

SENATE BILL 793

A2

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By: **Senator Ferguson**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – 46th District – Alcoholic Beverages – Class B Beer, Wine and**
3 **Liquor License Transfer**

4 FOR the purpose of authorizing the Board of License Commissioners to allow the
5 transfer of a certain number of Class B beer, wine and liquor licenses into a
6 certain area of the 46th Legislative District in Baltimore City, subject to certain
7 limitations; requiring the Board to execute a certain memorandum of
8 understanding between certain community associations and to enforce a certain
9 memorandum of understanding for certain proposed actions before the Board
10 allows a certain transfer; prohibiting the Board from allowing a license
11 transferred into a certain area to be subsequently transferred into a certain
12 other area; and generally relating to alcoholic beverages in Baltimore City.

13 BY repealing and reenacting, without amendments,
14 Article 2B – Alcoholic Beverages
15 Section 9–204.1(a), (b), and (c)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 2B – Alcoholic Beverages
20 Section 9–204.1(f)
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2013 Supplement)

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

25 **Article 2B – Alcoholic Beverages**

26 9–204.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “Board” means the Board of Liquor License
2 Commissioners for Baltimore City.

3 (b) This section applies only in Baltimore City.

4 (c) The alcoholic beverages districts described in this section at all times
5 shall be coterminous with the legislative districts in the Legislative Districting Plan of
6 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

7 (f) (1) This subsection applies only in the 46th alcoholic beverages
8 district.

9 (2) Notwithstanding § 6–201(d)(1)(vii) of this article, and subject to
10 paragraph (8) of this subsection, the Board may issue a Class B beer, wine and liquor
11 license:

12 (i) For a restaurant in ward 26, precinct 8, if the restaurant has
13 a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons,
14 and average daily receipts from the sale of food that are at least 65% of the total daily
15 receipts of the restaurant;

16 (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,
17 if the restaurant has a minimum capital investment of \$700,000, a seating capacity
18 that exceeds 75 persons, average daily receipts for the sale of food that are at least
19 65% of the total daily receipts of the restaurant, and no sales for off–premises
20 consumption;

21 (iii) For not more than three restaurants in a residential planned
22 unit development for Silo Point as approved by the Mayor and City Council of
23 Baltimore City in Ordinance 04–697 on June 23, 2004, if the restaurant has a
24 minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons,
25 average daily receipts from the sale of food that are at least 65% of the total daily
26 receipts of the restaurant, and no sales for off–premises consumption; and

27 (iv) For not more than three restaurants in a business planned
28 unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which
29 at all times shall be coterminous with the 46th Legislative District in the Legislative
30 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,
31 2002, if each restaurant has a minimum capital investment of \$700,000, a seating
32 capacity that exceeds 75 persons but is not more than 150 persons, average daily
33 receipts from the sale of food that are at least 65% of the total daily receipts of the
34 restaurant, and no sales for off–premises consumption.

35 (3) (i) Except as provided in [subparagraph] **SUBPARAGRAPHS**
36 (ii) **AND (III)** of this paragraph, the Board may not issue an alcoholic beverages license

1 or transfer a license into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24,
2 precinct 5.

3 (ii) The Board may allow the transfer of one Class D license into
4 the residential planned unit development for Silo Point located in ward 24, precinct 5
5 which was enacted by the Mayor and City Council of Baltimore City in Ordinance
6 04-697 on June 23, 2004, provided that the Class D license holder operates the
7 establishment in accordance with the provisions of Ordinance 04-697.

8 (III) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
9 SUBPARAGRAPH, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
10 BOARD MAY ALLOW THE TRANSFER OF TWO CLASS B BEER, WINE AND LIQUOR
11 LICENSES INTO THE AREA BOUNDED ON THE NORTH BY BOYLE STREET, THEN
12 FOLLOWING E. HEATH STREET, THEN FOLLOWING E. FORT AVENUE, ON THE
13 EAST BY LUDLOW STREET, ON THE SOUTH BY CLEMM STREET, AND ON THE
14 WEST BY WEBSTER STREET.

15 2. THE BOARD MAY ALLOW A TRANSFER INTO THE
16 AREA DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH ONLY IF:

17 A. THE BOARD HAS EXECUTED A MEMORANDUM OF
18 UNDERSTANDING BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND
19 LOCUST POINT REGARDING THE NATURE OF THE PROPOSED ESTABLISHMENT;
20 AND

21 B. THE BOARD ENFORCES THE MEMORANDUM OF
22 UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE
23 UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH AND SEEKS TO RENEW
24 OR TRANSFER THE LICENSE.

25 3. THE BOARD MAY NOT ALLOW A LICENSE TO BE
26 TRANSFERRED OUT OF THE AREA DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS
27 SUBPARAGRAPH AND INTO ANY OTHER AREA OF WARD 24, PRECINCT 5.

28 (4) Notwithstanding any other provision of law, a new Class B beer,
29 wine and liquor license may not be transferred to another location or downgraded
30 within the 46th alcoholic beverages district.

31 (5) A new Class B licensed restaurant must have average daily
32 receipts from the sale of food that are at least 51% of the total daily receipts of the
33 restaurant.

34 (6) (i) Except as provided in subparagraph (ii) of this paragraph,
35 the Board may not transfer or issue a license if the transfer or issuance would result
36 in:

1 1. The licensed premises being located within 300 feet of
2 the nearest point of a church or a school; or

3 2. The licensed premises being located closer to the
4 nearest point of a church or a school than the licensed premises was on June 1, 2004.

5 (ii) This paragraph does not apply to a licensed restaurant in:

6 1. Ward 4, precinct 1;

7 2. Ward 22, precinct 1; or

8 3. A residential planned unit development for Silo Point
9 as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on
10 June 23, 2004.

11 (7) (i) Except as provided in subparagraph (ii) of this paragraph, a
12 license for the sale of alcoholic beverages may not be transferred into, or transferred to
13 a different location within, the following areas:

14 1. Ward 1, precincts 2 and 3;

15 2. Ward 2 in its entirety;

16 3. Ward 3, precinct 3; and

17 4. Ward 26, precincts 3 and 10.

18 (ii) This paragraph does not apply to an application for a new
19 license or a transfer from within the areas described in subparagraph (i) of this
20 paragraph if the new license or transfer is for:

21 1. A hotel;

22 2. An establishment located in a planned unit
23 development if the application for the planned unit development was filed or approved
24 before December 31, 1995;

25 3. An establishment located in an area governed by the
26 Inner Harbor East Urban Renewal Plan; or

27 4. An establishment that has a seating capacity of fewer
28 than 150 persons or in which the average daily receipts from the sale of food are at
29 least 51% of the total daily receipts of the establishment.

1 (8) Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a
2 license specified under this subsection, including a license that allows no sales for
3 off-premises consumption, may include an off-sale privilege for sales of refillable
4 containers under a refillable container license issued in accordance with § 8-203(e) of
5 this article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2014.