

UNOFFICIAL COPY OF HOUSE BILL 894
EMERGENCY BILL

A2

5lr2377
CF 5lr2376

By: **Delegate Minnick (By Request - Baltimore County Administration)**

Introduced and read first time: February 10, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages Licenses - Transfers**

3 FOR the purpose of authorizing the Baltimore County Board of License
4 Commissioners to transfer a certain number of Class B and Class D beer, wine
5 and liquor (on-sale) retail alcoholic beverages licenses in existence in Election
6 District 15 into certain locations; providing that the transfers occur on or after
7 certain dates; prohibiting certain licenses to be transferred; requiring
8 transferred licenses to be converted into certain other licenses; providing for
9 certain restrictions, qualifications, and conditions with respect to the
10 transferred licenses and establishments subject to the licenses; prohibiting a
11 license issued under this Act from being transferred to a new location outside a
12 certain area or converted into another class of license; making this Act an
13 emergency measure; and generally relating to alcoholic beverages in Baltimore
14 County.

15 BY adding to

16 Article 2B - Alcoholic Beverages

17 Section 8-204.5

18 Annotated Code of Maryland

19 (2001 Replacement Volume and 2004 Supplement)

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

22 **Article 2B - Alcoholic Beverages**

23 8-204.5.

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

25 (B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA
26 LIMITATIONS AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE
27 UNDER THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY AUTHORIZE
28 THE TRANSFER OF THE NUMBER OF CLASS B AND CLASS D BEER, WINE AND LIQUOR
29 (ON-SALE) RETAIL LICENSES, IN EXISTENCE IN ELECTION DISTRICT 15 ON JANUARY

1 15, 2005, AND VALID ON THE DATE OF TRANSFER, IN ACCORDANCE WITH THE
2 FOLLOWING SCHEDULE:

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

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

12 (III) THREE TO THE PROMENADE AT CATONSVILLE, TO BE KNOWN
13 AS (PC) LICENSES, ON OR AFTER APRIL 1, 2006 LOCATED AT AND IDENTIFIED BY THE
14 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION MAP 101, PARCELS 133, 516,
15 1088, 1344, 1804, AND 1985.

16 (2) A LICENSE TRANSFERRED FROM ELECTION DISTRICT 15 UNDER THIS
17 SECTION:

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

21 (II) SHALL BE CONSIDERED A REGULAR LICENSE IN ITS NEW
22 LOCATION AND NOT AN EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE
23 TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON
24 THE RULE OF THE BOARD OF LICENSE COMMISSIONERS THAT LIMITS THE TOTAL
25 NUMBER OF LICENSES AVAILABLE BY POPULATION;

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

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

30 (C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, THE
31 RESTRICTIONS AND QUALIFICATIONS FOR THE ISSUANCE AND RENEWAL OF A CLASS
32 B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL
33 LICENSE UNDER THIS SECTION, THE MINIMUM SQUARE FOOT AREA REQUIREMENT
34 FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION IN THE LICENSED
35 ESTABLISHMENT AND THE DAYS AND HOURS OF SALE FOR THE LICENSED
36 ESTABLISHMENT SHALL BE THE SAME AS THOSE RESTRICTIONS AND
37 QUALIFICATIONS PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF
38 THE BOARD OF LICENSE COMMISSIONERS FOR A CLASS B BEER, WINE AND LIQUOR
39 (ON-SALE) HOTEL AND RESTAURANT LICENSE.

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

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

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

9 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY
10 RECEIPTS FROM THE SALE OF THE FOOD OF AT LEAST 70% OF THE TOTAL DAILY
11 RECEIPTS OF THE ESTABLISHMENT;

12 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED
13 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES
14 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;
15 AND

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

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

20 (F) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING
21 REGULATIONS.

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

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

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

27 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT THE
28 TRANSFER OF:

29 (I) THE OWNERSHIP OF A LICENSE; OR

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
35 measure, is necessary for the immediate preservation of the public health or safety,
36 has been passed by a ye and nay vote supported by three-fifths of all the members

- 1 elected to each of the two Houses of the General Assembly, and shall take effect from
- 2 the date it is enacted.