

SENATE BILL 543

A2

9lr2562

By: **Senators Brochin and Stone**

Introduced and read first time: February 5, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2009

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Towson Commercial Revitalization District – Alcoholic**
3 **Beverages – Transfer and Conversion of Licenses**

4 FOR the purpose of increasing the number of certain alcoholic beverages licenses that
5 may be transferred under certain circumstances and converted into certain
6 licenses for restaurants in the Towson Commercial Revitalization District in
7 Baltimore County; ~~altering the seating capacity that may be devoted to the bar~~
8 ~~area of licensed restaurants~~; altering a certain minimum percentage of the
9 average daily receipts of a restaurant that must come from the sale of food;
10 specifying that the licenses for restaurants may not confer an off-sale privilege;
11 specifying that the minimum capital investment for restaurants excludes the
12 cost of the land and building shell; requiring that the Board of Liquor License
13 Commissioners deny an application for the transfer and conversion of a license
14 under certain circumstances; prohibiting a license from being transferred from
15 the Towson Commercial Revitalization District or converted into any other class
16 of license; repealing the termination provision relating to the period during
17 which a certain alcoholic beverages license may be transferred and converted
18 into a certain license for a restaurant in the Towson Commercial Revitalization
19 District; and generally relating to alcoholic beverages in Baltimore County.

20 BY repealing and reenacting, with amendments,
21 Article 2B – Alcoholic Beverages
22 Section 8–204.3
23 Annotated Code of Maryland
24 (2005 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Chapter 215 of the Acts of the General Assembly of 2006
3 Section 2

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

6 **Article 2B - Alcoholic Beverages**

7 8-204.3.

8 (a) This section applies only in Baltimore County.

9 (b) (1) Notwithstanding the license population quota limitations of the
10 Board of Liquor License Commissioners and in addition to the licenses authorized for
11 issuance in Baltimore County, the Board of Liquor License Commissioners may
12 authorize the transfer into the Towson Commercial Revitalization District, as defined
13 by the Baltimore County Council, of not more than [two] **10** beer, wine and liquor
14 (on-sale) licenses that:

15 (i) Were issued on or before December 31, [2005] **2008**;

16 (ii) Are in existence in Election District [13, 14, or] 15 of
17 Baltimore County on June 1, [2006] **2009**; and

18 (iii) Are valid on the date of transfer.

19 (2) To be transferred under this section, a license:

20 (i) Shall be a Class B or a Class D license; and

21 (ii) May not be a license that is prohibited from being
22 transferred by statute or regulation.

23 (3) A license transferred under this section shall be considered by the
24 Board of Liquor License Commissioners as a regular license and not an exception
25 license for determining the total number of licenses available in any election district
26 based on the rule of the Board of Liquor License Commissioners that limits the total
27 number of licenses available by population.

28 (4) On the date of transfer, a license transferred under this section
29 shall be converted into a Class B (B, W, L) (TCRD) license and may not be construed to
30 exist in the election district from where it was transferred.

31 (c) Except as provided in subsection (d) of this section, the license issuance
32 requirements, license fee, the minimum square foot area requirement for food and
33 beverage preparation and consumption, and days and hours of sale for a Class B (B,

1 W, L) (TCRD) (on-sale) license are the same as those for a Class B beer, wine and
 2 liquor (on-sale) hotel and restaurant license.

3 (d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a
 4 location within the Towson Commercial Revitalization District, as defined by the
 5 Baltimore County Council.

6 (2) The license shall be used in conjunction with the operation of a
 7 restaurant, as defined in this article and in the regulations of the Board of Liquor
 8 License Commissioners.

9 (3) The restaurant operation shall maintain average daily receipts
 10 from the sale of food at least [70%] **65%** of the total daily receipts of the restaurant.

11 (4) The seating capacity for the bar area may not exceed ~~[25%]~~ **35%** of
 12 the total seating capacity of the restaurant.

13 (5) The area dedicated to the restaurant operation shall have a
 14 minimum seating capacity of 100 persons.

15 (6) The hours during which the privileges conferred by the license may
 16 be exercised may not exceed the hours during which food is offered for sale.

17 (7) **THE LICENSE MAY NOT CONFER AN OFF-SALE PRIVILEGE.**

18 (e) An applicant for transfer of a Class B or Class D license and issuance of a
 19 Class B (B, W, L) (TCRD) license shall demonstrate to the Board of Liquor License
 20 Commissioners that the restaurant has a minimum capital investment of \$500,000,
 21 **EXCLUDING THE COST OF THE LAND AND BUILDING SHELL.**

22 (F) **THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL DENY AN**
 23 **APPLICATION FOR TRANSFER OF A CLASS B OR CLASS D LICENSE AND**
 24 **ISSUANCE OF A CLASS B (B,W, L) (TCRD) LICENSE IF:**

25 ~~(1) WITHIN 2 YEARS IMMEDIATELY PRECEDING THE~~
 26 ~~APPLICATION, A PREVIOUS CLASS B (B, W, L) (TCRD) LICENSE WAS ISSUED TO~~
 27 ~~THE APPLICANT OR~~ WITHIN 2 YEARS IMMEDIATELY PRECEDING THE
 28 APPLICATION;

29 (1) (I) THE APPLICANT WAS A HOLDER OF AN ON-SALE
 30 LICENSE ISSUED UNDER THIS ARTICLE WITHIN THE BOUNDARIES OF THE
 31 TOWSON COMMERCIAL REVITALIZATION DISTRICT; OR

32 (II) THERE WAS AN ON-SALE LICENSE IN EXISTENCE FOR
 33 THE PROPOSED PREMISES OF THE APPLICANT; AND

