



Bill No. 18-24

Concerning: Farm-based Craft Beverage

Promotional Events

Introduced: September 4, 2018

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: October 31, 2018

Frederick County Code, Chapter 1-19

Section(s) 11.100

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

**AN ACT** to: Amend Chapters 1-19 of the Frederick County Code to allow farm-based craft beverage promotional events.

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending: \_\_\_\_\_

Frederick County Code, Chapter(s), 1-19 Section(s) 11.100

Other: \_\_\_\_\_

**Boldface**

Underlining

[Single boldface brackets]

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*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Existing law unaffected by bill.*

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Legislative Findings

Formed in April 2017, the Frederick County Craft Beverage Events Work Group, consisting of winery/brewery owners, industry representatives, and members of the Agriculture Business Council, the Farm Bureau, the County Council, and County staff, has considered the industry's interests, the needs of the community, and public health and safety concerns related to farm-based craft beverages promotional events.

The Work Group agreed to propose an amendment to the County Zoning Ordinance to include a definition for Agritourism Enterprise - Farm-Based Craft Beverage Promotional Events, recognizing that these events are accessory to the normal and customary agricultural use of the property. The Bill also applies certain requirements to these promotional events, including restrictions related to outdoor amplified music, overnight events, and noise complaints lodged by members of the community. A one-time zoning certificate is required, and penalties for violations of the restrictions may be imposed.

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to allow farm-based craft beverage promotional events under certain conditions with issuance of a one-time zoning certificate.

NOW, THEREFORE, BE IT ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

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Harold F. (Bud) Otis, President  
County Council of Frederick County,  
Maryland

**§ 1-19-11.100. DEFINITIONS.**

**[Subsection (A) remains unchanged]**

(B) In this chapter the following terms are used as defined unless otherwise apparent from the context.

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**AGRITOURISM ENTERPRISE.** Activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities shall be related to agriculture and shall be accessory to the primary agriculture operation on the site. This term shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farm, pumpkin patches, "pick your own" or "cut your own" produce, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. No use that is otherwise identified in § 1-19-5.310 as permitted with site plan approval or by special exception is permitted as an agritourism enterprise.

**AGRITOURISM ENTERPRISE - FARM-BASED CRAFT BEVERAGE PROMOTIONAL EVENTS.** Activities conducted on, and accessory to, the normal and customary agricultural use of the farm, offered to the public or invited groups for the purpose of education, entertainment, and promotion of farm based craft beverage products. Activities may include, but are not limited to, farm based craft beverage festivals and multi-brewery promotional events, conducted in accordance with the conditions contained in the property owner's Maryland Alcohol Manufacturer License, serving products primarily grown or produced on the farm.

The following restrictions apply to these farm-based craft beverage promotional events: (1) All outdoor amplified music shall end by 9:00 p.m.; (2) Overnight events are prohibited; (3) A one-time Zoning Certificate must be obtained before holding farm-based craft beverage promotional event(s); (4) Complaints from the community, such as noise ordinance violations or other actions resulting in violations of County rules and regulations, may result in the suspension of the Zoning Certificate; (5) Penalties for violations of these restrictions may be imposed in accordance with §1-1-9 of the County Code; and (6) Compliance with applicable life safety and Health Department rules and regulations is required.

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Underlining indicates matter added to existing law.

[Single brackets] indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill.

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