

EMERGENCY BILL

(PRE-FILED)

A2
SB 354/92 - EEA

6lr0682

By: Senator Sfikas

Requested: October 25, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages**
3 **(Class C Beer, Wine and Liquor Licenses)**

4 FOR the purpose of exempting Class C beer, wine and liquor club licenses issued in
5 certain areas of Baltimore City from certain provisions generally relating to the
6 issuance and transfer of licenses for the sale of alcoholic beverages in Baltimore
7 City; setting a limitation on the effectiveness of this Act; and making this Act an
8 emergency measure.

9 BY repealing and reenacting, with amendments,
10 Article 2B - Alcoholic Beverages
11 Section 9-204.1
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 9-204.1.

18 (a) New licenses for the sale of alcoholic beverages may not be issued in:

19 (1) The 11th through 21st precincts of the 25th ward of Baltimore City. This
20 area includes the following communities:

- 21 Brooklyn
- 22 Cherry Hill
- 23 Curtis Bay
- 24 Fairfield
- 25 Hawkin's Point
- 26 Wagner's Point

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1 (2) The 1st through 4th precincts and the 19th through 25th precincts of the
2 13th ward of Baltimore City. This area includes the communities of Hampden and
3 Medfield.

4 (3) The 10th, 11th, 15th, 16th, 17th, 21st, 22nd, 23rd, 24th, 26th, 27th, 34th,
5 35th, and 36th precincts of the 27th ward of Baltimore City. This area includes the
6 community of Hamilton.

7 (4) The 46th alcoholic beverages district of Baltimore City consisting of:

8 Baltimore City wards 1 and 2;

9 Ward 3, precinct 3 and part of precinct 1;

10 Ward 6, precincts 1, 6, and 7;

11 Ward 7, precincts 8 and 9; and

12 Ward 26, precincts 1 through 33 and 47 through 51.

13 (5) The following areas of Baltimore City: the 5th and 7th precincts of the
14 12th ward; the 6th through the 18th precincts of the 13th ward; the 10th, and 17th through
15 the 24th, the 26th and 27th, the 31st through the 42nd, and the 44th and 45th precincts of
16 the 15th ward; the 6th and 7th precincts of the 16th ward; and the 92nd through the 99th
17 precincts of the 27th ward.

18 (6) The Pen Lucy precincts which include:

19 (i) Ward 9, precincts 1 and 2; and

20 (ii) Ward 27, precincts 52 and 53.

21 (7) The 41st alcoholic beverages district which consists of the following
22 areas in Baltimore City:

23 (i) Ward 15, precincts 1 through 9, inclusive, 11 through 16, inclusive,
24 and 43;

25 (ii) Ward 16, precincts 5 and 8 through 12, inclusive;

26 (iii) Ward 20, precincts 4 through 14, inclusive; and

27 (iv) Ward 28, precincts 4, 5, 6, 10, 11, 12, and 17.

28 (8) The 39th alcoholic beverages district, as defined in subsection (d) of this
29 section, except for the following areas:

30 (i) Ward 4, precincts 1 and 2;

31 (ii) The portion of ward 21, precinct 1 east of Greene Street;

32 (iii) The portion of ward 22, precinct 1 west of South Howard Street;

33 (iv) The portion of ward 22, precinct 1, bounded by Conway Street
34 running east from South Howard Street to South Charles Street; South Charles Street
35 running south from that point to Hughes Street; Hughes Street running east from that

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1 point into Key Highway; Key Highway running from that point east and then south to the
2 precinct boundary; the precinct boundary running from that point east to the harbor
3 shoreline, then generally north along the shoreline, northwest from the shoreline to Pratt
4 Street, and then west along Pratt Street to South Howard Street; and south along Howard
5 Street from that point to Conway Street;

6 (v) The portion of ward 11, precincts 6 and 9, bounded by Centre
7 Street on the north, Guilford Avenue on the east, the southern boundary of ward 11 on
8 the south, and Eutaw Street on the west; and

9 (vi) The portion of ward 17, precinct 1, south of West Franklin Street.

10 (b) Licenses for the sale of alcoholic beverages of any class may not be transferred
11 into the areas of Baltimore City covered by this section.

12 (c) (1) Except as provided in subsection (h) of this section, the prohibitions in
13 this section do not apply to special 1-day licenses or to Class B beer, wine and liquor
14 restaurant licenses to bona fide restaurants having:

15 (i) A minimum capital investment, not including the cost of land and
16 building, of:

17 1. \$250,000 for restaurant facilities in the 47th alcoholic
18 beverages district of Baltimore City which consists of:

19 A. Wards 23, 24, and 25 in their entirety;

20 B. Ward 19, precincts 3, 4, and 5;

21 C. Ward 20, precincts 19 and 20;

22 D. Ward 21, precincts 2 and 3; and

23 E. Ward 21, that part of precinct 1 that lies south and west of a
24 line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
25 Street; or

26 2. \$200,000 for restaurant facilities in the remainder of
27 Baltimore City; and

28 (ii) A minimum seating capacity of 75 persons.

29 (2) Additional Baltimore City license privileges for Class B beer, wine and
30 liquor licenses issued in the 47th alcoholic beverages district in Baltimore City are as
31 provided in § 6-201(d) of this article.

32 (d) (1) The license provisions in this subsection apply to the 39th alcoholic
33 beverages district, which are the following defined areas in Baltimore City:

34 (i) Wards 4, 17, 18, and 22 in their entirety;

35 (ii) Ward 3, precinct 2;

36 (iii) Ward 3, that part of precinct 1 that is north of a line running along
37 the center of Bank Street from Central Avenue to Broadway;

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1 (iv) Ward 5, that part of precinct 1 that is west of a line running along
2 the center of Central Avenue from Orleans Street to Fayette Street;

3 (v) Ward 26, precincts 38 through 45, inclusive; and

4 (vi) Ward 27, precincts 8 through 40, inclusive, and 58 through 77,
5 inclusive.

6 (2) Notwithstanding any other provision of this section or any regulation of
7 the Board of License Commissioners of Baltimore City, a Class B beer and wine license
8 may be issued in or transferred into the 43rd alcoholic beverages district or the 39th
9 alcoholic beverages district for use in conjunction with a retail seafood facility that is a
10 permanent bona fide raw bar.

11 (3) If a license issued under this subsection is issued in or transferred into
12 the 43rd alcoholic beverages district or the 39th alcoholic beverages district, the license
13 may not be transferred to any other location.

14 (e) Notwithstanding any other provision of law to the contrary, a license for the
15 sale of alcoholic beverages may not be transferred from any ward located within the 46th
16 legislative district into Ward 2 (Fells Point) of the same legislative district.

17 (f) (1) Except as provided in paragraph (2) of this subsection, a license of any
18 class for the sale of alcoholic beverages may not be transferred into, or transferred to a
19 different location within, the 3rd and 4th precincts of the 16th ward of the 39th alcoholic
20 beverages district located in Baltimore City.

21 (2) This subsection does not apply to:

22 (i) Class C licenses;

23 (ii) Class B (on-sale) hotel and restaurant licenses;

24 (iii) Class A (off-sale) licenses;

25 (iv) A licensed premises, if the land on which the licensed premises
26 exists is taken by right of eminent domain; or

27 (v) A holder of any class of license whose licensed premises are
28 destroyed by an act of God if:

29 1. The premises are declared by the Baltimore City Alcoholic
30 Beverages Board of License Commissioners to be unusable for purposes of the license;
31 and

32 2. The holder has not been cited for any license violation within
33 a 2-year period prior to the date the Board declares the licensed premises unusable.

34 (g) Notwithstanding any other provision of law to the contrary, a license for the
35 sale of alcoholic beverages may not be transferred into the 47th alcoholic beverages
36 district of Baltimore City, which is as follows:

37 (1) Wards 23, 24, and 25 in their entirety;

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1 (2) Ward 19, precincts 3, 4, and 5;

2 (3) Ward 20, precincts 19 and 20;

3 (4) Ward 21, precincts 2 and 3; and

4 (5) Ward 21, that part of precinct 1 that lies south and west of a line that
5 runs along the center of Harbor City Boulevard from Eutaw Street to Pratt Street.

6 (h) The exception for the issuance of Class B beer, wine and liquor restaurant
7 licenses provided for in subsection (c) of this section does not apply to the Pen Lucy
8 precincts as described under subsection (a) of this section.

9 (i) The Board of License Commissioners of Baltimore City may not issue any new
10 Class A (off-sale) or Class D (on- and off-sale) alcoholic beverages licenses within or
11 transfer any Class A (off-sale) or Class D (on- and off-sale) alcoholic beverages licenses
12 into the area bounded on the north by 39th Street then following Ellerslie Avenue, then
13 following Chestnut Hill Avenue, on the east by Loch Raven Boulevard then following
14 Walpert Avenue and then following Homewood Avenue, on the south by North Avenue,
15 and on the west by Howard Street, then following Art Museum Drive, then following
16 North Charles Street.

17 (J) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY UNTIL APRIL 15,
18 1997.

19 (2) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO CLASS C
20 BEER, WINE AND LIQUOR CLUB LICENSES ISSUED IN THE 1ST PRECINCT OF THE 26TH
21 WARD OF BALTIMORE CITY.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
23 measure, is necessary for the immediate preservation of the public health and safety, has
24 been passed by a ye and nay vote supported by three-fifths of all the members elected to
25 each of the two Houses of the General Assembly, and shall take effect from the date it is
26 enacted.