

SB 354/92 - EEA

By: ~~Senator Sfikas~~ Senators Sfikas and Bromwell

Requested: October 25, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 1996

CHAPTER ____

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 to
5 certain organizations in certain areas of Baltimore City from certain provisions
6 generally relating to the issuance and transfer of licenses for the sale of alcoholic
7 beverages in Baltimore City; setting a limitation on the effectiveness of this Act; and
8 making this Act an 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

2

1 Cherry Hill

2 Curtis Bay

3 Fairfield

4 Hawkin's Point

5 Wagner's Point

6 (2) The 1st through 4th precincts and the 19th through 25th precincts of the
7 13th ward of Baltimore City. This area includes the communities of Hampden and
8 Medfield.

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

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

13 Baltimore City wards 1 and 2;

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

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

16 Ward 7, precincts 8 and 9; and

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

18 (5) The following areas of Baltimore City: the 5th and 7th precincts of the
19 12th ward; the 6th through the 18th precincts of the 13th ward; the 10th, and 17th through
20 the 24th, the 26th and 27th, the 31st through the 42nd, and the 44th and 45th precincts of
21 the 15th ward; the 6th and 7th precincts of the 16th ward; and the 92nd through the 99th
22 precincts of the 27th ward.

23 (6) The Pen Lucy precincts which include:

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

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

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

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

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

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

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

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

3

- 1 (i) Ward 4, precincts 1 and 2;
- 2 (ii) The portion of ward 21, precinct 1 east of Greene Street;
- 3 (iii) The portion of ward 22, precinct 1 west of South Howard Street;
- 4 (iv) The portion of ward 22, precinct 1, bounded by ConwayStreet
- 5 running east from South Howard Street to South Charles Street; South Charles Street
- 6 running south from that point to Hughes Street; Hughes Street running east from that
- 7 point into Key Highway; Key Highway running from that point east and then south to the
- 8 precinct boundary; the precinct boundary running from that point east to the harbor
- 9 shoreline, then generally north along the shoreline, northwest from the shoreline to Pratt
- 10 Street, and then west along Pratt Street to South Howard Street; and south along Howard
- 11 Street from that point to Conway Street;
- 12 (v) The portion of ward 11, precincts 6 and 9, bounded by Centre
- 13 Street on the north, Guilford Avenue on the east, the southern boundary of ward 11 on
- 14 the south, and Eutaw Street on the west; and
- 15 (vi) The portion of ward 17, precinct 1, south of West Franklin Street.

16 (b) Licenses for the sale of alcoholic beverages of any class may not be transferred

17 into the areas of Baltimore City covered by this section.

18 (c) (1) Except as provided in subsection (h) of this section, the prohibitions in

19 this section do not apply to special 1-day licenses or to Class B beer, wine and liquor

20 restaurant licenses to bona fide restaurants having:

21 (i) A minimum capital investment, not including the cost of land and

22 building, of:

23 1. \$250,000 for restaurant facilities in the 47th alcoholic

24 beverages district of Baltimore City which consists of:

- 25 A. Wards 23, 24, and 25 in their entirety;
- 26 B. Ward 19, precincts 3, 4, and 5;
- 27 C. Ward 20, precincts 19 and 20;
- 28 D. Ward 21, precincts 2 and 3; and
- 29 E. Ward 21, that part of precinct 1 that lies south and west of a
- 30 line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
- 31 Street; or

32 2. \$200,000 for restaurant facilities in the remainder of

33 Baltimore City; and

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

35 (2) Additional Baltimore City license privileges for Class B beer, wine and

36 liquor licenses issued in the 47th alcoholic beverages district in Baltimore City are as

37 provided in § 6-201(d) of this article.

4

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

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

4 (ii) Ward 3, precinct 2;

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

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

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

10 (vi) Ward 27, precincts 8 through 40, inclusive, and 58 through 77,
11 inclusive.

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

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

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

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

27 (2) This subsection does not apply to:

28 (i) Class C licenses;

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

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

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

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

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

5

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

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

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

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

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

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

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

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

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

23 (J) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY UNTIL APRIL 15,
24 1997.

25 (2) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO CLASS C
26 BEER, WINE AND LIQUOR CLUB LICENSES ISSUED IN THE 1ST PRECINCT OF THE 26TH
27 WARD OF BALTIMORE CITY TO AN ORGANIZATION IN WHICH AT LEAST 75% OF THE
28 MEMBERS ARE PAST OR PRESENT MEMBERS OF THE ARMED FORCES OF THE
29 UNITED STATES AND IN WHICH NO PART OF THE ORGANIZATION'S NET EARNINGS
30 INURE TO ANY PRIVATE INDIVIDUAL.

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

