

SENATE BILL 1171

A2

(7lr2601)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Economic Matters —

Introduced by **Harford County Senators**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Waiver From School Distance**
3 **Restrictions**

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

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 22–102
13 Annotated Code of Maryland
14 (2016 Volume and 2016 Supplement)

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
2 Article – Alcoholic Beverages
3 Section 22–1602
4 Annotated Code of Maryland
5 (2016 Volume and 2016 Supplement)

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

8 **Article – Alcoholic Beverages**

9 22–102.

10 This title applies only in Harford County.

11 22–1602.

12 (a) This section does not apply to:

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

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

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

18 (4) the issuance of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~(i) six or more retail uses;~~

26 ~~(ii) six or more retail and service uses; or~~

27 ~~(iii) a gross floor area of more than 20,000 square feet; [and]~~

28 ~~(2) THE RESTAURANT IS LOCATED ON A PARCEL OF LAND THAT FACES~~
 29 ~~ONE OR MORE STATE HIGHWAYS ON TWO SIDES; AND~~

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

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

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

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

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

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

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

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

22 (I) THE RECOMMENDATION FROM THE GOVERNING BODY;

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 28 1, 2017.