

Chapter 736

(House Bill 1210)

AN ACT concerning

Baltimore City – Alcoholic Beverages – ~~Class C Beer, Wine, and Liquor~~ Licenses

FOR the purpose of establishing in Baltimore City a Class D beer license to be issued to a holder of a Class 5 brewery license; specifying that the Class D beer license authorizes the license holder to sell at retail beer brewed on the brewery premises for on-premises consumption; requiring the Board of License Commissioners for Baltimore City to establish hours and days of sale under the license and an annual license fee; reducing the minimum amount of average daily receipts derived from the sale of food that is required for certain restaurants for which a Class B beer, wine, and liquor license is issued; authorizing the Board of License Commissioners for Baltimore City to issue Class C beer, wine, and liquor licenses and a Class D beer license in certain locations in Baltimore City; *authorizing the Board to transfer a certain Class B-D-7 license from a certain location to a certain location*; altering the areas for which the Board may waive certain distance restrictions between a building for which a license is transferred and a place of worship or school; *altering the expiration date for certain licenses; making this Act an emergency measure*; and generally relating to ~~Class C beer, wine, and liquor~~ alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 12-102

Annotated Code of Maryland

(As enacted by Chapter __ (S.B.724) of the Acts of the General Assembly of 2016)

BY adding to

Article – Alcoholic Beverages

Section 12-604 and 12-1604(d) and (e)

Annotated Code of Maryland

(As enacted by Chapter __ (S.B. 724) of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 12-1603, 12-1604(c)(2)(iv), (d), and (e), and 12-1605(a)

Annotated Code of Maryland

(As enacted by Chapter __ (S.B.724) of the Acts of the General Assembly of 2016)

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

Article – Alcoholic Beverages

12-102.

This title applies only in Baltimore City.

12-604.

(A) THERE IS A CLASS D BEER LICENSE.

(B) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 5 BREWERY LICENSE.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER BREWED ON THE BREWERY PREMISES FOR ON-PREMISES CONSUMPTION.

(D) THE BOARD SHALL ESTABLISH:

(1) THE HOURS AND DAYS OF SALE UNDER THE LICENSE; AND

(2) THE ANNUAL LICENSE FEE.

12-1603.

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

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

(1) the 40th alcoholic beverages district;

(2) the 41st alcoholic beverages district;

(3) the 43rd alcoholic beverages district;

(4) the 44th alcoholic beverages district; and

(5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

(i) a 1-day license; or

(ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and

2. has a minimum seating capacity of 75 individuals;

(2) a Class C beer, wine, and liquor license in the 45th alcoholic beverages district; [or]

(3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district; AND

~~(4) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF HOLLIDAY STREET IN WARD 3, PRECINCT 3 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT; OR~~

~~(5) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF SOUTH CENTRAL AVENUE IN WARD 3, PRECINCT 3 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT; OR~~

~~(6) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A CLASS D BEER LICENSE FOR THE AREA IN WARD 24, PRECINCT 5 THAT IS BOUNDED BY EAST FORT AVENUE ON THE NORTH, THE CSX ACCESS WAY ON THE EAST, EAST MCCOMAS STREET ON THE SOUTH, AND WHETSTONE WAY ON THE WEST.~~

~~(D) A CLASS D BEER LICENSE MAY BE TRANSFERRED INTO THE AREA SPECIFIED UNDER SUBSECTION (C)(6) OF THIS SECTION IF ORIGINALLY ISSUED FOR ANOTHER AREA A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF WEST SARATOGA STREET IN WARD 4, PRECINCT 3 OF THE 40TH ALCOHOLIC BEVERAGES DISTRICT.~~

~~(E) ONE CLASS B-D-7 LICENSE ISSUED FOR A PROPERTY SURROUNDED BY MORTON STREET ON THE WEST, WEST EAGER STREET ON THE NORTH, NORTH CHARLES STREET ON THE EAST, AND WEST READ STREET ON THE SOUTH MAY BE TRANSFERRED TO A PROPERTY SURROUNDED BY 21ST STREET ON THE NORTH, MORTON STREET ON THE WEST, NORTH CHARLES STREET ON THE EAST, AND 20TH STREET ON THE SOUTH.~~

12-1604.

(c) (2) The Board may issue a Class B beer, wine, and liquor license:

(iv) for not more than three restaurants in a business planned unit development in ward 24, precinct 5, if each restaurant:

1. has a minimum capital investment of \$700,000;
2. has seating for more than 75 individuals, but not more than 150 individuals;
3. has average daily receipts from the sale of food that are at least [65%] 51% of the total daily receipts of the restaurant; and
4. except as provided in paragraph (5) of this subsection, may not sell for off-premises consumption.

(D) THE BOARD MAY ISSUE:

(1) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF HOLLIDAY STREET IN WARD 3, PRECINCT 3;

(2) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF SOUTH CENTRAL AVENUE IN WARD 3, PRECINCT 3; AND

(3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A CLASS D BEER LICENSE FOR THE AREA IN WARD 24, PRECINCT 5 THAT IS BOUNDED BY EAST FORT AVENUE ON THE NORTH, THE CSX ACCESS WAY ON THE EAST, EAST MCCOMAS STREET ON THE SOUTH, AND WHETSTONE WAY ON THE WEST.

(E) A CLASS D BEER LICENSE MAY BE TRANSFERRED INTO THE AREA SPECIFIED UNDER SUBSECTION (D)(3) OF THIS SECTION IF ORIGINALLY ISSUED FOR ANOTHER AREA.

[(d)] (F) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:

(1) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

(2) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

(3) (i) ward 1, precinct 4 or 5;

(ii) ward 23, precinct 1; and

(iii) ward 24, precinct 5; and

(4) the area known as Pen Lucy, ward 9, precincts 1 and 2.

[(e)] (G) (1) Except as provided in paragraph (2) of this subsection, the Board may not issue a license for:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) The Board may issue not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if the Board:

(i) has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under this paragraph and seeks to renew or transfer the license.

12-1605.

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th Legislative District, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class B beer and wine license outside the 46th Legislative District;

(ii) a Class B beer, wine, and liquor license outside the 46th Legislative District;

(iii) a Class C beer and wine license; and

(iv) a Class C beer, wine, and liquor license.

(3) A license for use in a building that is within 300 feet of the grounds of a place of worship or school may be renewed or extended for the same building.

(4) (i) This paragraph applies only to an area bounded by:

1. High Street on the west, [Fawn] **PRATT** Street on the north, Central Avenue on the east, and Eastern Avenue on the south; [or]

2. West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south; **OR**

3. HOLLIDAY STREET ON THE WEST, SARATOGA STREET ON THE NORTH, GAY STREET ON THE EAST, AND LEXINGTON STREET ON THE SOUTH.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph if:

1. the application is approved by:

A. each community association representing the area;

B. each business association in the area; and

C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and

2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

SECTION 2. AND BE IT FURTHER ENACTED, That all alcoholic beverages licenses issued by the Baltimore City Board of Liquor License Commissioners that are due to expire on April 30, 2016:

(1) will expire instead on May 31, 2016; and

(2) if renewed, will expire on April 30, 2017.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2016.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by

three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.