the
17 license to sell or provide alcoholic beverages only for on–premises consumption by the
18 members and guests of the club or organization.

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, a yacht or boat club, or topiary garden.

23 2. “Country club” means a club or organization that:

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

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

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

31 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 4. "Yacht or boat club" means a club or organization
8 that:

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

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,
16 (on-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 7-101.

20 (a) (1) On approval by the board of license commissioners for that
21 jurisdiction, if any, of a proper application, made on forms prescribed by the State
22 Comptroller, signed and sworn to, the license issuing authority may grant the types of
23 special licenses for the periods and at the fees specified in this section.

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

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

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

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

6 [(3)] (II) The Board shall prescribe the form for the application and
7 the applicant shall sign it. The fee shall be paid before the license is issued.

8 [(4)] (III) The annual license fees are as follows for up to:

9 [(i)] 1. 10 events per year..... \$150;

10 [(ii)] 2. 20 events per year..... \$300;

11 [(iii)] 3. 30 events per year..... \$450; and

12 [(iv)] 4. 40 events per year..... \$600.

13 [(5)] (IV) A license may not be granted to a fire department more than
14 one time in any year.

15 [(6)] (V) The total number of days authorized by this special license
16 may not exceed 40 in any calendar year.

17 [(7)] (VI) A licensee shall notify the Board in writing at least 7 days
18 prior to each event.

19 [(8)] (VII) This [subsection] PARAGRAPH does not preclude a fire
20 department from obtaining a single event special Class C license under other
21 provisions of this section.

22 (3) (I) THE BOARD MAY ISSUE A SPECIAL CLASS C-3
23 (ON-SALE) BEER, WINE AND LIQUOR LICENSE TO A MISCELLANEOUS
24 ORGANIZATION OR CLUB, AS DEFINED UNDER § 6-301(N)(6)(I)1 OF THIS
25 ARTICLE, THAT HOLDS A CLASS C-3 ORGANIZATION OR CLUB LICENSE.

26 (II) A SPECIAL CLASS C-3 LICENSE AUTHORIZES THE
27 HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR ONLY FOR
28 ON-PREMISES CONSUMPTION BY:

29 1. NONMEMBERS OF THE ORGANIZATION OR CLUB
30 WHO HAVE LEASED AN AREA OF THE LICENSED PREMISES FOR A BONA FIDE
31 ENTERTAINMENT, CONFERENCE, OR SOCIAL EVENT; AND

2. GUESTS WHO ATTEND THE EVENT.

(III) THE BOARD SHALL PRESCRIBE THE FORM FOR THE APPLICATION, AND THE APPLICANT SHALL SIGN IT.

(IV) THE APPLICANT SHALL PAY THE LICENSE FEE BEFORE THE BOARD ISSUES THE LICENSE.

(V) THE ANNUAL LICENSE FEES ARE AS FOLLOWS FOR UP TO:

1. 10 EVENTS PER YEAR.....\$250;

2. 20 EVENTS PER YEAR.....\$400;

3. 30 EVENTS PER YEAR.....\$550;

4. 40 EVENTS PER YEAR.....\$700; AND

5. 60 EVENTS PER YEAR.....\$850.

(VI) THE BOARD MAY NOT ISSUE MORE THAN ONE LICENSE TO A SINGLE MISCELLANEOUS ORGANIZATION OR CLUB IN ANY LICENSE YEAR.

(VII) THE TOTAL NUMBER OF DAYS AUTHORIZED FOR EVENTS HELD UNDER A LICENSE MAY NOT EXCEED ~~40~~ 60 IN ANY LICENSE YEAR.

(VIII) A LICENSE HOLDER SHALL NOTIFY THE BOARD OF AN EVENT IN WRITING ON A PRESCRIBED FORM AT LEAST 7 DAYS BEFORE EACH EVENT.

(IX) THIS PARAGRAPH DOES NOT PRECLUDE AN ORGANIZATION OR CLUB FROM OBTAINING A SINGLE EVENT SPECIAL CLASS C LICENSE UNDER OTHER PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply in the alcoholic beverages license year beginning May 1, 2011, and in each alcoholic beverages license year thereafter.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.