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By: **Senator Conway**

Introduced and read first time: January 19, 2005

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Educational and Cultural**  
3 **Foundation Exemption**

4 FOR the purpose of exempting a Class C beer, wine and liquor (club) license issued to  
5 an educational and cultural foundation in a certain area of Baltimore City from  
6 certain prohibitions relating to the issuance and transfer of licenses for the sale  
7 of alcoholic beverages in Baltimore City; and generally relating to alcoholic  
8 beverages licenses in Baltimore City.

9 BY repealing and reenacting, with amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 9-204.1  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2004 Supplement)

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

16 **Article 2B - Alcoholic Beverages**

17 9-204.1.

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

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

21 Brooklyn

- 22 Cherry Hill
- 23 Curtis Bay
- 24 Fairfield
- 25 Hawkins Point
- 26 Wagner's Point

1           (2)     The 1st through 4th precincts and the 19th through 25th precincts of  
2 the 13th ward of Baltimore City. This area includes the communities of Hampden and  
3 Medfield.

4           (3)     The 10th, 11th, 15th, 16th, 17th, 21st, 22nd, 23rd, 24th, 26th, 27th,  
5 34th, 35th, and 36th precincts of the 27th ward of Baltimore City. This area includes  
6 the community of Hamilton.

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

8     Baltimore City wards 1 and 2;

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

10    Ward 6, precincts 1, 6, and 7;

11    Ward 7, precincts 8 and 9; and

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

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

18           (6)     The Pen Lucy precincts which include:

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

20                   (ii)    Ward 27, precincts 52 and 53.

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

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

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

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

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

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

30                   (i)     Ward 4, precincts 1 and 2;

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

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

33                   (iv)   The portion of ward 22, precinct 1, bounded by Conway Street  
34 running east from South Howard Street to South Charles Street; South Charles

1 Street running south from that point to Hughes Street; Hughes Street running east  
2 from that point into Key Highway; Key Highway running from that point east and  
3 then south to the precinct boundary; the precinct boundary running from that point  
4 east to the harbor shoreline, then generally north along the shoreline, northwest from  
5 the shoreline to Pratt Street, and then west along Pratt Street to South Howard  
6 Street; and south along Howard Street from that point to Conway Street;

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

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

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

14 (i) The Key Highway East Industrial Area Urban Renewal Plan, as  
15 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June  
16 29, 1987; and

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

19 (10) The 47th alcoholic beverages district, as defined in subsection (g) of  
20 this section, except for the portion of ward 21, precinct 3, bounded on the southwest  
21 by Gwynn Falls to the B&O Railroad; running northeast along the B&O Railroad to  
22 Bayard Street; running from that point east along Bayard Street to Washington  
23 Boulevard; and south along Washington Boulevard from that point to Gwynn Falls.

24 (11) The 45th alcoholic beverages district of Baltimore City.

25 (12) The 10th alcoholic beverages district of Baltimore City consisting of  
26 precincts 2, 3, 4, 5, 9, 11, 12, and 13 of the 28th ward.

27 (b) (1) Except as provided in paragraph (2) of this subsection, licenses for  
28 the sale of alcoholic beverages of any class may not be transferred into the areas of  
29 Baltimore City covered by this section.

30 (2) A licensed drugstore may transfer the license into the 45th alcoholic  
31 beverages district of Baltimore City.

32 (c) (1) Except as provided in paragraph (2)(i) and (ii) of this subsection and  
33 subsection (h) of this section, the prohibitions in this section do not apply to special  
34 1-day licenses or to Class B beer, wine and liquor restaurant licenses to bona fide  
35 restaurants having:

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

- 1                                   1.       \$300,000 for restaurant facilities in the 47th alcoholic  
2 beverages district of Baltimore City which consists of:
- 3                                   A.       Wards 23, 24, and 25 in their entirety;
- 4                                   B.       Ward 19, precincts 3, 4, and 5;
- 5                                   C.       Ward 20, precincts 19 and 20;
- 6                                   D.       Ward 21, precincts 2 and 3; and
- 7                                   E.       Ward 21, that part of precinct 1 that lies south and west of  
8 a line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt  
9 Street; or
- 10                                  2.       \$200,000 for restaurant facilities in the remainder of  
11 Baltimore City, except in Ward 26, Precinct 8 under subparagraph (iii) of this  
12 paragraph;
- 13                                  (ii)      A minimum seating capacity of 75 persons;
- 14                                  (iii)     1.       In the following areas of the 46th alcoholic beverages  
15 district, average daily receipts from the sale of food that are at least 51% of the total  
16 daily receipts of the restaurant:
- 17                                   A.       Ward 1, precincts 2 and 3;
- 18                                   B.       Ward 2 in its entirety;
- 19                                   C.       Ward 3, precinct 3; and
- 20                                   D.       Ward 26, precinct 10; and
- 21                                  2.       For a restaurant in ward 26, precinct 8 of the 46th  
22 alcoholic beverages district, which at all times shall be coterminous with the 46th  
23 Legislative District in the Legislative Districting Plan of 2002 as ordered by the  
24 Maryland Court of Appeals on June 21, 2002, if the restaurant has a minimum capital  
25 investment of \$700,000 and a seating capacity exceeding 150 persons, average daily  
26 receipts from the sale of food that are at least 65% of the total daily receipts of the  
27 restaurant; and
- 28                                  (iv)     In the 47th alcoholic beverages district, average daily receipts  
29 from the sale of food that are at least 51% of the total daily receipts of the restaurant.
- 30                                  (2)     (i)      The Board of Liquor License Commissioners for Baltimore City  
31 may not issue or transfer an alcoholic beverages license under paragraph (1) of this  
32 subsection for use in:
- 33                                   1.       Ward 1, precinct 4 or 5 of the 46th alcoholic beverages  
34 district, which at all times shall be coterminous with the 46th legislative district in



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

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

7 (i) Ward 1, precincts 2 and 3;

8 (ii) Ward 2 in its entirety;

9 (iii) Ward 3, precinct 3; and

10 (iv) Ward 26, precincts 3 and 10.

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

14 (i) A hotel;

15 (ii) An establishment located in a planned unit development if the  
16 application for the planned unit development was filed or approved before December  
17 31, 1995;

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

20 (iv) An establishment:

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

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

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

29 (2) This subsection does not apply to:

30 (i) Class C licenses;

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) Notwithstanding any other provision of law to the contrary, a Class B  
22 beer, wine and liquor license may not be transferred or downgraded within the 47th  
23 alcoholic beverages district of Baltimore City, as described in paragraph (1) of this  
24 subsection.

25 (3) Except as provided in subsection (a) of this section, a Class B beer,  
26 wine and liquor license may be issued in the 47th alcoholic beverages district.

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

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

32 (1) The Pen Lucy precincts as described under subsection (a) of this  
33 section;

34 (2) (i) The Key Highway East Industrial Area Urban Renewal Plan, as  
35 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June  
36 29, 1987; or

1 (ii) The Key Highway Urban Renewal Plan, as adopted by the  
2 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986; or

3 (3) The 1st precinct of the 23rd ward of Baltimore City.

4 (i) The Board of License Commissioners of Baltimore City may not issue any  
5 new Class A (off-sale) or Class D (on- and off-sale) alcoholic beverages licenses  
6 within or transfer any Class A (off-sale) or Class D (on- and off-sale) alcoholic  
7 beverages licenses into the area bounded on the north by 39th Street then following  
8 Ellerslie Avenue, then following Chestnut Hill Avenue, on the east by Loch Raven  
9 Boulevard then following Walpert Avenue and then following Homewood Avenue, on  
10 the south by North Avenue, and on the west by Howard Street, then following Art  
11 Museum Drive, then following North Charles Street.

12 (j) Abrogated.

13 (k) The prohibitions of this section do not apply to Class C beer, wine and  
14 liquor licenses issued for use on the premises located at 3920 Buena Vista Avenue.

15 (L) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO A CLASS C BEER,  
16 WINE AND LIQUOR LICENSE ISSUED FOR USE ON THE PREMISES OF AN  
17 EDUCATIONAL AND CULTURAL FOUNDATION LOCATED IN THE 42ND PRECINCT OF  
18 THE 27TH WARD OF BALTIMORE CITY.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
20 effect July 1, 2005.