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By: **Senator Della**

Introduced and read first time: January 23, 1998

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 1998

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CHAPTER \_\_\_\_\_

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; providing for  
10 the issuance of a certain alcoholic beverages license in certain areas of  
11 Baltimore City; prohibiting the issuance of a certain alcoholic beverages license  
12 in certain areas of Baltimore City; excluding, within a certain area of Baltimore  
13 City, certain alcoholic beverages licenses from the exception to the restriction  
14 against granting an alcoholic beverages license in the City for use in a building  
15 located within a certain distance of a church or school; ~~establishing an exception~~  
16 ~~to the residency requirement for certain officers of the Board of License~~  
17 ~~Commissioners for Baltimore City~~; and generally relating to alcoholic beverages  
18 in Baltimore City.

19 BY repealing and reenacting, without amendments,  
20 Article 2B - Alcoholic Beverages  
21 Section 9-204.1(a)(9)  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume and 1997 Supplement)

24 BY adding to  
25 Article 2B - Alcoholic Beverages

1 Section 9-204.1(a)(10)  
 2 Annotated Code of Maryland  
 3 (1996 Replacement Volume and 1997 Supplement)

4 BY repealing and reenacting, with amendments,  
 5 Article 2B - Alcoholic Beverages  
 6 Section 9-204.1(c), (g), and (h) and 9-204.3  
 7 Annotated Code of Maryland  
 8 (1996 Replacement Volume and 1997 Supplement)

9 BY repealing  
 10 Article 2B - Alcoholic Beverages  
 11 Section 9-204.1(g-1)  
 12 Annotated Code of Maryland  
 13 (1996 Replacement Volume and 1997 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~  
 15 ~~Chapter 618 of the Acts of the General Assembly of 1997~~  
 16 ~~Section 3~~

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

19 **Article 2B - Alcoholic Beverages**

20 9-204.1.

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

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

24 (i) The Key Highway East Industrial Area Urban Renewal Plan, as  
 25 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June  
 26 29, 1987; and

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

29 (10) THE 47TH ALCOHOLIC BEVERAGES DISTRICT, AS DEFINED IN  
 30 SUBSECTION (G) OF THIS SECTION, EXCEPT FOR THE PORTION OF WARD 21,  
 31 PRECINCT 3, BOUNDED ON THE SOUTHWEST BY GWYNN FALLS TO THE B&O  
 32 RAILROAD; RUNNING NORTHEAST ALONG THE B&O RAILROAD TO BAYARD STREET;  
 33 RUNNING FROM THAT POINT EAST ALONG BAYARD STREET TO WASHINGTON  
 34 BOULEVARD; AND SOUTH ALONG WASHINGTON BOULEVARD FROM THAT POINT TO  
 35 GWYNN FALLS.

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

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

6 1. [\$250,000] \$300,000 for restaurant facilities in the 47th  
 7 alcoholic beverages district of Baltimore City which consists of:

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

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

10 C. Ward 20, precincts 19 and 20;

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

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

15 2. \$200,000 for restaurant facilities in the remainder of  
 16 Baltimore City;

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

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

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

22 2. Ward 2 in its entirety;

23 3. Ward 3, precinct 3; and

24 4. Ward 26, precinct 10; AND

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

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

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

- 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  
6 that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt  
7 Street.

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

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

14 (ii) The Key Highway Urban Renewal Plan, as adopted by the  
15 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.]  
16 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A CLASS B  
17 BEER, WINE AND LIQUOR LICENSE MAY NOT BE TRANSFERRED OR DOWNGRADED  
18 WITHIN THE 47TH ALCOHOLIC BEVERAGES DISTRICT OF BALTIMORE CITY, AS  
19 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

20 (3) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, A CLASS  
21 B BEER, WINE AND LIQUOR LICENSE MAY BE ISSUED IN THE 47TH ALCOHOLIC  
22 BEVERAGES DISTRICT.

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

26 (h) The exception for the issuance of Class B beer, wine and liquor restaurant  
27 licenses provided for in subsection (c) of this section does not apply to[the]:

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

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

33 (II) THE KEY HIGHWAY URBAN RENEWAL PLAN, AS ADOPTED BY  
34 THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 622 ON MARCH  
35 12, 1986; OR

1 (3) FROM JUNE 1, 1998 TO MAY 31, 2001, THE 1ST PRECINCT OF THE 23RD  
2 WARD OF BALTIMORE CITY.

3 9-204.3.

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

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

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

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

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

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

19 (c) Except in the 47th Legislative District, the governing body of any church in  
20 writing may waive the restrictions of this section regarding licenses not specified in  
21 subsection (b) with respect to cafes or restaurants located within 250 feet of a theater  
22 having a capacity of not less than 300 seats, which theater is operated by a nonprofit  
23 theater association.

24 **~~Chapter 618 of the Acts of 1997~~**

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

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

28 ~~(B) ANY PERSON HOLDING OFFICE OF THE EXECUTIVE SECRETARY OR~~  
29 ~~DEPUTY EXECUTIVE SECRETARY ON JULY 1, 1997.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 ~~October~~ June 1, 1998.

