

# HOUSE BILL 944

L1

4lr1555

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By: **Delegate Griffith**

Introduced and read first time: February 2, 2024

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County and Harford County – Outdoor Seating at Restaurants, Breweries,**  
3 **and Bars**

4 FOR the purpose of prohibiting Cecil County or Harford County from imposing or enforcing  
5 certain local laws that restrict outdoor seating at a restaurant, brewery, or bar  
6 during the hours the restaurant, brewery, or bar is operating; specifying that outdoor  
7 seating at a restaurant, brewery, or bar is subject to certain laws; and generally  
8 relating to outdoor seating at restaurants, breweries, and bars in Cecil County and  
9 Harford County.

10 BY repealing and reenacting, with amendments,  
11 Article – Land Use  
12 Section 1–401  
13 Annotated Code of Maryland  
14 (2012 Volume and 2023 Supplement)

15 BY adding to  
16 Article – Land Use  
17 Section 4–216  
18 Annotated Code of Maryland  
19 (2012 Volume and 2023 Supplement)

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

22 **Article – Land Use**

23 1–401.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in this section, this division does not apply to charter  
2 counties.

3 (b) The following provisions of this division apply to a charter county:

4 (1) this subtitle, including Parts II and III (Charter county –  
5 Comprehensive plans);

6 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,  
7 and “Sensitive area”);

8 (3) § 1–201 (Visions);

9 (4) § 1–206 (Required education);

10 (5) § 1–207 (Annual report – In general);

11 (6) § 1–208 (Annual report – Measures and indicators);

12 (7) Title 1, Subtitle 3 (Consistency);

13 (8) Title 1, Subtitle 5 (Growth Tiers);

14 (9) § 4–104(b) (Limitations – Bicycle parking);

15 (10) § 4–208 (Exceptions – Maryland Accessibility Code);

16 (11) § 4–210 (Permits and variances – Solar panels);

17 (12) § 4–211 (Change in zoning classification – Energy generating systems);

18 (13) § 4–212 (Agritourism);

19 (14) § 4–213 (Alcohol production);

20 (15) § 4–214 (Agricultural alcohol production);

21 (16) § 4–215 (Pollinator–friendly vegetation management);

22 (17) **FOR CECIL COUNTY AND HARFORD COUNTY ONLY, § 4–216**  
23 **(RESTAURANT, BREWERY, OR BAR – OUTDOOR SEATING);**

24 **(18)** § 5–102(d) (Subdivision regulations – Burial sites);

25 **[(18)] (19)** § 5–104 (Major subdivision – Review);

1            ~~[(19)]~~ **(20)** Title 7, Subtitle 1 (Development Mechanisms);

2            ~~[(20)]~~ **(21)** Title 7, Subtitle 2 (Transfer of Development Rights);

3            ~~[(21)]~~ **(22)** except in Montgomery County or Prince George's County, Title  
4 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

5            ~~[(22)]~~ **(23)** Title 7, Subtitle 4 (Inclusionary Zoning);

6            ~~[(23)]~~ **(24)** § 8–401 (Conversion of overhead facilities);

7            ~~[(24)]~~ **(25)** for Baltimore County only, Title 9, Subtitle 3 (Single–County  
8 Provisions – Baltimore County);

9            ~~[(25)]~~ **(26)** for Frederick County only, Title 9, Subtitle 10 (Single–County  
10 Provisions – Frederick County);

11           ~~[(26)]~~ **(27)** for Howard County only, Title 9, Subtitle 13 (Single–County  
12 Provisions – Howard County);

13           ~~[(27)]~~ **(28)** for Talbot County only, Title 9, Subtitle 18 (Single–County  
14 Provisions – Talbot County); and

15           ~~[(28)]~~ **(29)** Title 11, Subtitle 2 (Civil Penalty).

16           (c) This section supersedes any inconsistent provision of Division II of this article.

17 **4–216.**

18           **(A) THIS SECTION APPLIES ONLY TO CECIL COUNTY AND HARFORD**  
19 **COUNTY.**

20           **(B) A COUNTY MAY NOT IMPOSE OR ENFORCE A LOCAL LAW THAT**  
21 **RESTRICTS OUTDOOR SEATING AT A RESTAURANT, BREWERY, OR BAR DURING THE**  
22 **HOURS THE RESTAURANT, BREWERY, OR BAR IS OPERATING.**

23           **(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, OUTDOOR**  
24 **SEATING AT A RESTAURANT, BREWERY, OR BAR IS SUBJECT TO:**

25           **(1) ALL APPLICABLE FEDERAL, STATE, OR LOCAL FIRE CODES;**

26           **(2) THE FEDERAL AMERICANS WITH DISABILITIES ACT; AND**

27           **(3) ALL APPLICABLE STATE OR LOCAL HEALTH AND SAFETY LAWS.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2024.