

# SENATE BILL 1035

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CF HB 1348

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By: **Senator Ferguson**

Introduced and read first time: February 10, 2017

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – 46th District Alcoholic Beverages Act of 2017**

3 FOR the purpose of authorizing the Board to issue a Class B beer, wine, and liquor license  
4 for a restaurant in the area that is commonly known as Port Covington; specifying  
5 the boundaries of the area; requiring that the restaurant meet certain seating,  
6 capital investment, and food sales standards; authorizing the Board to issue a  
7 certain number of Class B licenses for use by establishments in certain areas;  
8 prohibiting the licenses from being transferred; and generally relating to alcoholic  
9 beverages licenses issued in Baltimore City.

10 BY repealing and reenacting, without amendments,  
11 Article – Alcoholic Beverages  
12 Section 12–102, 12–1102(a), and 12–1604(b)  
13 Annotated Code of Maryland  
14 (2016 Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Alcoholic Beverages  
17 Section 12–1604(c) and (g)  
18 Annotated Code of Maryland  
19 (2016 Volume and 2016 Supplement)

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

22 **Article – Alcoholic Beverages**

23 12–102.

24 This title applies only in Baltimore City.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-1102.

2 (a) The Board may issue a refillable container permit for draft beer to a holder of  
3 any class of license except a Class C license or a Class M-G license.

4 12-1604.

5 (b) Except as provided in subsection (c) of this section, the Board may not issue a  
6 new license in the 46th alcoholic beverages district.

7 (c) (1) The Board may issue:

8 (i) a 1-day license; and

9 (ii) except as provided in paragraph (2) of this subsection, and  
10 subject to paragraphs (3) and (4) of this subsection, a Class B beer, wine, and liquor license  
11 for use by a restaurant if the average daily receipts from the sale of food are at least 51%  
12 of the total daily receipts of the restaurant.

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

14 (i) for a restaurant in ward 26, precinct 8, ward 4, precinct 1, or  
15 ward 3, precinct 3 that has:

16 1. seating for more than 150 individuals;

17 2. a minimum capital investment of \$700,000; and

18 3. subject to paragraph (3) of this subsection, average daily  
19 receipts from the sale of food that are at least 65% of the total daily receipts of the  
20 restaurant;

21 (ii) for a restaurant in ward 4, precinct 1, or ward 22, precinct 1, if  
22 the restaurant has:

23 1. seating for more than 75 individuals;

24 2. a minimum capital investment of \$700,000;

25 3. average daily receipts from the sale of food that are at  
26 least 65% of the total daily receipts of the restaurant; and

27 4. except as provided in paragraph (5) of this subsection, no  
28 sales for off-premises consumption;

1 (iii) for not more than three restaurants in a residential planned unit  
2 development for Silo Point as approved by the Mayor and City Council of Baltimore City in  
3 Ordinance 04-697 on June 23, 2004, if each restaurant has:

- 4 1. a minimum capital investment of \$700,000;
- 5 2. seating for more than 75 individuals;
- 6 3. average daily receipts from the sale of food that are at  
7 least 65% of the total daily receipts of the restaurant; and
- 8 4. except as provided in paragraph (5) of this subsection, no  
9 sales for off-premises consumption; [and]

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

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

19 (v) FOR A RESTAURANT IN THE AREA THAT IS COMMONLY  
20 KNOWN AS PORT COVINGTON, BOUNDED ON THE NORTH BY INTERSTATE 95, ON THE  
21 EAST BY THE SOUTH LOCUST POINT TERMINAL, AND ON THE SOUTH AND WEST BY  
22 THE PATAPSCO RIVER, AND THAT HAS:

- 23 1. SEATING FOR MORE THAN 150 INDIVIDUALS;
- 24 2. A MINIMUM CAPITAL INVESTMENT OF \$700,000; AND
- 25 3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,  
26 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 60% OF  
27 THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.

28 (3) When a license is renewed, the license holder shall file with the Board  
29 a statement of average daily receipts and an affidavit of a licensed certified public  
30 accountant that verify that the license holder has met the requirement under paragraph  
31 (1)(i) or (2)(i)3 OR (v)3 of this subsection.

1           (4)   (i)    A license may not be issued under paragraph (1)(ii) of this  
2 subsection for use in an establishment that is a fast-food-style restaurant.

3                   (ii)   A license issued under paragraph (1)(ii) of this subsection may  
4 not be transferred from the location of its first issuance.

5           (5)    A license specified under this subsection, including a license that does  
6 not allow sales for off-premises consumption, may include an off-sale privilege for sales of  
7 refillable containers under a refillable container license issued in accordance with §  
8 12-1102 of this title.

9           (g)    (1)    Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of  
10 this subsection, the Board may not issue a license for:

11                   (i)    ward 1, precincts 4 and 5;

12                   (ii)   ward 23, precinct 1; or

13                   (iii)   ward 24, precinct 5.

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

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

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

23                   **(3)    (I)    THE BOARD MAY ISSUE NOT MORE THAN A COMBINED**  
24 **TOTAL OF FIVE CLASS B BEER, WINE, AND LIQUOR LICENSES FOR USE BY**  
25 **ESTABLISHMENTS ON THE NORTH SIDE OF THE 900 BLOCK OF EAST FORT AVENUE**  
26 **AND ON THE WEST SIDE OF THE 1400 BLOCK OF LAWRENCE STREET.**

27                   **(II)   A LICENSE ISSUED FOR AN ESTABLISHMENT IN THESE**  
28 **AREAS MAY NOT BE TRANSFERRED TO ANOTHER ESTABLISHMENT.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
30 1, 2017.