

SENATE BILL 384

Unofficial Copy
A2

2004 Regular Session
(4r0642)

ENROLLED BILL

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

Introduced by **Senator Della**

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 453

1 AN ACT concerning

2 **Baltimore City - 46th and 47th Alcoholic Beverages Districts - License**
3 **Issuance, Conversion, and Transfer**

4 FOR the purpose of authorizing the Board of Liquor License Commissioners for
5 Baltimore City to issue a Class B beer, wine and liquor license for use in a
6 restaurant that has a certain capital investment and that exceeds the maximum
7 seating capacity if the premises are located in a certain area ~~and a certain~~
8 ~~condition is met~~ under certain conditions; allowing a not for profit arts center
9 that is located in a certain district and that holds a Class C license on a certain
10 date to apply to convert that license on or before a certain date into a certain
11 Class B beer, wine and liquor license, notwithstanding certain provisions;
12 providing that certain exceptions to the prohibition against issuing or
13 transferring certain licenses do not apply in certain areas of Baltimore City
14 under certain conditions; making certain technical corrections; and generally
15 relating to the issuance, conversion, and transfer of alcoholic beverages licenses
16 in the 46th and 47th Alcoholic Beverages Districts of Baltimore City.

17 BY repealing and reenacting, without amendments,

1 Article 2B - Alcoholic Beverages
 2 Section 6-201(a)(1) and (d)(1)(i) and (iv) and 9-204.1(a)(4), (9), and (10), (b), and
 3 (g)
 4 Annotated Code of Maryland
 5 (2001 Replacement Volume and 2003 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article 2B - Alcoholic Beverages
 8 Section 6-201(d)(1)(vii) and (viii) and 9-204.1(c) and (e)
 9 Annotated Code of Maryland
 10 (2001 Replacement Volume and 2003 Supplement)

11 BY adding to
 12 Article 2B - Alcoholic Beverages
 13 Section 6-201(d)(1)(ix) ~~and (x), (x), and (xi)~~
 14 Annotated Code of Maryland
 15 (2001 Replacement Volume and 2003 Supplement)

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

18 **Article 2B - Alcoholic Beverages**

19 6-201.

20 (a) (1) A Class B beer, wine and liquor license shall be issued by the license
 21 issuing authority of the county in which the place of business is located, and the
 22 license authorizes its holder to keep for sale and sell all alcoholic beverages at retail
 23 at any hotel or restaurant at the place described, for consumption on the premises or
 24 elsewhere, or as provided in this section.

25 (d) (1) (i) This subsection applies only in Baltimore City.

26 (iv) Except for the 47th Alcoholic Beverages District, this license
 27 shall be issued in accordance with the provisions of subsection (a) of this section.

28 (vii) In addition to the other requirements provided for in this
 29 subsection, in the 46th and 47th Alcoholic Beverages Districts the restaurant shall
 30 have a minimum:

31 1. [Capital] EXCEPT AS PROVIDED IN SUBPARAGRAPH (IX)
 32 OF THIS PARAGRAPH, CAPITAL investment of \$500,000 for restaurant facilities not
 33 including the cost of the land, the building, or improvements that are not to the
 34 interior of a building on the licensed premises; and

1 ~~(X)~~ (XI) NOTWITHSTANDING ANY RESTRICTION OR REQUIREMENT
2 IN THIS ARTICLE REGARDING THE ISSUANCE OF CLASS B BEER, WINE AND LIQUOR
3 LICENSES, A NOT FOR PROFIT ARTS CENTER IN THE HIGHLANDTOWN ARTS AND
4 ENTERTAINMENT DISTRICT THAT HOLDS A CLASS C LICENSE ON JUNE 1, 2004, MAY
5 APPLY TO THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY
6 TO CONVERT THAT LICENSE ON OR BEFORE MAY 31, 2005, INTO A CLASS B BEER, WINE
7 AND LIQUOR LICENSE.

8 9-204.1.

9 (a) New licenses for the sale of alcoholic beverages may not be issued in:

10 (4) The 46th alcoholic beverages district of Baltimore City consisting of:

11 Baltimore City wards 1 and 2;

12 Ward 3, precinct 3 and part of precinct 1;

13 Ward 6, precincts 1, 6, and 7;

14 Ward 7, precincts 8 and 9; and

15 Ward 26, precincts 1 through 33 and 47 through 51.

16 (9) For Class B licenses only, in the areas of the 47th alcoholic beverages
17 district covered by:

18 (i) The Key Highway East Industrial Area Urban Renewal Plan, as
19 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
20 29, 1987; and

21 (ii) The Key Highway Urban Renewal Plan, as adopted by the
22 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.

23 (10) The 47th alcoholic beverages district, as defined in subsection (g) of
24 this section, except for the portion of ward 21, precinct 3, bounded on the southwest
25 by Gwynn Falls to the B&O Railroad; running northeast along the B&O Railroad to
26 Bayard Street; running from that point east along Bayard Street to Washington
27 Boulevard; and south along Washington Boulevard from that point to Gwynn Falls.

28 (b) (1) Except as provided in paragraph (2) of this subsection, licenses for
29 the sale of alcoholic beverages of any class may not be transferred into the areas of
30 Baltimore City covered by this section.

31 (2) A licensed drugstore may transfer the license into the 45th alcoholic
32 beverages district of Baltimore City.

33 (c) (1) Except as provided in PARAGRAPH (2)(I) AND (II) OF THIS
34 SUBSECTION AND subsection (h) of this section, the prohibitions in this section do not
35 apply to special 1-day licenses or to Class B beer, wine and liquor restaurant licenses
36 to bona fide restaurants having:

1 (i) A minimum capital investment, not including the cost of land
2 and building, of:

3 1. \$300,000 for restaurant facilities in the 47th alcoholic
4 beverages district of Baltimore City which consists of:

5 A. Wards 23, 24, and 25 in their entirety;

6 B. Ward 19, precincts 3, 4, and 5;

7 C. Ward 20, precincts 19 and 20;

8 D. Ward 21, precincts 2 and 3; and

9 E. Ward 21, that part of precinct 1 that lies south and west of
10 a line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
11 Street; or

12 2. \$200,000 for restaurant facilities in the remainder of
13 Baltimore City, EXCEPT IN WARD 26, PRECINCT 8 UNDER SUBPARAGRAPH (III) OF
14 THIS PARAGRAPH;

15 (ii) A minimum seating capacity of 75 persons;

16 (iii) 1. In the following areas of the 46th alcoholic beverages
17 district, average daily receipts from the sale of food that are at least 51% of the total
18 daily receipts of the restaurant:

19 [1.] A. Ward 1, precincts 2[, 3, 4, and 5] AND 3;

20 [2.] B. Ward 2 in its entirety;

21 [3.] C. Ward 3, precinct 3; and

22 [4.] D. Ward 26, precinct 10; and

23 2. FOR A RESTAURANT IN WARD 26, PRECINCT 8 OF THE 46TH
24 ALCOHOLIC BEVERAGES DISTRICT ~~THAT~~, WHICH AT ALL TIMES SHALL BE
25 COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE
26 DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON
27 JUNE 21, 2002, IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF
28 \$700,000 AND A SEATING CAPACITY EXCEEDING 150 PERSONS, AVERAGE DAILY
29 RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY
30 RECEIPTS OF THE RESTAURANT; AND

31 (iv) In the 47th alcoholic beverages district, average daily receipts
32 from the sale of food that are at least 51% of the total daily receipts of the restaurant.

33 (2) (I) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR
34 BALTIMORE CITY MAY NOT ISSUE OR TRANSFER AN ALCOHOLIC BEVERAGES
35 LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR USE IN:

1 1. WARD 1, PRECINCT 4 OR 5 OF THE 46TH ALCOHOLIC
2 BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS WITH THE
3 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS
4 ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002; OR

5 2. WARD 24, PRECINCT 5 OF THE 47TH ALCOHOLIC
6 BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS WITH THE
7 47TH 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002
8 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

9 ~~(H)~~ ~~THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR~~
10 ~~BALTIMORE CITY MAY NOT TRANSFER AN ALCOHOLIC BEVERAGES LICENSE~~
11 ~~BETWEEN WARD 1, PRECINCTS 4 AND 5 OF THE 46TH ALCOHOLIC BEVERAGES~~
12 ~~DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS WITH THE 46TH~~
13 ~~LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS~~
14 ~~ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002, OR WITHIN~~
15 ~~EITHER OF THOSE PRECINCTS.~~

16 ~~(II)~~ ~~THE BOARD MAY NOT TRANSFER OR ISSUE A LICENSE IN THE~~
17 ~~46TH ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE~~
18 ~~COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE~~
19 ~~DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON~~
20 ~~JUNE 21, 2002, IF THE TRANSFER OR ISSUANCE WOULD RESULT IN:~~

21 1. ~~THE LICENSED PREMISES BEING LOCATED WITHIN 300~~
22 ~~FEET OF THE NEAREST POINT OF A CHURCH OR A SCHOOL; OR~~

23 2. ~~THE LICENSED PREMISES BEING LOCATED CLOSER TO~~
24 ~~THE NEAREST POINT OF A CHURCH OR A SCHOOL THAN THE LICENSED PREMISES~~
25 ~~WAS ON JUNE 1, 2004.~~

26 ~~(H)~~ ~~(III)~~ Additional Baltimore City license privileges for Class B
27 beer, wine and liquor licenses issued in the 47th alcoholic beverages district in
28 Baltimore City are as provided in § 6-201(d) of this article.

29 (e) (1) Except as provided in paragraph (2) of this subsection, a license for
30 the sale of alcoholic beverages may not be transferred into, or transferred to a
31 different location within the following areas of the 46th legislative district:

32 (i) Ward 1, precincts 2[, 3, 4, and 5] AND 3;

33 (ii) Ward 2 in its entirety;

34 (iii) Ward 3, precinct 3; and

35 (iv) Ward 26, ~~precinct~~ PRECINCTS 3 AND 10.

36 (2) This subsection does not apply to an application for a new license or
37 a transfer from within the areas described in paragraph (1) of this subsection if the
38 new license or transfer is for:

- 1 (i) A hotel;
- 2 (ii) An establishment located in a planned unit development if the
3 application for the planned unit development was filed or approved before December
4 31, 1995;
- 5 (iii) An establishment located in an area governed by the Inner
6 Harbor East Urban Renewal Plan; or
- 7 (iv) An establishment:
- 8 1. That has a seating capacity of less than 150 persons at any
9 one time; or
- 10 2. In which the average daily receipts from the sale of food
11 [is] ARE at least 51% of the total daily receipts of the establishment.
- 12 (g) (1) Notwithstanding any other provision of law to the contrary, a license
13 for the sale of alcoholic beverages may not be transferred into the 47th alcoholic
14 beverages district of Baltimore City, which is as follows:
- 15 (i) Wards 23, 24, and 25 in their entirety;
- 16 (ii) Ward 19, precincts 3, 4, and 5;
- 17 (iii) Ward 20, precincts 19 and 20;
- 18 (iv) Ward 21, precincts 2 and 3; and
- 19 (v) Ward 21, that part of precinct 1 that lies south and west of a line
20 that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
21 Street.
- 22 (2) Notwithstanding any other provision of law to the contrary, a Class B
23 beer, wine and liquor license may not be transferred or downgraded within the 47th
24 alcoholic beverages district of Baltimore City, as described in paragraph (1) of this
25 subsection.
- 26 (3) Except as provided in subsection (a) of this section, a Class B beer,
27 wine and liquor license may be issued in the 47th alcoholic beverages district.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 June 1, 2004.

