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**By: Delegates Frank, Finifter, and Morhaim**

Introduced and read first time: February 23, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages**  
3 **(Owings Mills Town Center)**

4 FOR the purpose of providing that in Baltimore County a certain number of alcoholic  
5 beverages licenses may be transferred from District 15 into the Owings Mills Town  
6 Center; providing for the terms and conditions of the licenses and transfers;  
7 providing for the abrogation of this Act; and generally relating to alcoholic  
8 beverages in Baltimore County.

9 BY adding to

10 Article 2B - Alcoholic Beverages  
11 Section 8-204.4  
12 Annotated Code of Maryland  
13 (1994 Replacement Volume and 1995 Supplement)

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

16 **Article 2B - Alcoholic Beverages**

17 8-204.4.

18 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

19 (B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA  
20 LIMITATIONS AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE  
21 UNDER THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE FOUR  
22 CLASS B (OMTC) RESTAURANT BEER, WINE AND LIQUOR (ON-SALE) LICENSES  
23 BEFORE OCTOBER 1, 2002, FOR USE IN THE OWINGS MILLS TOWN CENTER, AS  
24 DEFINED IN THE BALTIMORE COUNTY MASTER PLAN, IN ACCORDANCE WITH  
25 SUBSECTION (C) OF THIS SECTION.

26 (2) EACH LICENSE ISSUED UNDER THIS SECTION BY THE BOARD OF  
27 LICENSE COMMISSIONERS SHALL BE CONSIDERED AS A REGULAR LICENSE AND NOT  
28 AN EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF  
29 LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED UPON THE BOARD'S RULE  
30 LIMITING THE TOTAL LICENSES AVAILABLE BY POPULATION.

1 (C) (1) EXCEPT FOR CLASS C LICENSES, SIX OF ANY CLASS BEER, WINE AND  
2 LIQUOR (ON-SALE) RETAIL LICENSES IN EXISTENCE IN DISTRICT 15 ON OCTOBER 1,  
3 1996, MAY BE TRANSFERRED INTO THE "OWINGS MILLS TOWN CENTER" AND  
4 CONVERTED INTO CLASS B (OMTC) LICENSES.

5 (2) UPON TRANSFER, THE TRANSFERRED LICENSE MAY NOT BE  
6 CONSIDERED TO BE A LICENSE IN THE ELECTION DISTRICT FROM WHICH IT WAS  
7 TRANSFERRED.

8 (D) THE RESTRICTIONS AND QUALIFICATIONS FOR ISSUANCE, FEE, MINIMUM  
9 SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND  
10 CONSUMPTION, AND DAYS AND HOURS OF SALE UNDER A CLASS B (OMTC)  
11 RESTAURANT BEER, WINE AND LIQUOR (ON-SALE) LICENSE ARE THE SAME AS  
12 PROVIDED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD OF LICENSE  
13 COMMISSIONERS FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND  
14 RESTAURANT LICENSE, WITH THE FOLLOWING ADDITIONAL REQUIREMENTS:

15 (1) THE LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE  
16 "OWINGS MILLS TOWN CENTER", AS DEFINED IN THE BALTIMORE COUNTY MASTER  
17 PLAN AS OF OCTOBER 1, 1996;

18 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE  
19 OPERATION OF A "RESTAURANT", AS DEFINED IN THE REGULATIONS OF THE  
20 BOARD OF LICENSE COMMISSIONERS;

21 (3) THE RESTAURANT OPERATION SHALL INCLUDE NOT LESS THAN 70%  
22 FOOD SALES IN CONNECTION WITH THE BUSINESS;

23 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED  
24 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES  
25 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;  
26 AND

27 (5) SUBJECT TO SUBSECTIONS (D) AND (H) OF THIS SECTION, THE  
28 HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE  
29 EXERCISED MAY NOT EXCEED THE HOURS IN WHICH FOOD IS OFFERED FOR SALE.

30 (E) THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY.

31 (F) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING  
32 REGULATIONS.

33 (G) ONCE ISSUED, THE LICENSE MAY NOT BE:

34 (1) TRANSFERRED TO A NEW LOCATION OUTSIDE THE STRUCTURE OF  
35 ORIGINAL LOCATION ISSUANCE; AND

36 (2) CONVERTED TO ANY OTHER CLASS OF LICENSE.

37 (H) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS  
38 SECTION, ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY  
39 UNTIL 1:30 A.M.

1           SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
2 that permit the transfer of any class beer, wine and liquor (on-sale) retail licenses into the  
3 "Owings Mills Town Center" in Baltimore County and the conversion of those licenses  
4 into Class B (OMTC) licenses shall remain effective for a period of 4 years and, at the  
5 end of September 30, 2002, with no further action by the General Assembly, those  
6 provisions shall be abrogated and of no further force and effect.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1996.