



## Liquor Control Board for Harford County, Maryland

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### **PROPOSED RULE CHANGES FOR PUBLIC HEARING ON FEBRUARY 25, 2026**

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#### **HB 712 Golf Simulator Facility License 22-1607(b)**

Adds language allowing the Board issue one Class GSF License to the holder of one or more Class B Licenses; and that the GSF License issued shall be included in the total number of licenses that may be issued to the same person.

- BR 2:08(c) Interest in More Than One License

#### **HB 714 Performing Arts Nonprofit Organization License 22-1005.2(k)**

Repeals certain incorrect references to the Comptroller of MD in certain provisions of law requiring the license holder to comply with record-keeping and reporting requirements; repeals the authority of the Comptroller to suspend the license without a hearing under certain circumstances; and authorizes the Board to summon a license holder for hearing and impose a fine under certain circumstances.

- BR 5:32 Performing Arts Non-Profit Organization License

#### **HB 754 Hearing Notice**

Alters hearing notice requirements in Harford County to permit the Board to advertise a public hearing in at least one newspaper of general circulation published in the county or post notice of the public hearing online.

- BR 2:01(c) Board Rules **22-209(b)**
- BR 2:03(e) Application Process & Fees **22-1505(a)**
- BR 2:03(f) Application Process & Fees – Cost **4-209**
- BR 2:03 (g) Added new language indicating that hearings posted solely online must be held within 30 days of the date last posted; otherwise, any new hearing date scheduled must be reposted online; and the Board may charge an additional processing fee to cover administrative costs associated with the reposting.
- BR 2:03(h) Application Process & Fees – Board's Decision **22-1505(c)**

### **BR 1:01 Definitions**

- (o) – Added new language to define “Outdoor Dining Service”.

### **BR 2:17 Tentative Approval**

- (a) – Change “...approved written plans and specifications...” to “...*proposed* written plans and specifications...”.

### **BR 5:13 Class B Café – Beer and Wine License**

**22-805**

- (d)(2) – New Language added stating that the maximum number of seats set by subsection (d)(1) of this rule is exclusive of outdoor seating.

### **BR 5:14 Class B Café – Beer, Wine, and Liquor License**

**22-903**

- (e)(2) – New language added stating that the maximum number of seats set by subsection (e)(1) of this rule is exclusive of outdoor seating.

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### **NEW RULE: BR - CATERING PRIVILEGE**

- (a) **(1) THIS RULE SHALL ONLY APPLY TO CATERING AT PUBLIC EVENTS.**

**(2)** This Rule applies to the following types of Licenses that choose to utilize the catering privilege as part of their License: Class B Restaurant or Hotel License; Class B3 Restaurant or Hotel License; Class BNR License; Class B-FD (Fine Dining) License; Class B-Café License (Beer and Wine and Beer, Wine and Liquor); Class D License and Class H Catering License.

- (b) An alcoholic beverage license may be used for off-premises catering provided that:

(1) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and

(2) The event is held in Harford County.

- (c) For each event at which alcoholic beverages are served, the holder of the catering privilege shall:

(1) supply service personnel, including bartenders and waiters;

(2) ensure that the service personnel are present at all times during the catered event;

(3) have at least one individual at the catered event who has been certified by an alcohol awareness program;

(4) return all unopened containers of alcoholic beverages to the holder's principal place of business at the end of the catered event **ABSENT BOARD APPROVAL**;

(5) be able to produce a copy of the catering contract upon request to any representative of the Harford County Liquor Control Board;

(6) use a point of sale system that is owned and operated by the Licensee **IF A POINT OF SALE SYSTEM IS USED**;

~~[(7) give notice to the Board of a catered event at least five (5) days in advance of the event;]~~

(8) cooperate with the Board Inspector or any representative of the Board to provide a security and containment plan if requested for outdoor catered events.

(d) The holder of a catering privilege shall NOT:

(1) Deliver alcoholic beverages to a catered event without service personnel present on the premises of the catered event.

(2) Store alcoholic beverages overnight or for extended periods of time at the catered premises **WITHOUT PRIOR BOARD APPROVAL**.

(3) Provide catering services **AT A PUBLIC EVENT AT** ~~[for]~~ the same location **AND FOR THE SAME CUSTOMER/CLIENT** for more than **ONE (1) DAY PER MONTH** ~~[\_\_\_\_\_ days per week/weeks per year/\_\_\_\_\_]~~ without prior **NOTIFICATION TO** ~~[approval from]~~ the Board

## 2:08 INTEREST IN MORE THAN ONE LICENSE

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- (a) Except as otherwise provided in this title, a person may not have interest in more than one license, whether the license is held or controlled by direct or indirect ownership; by franchise operation, by stock ownership, by interlocking directors or interlocking stock ownership, or any other manner, directly, or indirectly.

**ABCA § 4-203; ABCA § 22-1503**

- (b) Under paragraph (a) of this section, an indirect ownership interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

- (1) A common parent company;
- (2) A franchise agreement;
- (3) A licensing agreement;
- (4) A concession agreement;
- (5) Dual membership in a chain of businesses commonly owned and operated;
- (6) A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries; or
- (7) A sharing of a common trade name, trademark, logo, theme, or mode of operation identifiable by the public.

**ABCA § 22-1503**

- (c) The Board may issue a maximum number of:

- (1) 9 Class B licenses to the same person; [or] **ABCA § 22-1607**
- (2) 2 Class DBR licenses to the same person; **OR** **ABCA § 22-403**
- (3) **5 CLASS MT LICENSES TO THE SAME PERSON. ABCA § 22-1005.1**
- (4) **(I) THE BOARD MAY ISSUE ONE CLASS GSF (GOLF SIMULATOR FACILITY) LICENSE UNDER § 22-1003.2 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE TO THE HOLDER OF ONE OR MORE CLASS B LICENSES. (II) A CLASS GSF (GOLF SIMULATOR FACILITY) LICENSE ISSUED UNDER PARAGRAPH (C)(4)(I) OF THIS SECTION SHALL BE INCLUDED IN THE TOTAL NUMBER OF LICENSES THAT MAY BE ISSUED TO THE SAME PERSON UNDER PARAGRAPH (C)(1) OF THIS SECTION.**

- (d) Licenses issued by different local licensing boards to a single license holder:

**ABCA § 4-203**

- (1) A single individual may hold Class B beer, wine, and liquor licenses or Class BNR licenses issued by different local licensing boards only for restaurants, hotels, or motels.

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- (2) The number of licenses that a single individual may hold is limited only by the cap imposed by each local licensing board on the licenses that the local licensing board issues.
  - (3) The licenses may be issued for the use of the license holder, or a partnership, a corporation, an unincorporated association, or a limited liability company.
  - (4) Except as otherwise provided by the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland, an individual may not be issued in the State more than one Class A, A-1, or A-2, Class C, or Class D license for the use of that individual or a partnership, a corporation, an unincorporated association, or a limited liability company.
- (e) A license holder may only serve as the Responsible Operator for one licensed business.
- (f) Except by way of renewal, a license with an off-sale privilege may not be issued for or transferred to a chain store, a supermarket, a discount house, or a franchisor, franchisee, or concessionaire of an establishment listed in this paragraph.

**ABCA § 4-205; § 22-1603**

**5:32 PERFORMING ARTS NON-PROFIT ORGANIZATION LICENSE**

**§ 22-1005.2**

- (a) In this section, “performing arts nonprofit organization” means a nonprofit organization that organizes the production of plays, acts, dramas, concerts, or similar events by individuals performing on a stage or the showing of films.
- (b) There is a performing arts nonprofit organization beer, wine, and liquor license.
- (c) The Board may issue the license to a performing arts nonprofit organization.
- (d) (1) The license authorizes the holder to sell or serve beer, wine, and liquor at retail for on-premises consumption at up to three locations designated at the time of application.
  - (2) The locations designated at the time of application must:
    - (i) be suitable for the production of plays, acts, dramas, concerts, or similar events by individuals performing on a stage or the showing of films; and
    - (ii) meet any other requirements established by the Board.
  - (3) The license holder may alter the authorized locations each time the license is renewed.
- (e) The license holder may sell or serve beer, wine and liquor:
  - (1) 1 hour before and after a performance;
  - (2) during a performance;
  - (3) during an intermission; and
  - (4) during a reception within 1 hour before or after a performance.
- (f) The license may not be transferred to another location not identified on the application.
- (g) The license holder shall purchase beer, wine, and liquor from a retail license holder or an authorized and licensed wholesaler.
- (h) A license holder may not sell or issue more than 750 tickets to any event or performance at which the holder will sell or serve beer, wine, or liquor.
- (i) Issuance of a license under this section does not prohibit the Board from issuing a Class C per diem license to the performing arts nonprofit organization for an event outside the scope of the license.

(j) The license holder shall serve or offer for sale snacks at all times beer, wine, and liquor are sold.

**(k) (1) THE LICENSE HOLDER SHALL:**

- (i) KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES SOLD, SERVED, AND PURCHASED UNDER THIS SECTION;**
  - (ii) ON WRITTEN REQUEST OF THE BOARD OR THE EXECUTIVE DIRECTOR, REPORT ON THE FORM THAT THE BOARD OR EXECUTIVE DIRECTOR REQUIRES INFORMATION RELATING TO THE ALCOHOLIC BEVERAGES THAT ARE THE SUBJECT OF THE RECORDS REQUIRED TO BE KEPT; AND**
  - (iii) ON REQUEST OF THE BOARD OR THE EXECUTIVE DIRECTOR, MAKE THE REPORT UNDER OATH.**
- (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH LICENSE HOLDER SHALL KEEP ANY RECORDS AT THE LOCATION DESIGNATED IN THE LICENSE.**
- (ii) IF THE LICENSE HOLDER IS ALLOWED TO HAVE MORE THAN ONE LOCATION, THE LICENSE HOLDER MAY KEEP THE RECORDS AT THE PRINCIPAL LOCATION.**
- (iii) THE RECORDS SHALL:**
- 1. MEET FORM AND CONTENT REQUIREMENTS OF THE BOARD OR THE EXECUTIVE DIRECTOR;**
  - 2. BE PRESERVED FOR AT LEAST 2 YEARS IN A MANNER THAT ENSURES PERMANENCY; AND**
  - 3. BE MADE AVAILABLE FOR AUDIT OR INSPECTION DURING REGULAR BUSINESS HOURS BY THE BOARD, THE EXECUTIVE DIRECTOR, OR A DESIGNEE OF THE BOARD OR THE EXECUTIVE DIRECTOR.**
- (3) (I) IF A REPORT REQUIRED BY THIS SECTION OR AN INVESTIGATION BY THE BOARD, A BOARD OFFICER, THE EXECUTIVE DIRECTOR, OR ANY OTHER PERSON INDICATES THAT THE LICENSE HOLDER IS VIOLATING THIS SECTION, THE BOARD MAY SUMMON THE LICENSE HOLDER AND CONDUCT A HEARING.**
- (ii) IF THE CHARGES AT THE HEARING ARE SUSTAINED, THE BOARD:**
- 1. MAY IMPOSE A FINE OF NOT LESS THAN \$250 AND NOT MORE THAN \$2,000; AND**
  - 2. MAY SUSPEND OR REVOKE THE LICENSE HOLDER'S LICENSE IMMEDIATELY.**

(l) The annual license fee is \$750.

**2:01 BOARD RULES & REGULATIONS**

**ABCA § 1-201; ABCA § 22-209**

- (a) It is the legislative intent that the Board be empowered to administer and enforce the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland; and may adopt regulations to carry out this Article.
- (b) The Board shall hold public hearings on all proposed alterations of its regulations.
- (c) ~~The hearings shall be advertised at least 2 consecutive weeks before the scheduled public hearings in at least one newspaper of general circulation in the County and on the Board's website.~~

**AT LEAST 2 CONSECUTIVE WEEKS BEFORE THE SCHEDULED PUBLIC HEARINGS, THE BOARD SHALL:**

- (1) ADVERTISE THE PUBLIC HEARINGS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY; OR**
- (2) POST NOTICE OF THE HEARINGS ONLINE.**

**2:03 APPLICATION PROCESS & FEE**

**BR**

- (a) No application for the issuance of a new license, transfer of an existing license, a change of officers transfer, or a change in license class or the physical location of an existing license will be accepted unless made on forms prescribed by the Board, and the proper processing fee is paid.
- (b) All processing fees shall be determined by a majority vote of the Board.
- (c) Time for processing an application for a license is approximately 8 weeks from the time the application is filed (complete and in order, including all required documents, forms, and fees). This time period permits investigation and review of the application; and the required posting and advertisement of the license hearing notice and the Board's decision.
- (d) Applicants must have approvals from the Health Department, Fire Marshal, Planning & Zoning, and a copy of the Certificate of Occupancy permit (and any other required approvals or releases) prior to hearing.
- (e) Before holding a hearing for an application for a license, the Board shall publish notice of the application 2 times in 2 successive weeks in one newspaper of general circulation **PUBLISHED** in the county ~~[and on the Board's website]~~ **OR POST NOTICE**



**OF THE APPLICATION HEARING ONLINE AT LEAST 14 DAYS BEFORE THE APPLICATION HEARING DATE . ABCA § 22-1505; ABCA § 22-1702**

- (f) The hearing must be held within 30 days of the date last advertised, or additional advertising is required. The cost of all additional advertising shall be paid by the applicant. **ABCA § 4-209**
- (g) **HEARINGS POSTED SOLELY ONLINE MUST BE HELD WITHIN 30 DAYS OF THE DATE LAST POSTED; OTHERWISE, ANY NEW HEARING DATE SCHEDULED MUST BE REPOSTED ONLINE. THE BOARD MAY CHARGE AN ADDITIONAL PROCESSING FEE TO COVER ADMINISTRATIVE COSTS ASSOCIATED WITH THE REPOSTING.**
- (h) The Board will render its decision within fourteen (14) days of the hearing.
- (i) The Board shall publish its decision on an application for a new or transfer license; a change of officers transfer, a change in license class, or a change in the physical location of an existing license in one newspaper of general circulation in the county [and] **OR** on the Board's website. **ABCA § 22-1505**
- (j) The decision of the Board becomes effective 5 days after the date of publication of the decision. The Board may waive the 5-day period if no written or oral objection is raised to the Board's decision by the end of the application hearing. **ABCA § 22-1508**
- (k) Any application having no activity or notification to the Board of an anticipated hearing date for 90 days will be deemed withdrawn and a new application will be required.

**CHAPTER ONE**

**1:01 DEFINITIONS**

**BR (a), (b), (g), (l), (n), (o), (q), (r-2), (s)**

- (a) **AFFIDAVIT:** *Affidavit* means an oath or affirmation sworn or made before any officer or other person authorized to take an affirmation that the matters and facts set forth in the paper writing to which it pertains are true to the best of the affiant's knowledge, information, and belief.
- (b) **ATTORNEY:** *Attorney* means an attorney at law admitted to the Bar of the Supreme Court of Maryland.
- (c) **ALCOHOLIC BEVERAGE:** **ABCA § 1-101(b)**
- (1) *Alcoholic Beverage* means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:
    - (i) Contains at least one-half of 1% of alcohol by volume; and
    - (ii) Is suitable for beverage purposes;
  - (2) *Alcoholic Beverage* includes, alcohol, brandy, whiskey, rum, gin, cordial, beer, and wine.
  - (3) *Alcoholic Beverage* does not include a confectionary food product that contains up to 5% of alcohol by volume and is regulated by the Department of Health & Mental Hygiene under § 21-209 of the Health-General Article.
  - (4) *Beer* means a brewed alcoholic beverage, and includes: **ABCA § 1-101(c)**
    - (i) Ale;
    - (ii) Porter;
    - (iii) Stout;
    - (iv) Hard Cider that:
      1. Is derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water; and
      2. Contains no other fruit product, but contains at least one-half of 1% and less than 8.5% of alcohol by volume; and
  - (v) An alcoholic beverage that contains:
    1. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol; or
    2. More than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5 % of the alcoholic beverage's overall alcohol content by volume obtained from

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flavors and other added non-beverage ingredients containing alcohol.

- (5) *Liquor* has the same meaning as *Distilled Spirits* under § 5-101(g) of the Tax-General Article. *Distilled Spirits* includes: **ABCA § 1-101(s)**
- (i) Alcohol, brandy, cordials, gin, liqueur, rum, vodka, whiskey, and
  - (ii) Solutions or mixtures of distilled spirits, except fortified wines.
- (6) *Wine* means a fermented beverage, and includes: **ABCA § 1-101(kk)**
- (i) Light wine;
  - (ii) Sparkling wine that is naturally or artificially carbonated; and
  - (iii) Fortified wine to which alcohol, spirits, or other ingredients are added.
- (7) *Pomace Brandy* means brandy that is distilled from the pulpy residue of wine pressing; including the skins, pips, and stalks of grapes. **ABCA § 1-101(bb)**
- (d) **BOARD:** *Board* means the Board of License Commissioners for Harford County also known as the Harford County Liquor Control Board, acting as the Board of License Commissioners for Harford County. **ABCA § 22-101(b)**
- (e) **CLUB:** *Club* means a not-for-profit association or corporation that is organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes. **ABCA § 1-101(f)**
- (f) **COMPTROLLER:** *Comptroller* means the Comptroller of the State; and includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Comptroller. **ABCA § 1-101(h)**
- (g) **COURT:** *Court* means the circuit court of a county, or any judge of a circuit court.
- (h) **EXECUTIVE DIRECTOR:** *Executive Director* means the Executive Director of the Commission.
- (1) “Executive Director” includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Executive Director. **ABCA §1-101(k)**
- (i) **HOTEL:** *Hotel*, in Harford County, means an establishment that:
- (1) Accommodates the public, providing services normally found in hotels; and
  - (2) Is equipped with no less than 25 rooms, a lobby with a registration desk, mail desk, seating facilities, and a dining room preparing and serving full course meals at least twice daily. **ABCA § 22-902(b)(1)**

(j) **INSPECTOR:**

**ABCA § 22-207**

- (1) *Inspector* means a person employed by the Board to conduct inspections and investigations to provide appropriate and adequate control over License Holders.
- (2) *Inspections* shall include normal routine and special investigations to be conducted in any manner as approved by the Board, and not restrictive to any certain procedure.

- (k) **KEG:** *Keg* means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container. **ABCA § 5-303(a)**

(l) **LICENSEE or LICENSE HOLDER:** *Licensee or License Holder* means:

- (1) Any individual 21 years of age or older, firm, corporation, or limited liability company to which the Board has issued a license.
- (2) With regard to any Board Rule, *Licensee or License Holder* shall also include any agent or employee of a licensee as described in this section.

- (m) **MEAD:** *Mead* means a fermented alcoholic beverage consisting primarily of honey and water. **ABCA §1-101(w)**

- (n) **OFFENSE:** *Offense* means any single violation of the Board Rules or violation of the Alcoholic Beverages and Cannabis Article of the Maryland Code

- (o) **OUTDOOR DINING SERVICE: OUTDOOR DINING SERVICE MEANS AN OUTDOOR SPACE FOR SEASONAL DINING THAT IS NOT PERMANENTLY ENCLOSED OR PERMANENTLY CLIMATE CONTROLLED.**

- (p) **PECUNIARY INTEREST:** *Pecuniary Interest* means a real, provable financial interest in the business to be conducted under any license either applied for or issued by the Board. Pecuniary Interest must be a reasonable (fair market) value or a minimum total investment of \$100.00.

- (q) **PERSON:** *Person* means an individual, an association, a partnership, a corporation, a trust, or any other entity, and the officers, directors, and other individuals in active control of the activities of the association, partnership, corporation, trust, or other entity; or the State or a political subdivision of the State, or a unit or an instrumentality of the State or a political subdivision of the State; or another state or a political subdivision of that state. **ABCA § 1-101(z)**

- (r) **RESIDENCY (UNITED STATES):** *Lawful Permanent Residency* means residency that can be proven by submission of a Permanent Residence Card (green card or alien

registration card) (Form 1-551) as part of the applicant's documentation with the license application.

**(s) RESIDENT APPLICANT/LICENSE HOLDER:**

- (1) *Resident Applicant* means an applicant, a licensee, or a license holder for an alcoholic beverage license who will be on the licensed premises a minimum of thirty (30) hours per week, is a resident of Harford County at the time the application is filed. This must be the license holder/applicant's primary residence; and he or she must continue to reside in Harford County for as long as the license is in effect.\* **ABCA § 22-1405**
- (2) A license holder may only serve as the *Resident License Holder* for one licensed business.
- (3) The Resident Applicant must have a financial interest in the business holding the license. **ABCA §22-1405**

\*The Harford County Liquor Control Board follows the advice of the Maryland Attorney General issued in AG Opinion 106oag082 dated May 4, 2021, regarding resident applicants. The AG Opinion states that the non-durational residency requirements imposed on alcoholic beverages license applicants in Harford County likely violate the Commerce Clause of the United States Constitution as interpreted by the Supreme Court in Tennessee Wine & Spirits Retailers Ass'n v. Thomas, 139 S.Ct. 2449 (2019). As a result, the HCLCB does not require an applicant to be a resident of Harford County.

- (t) **RESPONSIBLE OPERATOR:** *Responsible Operator* means an applicant, a licensee, or a license holder for an alcoholic beverage license who will be on the licensed premises a minimum of thirty (30) hours per week, in the capacity of a manager or supervisor, and who holds a financial interest in the license.

(u) **RESTAURANT:** **ABCA § 1-101(cc); ABCA § 22-103; § 22-902; § 22-906; § 22-910**

- (1) *Restaurant* (regarding any Class B Beer and Wine License; or any Class B Beer, Wine, and Liquor or Class D Tavern License) means an establishment that accommodates the public and is equipped with a dining room with facilities for preparing and serving regular meals in accordance with Paragraph 9, as may be approved by the Harford County Liquor Control Board.
- (2) The Board and the County Department of Health shall approve the sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware, and adequate number of toilets in the restaurant.
- (3) The establishment shall have one or more signs in front of the establishment that designate *restaurant* or food and beverages sold; and do not advertise any other business.

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- (4) There must be sufficient food on the premises at all times for the regular serving of meals.
- (5) To obtain a Class B Beer, Wine, and Liquor License, an establishment must:
  - (i) Serve full course meals at least twice daily, as defined in paragraph (9);
  - (ii) Have regular seating for 60 or more persons at dining tables and/or booths.
    - 1. Seating must be approved by the Fire Marshal's office; and does not include seats at bars, counters, or outside service areas.
  - (iii) Have been in full-time operation as a restaurant for no less than six months immediately preceding filing of the application;
  - (iv) has had a greater daily average in receipts from food sales than from beer, wine, and liquor sales during the 6 months immediately before the application for the license was made.
- (6) To obtain a Class BNR License, an establishment must:
  - (i) Serve full course meals at least twice daily, as defined in paragraph (9);
  - (ii) Have regular seating for 60 or more persons at dining tables and/or booths. Seating must be approved by the Fire Marshal's office; and does not include seats at bars, counters, or outside service areas;
  - (iii) Have a minimum capital investment of \$250,000 for new dining room facilities and newly installed kitchen equipment, not including the cost of land, buildings, or a lease (paid invoice verification required).
- (7) To maintain a Class B Beer, Wine and Liquor License, an establishment must:
  - (i) Have monthly gross receipts for the sale of food be no less than 50% of the gross receipts of the total sales of food and alcoholic beverages combined;
  - (ii) Continuously serve full course meals at least twice daily, as defined in paragraph (9); and
  - (iii) Continuously maintain regular seating for 60 or more persons at dining tables and/or booths. ).
- (8) To maintain a Class BNR License, an establishment must:
  - (iv) Have monthly gross receipts for the sale of food be no less than 40% of the gross receipts of the total sales of food and alcoholic beverages combined;
  - (v) Continuously serve full course meals at least twice daily, as defined in paragraph (9); and
  - (vi) Continuously maintain regular seating for 60 or more persons at dining tables and/or booths.
- (9) *Full Course Meals at least twice daily* shall include at least two of the following: breakfast, lunch, or dinner (to be served during customary hours for such meals) at least 5 days per week. Meals must consist of more than just appetizers, snack foods, and/or prepackaged foods.

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- (10) For license holders of a license with an option for off-premises sales of liquor, only the off-premises sales of beer and wine are to be included in the gross receipts. Off sales of liquor are to be kept separately.

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2:17 TENTATIVE APPROVAL

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- (a) If application is filed for a proposed licensed premises on which construction has not been completed, the Board may give tentative approval of the application based on [approved] **PROPOSED** written plans and specifications submitted to the Board.
- (b) The proposed licensed premises must have a legal description of the property address, map, and parcel number (with proof provided).
- (c) Any major structural or other changes (i.e., increase in size of the premises or second floor added, etc.) to the plans and specifications submitted must be pre-approved by the Board; otherwise the tentative approval may be withdrawn, and a new application will be required.
- (d) Final Approval will not be granted until:
  - (1) All improvements to the proposed license premises are completed;
  - (2) Final approvals are received from all required agencies (including, but not limited to, Health Department, Fire Marshal, and a Certificate of Occupancy Permit);
  - (3) A final approval hearing date is advertised and held before the Board; and
  - (4) The business is ready for operation and open to the public.
- (e) The duration of any tentative approval granted by the Board shall be 6 months from the date of initial approval; with an additional 6 months granted if requested in writing.
- (f) A tentative approval shall not exceed one calendar year from the date of initial approval, unless an additional hearing is held before the Board and further reasonable extension granted.
- (g) Written progress reports must be submitted to the Board every 60 days throughout the tentative approval period; otherwise the tentative approval will be voided.
- (h) The Board reserves the right to withdraw the tentative approval at any time. Should tentative approval be withdrawn for any reason, a new application will be required. No fees paid relating to the license application will be refunded upon the withdrawal of a tentative approval.



**5:13 CLASS B CAFÉ – BEER & WINE LICENSE**

**ABCA § 22-805; BR (c)(3)(i)(ii), (d)(1,3)**

- (a) The Board may issue the license for use by a café if:
  - (1) The Board determines that the café has adequate tables, chairs, food, and facilities for preparing and serving meals;
  - (2) The average gross monthly receipts from the sale of cooked or prepared food served at the café and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer and wine sold for on-premises consumption; and
  - (3) Not more than 10% of the total square footage of the café is dedicated to the public display of beer and wine that are offered for sale.
- (b) The Board shall set the maximum number of cafe licenses that it may issue under this section.
- (c) The license:
  - (1) Authorizes the license holder to sell beer and wine 7 days a week at a café, at retail, at the place described in the license for on- and off-premises consumption;
  - (2) Has a wine tasting privilege for on-premises consumption for every day of the year; and
  - (3) May be used for off-premises catering, provided that:
    - (i) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
    - (ii) The event is held in Harford County.
- (d) The Board shall set the maximum and minimum seating capacity for the café.
  - (1) There is a minimum of ten (10) seats required for the Café license and a maximum of fifty-nine (59) seats allowed under the license.
  - (2) THE MAXIMUM NUMBER OF SEATS SET BY SUBSECTION (D)(1) OF THIS RULE IS EXCLUSIVE OF OUTDOOR SEATING.**
  - (3) Licenses issued prior to May 1, 2022, that may have seating other than as described in subsection (d)(1) of this Rule are exempt from the seating requirements as set forth in that subsection.
- (e) The annual license fee is \$1,575.

**5:14 CLASS B CAFÉ – BEER, WINE & LIQUOR LICENSE**

**ABCA § 22-903; BR (c)(1-2), (e)(1-3)**

- (a) The license authorizes the holder to sell beer and wine for on- and off-premises consumption; and liquor for on-premises consumption.
- (b) The license is a 7-day license with an on-premises wine tasting privilege for every day of the year.
- (c) The license may be used for off-premises catering, provided that:
  - (1) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
  - (2) The event is held in Harford County.
- (d) The Board shall set the maximum number of café licenses that it may issue under this section.
- (e) The Board shall set the maximum and minimum seating capacity for the café.
  - (1) There is a minimum of ten (10) seats required for the Café license and a maximum of fifty-nine (59) seats allowed under the license.
  - (2) **THE MAXIMUM NUMBER OF SEATS SET BY SUBSECTION (E)(1) OF THIS RULE IS EXCLUSIVE OF OUTDOOR SEATING.**
  - (3) Licenses issued prior to May 1, 2022, that may have seating other than as described in subsection (e)(1) of this Rule are exempt from the seating requirements as set forth in that subsection.
- (f) The license may be used only if:
  - (1) The Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;
  - (2) The average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer, wine, and liquor sold for on-premises consumption; and
  - (3) Not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.
- (g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 22-2004(b) of the Alcoholic Beverages and Cannabis Article, and Board Rule 4:09(b).
- (h) The annual license fee is \$3,000.