

Chapter 389

(House Bill 954)

AN ACT concerning

Baltimore City – ~~45th District~~ – Alcoholic Beverages – ~~Exchange of Class B and Class C Beer, Wine, and Liquor License Licenses~~

FOR the purpose of authorizing a Class B beer, wine, and liquor license holder in a certain legislative district to exchange the license for a Class B–D–7 beer, wine, and liquor license if the licensed premises is in an area bounded by certain streets and an applicant executes a memorandum of understanding with a certain community association; providing that a certain license holder is authorized to provide outdoor table service; authorizing the Board of License Commissioners for Baltimore City to make issuance or renewal of a certain license conditional on the substantial compliance of applicants entered into a certain memorandum of understanding; specifying certain hours of sale for a holder of a Class B–D–7 beer, wine, and liquor license in a certain area of Baltimore City; prohibiting the hours of sale for a license holder in a certain area from beginning before or ending after certain times; authorizing the Board to issue a Class C beer, wine, and liquor license to a club in a certain area in Baltimore City under certain circumstances; prohibiting the hours of sale for a Class B–D–7 beer, wine, and liquor license from being extended under certain conditions; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 12–102, 12–903(a), (b), and (e), ~~and 12–905(a), (b), and (d) through (d)(1) and (2), (e), and (f), and 12–906~~

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 12–903(f) and 12–905(d)(3)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 12–905(c) ~~and~~, 12–1406, 12–1603(c), and 12–2005(c)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

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.

12–903.

(a) There is a Class B beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at the place described in the license, for on– or off–premises consumption.

(e) (1) The annual license fees are:

(i) \$1,320 for a licensed premises with a seating capacity of not more than 200 individuals; and

(ii) \$1,800 for a licensed premises with a seating capacity of more than 200 individuals.

(2) In addition, the license holder annually shall pay:

(i) \$500, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

(F) IN THE 45TH LEGISLATIVE DISTRICT, A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY BE EXCHANGED FOR A CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE IF:

(1) THE LICENSED PREMISES IS IN AN AREA BOUNDED BY THE UNIT BLOCK OF WEST PRESTON STREET, THE 1200 BLOCK OF NORTH CHARLES STREET, THE 1200 BLOCK OF MORTON STREET, AND THE UNIT BLOCK OF WEST BIDDLE STREET; AND

(2) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE MOUNT VERNON–BELVEDERE IMPROVEMENT ASSOCIATION.

12–905.

(a) There is a Class B–D–7 beer, wine, and liquor license.

(b) (1) The Board may issue a Class B–D–7 license if the Board determines that the license is reasonably necessary for the convenience of the public.

(2) In making the determination, the Board shall consider the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(2) THE HOLDER OF A LICENSE EXCHANGED IN ACCORDANCE WITH § 12–903 OF THIS SUBTITLE IS AUTHORIZED TO PROVIDE OUTDOOR TABLE SERVICE.

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days set out under § 12–2004(c) of this title.

(2) The hours of sale for a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue are from 9 a.m. to 9 p.m.

(3) THE HOURS OF SALE ARE FROM 9 A.M. TO 10 P.M. FOR A LICENSE HOLDER IN AN AREA BOUNDED ON THE NORTH BY NORTH AVENUE, ON THE WEST BY CENTRAL AVENUE AND HARFORD AVENUE, ON THE SOUTH BY MONUMENT STREET AS IT RUNS FROM NORTH CENTRAL AVENUE TO NORTH WOLFE STREET AND MCELDERRY STREET AS IT RUNS FROM NORTH WOLFE STREET TO LUZERNE AVENUE, AND ON THE EAST BY LUZERNE AVENUE AS IT RUNS FROM MONUMENT STREET TO FEDERAL STREET, THEN BY ROSE STREET AS IT RUNS FROM FEDERAL STREET TO NORTH AVENUE.

(e) The Board shall adopt regulations to determine the manner of operation of a licensed premises.

(f) The annual license fee is \$1,320.

12–906.

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

(b) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on–premises consumption.

(c) The annual license fee is \$550.

12–1406.

(a) In this section, “community association” means:

(1) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a community within which a nuisance is located;

(ii) operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

(iii) exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

(2) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located;

(ii) operated for the promotion of the welfare, improvement, and enhancement of that community; and

(iii) in good standing with the State Department of Assessments and Taxation.

(b) If a community association and an applicant for the issuance or renewal of a Class B, **B-D-7**, or D alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article, the Board may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.

(c) The existence of a memorandum of understanding does not affect any requirement of any individuals to file a protest under § 4-406 of this article or a complaint under § 4-603 of this article.

12-1603.

(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;

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

(4) 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;

(5) IF THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE CHARLES NORTH COMMUNITY ASSOCIATION, A CLASS C BEER, WINE, AND LIQUOR LICENSE TO A CLUB IN THE AREA BOUNDED BY NORTH CHARLES STREET ON THE WEST, EAST LAFAYETTE AVENUE ON THE NORTH, NORTH LOVEGROVE STREET ON THE EAST, AND EAST LANVALE STREET ON THE SOUTH IN THE 45TH ALCOHOLIC BEVERAGES DISTRICT;

(6) a Class B-D-7 license in the unit block of West North Avenue in the 45th alcoholic beverages district;

~~[(6)]~~ (7) two Class B-D-7 licenses in the 2100 block of North Charles Street in the 43rd alcoholic beverages district;

~~[(7)]~~ (8) two Class B-D-7 licenses in the 2100 block of Maryland Avenue in the 43rd alcoholic beverages district; and

~~[(8)]~~ (9) subject to the requirements under subsection (e) of this section, four Class B-D-7 licenses in the 43rd alcoholic beverages district.

12-2005.

(c) (1) This subsection does not apply to:

(i) a Class B beer and light wine license;

(ii) a Class B beer, wine, and liquor license;

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

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

(2) For a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

(3) FOR A LICENSE HOLDER IN AN AREA BOUNDED ON THE NORTH BY NORTH AVENUE, ON THE WEST BY CENTRAL AVENUE AND HARFORD AVENUE, ON THE SOUTH BY MONUMENT STREET AS IT RUNS FROM NORTH CENTRAL AVENUE TO NORTH WOLFE STREET AND McELDERRY STREET AS IT RUNS FROM NORTH WOLFE STREET TO LUZERNE AVENUE, AND ON THE EAST BY LUZERNE AVENUE AS IT RUNS FROM MONUMENT STREET TO FEDERAL STREET, THEN BY ROSE STREET AS IT RUNS FROM FEDERAL STREET TO NORTH AVENUE, THE HOURS OF SALE:

(I) MAY NOT BEGIN BEFORE 9 A.M. OR END AFTER 10 P.M.; AND

(II) MAY NOT BE EXTENDED IF THEY BEGIN LATER THAN 9 A.M. OR END BEFORE 10 P.M.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.