

**By: Senator Sfikas**

Requested: November 6, 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 **(Transferring and Renewing Licenses)**

4 FOR the purpose of prohibiting the transfer of an alcoholic beverages license into or  
5 within certain areas of Baltimore City; establishing certain exceptions; including  
6 certain areas of Baltimore City within a certain exception to certain restrictions on  
7 the issuance and transfer of certain alcoholic beverages licenses; requiring certain  
8 licensees to file certain information with each license renewal application;  
9 authorizing the Board to require a licensee to obtain certain information under  
10 certain circumstances; providing for the application of this Act; and generally  
11 relating to the transfer and renewal of alcoholic beverages licenses in Baltimore  
12 City.

13 BY repealing and reenacting, without amendments,  
14 Article 2B - Alcoholic Beverages  
15 Section 9-204.1(a)(4), (b), and (h)  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article 2B - Alcoholic Beverages  
20 Section 9-204.1(c) and (e) and 10-301(j)  
21 Annotated Code of Maryland  
22 (1994 Replacement Volume and 1995 Supplement)

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

25 **Article 2B - Alcoholic Beverages**

26 9-204.1.

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

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

29 Baltimore City wards 1 and 2;

2

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

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

3 Ward 7, precincts 8 and 9; and

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

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

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

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

12 1. \$250,000 for restaurant facilities in the 47th alcoholic  
13 beverages district of Baltimore City which consists of:

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

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

16 C. Ward 20, precincts 19 and 20;

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

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

21 2. \$200,000 for restaurant facilities in the remainder of  
22 Baltimore City; [and]

23 (ii) A minimum seating capacity of 75 persons; AND

24 (III) IN THE FOLLOWING AREAS OF THE 46TH ALCOHOLIC  
25 BEVERAGES DISTRICT, AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT  
26 ARE AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT:

27 1. WARD 1, PRECINCTS 2, 3, 4, AND 5;

28 2. WARD 2 IN ITS ENTIRETY;

29 3. WARD 3, PRECINCT 3; AND

30 4. WARD 26, PRECINCT 10.

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

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34 (e) (1) [Notwithstanding any other provision of law to the contrary,a] EXCEPT  
35 AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A license for the sale of

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1 alcoholic beverages may not be transferred [from any ward located within] INTO, OR  
2 TRANSFERRED TO A DIFFERENT LOCATION WITHIN THE FOLLOWING AREAS OF the  
3 46th legislative district [into Ward 2 (Fells Point) of the same legislative district]:

4 (I) WARD 1, PRECINCTS 2, 3, 4, AND 5;

5 (II) WARD 2 IN ITS ENTIRETY;

6 (III) WARD 3, PRECINCT 3; AND

7 (IV) WARD 26, PRECINCT 10.

8 (2) THIS SUBSECTION DOES NOT APPLY TO THE TRANSFER OF A  
9 LICENSE TO A DIFFERENT LOCATION WITHIN THE AREAS DESCRIBED IN  
10 PARAGRAPH (1) OF THIS SUBSECTION IF THE LICENSE IS FOR:

11 (I) A HOTEL; OR

12 (II) AN ESTABLISHMENT:

13 1. THAT ACCOMMODATES LESS THAN 150 PERSONS AT ANY  
14 ONE TIME; OR

15 2. IN WHICH THE AVERAGE DAILY RECEIPTS FROM THE  
16 SALE OF FOOD IS AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE  
17 ESTABLISHMENT.

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

21 10-301.

22 (j) (1) In Baltimore City, unless a licensee presents to the Board of Liquor  
23 License Commissioners by June 30 of the respective year, a certificate issued by the  
24 Director of Finance, showing that there are no unpaid taxes on the merchandise, fixtures  
25 and stock of the applicant due to the City of Baltimore or the State of Maryland, the  
26 renewal license shall be immediately suspended without a hearing but thereafter shall be  
27 immediately returned without a hearing upon presentation of such a certificate.

28 (2) (i) Each year, between March 1 and March 31, both inclusive, each  
29 licensee shall file an application for license renewal with the Board.

30 (ii) A license renewal application received by the Board after March  
31 31 may be subject to:

32 1. Rejection; or

33 2. A late charge of \$50 for each day the application is filed late,  
34 not to exceed \$1,500.

35 (3) (I) THIS PARAGRAPH APPLIES ONLY TO A LICENSE THAT IS ISSUED  
36 IN, TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN  
37 THE FOLLOWING AREAS OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT IF THE

4  
1 APPLICATION FOR THE ISSUANCE OR TRANSFER WAS RECEIVED BY THE BOARD OF  
2 LICENSE COMMISSIONERS AFTER DECEMBER 31, 1995:

3                                   1. WARD 1, PRECINCTS 2, 3, 4, AND 5;

4                                   2. WARD 2, IN ITS ENTIRETY;

5                                   3. WARD 3, PRECINCT 3; AND

6                                   4. WARD 26, PRECINCT 10.

7                                   (II) A LICENSEE SHALL FILE WITH EACH LICENSE RENEWAL  
8 APPLICATION A COPY OF A VALID CAPACITY RATING ISSUED BY THE BALTIMORE  
9 CITY FIRE DEPARTMENT FOR THE LICENSED ESTABLISHMENT.

10                                  (III) 1. IF THE CAPACITY RATING FOR THE LICENSED  
11 ESTABLISHMENT EXCEEDS 150 PERSONS, THE BOARD OF LIQUOR LICENSE  
12 COMMISSIONERS MAY REQUIRE THE LICENSEE TO OBTAIN A CERTIFIED  
13 ACCOUNTING OF THE GROSS SALES FOR THE LICENSE YEAR IMMEDIATELY  
14 PRECEDING THE FILING OF THE LICENSE RENEWAL APPLICATION.

15                                  2. THE CERTIFIED ACCOUNTING DESCRIBED IN  
16 SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL, AT A MINIMUM, SPECIFY  
17 SEPARATE FIGURES FOR EACH OF THE FOLLOWING:

18                                   A. TOTAL SALES;

19                                   B. ALCOHOLIC BEVERAGES SALES; AND

20                                   C. FOOD SALES.

21                   SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
22 do not apply to the issuance or transfer of an alcoholic beverages license if the application  
23 for the issuance or transfer is received by the Board of Liquor LicenseCommissioners on  
24 or before December 31, 1995.

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