

Article - Alcoholic Beverages

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§8–204.3.

(a) This section applies only in Baltimore County.

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

(i) Were issued on or before December 31, 2008;

(ii) Are in existence in Election District 15 of Baltimore County on June 1, 2009; and

(iii) Are valid on the date of transfer.

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

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

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

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

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

(c) Except as provided in subsection (d) of this section, the license issuance requirements, license fee, the minimum square foot area requirement for food and beverage preparation and consumption, and days and hours of sale for a Class B (B, W, L) (TCRD) (on-sale) license are the same as those for a Class B beer, wine and liquor (on-sale) hotel and restaurant license.

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

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

(3) The restaurant operation shall maintain average daily receipts from the sale of food at least 60% of the total daily receipts of the restaurant.

(4) The seating capacity for the bar area may not exceed 25% of the total seating capacity of the restaurant.

(5) Except as provided in subsection (e)(2)(iii) of this section, the area dedicated to the restaurant operation shall have a minimum seating capacity of 100 persons.

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

(7) The license may not confer an off-sale privilege.

(e) Of the restaurants for which a Class B or Class D license may be transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of this section, the Board of Liquor License Commissioners may require that:

(1) For not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of \$500,000; and

(2) For not more than three restaurants:

(i) Applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than \$50,000 or more than \$400,000; and

(ii) The area dedicated to the restaurant operation have:

1. A maximum seating capacity of 100 persons, with the seating capacity in the bar area not exceeding 25% of the total seating capacity of the restaurant; and

2. A minimum seating capacity of 40 persons.

(f) The Board of Liquor License Commissioners shall deny an application for transfer of a Class B or Class D license and issuance of a Class B (B, W, L) (TCRD) license if within 2 years immediately preceding the application:

(1) (i) The applicant was a holder of an on-sale license issued under this article within the boundaries of the Towson Commercial Revitalization District; or

(ii) There was an on-sale license in existence for the proposed premises of the applicant; and

(2) The previous on-sale license was transferred to premises outside of the Towson Commercial Revitalization District.

(g) A Class B (B, W, L) (TCRD) license issued under this section may not be transferred from the Towson Commercial Revitalization District or be converted into any other class of license.

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