

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 204

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “to” insert “transfer and”; in line 6, strike “class” and substitute “classes”; in line 8, strike “licensing” and substitute “qualifications,”; in the same line, after “requirements” insert a comma; and in the same line, strike “defining a certain term” and substitute “providing for the termination of this Act”.

AMENDMENT NO 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 30 on page 2, inclusive, and substitute:

“(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.”

(B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN BALTIMORE COUNTY UNDER THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY AUTHORIZE THE TRANSFER OF THREE BEER, WINE AND LIQUOR (ON-SALE) RETAIL LICENSES ISSUED PRIOR TO JANUARY 1, 2002 AND IN EXISTENCE IN ELECTION DISTRICT 15 OF BALTIMORE COUNTY ON OCTOBER 1, 2003 AND VALID ON THE DATE OF TRANSFER INTO THE “TOWSON REVITALIZATION DISTRICT” AS DEFINED BY THE BALTIMORE COUNTY COUNCIL ON OCTOBER 4, 1999.

(2) EXCEPT AS PROVIDED TO THE CONTRARY IN SUBSECTION (F) OF THIS SECTION, A LICENSE TRANSFERRED UNDER THIS SECTION:

(I) MAY NOT BE A CLASS A OR CLASS C LICENSE;

(II) MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING

(Over)

TRANSFERRED BY LAW OR LOCAL REGULATION;

(III) SHALL BE CONSIDERED A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION;

(IV) SHALL BE CONVERTED INTO A CLASS B (TRD) LICENSE;  
AND

(V) AS OF THE DATE OF TRANSFER, MAY NOT BE CONSIDERED TO EXIST IN ELECTION DISTRICT 15.

(C) THE RESTRICTIONS AND QUALIFICATIONS FOR ISSUANCE, FEE, MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND DAYS AND HOURS OF SALE UNDER A CLASS B (TRD) RESTAURANT BEER, WINE AND LIQUOR (ON- SALE) LICENSE ARE THE SAME AS PROVIDED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

(D) (1) ONE OF THE TWO CLASS B (TRD) LICENSES AUTHORIZED BY THIS SECTION SHALL BE ISSUED ONLY FOR A LOCATION WITHIN THE TOWSON REVITALIZATION DISTRICT, AS ADOPTED BY THE BALTIMORE COUNTY COUNCIL ON OCTOBER 4, 1999, AND IS SUBJECT TO THE FOLLOWING ADDITIONAL REQUIREMENTS:

(I) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS;

(II) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 70% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT;

(III) 1. THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES MAY NOT EXCEED 15% OF THE TOTAL SEATING CAPACITY OF THE

ESTABLISHMENT; AND

2. THE PORTION OF THE FACILITY DEDICATED TO THE RESTAURANT SHALL HAVE A MINIMUM SEATING CAPACITY OF 100 PERSONS;

(IV) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS OFFERED FOR SALE;

(V) EACH APPLICANT FOR TRANSFER AND ISSUANCE OF THE LICENSE SHALL DEMONSTRATE TO THE BOARD OF LICENSE COMMISSIONERS THAT THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR RESTAURANT FACILITIES EXCLUDING THE COST OF THE LAND AND BUILDING;

(VI) THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY OF ALCOHOLIC BEVERAGES; AND

(VII) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS.

(2) (I) ONCE ISSUED, A LICENSE MAY NOT BE TRANSFERRED OUTSIDE OF THE TOWSON REVITALIZATION DISTRICT OR CONVERTED TO ANY OTHER CLASS OF LICENSE.

(II) A CLASS B (TRD) LICENSE UNDER THIS SUBSECTION MAY NOT BE ISSUED FOR USE ON A PREMISES OR LOCATION THAT HAS BEEN LICENSED UNDER ANY CLASS OF ON-SALE ALCOHOLIC BEVERAGES LICENSE WITHIN 2 YEARS BEFORE THE APPLICATION FOR A LICENSE AUTHORIZED UNDER THIS SECTION IS FILED WITH THE BALTIMORE COUNTY BOARD OF LICENSE COMMISSIONERS.

(E) (1) ONE OF THE TWO CLASS B (TRD) LICENSES AUTHORIZED BY THIS SECTION SHALL BE ISSUED FOR A LOCATION WITHIN:

(I) A MIXED-USE BUILDING OR STRUCTURE THAT CONTAINS AT LEAST 250,000 TOTAL SQUARE FEET USED FOR ANY COMBINATION OF RETAIL, SERVICE, ENTERTAINMENT, PARKING, OFFICE, AND RESTAURANT USES; AND

(II) THE OLD TOWSON SHOPPING DISTRICT THE “TOWSON REVITALIZATION DISTRICT” THAT IS LOCATED ALONG BOTH SIDES OF THE 300, 400, AND 500 BLOCKS OF YORK ROAD AND THE UNIT AND 100 BLOCKS OF WEST CHESAPEAKE AVENUE AND WEST PENNSYLVANIA AVENUE.

(2) (I) EACH APPLICANT FOR TRANSFER AND ISSUANCE OF THE LICENSE UNDER THIS SUBSECTION SHALL DEMONSTRATE TO THE BOARD OF LICENSE COMMISSIONERS THAT THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR RESTAURANT FACILITIES.

(II) THE MINIMUM CAPITAL INVESTMENT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT INCLUDE THE COST OF THE LAND AND BUILDING.

(3) ONCE ISSUED, THE LICENSE MAY NOT BE:

(I) TRANSFERRED TO A NEW LOCATION OUTSIDE OF THE MIXED-USE BUILDING; OR

(II) CONVERTED TO ANY OTHER CLASS OF LICENSE.

(F) (1) ONE OF THE THREE LICENSES AUTHORIZED BY SUBSECTION (B) OF THIS SECTION FOR TRANSFER INTO THE TOWSON REVITALIZATION DISTRICT IN BALTIMORE COUNTY SHALL BE CONVERTED INTO A CLASS B (SB) RESTAURANT - SERVICE BAR BEER, WINE AND LIQUOR (ON-SALE) LICENSE.

(2) A LICENSE ISSUED UNDER THIS SUBSECTION:

(I) SHALL BE USED ONLY IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT AS DEFINED BY THE RULES OF THE BALTIMORE COUNTY BOARD OF LICENSE COMMISSIONERS;

(II) SHALL ALLOW ON-PREMISES SALES ONLY; AND

(III) IS RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE, SPECIFICALLY EXCLUDING ANY TYPE OF SERVICE WHILE STANDING OR WHERE THE CUSTOMER ACCEPTS DELIVERY OF THE PURCHASED FOOD ITEMS OTHER THAN WHILE SEATED AT A TABLE.

(3) (I) EACH APPLICANT FOR TRANSFER AND ISSUANCE OF THE LICENSE SHALL DEMONSTRATE TO THE BOARD OF LICENSE COMMISSIONERS THAT THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$300,000 FOR RESTAURANT FACILITIES.

(II) THE MINIMUM CAPITAL INVESTMENT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT INCLUDE THE COST OF THE LAND AND BUILDING.

(4) THE RESTAURANT FACILITY SHALL HAVE A MINIMUM SEATING CAPACITY OF 100 PERSONS.

(5) (I) OTHER ISSUANCE QUALIFICATIONS, THE LICENSE FEE, AND THE DAYS AND HOURS OF SALES FOR A LICENSE AUTHORIZED UNDER THIS SUBSECTION ARE THE SAME AS FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE IN BALTIMORE COUNTY.

(II) THE PROPOSED LOCATION FOR A RESTAURANT FOR WHICH A LICENSE IS ISSUED UNDER THIS SECTION SHALL COMPLY WITH APPLICABLE ZONING ORDINANCES OF BALTIMORE COUNTY.

(6) (I) ONCE ISSUED, A LICENSE MAY NOT BE TRANSFERRED OUTSIDE OF THE TOWSON REVITALIZATION DISTRICT OR CONVERTED TO ANY OTHER CLASS OF LICENSE.

(II) A CLASS B (SB) LICENSE UNDER THIS SUBSECTION MAY NOT BE ISSUED FOR USE ON A PREMISES OR LOCATION THAT HAS BEEN LICENSED UNDER ANY CLASS OF ON-SALE ALCOHOLIC BEVERAGES LICENSE WITHIN 2 YEARS BEFORE THE APPLICATION FOR A LICENSE AUTHORIZED UNDER THIS SECTION IS FILED WITH THE BALTIMORE COUNTY BOARD OF LICENSE COMMISSIONERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003. It shall remain effective for a period of 1 year and 3 months and, at the end of December 31, 2004, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.