
By: **Senator Gladden**

Introduced and read first time: January 28, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2005

CHAPTER_____

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

- 1 Cherry Hill
- 2 Curtis Bay
- 3 Fairfield
- 4 Hawkins Point
- 5 Wagner's Point

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

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

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

- 13 Baltimore City wards 1 and 2;
- 14 Ward 3, precinct 3 and part of precinct 1;
- 15 Ward 6, precincts 1, 6, and 7;
- 16 Ward 7, precincts 8 and 9; and
- 17 Ward 26, precincts 1 through 33 and 47 through 51.

18 (5) The following areas of Baltimore City: the 5th and 7th precincts of
19 the 12th ward; the 6th through the 18th precincts of the 13th ward; the 10th, and
20 17th through the 24th, the 26th and 27th, the 31st through the 42nd, and the 44th
21 and 45th precincts of the 15th ward; the 6th and 7th precincts of the 16th ward; and
22 the 92nd through the 99th precincts of the 27th ward.

23 (6) The Pen Lucy precincts which include:

- 24 (i) Ward 9, precincts 1 and 2; and
- 25 (ii) Ward 27, precincts 52 and 53.

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

- 28 (i) Ward 15, precincts 1 through 9, inclusive, 11 through 16,
29 inclusive, and 43;
- 30 (ii) Ward 16, precincts 5 and 8 through 12, inclusive;
- 31 (iii) Ward 20, precincts 4 through 14, inclusive; and

- 1 (iv) Ward 28, precincts 4, 5, 6, 10, 11, 12, and 17.
- 2 (8) The 39th alcoholic beverages district, as defined in subsection (d) of
3 this section, except for the following areas:
- 4 (i) Ward 4, precincts 1 and 2;
- 5 (ii) The portion of ward 21, precinct 1 east of Greene Street;
- 6 (iii) The portion of ward 22, precinct 1 west of South Howard Street;
- 7 (iv) The portion of ward 22, precinct 1, bounded by Conway Street
8 running east from South Howard Street to South Charles Street; South Charles
9 Street running south from that point to Hughes Street; Hughes Street running east
10 from that point into Key Highway; Key Highway running from that point east and
11 then south to the precinct boundary; the precinct boundary running from that point
12 east to the harbor shoreline, then generally north along the shoreline, northwest from
13 the shoreline to Pratt Street, and then west along Pratt Street to South Howard
14 Street; and south along Howard Street from that point to Conway Street;
- 15 (v) The portion of ward 11, precincts 6 and 9, bounded by Centre
16 Street on the north, Guilford Avenue on the east, the southern boundary of ward 11 on
17 the south, and Eutaw Street on the west; and
- 18 (vi) The portion of ward 17, precinct 1, south of West Franklin
19 Street.
- 20 (9) For Class B licenses only, in the areas of the 47th alcoholic beverages
21 district covered by:
- 22 (i) The Key Highway East Industrial Area Urban Renewal Plan, as
23 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
24 29, 1987; and
- 25 (ii) The Key Highway Urban Renewal Plan, as adopted by the
26 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.
- 27 (10) The 47th alcoholic beverages district, as defined in subsection (g) of
28 this section, except for the portion of ward 21, precinct 3, bounded on the southwest
29 by Gwynn Falls to the B&O Railroad; running northeast along the B&O Railroad to
30 Bayard Street; running from that point east along Bayard Street to Washington
31 Boulevard; and south along Washington Boulevard from that point to Gwynn Falls.
- 32 (11) The 45th alcoholic beverages district of Baltimore City.
- 33 (12) The 10th alcoholic beverages district of Baltimore City consisting of
34 precincts 2, 3, 4, 5, 9, 11, 12, and 13 of the 28th ward.

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

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

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

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

12 1. \$300,000 for restaurant facilities in the 47th alcoholic
13 beverages district of Baltimore City which consists of:

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

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

16 C. Ward 20, precincts 19 and 20;

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

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

21 2. \$200,000 for restaurant facilities in the remainder of
22 Baltimore City, except in Ward 26, Precinct 8 under subparagraph (iii) of this
23 paragraph;

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

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

28 A. Ward 1, precincts 2 and 3;

29 B. Ward 2 in its entirety;

30 C. Ward 3, precinct 3; and

31 D. Ward 26, precinct 10; and

32 2. For a restaurant in ward 26, precinct 8 of the 46th
33 alcoholic beverages district, which at all times shall be coterminous with the 46th
34 Legislative District in the Legislative Districting Plan of 2002 as ordered by the

1 Maryland Court of Appeals on June 21, 2002, if the restaurant has a minimum capital
2 investment of \$700,000 and a seating capacity exceeding 150 persons, average daily
3 receipts from the sale of food that are at least 65% of the total daily receipts of the
4 restaurant; and

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

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

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

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

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

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

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

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

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

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

33 (ii) Ward 3, precinct 2;

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

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

- 1 (v) Ward 26, precincts 38 through 45, inclusive; and
2 (vi) Ward 27, precincts 8 through 40, inclusive, and 58 through 77,
3 inclusive.

4 (2) Notwithstanding any other provision of this section or any regulation
5 of the Board of License Commissioners of Baltimore City, a Class B beer and wine
6 license may be issued in or transferred into the 43rd alcoholic beverages district or
7 the 39th alcoholic beverages district for use in conjunction with a retail seafood
8 facility that is a permanent bona fide raw bar.

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

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

- 15 (i) Ward 1, precincts 2 and 3;
16 (ii) Ward 2 in its entirety;
17 (iii) Ward 3, precinct 3; and
18 (iv) Ward 26, precincts 3 and 10.

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

- 22 (i) A hotel;
23 (ii) An establishment located in a planned unit development if the
24 application for the planned unit development was filed or approved before December
25 31, 1995;
26 (iii) An establishment located in an area governed by the Inner
27 Harbor East Urban Renewal Plan; or
28 (iv) An establishment:
29 1. That has a seating capacity of less than 150 persons at any
30 one time; or
31 2. In which the average daily receipts from the sale of food
32 are at least 51% of the total daily receipts of the establishment.

33 (f) (1) Except as provided in paragraph (2) of this subsection, a license of
34 any class for the sale of alcoholic beverages may not be transferred into, or

1 transferred to a different location within, the 3rd and 4th precincts of the 16th ward
2 of the 39th alcoholic beverages district located in Baltimore City.

3 (2) This subsection does not apply to:

4 (i) Class C licenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) (i) The Key Highway East Industrial Area Urban Renewal Plan, as
9 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
10 29, 1987; or

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

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

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

22 (j) Expired.

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

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

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