
By: **Senator Della**

Introduced and read first time: January 19, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - 46th Alcoholic Beverages District - Restaurant Exemption**

3 FOR the purpose of exempting certain restaurants in a certain area in Baltimore City
4 from prohibitions concerning the issuance and transfer of alcoholic beverages
5 licenses; requiring that, to qualify for an exemption, a restaurant meet certain
6 standards concerning capital investment, seating capacity, and average daily
7 receipts, and not conduct sales for off-premises consumption; and generally
8 relating to alcoholic beverages in Baltimore City.

9 BY repealing and reenacting, without amendments,
10 Article 2B - Alcoholic Beverages
11 Section 9-204.1(a)(4) and (b)(1)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 2B - Alcoholic Beverages
16 Section 9-204.1(c)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2004 Supplement)

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

21 **Article 2B - Alcoholic Beverages**

22 9-204.1.

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

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

25 Baltimore City wards 1 and 2;

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

- 1 Ward 6, precincts 1, 6, and 7;
 2 Ward 7, precincts 8 and 9; and
 3 Ward 26, precincts 1 through 33 and 47 through 51.

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

7 (c) (1) Except as provided in paragraph (2)(i) and (ii) of this subsection and
 8 subsection (h) of this section, the prohibitions in this section do not apply to special
 9 1-day licenses or to Class B beer, wine and liquor restaurant licenses to bona fide
 10 restaurants having:

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

13 1. \$300,000 for restaurant facilities in the 47th alcoholic
 14 beverages district of Baltimore City which consists of:

- 15 A. Wards 23, 24, and 25 in their entirety;
 16 B. Ward 19, precincts 3, 4, and 5;
 17 C. Ward 20, precincts 19 and 20;
 18 D. Ward 21, precincts 2 and 3; and
 19 E. Ward 21, that part of precinct 1 that lies south and west of
 20 a line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
 21 Street; or

22 2. \$200,000 for restaurant facilities in the remainder of
 23 Baltimore City, except in Ward 26, Precinct 8 under subparagraph (iii) of this
 24 paragraph;

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

26 (iii) 1. In the following areas of the 46th alcoholic beverages
 27 district, average daily receipts from the sale of food that are at least 51% of the total
 28 daily receipts of the restaurant:

- 29 A. Ward 1, precincts 2 and 3;
 30 B. Ward 2 in its entirety;
 31 C. Ward 3, precinct 3; and
 32 D. Ward 26, precinct 10; [and]

1 2. For a restaurant in ward 26, precinct 8 of the 46th
2 alcoholic beverages district, which at all times shall be coterminous with the 46th
3 Legislative District in the Legislative Districting Plan of 2002 as ordered by the
4 Maryland Court of Appeals on June 21, 2002, if the restaurant has a minimum capital
5 investment of \$700,000 and a seating capacity exceeding 150 persons, average daily
6 receipts from the sale of food that are at least 65% of the total daily receipts of the
7 restaurant; and

8 3. FOR A RESTAURANT ANYWHERE IN WARD 4, PRECINCT 1
9 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE
10 COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE
11 DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON
12 JUNE 21, 2002, IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF
13 \$750,000, A SEATING CAPACITY THAT EXCEEDS 70 PERSONS, AVERAGE DAILY
14 RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY
15 RECEIPTS OF THE RESTAURANT, AND NO SALES FOR OFF-PREMISES CONSUMPTION;
16 AND

17 (iv) In the 47th alcoholic beverages district, average daily receipts
18 from the sale of food that are at least 51% of the total daily receipts of the restaurant.

19 (2) (i) The Board of Liquor License Commissioners for Baltimore City
20 may not issue or transfer an alcoholic beverages license under paragraph (1) of this
21 subsection for use in:

22 1. Ward 1, precinct 4 or 5 of the 46th alcoholic beverages
23 district, which at all times shall be coterminous with the 46th legislative district in
24 the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals
25 on June 21, 2002; or

26 2. Ward 24, precinct 5 of the 47th alcoholic beverages
27 district, which at all times shall be coterminous with the 46th legislative district in
28 the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals
29 on June 21, 2002.

30 (ii) [The] EXCEPT AS PROVIDED IN PARAGRAPH (1)(III)D3 OF THIS
31 SUBSECTION, THE Board may not transfer or issue a license in the 46th Alcoholic
32 Beverages District, which at all times shall be coterminous with the 46th Legislative
33 District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court
34 of Appeals on June 21, 2002, if the transfer or issuance would result in:

35 1. The licensed premises being located within 300 feet of the
36 nearest point of a church or a school; or

37 2. The licensed premises being located closer to the nearest
38 point of a church or a school than the licensed premises was on June 1, 2004.

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

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