
By: **Senator Gladden**

Introduced and read first time: January 28, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Municipal Golf Course Exemption**

3 FOR the purpose of exempting a Class C beer, wine and liquor (club) license issued for
4 use on the premises of a municipal golf course in a certain legislative district in
5 Baltimore City from certain prohibitions relating to the issuance and transfer of
6 licenses for the sale of alcoholic beverages in Baltimore City; and generally
7 relating to alcoholic beverages licenses in Baltimore City.

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

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

15 **Article 2B - Alcoholic Beverages**

16 9-204.1.

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

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

20 Brooklyn

21 Cherry Hill

22 Curtis Bay

23 Fairfield

24 Hawkins Point

1 Wagner's Point

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

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

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

9 Baltimore City wards 1 and 2;

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

11 Ward 6, precincts 1, 6, and 7;

12 Ward 7, precincts 8 and 9; and

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

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

19 (6) The Pen Lucy precincts which include:

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

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

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

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

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

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

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

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

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

- 1 (ii) The portion of ward 21, precinct 1 east of Greene Street;
- 2 (iii) The portion of ward 22, precinct 1 west of South Howard Street;
- 3 (iv) The portion of ward 22, precinct 1, bounded by Conway Street
4 running east from South Howard Street to South Charles Street; South Charles
5 Street running south from that point to Hughes Street; Hughes Street running east
6 from that point into Key Highway; Key Highway running from that point east and
7 then south to the precinct boundary; the precinct boundary running from that point
8 east to the harbor shoreline, then generally north along the shoreline, northwest from
9 the shoreline to Pratt Street, and then west along Pratt Street to South Howard
10 Street; and south along Howard Street from that point to Conway Street;
- 11 (v) The portion of ward 11, precincts 6 and 9, bounded by Centre
12 Street on the north, Guilford Avenue on the east, the southern boundary of ward 11 on
13 the south, and Eutaw Street on the west; and
- 14 (vi) The portion of ward 17, precinct 1, south of West Franklin
15 Street.
- 16 (9) For Class B licenses only, in the areas of the 47th alcoholic beverages
17 district covered by:
- 18 (i) The Key Highway East Industrial Area Urban Renewal Plan, as
19 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
20 29, 1987; and
- 21 (ii) The Key Highway Urban Renewal Plan, as adopted by the
22 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.
- 23 (10) The 47th alcoholic beverages district, as defined in subsection (g) of
24 this section, except for the portion of ward 21, precinct 3, bounded on the southwest
25 by Gwynn Falls to the B&O Railroad; running northeast along the B&O Railroad to
26 Bayard Street; running from that point east along Bayard Street to Washington
27 Boulevard; and south along Washington Boulevard from that point to Gwynn Falls.
- 28 (11) The 45th alcoholic beverages district of Baltimore City.
- 29 (12) The 10th alcoholic beverages district of Baltimore City consisting of
30 precincts 2, 3, 4, 5, 9, 11, 12, and 13 of the 28th ward.
- 31 (b) (1) Except as provided in paragraph (2) of this subsection, licenses for
32 the sale of alcoholic beverages of any class may not be transferred into the areas of
33 Baltimore City covered by this section.
- 34 (2) A licensed drugstore may transfer the license into the 45th alcoholic
35 beverages district of Baltimore City.
- 36 (c) (1) Except as provided in paragraph (2)(i) and (ii) of this subsection and
37 subsection (h) of this section, the prohibitions in this section do not apply to special

1 1-day licenses or to Class B beer, wine and liquor restaurant licenses to bona fide
2 restaurants having:

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

5 1. \$300,000 for restaurant facilities in the 47th alcoholic
6 beverages district of Baltimore City which consists of:

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

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

9 C. Ward 20, precincts 19 and 20;

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

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

14 2. \$200,000 for restaurant facilities in the remainder of
15 Baltimore City, except in Ward 26, Precinct 8 under subparagraph (iii) of this
16 paragraph;

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

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

21 A. Ward 1, precincts 2 and 3;

22 B. Ward 2 in its entirety;

23 C. Ward 3, precinct 3; and

24 D. Ward 26, precinct 10; and

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

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

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

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

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

12 (ii) The Board may not transfer or issue a license in the 46th
13 Alcoholic Beverages District, which at all times shall be coterminous with the 46th
14 Legislative District in the Legislative Districting Plan of 2002 as ordered by the
15 Maryland Court of Appeals on June 21, 2002, if the transfer or issuance would result
16 in:

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

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

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

24 (d) (1) The license provisions in this subsection apply to the 39th alcoholic
25 beverages district, which are the following defined areas in Baltimore City:

26 (i) Wards 4, 17, 18, and 22 in their entirety;

27 (ii) Ward 3, precinct 2;

28 (iii) Ward 3, that part of precinct 1 that is north of a line running
29 along the center of Bank Street from Central Avenue to Broadway;

30 (iv) Ward 5, that part of precinct 1 that is west of a line running
31 along the center of Central Avenue from Orleans Street to Fayette Street;

32 (v) Ward 26, precincts 38 through 45, inclusive; and

33 (vi) Ward 27, precincts 8 through 40, inclusive, and 58 through 77,
34 inclusive.

35 (2) Notwithstanding any other provision of this section or any regulation
36 of the Board of License Commissioners of Baltimore City, a Class B beer and wine

1 license may be issued in or transferred into the 43rd alcoholic beverages district or
2 the 39th alcoholic beverages district for use in conjunction with a retail seafood
3 facility that is a permanent bona fide raw bar.

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

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

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

11 (ii) Ward 2 in its entirety;

12 (iii) Ward 3, precinct 3; and

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

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

17 (i) A hotel;

18 (ii) An establishment located in a planned unit development if the
19 application for the planned unit development was filed or approved before December
20 31, 1995;

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

23 (iv) An establishment:

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

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

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

32 (2) This subsection does not apply to:

33 (i) Class C licenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (2) (i) The Key Highway East Industrial Area Urban Renewal Plan, as
2 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
3 29, 1987; or

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

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

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

15 (j) Expired.

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

18 (L) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO CLASS C BEER,
19 WINE AND LIQUOR LICENSES ISSUED FOR USE ON THE PREMISES OF A MUNICIPAL
20 GOLF COURSE IN THE 41ST LEGISLATIVE DISTRICT.

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