

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1136

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Baltimore Wine Festival” and substitute “Issuance and Transfer of Licenses”; strike beginning with “creating” in line 4 down through “City.” in line 10 and substitute “creating a Baltimore Wine Festival in Baltimore City; creating a special alcoholic beverages license for the Festival; limiting the license to the sale and display of wine that is produced and processed in Maryland; providing for the qualifications of an applicant and the scope of the license; providing a time period for the Festival; requiring the Board of License Commissioners for Baltimore City to send a certain notice to all community groups located within a certain distance from the proposed location of the Festival; requiring a community group to notify the Board of its support of or objection to the proposed location of the Festival within a certain period of time; requiring the Board to consider certain information before issuing a license for the Festival; authorizing an applicant to reapply for a license for the Festival under certain circumstances; authorizing the Board to select a certain weekend for the Festival; prohibiting the Board from issuing a license for the Festival for use in a certain election district; requiring the Board to adopt certain regulations; prohibiting the issuance of certain alcoholic beverages licenses in certain areas of Baltimore City; prohibiting the transfer of certain alcoholic beverages licenses within certain areas of Baltimore City; exempting Class C beer, wine and liquor licenses issued for use on a certain premises in Baltimore City from certain prohibitions relating to the issuance and transfer of alcoholic beverages licenses; providing for the effective dates of the provisions of this Act; and generally relating to alcoholic beverages in Baltimore City.”; and after line 21, insert:

“BY repealing and reenacting, with amendments,

Article 2B - Alcoholic Beverages

Section 9-204.1

Annotated Code of Maryland

(1996 Replacement Volume)”.

(Over)

AMENDMENT NO. 2

On page 2, after line 12, insert:

“(C) (1) ON RECEIPT OF AN APPLICATION FOR A LICENSE UNDER THIS SECTION, THE BOARD SHALL SEND WRITTEN NOTICE TO ALL COMMUNITY GROUPS THAT ARE LOCATED WITHIN A ONE-HALF MILE RADIUS OF THE PROPOSED LOCATION FOR THE FESTIVAL, AS INDICATED IN THE COMMUNITY REGISTRY AT THE DEPARTMENT OF PLANNING.

(2) WITHIN 60 DAYS OF RECEIVING NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, A COMMUNITY GROUP MAY SEND A WRITTEN RESPONSE TO THE BOARD INDICATING ITS SUPPORT OF OR OBJECTION TO THE USE OF THE LICENSE AT THE PROPOSED LOCATION.

(3) IF A COMMUNITY GROUP DOES NOT RESPOND WITHIN 60 DAYS OF RECEIVING THE NOTICE, IT SHALL BE CONSIDERED TO HAVE SUPPORTED THE PROPOSED LOCATION FOR THE FESTIVAL.

(4) THE BOARD SHALL CONSIDER ALL RESPONSES SUBMITTED BY COMMUNITY GROUPS IN DETERMINING WHETHER TO ISSUE THE LICENSE FOR THE PROPOSED LOCATION.

(5) IF THE BOARD DENIES ISSUANCE OF THE LICENSE FOR USE AT A PARTICULAR LOCATION, THE APPLICANT MAY REAPPLY FOR THE LICENSE FOR USE AT A DIFFERENT LOCATION.

(6) IF AN APPLICANT REAPPLIES FOR A LICENSE UNDER PARAGRAPH (5) OF THIS SUBSECTION, THE BOARD AND ANY AFFECTED COMMUNITY GROUPS SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION FOR THE NEW PROPOSED LOCATION.”;

in lines 13, 17, 18, 21, and 26, strike “(C)”, “(D)”, “(E)”, “(F)”, and “(G)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively; in line 23, strike “AND”; in line 24, after “(2)” insert “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,”; in line 25, after “FESTIVAL” insert “FOR”; in the same line, strike “DOES NOT HOLD”; in the same line, after “LICENSE” insert “HAS NOT BEEN ISSUED; AND

(3) MAY NOT ISSUE A LICENSE UNDER THIS SECTION FOR USE IN ELECTION DISTRICT 47A”;

in line 27, strike “FOR”; and in the same line, after “IMPLEMENTING” insert “THE PROVISIONS OF”.

On page 2, after line 27, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B - Alcoholic Beverages

9-204.1.

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

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

Brooklyn

Cherry Hill

Curtis Bay

Fairfield

Hawkin’s Point

Wagner’s Point

(2) The 1st through 4th precincts and the 19th through 25th precincts of the 13th ward

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of Baltimore City. This area includes the communities of Hampden and Medfield.

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

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

Baltimore City wards 1 and 2;

Ward 3, precinct 3 and part of precinct 1;

Ward 6, precincts 1, 6, and 7;

Ward 7, precincts 8 and 9; and

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

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

(6) The Pen Lucy precincts which include:

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

(ii) Ward 27, precincts 52 and 53.

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

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

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

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

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

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

(i) Ward 4, precincts 1 and 2;

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

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

(iv) The portion of ward 22, precinct 1, bounded by Conway Street running east from South Howard Street to South Charles Street; South Charles Street running south from that point to Hughes Street; Hughes Street running east from that point into Key Highway; Key Highway running from that point east and then south to the precinct boundary; the precinct boundary running from that point east to the harbor shoreline, then generally north along the shoreline, northwest from the shoreline to Pratt Street, and then west along Pratt Street to South Howard Street; and south along Howard Street from that point to Conway Street;

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

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

(9) FOR CLASS B LICENSES ONLY, IN THE AREAS OF THE 47TH ALCOHOLIC BEVERAGES DISTRICT COVERED BY:

(I) THE KEY HIGHWAY EAST INDUSTRIAL AREA URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 986 ON JUNE 29, 1987; AND

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(II) THE KEY HIGHWAY URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 622 ON MARCH 12, 1986.

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

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

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

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

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

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

C. Ward 20, precincts 19 and 20;

D. Ward 21, precincts 2 and 3; and

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

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

(ii) A minimum seating capacity of 75 persons; and

(iii) In the following areas of the 46th alcoholic beverages district, average

daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant:

1. Ward 1, precincts 2, 3, 4, and 5;

2. Ward 2 in its entirety;

3. Ward 3, precinct 3; and

4. Ward 26, precinct 10.

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

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

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

(ii) Ward 3, precinct 2;

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

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

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

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

(2) Notwithstanding any other provision of this section or any regulation of the Board of License Commissioners of Baltimore City, a Class B beer and wine license may be issued in or

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transferred into the 43rd alcoholic beverages district or the 39th alcoholic beverages district for use in conjunction with a retail seafood facility that is a permanent bona fide raw bar.

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

(e) (1) Except as provided in paragraph (2) of this subsection, a license for the sale of alcoholic beverages may not be transferred into, or transferred to a different location within the following areas of the 46th legislative district:

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

(ii) Ward 2 in its entirety;

(iii) Ward 3, precinct 3; and

(iv) Ward 26, precinct 10.

(2) This subsection does not apply to an application for a new license or a transfer from within the areas described in paragraph (1) of this subsection if the new license or transfer is for:

(i) A hotel;

(ii) An establishment located in a planned unit development if the application for the planned unit development was filed or approved before December 31, 1995;

(iii) An establishment located in an area governed by the Inner Harbor East Urban Renewal Plan; or

(iv) An establishment:

1. That has a seating capacity of less than 150 persons at any one time;



or

2. In which the average daily receipts from the sale of food is at least 51% of the total daily receipts of the establishment.

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

(2) This subsection does not apply to:

(i) Class C licenses;

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

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

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

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

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

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

(g)(1) Notwithstanding any other provision of law to the contrary, a license for the sale of alcoholic beverages may not be transferred into the 47th alcoholic beverages district of Baltimore City, which is as follows:

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[(1)] (I) Wards 23, 24, and 25 in their entirety;

[(2)] (II) Ward 19, precincts 3, 4, and 5;

[(3)] (III) Ward 20, precincts 19 and 20;

[(4)] (IV) Ward 21, precincts 2 and 3; and

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

(2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES MAY NOT BE TRANSFERRED WITHIN THE AREAS OF THE 47TH ALCOHOLIC BEVERAGES DISTRICT COVERED BY:

(I) THE KEY HIGHWAY EAST INDUSTRIAL AREA URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 986 ON JUNE 29, 1987; AND

(II) THE KEY HIGHWAY URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 622 ON MARCH 12, 1986.

(g-1) Notwithstanding any other provision of law to the contrary, a license for the sale of alcoholic beverages may not be transferred into the 1st precinct of the 23rd ward of Baltimore City.

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

(i) The Board of License Commissioners of Baltimore City may not issue any new Class A (off-sale) or Class D (on- and off-sale) alcoholic beverages licenses within or transfer any Class A (off-sale) or Class D (on- and off-sale) alcoholic beverages licenses into the area bounded on the north by 39th Street then following Ellerslie Avenue, then following Chestnut Hill Avenue, on the

east by Loch Raven Boulevard then following Walpert Avenue and then following Homewood Avenue, on the south by North Avenue, and on the west by Howard Street, then following Art Museum Drive, then following North Charles Street.

(K) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO CLASS C BEER, WINE AND LIQUOR LICENSES ISSUED FOR USE ON THE PREMISES LOCATED AT 3920 BUENA VISTA AVENUE.”;

in line 28, strike “3.” and substitute “4.”; and in the same line, after “That” insert “Section 3 of this Act shall take effect June 1, 1997.”

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act.”.