

UNOFFICIAL COPY OF HOUSE BILL 894  
EMERGENCY BILL

A2

5lr2377  
CF 5lr2376

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

Introduced and read first time: February 10, 2005

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

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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  
17 must contain certain general information; authorizing a certain applicant to  
18 apply to transfer a license under certain conditions; authorizing the Baltimore  
19 County Board of License Commissioners to approve a certain change of location  
20 of a certain license under certain circumstances; making this Act an emergency  
21 measure; and generally relating to alcoholic beverages in Baltimore County.

22 BY adding to  
23 Article 2B - Alcoholic Beverages  
24 Section 8-204.5 and 8-204.6  
25 Annotated Code of Maryland  
26 (2001 Replacement Volume and 2004 Supplement)

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

3 **Article 2B - Alcoholic Beverages**

4 8-204.5.

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

6 (B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA  
7 LIMITATIONS AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE  
8 UNDER THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY AUTHORIZE  
9 THE TRANSFER OF THE NUMBER OF CLASS B AND CLASS D BEER, WINE AND LIQUOR  
10 (ON-SALE) RETAIL LICENSES, IN EXISTENCE IN ELECTION DISTRICT 15 ON JANUARY  
11 15, 2005, AND VALID ON THE DATE OF TRANSFER, IN ACCORDANCE WITH THE  
12 FOLLOWING SCHEDULE:

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

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

22 (III) THREE TO THE PROMENADE AT CATONSVILLE, TO BE KNOWN  
23 AS (PC) LICENSES, ON OR AFTER APRIL 1, 2006 LOCATED AT AND IDENTIFIED BY THE  
24 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION MAP 101, PARCELS 133, 516,  
25 1088, 1344, 1804, AND 1985.

26 (2) A LICENSE TRANSFERRED FROM ELECTION DISTRICT 15 UNDER THIS  
27 SECTION:

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

31 (II) SHALL BE CONSIDERED A REGULAR LICENSE IN ITS NEW  
32 LOCATION AND NOT AN EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE  
33 TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON  
34 THE RULE OF THE BOARD OF LICENSE COMMISSIONERS THAT LIMITS THE TOTAL  
35 NUMBER OF LICENSES AVAILABLE BY POPULATION;

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

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

3 (C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, THE  
4 RESTRICTIONS AND QUALIFICATIONS FOR THE ISSUANCE AND RENEWAL OF A CLASS  
5 B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL  
6 LICENSE UNDER THIS SECTION, THE MINIMUM SQUARE FOOT AREA REQUIREMENT  
7 FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION IN THE LICENSED  
8 ESTABLISHMENT AND THE DAYS AND HOURS OF SALE FOR THE LICENSED  
9 ESTABLISHMENT SHALL BE THE SAME AS THOSE RESTRICTIONS AND  
10 QUALIFICATIONS PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF  
11 THE BOARD OF LICENSE COMMISSIONERS FOR A CLASS B BEER, WINE AND LIQUOR  
12 (ON-SALE) HOTEL AND RESTAURANT LICENSE.

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

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

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

21 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY  
22 RECEIPTS FROM THE SALE OF THE FOOD OF AT LEAST 70% OF THE TOTAL DAILY  
23 RECEIPTS OF THE ESTABLISHMENT;

24 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED  
25 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES  
26 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;  
27 AND

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

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

32 (F) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING  
33 REGULATIONS.

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

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

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

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

3 (I) THE OWNERSHIP OF A LICENSE; OR

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

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

8 8-204.6.

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

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

12 (1) A CONTRACT PURCHASER OF A PROPERTY THAT BECOMES THE  
13 OWNER OF RECORD OF THE PREMISES TO BE LICENSED BEFORE THE LICENSE IS  
14 ISSUED;

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

16 (3) A DEVELOPER OF A PROPERTY WITH THE CONSENT AND AUTHORITY  
17 OF THE OWNER OF THE PROPERTY.

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

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

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

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

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

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