
By: Delegates Frank, Finifter, and Morhaim
Introduced and read first time: February 23, 1996
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 1996

CHAPTER ____

1 AN ACT concerning

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

4 [TAG ftpo]FOR the purpose of providing that ~~in~~ the Board of License Commissioners for Baltimore
5 County may authorize the transfer of a certain number of alcoholic beverages
6 licenses ~~may be transferred~~ from District 15 into the Owings Mills TownCenter;
7 providing for the terms and conditions of the licenses and transfers; providing for
8 the abrogation of this Act; and generally relating to alcoholic beverages licenses in
9 Baltimore County.

10 BY adding to

- 11 Article 2B - Alcoholic Beverages
- 12 Section 8-204.4
- 13 Annotated Code of Maryland
- 14 (1994 Replacement Volume and 1995 Supplement)

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

17 **Article 2B - Alcoholic Beverages**

18 8-204.4.

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

20 (B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA
21 LIMITATIONS AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE
22 UNDER THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY ~~ISSUE FOUR~~
23 ~~CLASS B (OMTC) RESTAURANT BEER, WINE AND LIQUOR (ON SALE) LICENSES~~
24 ~~BEFORE OCTOBER 1, 2002, FOR USE IN THE OWINGS MILLS TOWN CENTER, AS~~

1 ~~DEFINED IN THE BALTIMORE COUNTY MASTER PLAN, IN ACCORDANCE WITH~~
2 ~~SUBSECTION (C) OF THIS SECTION.~~

3 ~~(2) EACH LICENSE ISSUED UNDER THIS SECTION BY THE BOARD OF~~
4 ~~LICENSE COMMISSIONERS SHALL BE CONSIDERED AS A REGULAR LICENSE AND NOT~~
5 ~~AN EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF~~
6 ~~LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED UPON THE BOARD'S RULE~~
7 ~~LIMITING THE TOTAL LICENSES AVAILABLE BY POPULATION.~~

8 ~~(C) (1) EXCEPT FOR CLASS C LICENSES, SIX OF ANY CLASS BEER, WINE AND~~
9 ~~LIQUOR (ON-SALE) RETAIL LICENSES IN EXISTENCE IN DISTRICT 15 ON OCTOBER 1,~~
10 ~~1996, MAY BE TRANSFERRED INTO THE "OWINGS MILLS TOWN CENTER" AND~~
11 ~~CONVERTED INTO CLASS B (OMTC) LICENSES.~~

12 ~~(2) UPON TRANSFER, THE TRANSFERRED LICENSE MAY NOT BE~~
13 ~~CONSIDERED TO BE A LICENSE IN THE ELECTION DISTRICT FROM WHICH IT WAS~~
14 ~~TRANSFERRED.~~

15 ~~(D) AUTHORIZE THE TRANSFER OF FOUR BEER, WINE, AND LIQUOR~~
16 ~~(ON-SALE) RETAIL LICENSES IN EXISTENCE IN ELECTION DISTRICT 15 ON OCTOBER~~
17 ~~1, 1996, AND VALID ON THE DATE OF TRANSFER INTO THE "OWINGS MILLS TOWN~~
18 ~~CENTER" AS DEFINED BY THE BALTIMORE COUNTY MASTER PLAN.~~

19 (2) A LICENSE TRANSFERRED UNDER THIS SECTION:

20 (I) MAY NOT BE A CLASS A OR CLASS C LICENSE OR A LICENSE
21 THAT IS PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION;

22 (II) SHALL BE CONSIDERED A REGULAR LICENSE AND NOT AN
23 EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF
24 LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE
25 BOARD OF LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF
26 LICENSES AVAILABLE BY POPULATION;

27 (III) SHALL BE CONVERTED INTO A CLASS B (OMTC) LICENSE; AND

28 (IV) AS OF THE DATE OF TRANSFER, MAY NOT BE CONSIDERED TO
29 EXIST IN ELECTION DISTRICT 15.

30 (C) THE RESTRICTIONS AND QUALIFICATIONS FOR ISSUANCE, FEE, MINIMUM
31 SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND
32 CONSUMPTION, AND DAYS AND HOURS OF SALE UNDER A CLASS B (OMTC)
33 RESTAURANT BEER, WINE AND LIQUOR (ON-SALE) LICENSE ARE THE SAME AS
34 PROVIDED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD OF LICENSE
35 COMMISSIONERS FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND
36 RESTAURANT LICENSE, WITH THE FOLLOWING ADDITIONAL REQUIREMENTS:

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

3

1 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE
2 OPERATION OF A "RESTAURANT", AS DEFINED IN THIS ARTICLE AND IN THE
3 REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS;

4 (3) THE RESTAURANT OPERATION SHALL ~~INCLUDE NOT LESS THAN 70%~~
5 ~~FOOD SALES IN CONNECTION WITH THE BUSINESS~~ MAINTAIN AVERAGE DAILY
6 RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 70% OF THE TOTAL DAILY
7 RECEIPTS OF THE ESTABLISHMENT;

8 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED
9 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES
10 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;
11 AND

12 (5) ~~SUBJECT TO SUBSECTIONS (D) AND (H) OF~~ EXCEPT AS OTHERWISE
13 PROVIDED IN THIS SECTION, THE HOURS DURING WHICH THE PRIVILEGES
14 CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS IN
15 WHICH FOOD IS OFFERED FOR SALE.

16 ~~(D)~~ (D) THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY.

17 ~~(E)~~ (E) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE
18 ZONING REGULATIONS.

19 ~~(G)~~ (F) ONCE ISSUED, THE LICENSE MAY NOT BE:

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

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

23 ~~(H)~~ (G) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS
24 SECTION, ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY
25 UNTIL 1:30 A.M.

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

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

