
By: **Senator Della**

Introduced and read first time: January 23, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Licensing Restrictions**

3 FOR the purpose of requiring a restaurant located within a certain area of Baltimore
4 City to have a certain percentage of daily receipts from the sale of food before
5 the owner may qualify for a certain exemption from a prohibition against the
6 issuance or transfer of a certain alcoholic beverages license; altering the
7 minimum capital investment that the restaurant is required to have to qualify
8 for the exemption; prohibiting a certain alcoholic beverages license from being
9 transferred or downgraded within a certain area of Baltimore City; prohibiting
10 the issuance of a certain alcoholic beverages license in certain areas of
11 Baltimore City; excluding, within a certain area of Baltimore City, certain
12 alcoholic beverages licenses from the exception to the restriction against
13 granting an alcoholic beverages license in the City for use in a building located
14 within a certain distance of a church or school; establishing an exception to the
15 residency requirement for certain officers of the Board of License
16 Commissioners for Baltimore City; and generally relating to alcoholic beverages
17 in Baltimore City.

18 BY repealing and reenacting, without amendments,
19 Article 2B - Alcoholic Beverages
20 Section 9-204.1(a)(9)
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1997 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 2B - Alcoholic Beverages
25 Section 9-204.1(c), (g), and (h) and 9-204.3
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 1997 Supplement)

28 BY repealing
29 Article 2B - Alcoholic Beverages
30 Section 9-204.1(g-1)
31 Annotated Code of Maryland

1 (1996 Replacement Volume and 1997 Supplement)

2 BY repealing and reenacting, with amendments,
3 Chapter 618 of the Acts of the General Assembly of 1997
4 Section 3

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

7 **Article 2B - Alcoholic Beverages**

8 9-204.1.

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

10 (9) For Class B licenses only, in the areas of the 47th alcoholic beverages
11 district covered by:

12 (i) The Key Highway East Industrial Area Urban Renewal Plan, as
13 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
14 29, 1987; and

15 (ii) The Key Highway Urban Renewal Plan, as adopted by the
16 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.

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

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

22 1. [\$250,000] \$300,000 for restaurant facilities in the 47th
23 alcoholic beverages district of Baltimore City which consists of:

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

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

26 C. Ward 20, precincts 19 and 20;

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

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

31 2. \$200,000 for restaurant facilities in the remainder of
32 Baltimore City;

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

2 (iii) In the following areas of the 46th alcoholic beverages district,
3 average daily receipts from the sale of food that are at least 51% of the total daily
4 receipts of the restaurant:

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

6 2. Ward 2 in its entirety;

7 3. Ward 3, precinct 3; and

8 4. Ward 26, precinct 10; AND

9 (IV) IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT, AVERAGE
10 DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL
11 DAILY RECEIPTS OF THE RESTAURANT.

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

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

18 (i) Wards 23, 24, and 25 in their entirety;

19 (ii) Ward 19, precincts 3, 4, and 5;

20 (iii) Ward 20, precincts 19 and 20;

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

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

25 (2) [Except as provided in subsection (c) of this section, a license for the
26 sale of alcoholic beverages may not be transferred within the areas of the 47th
27 alcoholic beverages district covered by:

28 (i) The Key Highway East Industrial Area Urban Renewal Plan, as
29 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
30 29, 1987; and

31 (ii) The Key Highway Urban Renewal Plan, as adopted by the
32 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.]
33 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A CLASS B
34 BEER, WINE AND LIQUOR LICENSE MAY NOT BE TRANSFERRED OR DOWNGRADED

1 WITHIN THE 47TH ALCOHOLIC BEVERAGES DISTRICT OF BALTIMORE CITY, AS
 2 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

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

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]:

8 (1) THE Pen Lucy precincts as described under subsection (a) of this
 9 [section] SECTION;

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

13 (II) THE KEY HIGHWAY URBAN RENEWAL PLAN, AS ADOPTED BY
 14 THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 622 ON MARCH
 15 12, 1986; OR

16 (3) THE 1ST PRECINCT OF THE 23RD WARD OF BALTIMORE CITY.

17 9-204.3.

18 (a) In Baltimore City, in the 2nd, 3rd, 4th, and 5th Legislative Districts as
 19 they existed on January 1, 1972, and 47th Legislative District [as it existed on
 20 January 1, 1987], no new license, or removal of an existing license, shall be granted
 21 to sell alcoholic beverages in any building located within 300 feet of the nearest point
 22 of the buildings of a church or school, but the license of any person now holding a
 23 license for any building located within such distance of the building grounds of a
 24 church or school may be renewed or extended for the same building.

25 (b) The restrictions regarding distance do not apply to the following licenses,
 26 which may be issued within the 300 feet limitation:

27 (1) EXCEPT IN THE 47TH LEGISLATIVE DISTRICT, Class B beer and
 28 [wine] WINE;

29 (2) EXCEPT IN THE 47TH LEGISLATIVE DISTRICT, Class B beer, wine and
 30 [liquor] LIQUOR;

31 (3) Class C beer and [wine] WINE; AND

32 (4) Class C beer, wine and liquor.

33 (c) Except in the 47th Legislative District, the governing body of any church in
 34 writing may waive the restrictions of this section regarding licenses not specified in
 35 subsection (b) with respect to cafes or restaurants located within 250 feet of a theater

1 having a capacity of not less than 300 seats, which theater is operated by a nonprofit
2 theater association.

3

Chapter 618 of the Acts of 1997

4 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act
5 may not be construed to apply to:

6 (A) any legal proceeding that is pending on October 1, 1997; OR

7 (B) ANY PERSON HOLDING OFFICE OF THE EXECUTIVE SECRETARY OR
8 DEPUTY EXECUTIVE SECRETARY ON JULY 1, 1997.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.