

Chapter 498

(House Bill 795)

AN ACT concerning

Harford County – Alcoholic Beverages – Waiver From School Distance Restrictions

FOR the purpose of altering the circumstances under which the Board of License Commissioners for Harford County may issue a waiver from certain school distance restrictions for certain alcoholic beverages licenses; requiring certain hearings to be held, certain recommendations to be made, and certain recommendations and comments to be considered before a certain waiver can be issued; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
 Section 22–102
 Annotated Code of Maryland
 (2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
 Section 22–1602
 Annotated Code of Maryland
 (2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–1602.

(a) This section does not apply to:

(1) a license in effect on July 1, 1975, or the issuance or transfer of a Class B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

(2) a license in effect on July 1, 1977;

(3) the renewal, transfer, or upgrading of a license, unless the license is transferred to a new location; and

(4) the issuance of:

(i) a 1-day license that is to be used on the premises of a place of worship or school;

(ii) a Class GC (golf course) license; and

(iii) a Class CCFA (continuing care facility) license.

(b) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license for an establishment that is within 300 feet of a place of worship.

(ii) The distance from the establishment to the place of worship is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship.

(2) Paragraph (1) of this subsection does not apply to the issuance of:

(i) a 1-day license for use in a building;

(ii) a license issued to a hotel, motel, restaurant, club, or caterer in a municipality; and

(iii) a Class H beer, wine, and liquor license issued to a caterer for use in a banquet facility in an establishment if:

1. the construction of the establishment was completed after July 1, 1991; and

2. the establishment is used for emergency operations by a volunteer fire company.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license to a business establishment that is within 1,000 feet of a public or private school building.

(ii) The distance from the establishment to the public or private school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the school.

(2) The Board may issue a license to a business establishment in Harford County and in a municipality in Harford County if the business establishment is not located within 300 feet of a public or private school.

(3) A decision of the County Board of Education to locate a public school building within 1,000 feet of the premises of a license holder may not be the basis to revoke or deny the renewal, transfer, or upgrading of the license.

(d) **(1) ~~The~~ SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE** Board may waive the distance restrictions from a public or private school building and issue a Class B (on-sale) restaurant license [if:

(1) the restaurant is located in a community shopping center that contains:

- (i) six or more retail uses;
- (ii) six or more retail and service uses; or
- (iii) a gross floor area of more than 20,000 square feet; and

(2) the Board takes into account comments received from parents whose children attend the public or private school] **OR A CLASS B CAFE LICENSE ON A CASE-BY-CASE BASIS.**

(2) BEFORE THE BOARD DECIDES WHETHER TO WAIVE THE DISTANCE RESTRICTIONS FROM A PUBLIC OR PRIVATE SCHOOL BUILDING UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) A PUBLIC HEARING SHALL BE HELD BY THE GOVERNING BODY OF:

1. IF THE RESTAURANT IS LOCATED IN A MUNICIPALITY, THE MUNICIPALITY WHERE THE RESTAURANT IS LOCATED; OR

2. IF THE RESTAURANT IS LOCATED OUTSIDE THE BOUNDARIES OF A MUNICIPALITY, THE COUNTY WHERE THE RESTAURANT IS LOCATED;

(II) THE GOVERNING BODY SHALL MAKE A RECOMMENDATION TO THE BOARD REGARDING WHETHER THE DISTANCE RESTRICTIONS SHOULD BE WAIVED; AND

(III) AFTER RECEIVING THE RECOMMENDATION, THE BOARD SHALL HOLD A PUBLIC HEARING.

(3) IN MAKING A DECISION WHETHER TO WAIVE THE DISTANCE RESTRICTIONS FROM A PUBLIC OR PRIVATE SCHOOL BUILDING, THE BOARD SHALL TAKE INTO CONSIDERATION:

(I) THE RECOMMENDATION FROM THE GOVERNING BODY;

(II) COMMENTS RECEIVED FROM PARENTS WHOSE CHILDREN ATTEND THE PUBLIC OR PRIVATE SCHOOL; AND

(III) COMMENTS MADE AT THE PUBLIC HEARING HELD BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 4, 2017.