Article - Alcoholic Beverages

§9–204.1.

(a) In this section, "Board" means the Board of Liquor License Commissioners for Baltimore City.

(b) This section applies only in Baltimore City.

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

(d) (1) Except as provided in paragraph (2) of this subsection, new licenses for the sale of alcoholic beverages may not be issued in the following areas:

(i) The 40th alcoholic beverages district (entire district);

(ii) The 41st alcoholic beverages district (entire district);

(iii) The 43rd alcoholic beverages district (entire district);

(iv) The 44th alcoholic beverages district (entire district);

(v) The 45th alcoholic beverages district (entire district); and

(vi) The 46th alcoholic beverages district (entire district).

(2) The Board may issue:

(i) Special 1–day licenses;

(ii) Class B beer, wine and liquor restaurant licenses to bona fide restaurants having:

1. A minimum capital investment, not including the cost of land and buildings, of $200,000 for restaurant facilities except in the 46th alcoholic beverages district;

2. A minimum seating capacity of 75 persons; and

3. Additional requirements for Class B beer, wine and liquor licenses issued in the 46th alcoholic beverages district as provided in § 6–201(d) of this article;

(iii) A Class C beer, wine and liquor license in the 45th alcoholic beverages district; or

(iv) A Class C beer, wine and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district.

(3) Notwithstanding paragraph (2) of this subsection, new Class B beer, wine and liquor restaurant licenses may not be issued:

(i) In the 46th alcoholic beverages district, 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;

(ii) In the 46th alcoholic beverages district, 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;

(iii) In the 46th alcoholic beverages district, ward 23, precinct 1, ward 1, precinct 4 or 5, and ward 24, precinct 5; and

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

(e) (1) Except as provided in paragraph (2) of this subsection, licenses for the sale of alcoholic beverages of any class may not be transferred into the areas covered by this section.

(2) (i) A licensed drugstore may transfer the license into the 45th alcoholic beverages district.

(ii) One Class B–D–7 license issued for a property surrounded by West Preston Street on the north, Morton Street on the east, West Biddle Street on the south, and Maryland Avenue on the west may be transferred to a property surrounded by West Eager Street and East Eager Street on the north, Lovegrove Street on the east, West Read Street and East Read Street on the south, and Morton Street on the west.

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

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

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

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

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004, if the restaurant has a minimum capital

investment of $700,000, a seating capacity that exceeds 75 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off–premises consumption; and

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

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the Board may not issue an alcoholic beverages license or transfer a license into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24, precinct 5.

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

(iii) 1. Subject to subsubparagraph 2 of this subparagraph, and notwithstanding any other provision of law, the Board may issue or allow the transfer of no 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.

2. The Board may issue or allow the transfer of a license into the area described in subsubparagraph 1 of this subparagraph only if:

A. The Board has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the proposed establishment; and

B. The Board enforces the memorandum of understanding against any license holder that obtains a license under subsubparagraph 1 of this subparagraph and seeks to renew or transfer the license.

3. The Board may not allow a license to be transferred out of the area described in subsubparagraph 1 of this subparagraph and into any other area of ward 24, precinct 5.

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

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

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

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

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

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

1. Ward 4, precinct 1;

2. Ward 22, precinct 1;

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

4. Subject to subparagraph (iii) of this paragraph, the area bounded as follows: from the intersection of West Ostend Street and Race Street, North on Race Street to Seldner Place, then East on Seldner Place to Clarkson Street, then North on Clarkson Street to West Cross Street, then East on West Cross Street to South Hanover Street, then North on South Hanover Street to Race Street (also known as Winter Street), then West/Southwest on Race Street to West Cross Street, then West on West Cross Street to Leadenhall Street, then South on Leadenhall Street to West Ostend Street, then East on West Ostend Street back to the intersection of West Ostend Street and Race Street.

(iii) For a proposed establishment that is located within 300 feet of the nearest point of a church or school, the Board may issue or allow the transfer of a license into the area described in subparagraph (ii)4 of this paragraph only if:

1. The Board has executed a memorandum of understanding with a community association in the area described in subparagraph (ii)4 of this paragraph regarding the nature of the proposed establishment; and

2. The Board enforces the memorandum of understanding against any license holder that obtains a license under subparagraph (ii)4 of this paragraph and seeks to renew or transfer the license.

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

1. Ward 1, precincts 2 and 3;

2. Ward 2 in its entirety;

3. Ward 3, precinct 3; and

4. Ward 26, precincts 3 and 10.

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

1. A hotel;

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

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

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

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

(g) A Class A (off–sale) or Class D (on– and off–sale) alcoholic beverages license may not be issued within or transferred into the area bounded on the north by 39th Street, then following Ellerslie Avenue, then following Chestnut Hill Avenue, on the east by Loch Raven Boulevard, then following Walpert Avenue, then following Homewood Avenue, on the south by North Avenue, and on the west by Howard Street, then following Art Museum Drive, then following North Charles Street.

(h) (1) The Board may issue a special Class BWL–MZ license for use at a zoo in Druid Hill Park.

(2) The license may be used to sell beer, wine, and liquor for consumption only on the land and in the facilities used by the zoo.

(3) (i) An applicant for a Class BWL–MZ license who has an alcoholic beverages license issued by the Board shall exchange that license for a Class BWL–MZ license.

(ii) The Board shall extinguish the license exchanged by the applicant.

(4) (i) The licensee may designate an agent to sell beer, wine, and liquor at the zoo.

(ii) The agent shall be considered the vendor for collecting and remitting the sales and use tax.

(5) On approval by the Board, beer, wine, and liquor may be sold at the zoo in multiple locations.

(6) The hours of sale for the license are from noon to 11 p.m. every day of the week.

(7) The annual license fee is $500.

(8) The Board may adopt regulations to carry out this section.

(i) (1) Beginning July 1, 2015, an existing Class A license may not be transferred to:

(i) An establishment on York Road in the area bounded by Northern Parkway on the north and Greenmount Avenue on the south; or

(ii) An establishment located in the 400 block of East Belvedere Avenue.

(2) Within the Planned Unit Development for Belvedere Square, as approved by the Mayor and City Council of Baltimore City in Ordinance 84–187, as amended, alcoholic beverages purchased from any licensed establishment located at 511 through 529 East Belvedere Avenue may be consumed:

(i) Within any indoor or outdoor seating area located at 511 through 529 East Belvedere Avenue; and

(ii) While crossing from the south side of East Belvedere Avenue to the north side of East Belvedere Avenue during a permitted special event that results in the closure of East Belvedere Avenue.