

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1117
Economic Matters

(Washington County Delegation)

Education, Health, and Environmental Affairs

**Washington County - Alcoholic Beverages - Class B and D Licenses - Sidewalk
Cafe/Patio Permit**

This bill replaces the sidewalk cafe permit currently available in Washington County with a sidewalk cafe/patio permit and alters numerous provisions relating to the permit. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect Washington County finances or operations.

Small Business Effect: Minimal overall, but certain small businesses may be affected by the increased eligibility to obtain a sidewalk cafe/patio permit.

Analysis

Bill Summary/Current Law:

Under current law, the board may issue a sidewalk cafe permit to a holder of or an applicant for a Class B license. The bill authorizes the board to issue a sidewalk cafe/patio permit to a holder of or an applicant for a Class B, Class B Restaurant, or Class D license, and specifies that to maintain the permit the permit holder must comply with regulations applicable to the issuance of the underlying license. The bill retains the current requirement to comply with all municipal ordinances and fire and health department regulations, and the bill adds that a permit holder must observe all county and municipal ordinances,

including zoning, and, if applicable, any landlord requirements regarding property usage and noise control. The bill also retains the current requirement that a permit holder keep the kitchen open during all hours of operation and have prepared meals available to be served.

Under current law, the sidewalk cafe permit authorizes the permit holder to sell and serve alcoholic beverages in an area on the sidewalk directly in front of the licensed establishment. The bill authorizes a sidewalk cafe/patio permit holder to sell and serve alcoholic beverages in an area approved by the board. Under the bill, before granting a permit, the board must approve the outdoor area of the premises where alcoholic beverages will be provided. An applicant must submit for the board's approval any plan of a proposed renovation or construction of a sidewalk cafe/patio, deck, or other outdoor area on the premises, including the area of the premises where alcoholic beverages will be stored and sold. The bill specifies requirements relating to emergency exits and requires the board to approve the height, size, construction, and security of a fence or privacy shield surrounding the outdoor space of a premises on a case-by-case basis, based on specified factors. The bill sets forth that, with board approval, the premises may include an outdoor serving bar if it also includes outdoor bar seating arrangements. The bill also provides that the board may approve music, live entertainment, or the viewing of televised sporting events in the outdoor area of the premises, after considering the demographic location of the premises with regard to noise violations or maintaining the peace and quiet of the neighborhood.

The bill retains the current provision that a permit holder may serve or sell alcoholic beverages every day of the week from noon until midnight. The annual permit fee remains \$500.

Under current law, a sidewalk cafe permit holder must ensure that at least one employee certified by an alcohol awareness program is on the premises at all times during the operation of the sidewalk cafe; the bill requires at least one employee who has completed a certified alcohol awareness program to be on the licensed premises at all times when alcohol is being served. The bill further requires that no alcohol may be served and all alcohol must be secured when there is no employee who has completed a certified alcohol awareness program on the licensed premises.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Washington County; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2022
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