
By: **Senator Della**

Introduced and read first time: January 19, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2005

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - 46th Alcoholic Beverages District - Restaurant ~~Exemption~~**
3 **Exemptions**

4 FOR the purpose of exempting certain restaurants in ~~a certain area~~ certain areas in
5 Baltimore City from prohibitions concerning the issuance and transfer of
6 alcoholic beverages licenses; requiring that, to qualify for an exemption, a
7 restaurant meet certain standards concerning capital investment, seating
8 capacity, and average daily receipts, and not conduct sales for off-premises
9 consumption; and generally relating to alcoholic beverages in Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 9-204.1(a)(4) and (b)(1)
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 9-204.1(c)
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:

1

Article 2B - Alcoholic Beverages

2 9-204.1.

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

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

5 Baltimore City wards 1 and 2;

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

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

8 Ward 7, precincts 8 and 9; and

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

10 (b) (1) Except as provided in paragraph (2) of this subsection, licenses for
11 the sale of alcoholic beverages of any class may not be transferred into the areas of
12 Baltimore City covered by this section.13 (c) (1) Except as provided in paragraph (2)(i) and (ii) of this subsection and
14 subsection (h) of this section, the prohibitions in this section do not apply to special
15 1-day licenses or to Class B beer, wine and liquor restaurant licenses to bona fide
16 restaurants having:17 (i) A minimum capital investment, not including the cost of land
18 and building, of:19 1. \$300,000 for restaurant facilities in the 47th alcoholic
20 beverages district of Baltimore City which consists of:

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

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

23 C. Ward 20, precincts 19 and 20;

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

25 E. Ward 21, that part of precinct 1 that lies south and west of
26 a line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
27 Street; or28 2. \$200,000 for restaurant facilities in the remainder of
29 Baltimore City, except in Ward 26, Precinct 8 under subparagraph (iii) of this
30 paragraph;

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

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

4 A. Ward 1, precincts 2 and 3;

5 B. Ward 2 in its entirety;

6 C. Ward 3, precinct 3; and

7 D. Ward 26, precinct 10; [and]

8 2. For a restaurant in ward 26, precinct 8 of the 46th
 9 alcoholic beverages district, which at all times shall be coterminous with the 46th
 10 Legislative District in the Legislative Districting Plan of 2002 as ordered by the
 11 Maryland Court of Appeals on June 21, 2002, if the restaurant has a minimum capital
 12 investment of \$700,000 and a seating capacity exceeding 150 persons, average daily
 13 receipts from the sale of food that are at least 65% of the total daily receipts of the
 14 restaurant; ~~and~~

15 3. FOR A RESTAURANT ANYWHERE IN WARD 4, PRECINCT 1
 16 OR WARD 22, PRECINCT 1 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WHICH AT
 17 ALL TIMES SHALL BE COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE
 18 LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF
 19 APPEALS ON JUNE 21, 2002, IF THE RESTAURANT HAS A MINIMUM CAPITAL
 20 INVESTMENT OF \$750,000, A SEATING CAPACITY THAT EXCEEDS 70 PERSONS,
 21 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF
 22 THE TOTAL DAILY RECEIPTS OF THE RESTAURANT, AND NO SALES FOR
 23 OFF-PREMISES CONSUMPTION; AND

24 4. FOR NOT MORE THAN THREE RESTAURANTS IN A
 25 RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY THE
 26 MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23,
 27 2004, IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$600,000, A
 28 SEATING CAPACITY THAT EXCEEDS 70 PERSONS, AVERAGE DAILY RECEIPTS FROM
 29 THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE
 30 RESTAURANT, AND NO SALES FOR OFF-PREMISES CONSUMPTION; 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 Baltimore City
 34 may not issue or transfer an alcoholic beverages license under paragraph (1) of this
 35 subsection for use in:

36 1. Ward 1, precinct 4 or 5 of the 46th alcoholic beverages
 37 district, which at all times shall be coterminous with the 46th legislative district in
 38 the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals
 39 on June 21, 2002; or

