

UNOFFICIAL COPY OF HOUSE BILL 894
EMERGENCY BILL

A2

(51r2377)

ENROLLED BILL

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

Introduced by **Delegate Minnick (By Request - Baltimore County Administration)**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages Licenses - Transfers and**
3 **Applications**

4 FOR the purpose of authorizing the Baltimore County Board of License
5 Commissioners to transfer a certain number of Class B and Class D beer, wine
6 and liquor (on-sale) retail alcoholic beverages licenses in existence in Election
7 District 15 into certain locations; providing that the transfers occur on or after
8 certain dates; prohibiting certain licenses to be transferred; requiring
9 transferred licenses to be converted into certain other licenses; providing for
10 certain restrictions, qualifications, and conditions with respect to the
11 transferred licenses and establishments subject to the licenses; prohibiting a
12 license issued under certain provisions of this Act from being transferred to a
13 new location outside a certain area or converted into another class of license;
14 authorizing the Baltimore County Board of License Commissioners to accept
15 alcoholic beverages license applications from certain persons; specifying that
16 certain license applications need not contain certain specific information but

1 must contain certain general information; authorizing a certain applicant to
2 apply to transfer a license under certain conditions; authorizing the Baltimore
3 County Board of License Commissioners to approve a certain change of location
4 of a certain license under certain circumstances; making this Act an emergency
5 measure; and generally relating to alcoholic beverages in Baltimore County.

6 BY adding to
7 Article 2B - Alcoholic Beverages
8 Section 8-204.5 and 8-204.6
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2004 Supplement)

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

13 **Article 2B - Alcoholic Beverages**

14 8-204.5.

15 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

16 (B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA
17 LIMITATIONS AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE
18 UNDER THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY AUTHORIZE
19 THE TRANSFER OF THE NUMBER OF CLASS B AND CLASS D BEER, WINE AND LIQUOR
20 (ON-SALE) RETAIL LICENSES, IN EXISTENCE IN ELECTION DISTRICT 15 ON JANUARY
21 15, 2005, AND VALID ON THE DATE OF TRANSFER, IN ACCORDANCE WITH THE
22 FOLLOWING SCHEDULE:

23 (I) TWO TO THE QUARRY AT GREENSPRING, TO BE KNOWN AS (QG)
24 LICENSES, ON OR AFTER APRIL 1, 2005 LOCATED AT LOTS 1 THROUGH 9, INCLUSIVE,
25 IDENTIFIED ON THE PLAT OF GREENSPRING QUARRY, AREAS F, G, AND K, DATED
26 DECEMBER 21, 2004, AND DELIVERED TO BALTIMORE COUNTY FOR RECORDING ON
27 DECEMBER 29, 2004;

28 (II) THREE TO THE AREA OF STATE-OWNED LAND ADJACENT TO
29 AND ABUTTING THE OWINGS MILLS METRO STATION, GOVERNED BY A MASTER
30 DEVELOPMENT AGREEMENT CREATING THE METRO CENTER AT OWINGS MILLS, TO
31 BE KNOWN AS (MCOM) LICENSES, ON OR AFTER OCTOBER 1, 2005; AND

32 (III) THREE TO THE PROMENADE AT CATONSVILLE, TO BE KNOWN
33 AS (PC) LICENSES, ON OR AFTER APRIL 1, 2006 LOCATED AT AND IDENTIFIED BY THE
34 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION MAP 101, PARCELS ~~133~~, 132,
35 516, 1088, 1344, 1804, AND 1985.

36 (2) A LICENSE TRANSFERRED FROM ELECTION DISTRICT 15 UNDER THIS
37 SECTION:

1 (I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS
2 PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER
3 THAN THE PROHIBITION AGAINST CROSSING DISTRICT LINES;

4 (II) SHALL BE CONSIDERED A REGULAR LICENSE IN ITS NEW
5 LOCATION AND NOT AN EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE
6 TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON
7 THE RULE OF THE BOARD OF LICENSE COMMISSIONERS THAT LIMITS THE TOTAL
8 NUMBER OF LICENSES AVAILABLE BY POPULATION;

9 (III) SHALL BE CONVERTED INTO A CLASS B (QG), (MCOM), OR (PC)
10 LICENSE; AND

11 (IV) AS OF THE DATE OF TRANSFER, MAY NOT BE CONSTRUED TO
12 EXIST IN DISTRICT 15.

13 (C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, THE
14 RESTRICTIONS AND QUALIFICATIONS FOR THE ISSUANCE AND RENEWAL OF A CLASS
15 B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL
16 LICENSE UNDER THIS SECTION, THE MINIMUM SQUARE FOOT AREA REQUIREMENT
17 FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION IN THE LICENSED
18 ESTABLISHMENT AND THE DAYS AND HOURS OF SALE FOR THE LICENSED
19 ESTABLISHMENT SHALL BE THE SAME AS THOSE RESTRICTIONS AND
20 QUALIFICATIONS PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF
21 THE BOARD OF LICENSE COMMISSIONERS FOR A CLASS B BEER, WINE AND LIQUOR
22 (ON-SALE) HOTEL AND RESTAURANT LICENSE.

23 (D) THE FOLLOWING ADDITIONAL REQUIREMENTS APPLY TO A CLASS B (QG),
24 (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL LICENSE
25 ESTABLISHED BY THIS SECTION:

26 (1) THE LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE
27 GEOGRAPHIC AREAS IDENTIFIED IN SUBSECTION (B)(1) OF THIS SECTION;

28 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE
29 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE
30 REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS;

31 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY
32 RECEIPTS FROM THE SALE OF THE FOOD OF AT LEAST 70% OF THE TOTAL DAILY
33 RECEIPTS OF THE ESTABLISHMENT;

34 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED
35 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES
36 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;
37 AND

38 (5) SUBJECT TO THE PROVISIONS OF SUBSECTION (H) OF THIS SECTION,
39 THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE
40 EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

1 (E) THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY.

2 (F) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING
3 REGULATIONS.

4 (G) (1) ONCE ISSUED, A LICENSE UNDER THIS SECTION MAY NOT BE:

5 (I) TRANSFERRED TO A NEW LOCATION OUTSIDE THE
6 GEOGRAPHIC AREA, AS DEFINED IN SUBSECTION (B)(1) OF THIS SECTION, FOR WHICH
7 IT WAS ORIGINALLY ISSUED; OR

8 (II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.

9 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT THE
10 TRANSFER OF:

11 (I) THE OWNERSHIP OF A LICENSE; OR

12 (II) THE LOCATION OF A LICENSED ESTABLISHMENT WITHIN THE
13 GEOGRAPHIC AREA AS DEFINED IN SUBSECTION (B)(1) OF THIS SECTION.

14 (H) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY
15 UNTIL 1:30 A.M.

16 8-204.6.

17 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

18 (B) THE BOARD OF LICENSE COMMISSIONERS MAY ACCEPT AN APPLICATION
19 FOR AN ALCOHOLIC BEVERAGES LICENSE FROM:

20 (1) A CONTRACT PURCHASER OF A PROPERTY THAT BECOMES THE
21 OWNER OF RECORD OF THE PREMISES TO BE LICENSED BEFORE THE LICENSE IS
22 ISSUED;

23 (2) AN OWNER OF A PREMISES THAT IS PROPOSED TO BE LICENSED; OR

24 (3) A DEVELOPER OF A PROPERTY WITH THE CONSENT AND AUTHORITY
25 OF THE OWNER OF THE PROPERTY.

26 (C) AN APPLICATION FILED UNDER THIS SECTION NEED NOT CONTAIN A
27 SPECIFIC STREET ADDRESS OR DESCRIPTION OF THE PREMISES TO BE LICENSED
28 OTHER THAN A GENERAL DESCRIPTION OF THE SITE ON WHICH THE PREMISES WILL
29 BE BUILT, INCLUDING A PROPERTY MAP NUMBER, PARCEL NUMBER, PROPERTY TAX
30 IDENTIFICATION NUMBER, OR PLAT NUMBER.

31 (D) IF THE BOARD OF LICENSE COMMISSIONERS APPROVES THE
32 APPLICATION, THE APPLICANT MAY APPLY TO TRANSFER THE LICENSE TO AN
33 OPERATOR OF THE TYPE OF BUSINESS FOR WHICH THE LICENSE WAS APPROVED IF:

1 (1) THE LICENSE IS FOR A LOCATION IN THE SITE FOR WHICH THE
2 LICENSE WAS APPROVED; AND

3 (2) THE APPLICATION FOR TRANSFER OCCURS WITHIN 3 YEARS AFTER
4 THE ORIGINAL APPLICATION FOR THE SITE IS APPROVED OR CONSTRUCTION AT THE
5 LOCATION IS COMPLETED, WHICHEVER IS LATER.

6 (E) UNLESS OTHERWISE PROHIBITED BY LAW, THE BOARD OF LICENSE
7 COMMISSIONERS MAY APPROVE A CHANGE OF LOCATION OF A LICENSE ISSUED
8 UNDER THIS SECTION IF THE LICENSEE HAS ENGAGED IN AN ACTIVE ALCOHOLIC
9 BEVERAGES BUSINESS UNDER THE LICENSE FOR AT LEAST 1 YEAR BEFORE
10 APPLYING FOR THE CHANGE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
12 measure, is necessary for the immediate preservation of the public health or safety,
13 has been passed by a ye and nay vote supported by three-fifths of all the members
14 elected to each of the two Houses of the General Assembly, and shall take effect from
15 the date it is enacted.