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By: **Senator Della**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Issuance and Transfer of Licenses -**  
3 **Revision**

4 FOR the purpose of revising and restating certain alcoholic beverages provisions  
5 concerning the issuance and transfer of certain alcoholic beverages licenses in  
6 certain areas of Baltimore City; clarifying certain exemptions from the  
7 prohibitions against the issuance of new licenses and the transfer of licenses in  
8 certain areas of Baltimore City; clarifying that certain alcoholic beverages  
9 districts shall at all times be coterminous with certain legislative districts;  
10 updating certain obsolete references to certain districts, wards, and precincts;  
11 defining a certain term; and generally relating to the issuance of new alcoholic  
12 beverages licenses and the transfer of alcoholic beverages licenses in Baltimore  
13 City.

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

19 BY adding to  
20 Article 2B - Alcoholic Beverages  
21 Section 9-204.1  
22 Annotated Code of Maryland  
23 (2001 Replacement Volume and 2004 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That Section(s) 9-204.1 of Article 2B - Alcoholic Beverages of the  
26 Annotated Code of Maryland be repealed.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
28 read as follows:

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**Article 2B - Alcoholic Beverages**

2 9-204.1.

3 (A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LIQUOR LICENSE  
4 COMMISSIONERS FOR BALTIMORE CITY.

5 (B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

6 (C) THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION  
7 SHALL AT ALL TIMES BE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS IN THE  
8 LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF  
9 APPEALS ON JUNE 21, 2002.

10 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NEW  
11 LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES MAY NOT BE ISSUED IN THE  
12 FOLLOWING AREAS:

13 (I) THE 40TH ALCOHOLIC BEVERAGES DISTRICT, WARD 13,  
14 PRECINCTS 1 THROUGH 4, 6 THROUGH 13; WARD 15, PRECINCTS 10, 17 THROUGH 21, 24,  
15 26, 27; WARD 16, PRECINCT 6; WARD 27, PRECINCT 53;

16 (II) THE 41ST ALCOHOLIC BEVERAGES DISTRICT (ENTIRE  
17 DISTRICT);

18 (III) THE 43RD ALCOHOLIC BEVERAGES DISTRICT (ENTIRE  
19 DISTRICT);

20 (IV) THE 44TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE  
21 DISTRICT);

22 (V) THE 45TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE  
23 DISTRICT); AND

24 (VI) THE 46TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE  
25 DISTRICT).

26 (2) THE BOARD MAY ISSUE:

27 (I) SPECIAL 1-DAY LICENSES; OR

28 (II) CLASS B BEER, WINE AND LIQUOR RESTAURANT LICENSES TO  
29 BONA FIDE RESTAURANTS HAVING:

30 1. A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE  
31 COST OF LAND AND BUILDING, OF \$200,000 FOR RESTAURANT FACILITIES EXCEPT IN  
32 THE 46TH ALCOHOLIC BEVERAGES DISTRICT;

33 2. A MINIMUM SEATING CAPACITY OF 75 PERSONS; AND

1                                   3.        ADDITIONAL REQUIREMENTS FOR CLASS B BEER, WINE  
2 AND LIQUOR LICENSES ISSUED IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT AS  
3 PROVIDED IN SECTION 6-201(D) OF THIS ARTICLE.

4                   (3)        NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, NEW  
5 CLASS B BEER, WINE AND LIQUOR RESTAURANT LICENSES MAY NOT BE ISSUED:

6                   (I)        IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, THE AREA  
7 COVERED BY THE KEY HIGHWAY EAST INDUSTRIAL AREA URBAN RENEWAL PLAN, AS  
8 ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 986  
9 ON JUNE 29, 1987;

10                  (II)       IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, THE AREA  
11 COVERED BY THE KEY HIGHWAY URBAN RENEWAL PLAN, AS ADOPTED BY THE  
12 MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 622 ON MARCH 12,  
13 1986; AND

14                  (III)       IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WARD 23,  
15 PRECINCT 1, WARD 1, PRECINCT 4 OR 5 AND WARD 24, PRECINCT 5; AND

16                  (IV)       IN THE AREA KNOWN AS PEN LUCY, WARD 9, PRECINCTS 1 AND  
17 2.

18       (E)       (1)       EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
19 SUBSECTION, LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES OF ANY CLASS  
20 MAY NOT BE TRANSFERRED INTO THE AREAS COVERED BY THIS SECTION.

21                  (2)        A LICENSED DRUGSTORE MAY TRANSFER THE LICENSE INTO THE  
22 45TH ALCOHOLIC BEVERAGES DISTRICT.

23                  (3)        (I)        NOTWITHSTANDING ANY REGULATION OF THE BOARD, A CLASS  
24 B BEER AND WINE LICENSE MAY BE ISSUED IN OR TRANSFERRED INTO THE 43RD  
25 ALCOHOLIC BEVERAGES DISTRICT OR THE 44TH ALCOHOLIC BEVERAGES DISTRICT  
26 FOR USE IN CONJUNCTION WITH A RETAIL SEAFOOD FACILITY THAT IS A  
27 PERMANENT BONA FIDE RAW BAR.

28                  (II)       IF A LICENSE ISSUED UNDER SUBPARAGRAPH (I) OF THIS  
29 PARAGRAPH IS ISSUED IN OR TRANSFERRED INTO THE 43RD ALCOHOLIC BEVERAGES  
30 DISTRICT OR THE 44TH ALCOHOLIC BEVERAGES DISTRICT, THE LICENSE MAY NOT BE  
31 TRANSFERRED TO ANY OTHER LOCATION.

32       (F)       (1)       THIS SUBSECTION APPLIES ONLY IN THE 46TH ALCOHOLIC  
33 BEVERAGES DISTRICT.

34                  (2)        THE BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE OR  
35 TRANSFER A LICENSE INTO WARD 1, PRECINCTS 4 AND 5; WARD 23, PRECINCT 1; OR  
36 WARD 24, PRECINCT 5.

1 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A NEW CLASS B  
2 BEER, WINE AND LIQUOR LICENSE MAY NOT BE TRANSFERRED OR DOWNGRADED  
3 WITHIN THE DISTRICT.

4 (4) A NEW CLASS B LICENSE MUST HAVE AVERAGE DAILY RECEIPTS  
5 FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS  
6 OF THE RESTAURANT.

7 (5) THE BOARD MAY NOT TRANSFER OR ISSUE A LICENSE IF THE  
8 TRANSFER OR ISSUANCE WOULD RESULT IN:

9 (I) THE LICENSED PREMISES BEING LOCATED WITHIN 300 FEET OF  
10 THE NEAREST POINT OF A CHURCH OR A SCHOOL; OR

11 (II) THE LICENSED PREMISES BEING LOCATED CLOSER TO THE  
12 NEAREST POINT OF A CHURCH OR A SCHOOL THAN THE LICENSED PREMISES WAS ON  
13 JUNE 1, 2004.

14 (6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
15 PARAGRAPH, A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES MAY NOT BE  
16 TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN, THE  
17 FOLLOWING AREAS:

18 1. WARD 1, PRECINCTS 2 AND 3;

19 2. WARD 2 IN ITS ENTIRETY;

20 3. WARD 3, PRECINCT 3; AND

21 4. WARD 26, PRECINCTS 3 AND 10.

22 (II) THIS PARAGRAPH DOES NOT APPLY TO AN APPLICATION FOR A  
23 NEW LICENSE OR A TRANSFER FROM WITHIN THE AREAS DESCRIBED IN  
24 SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE NEW LICENSE OR TRANSFER IS FOR:

25 1. A HOTEL;

26 2. AN ESTABLISHMENT LOCATED IN A PLANNED UNIT  
27 DEVELOPMENT IF THE APPLICATION FOR THE PLANNED UNIT DEVELOPMENT WAS  
28 FILED OR APPROVED BEFORE DECEMBER 31, 1995;

29 3. AN ESTABLISHMENT LOCATED IN AN AREA GOVERNED BY  
30 THE INNER HARBOR EAST URBAN RENEWAL PLAN; OR

31 4. AN ESTABLISHMENT THAT HAS A SEATING CAPACITY OF  
32 FEWER THAN 150 PERSONS AT ANY ONE TIME, OR IN WHICH THE AVERAGE DAILY  
33 RECEIPTS FROM THE SALE OF FOOD ARE AT LEAST 51% OF THE TOTAL DAILY  
34 RECEIPTS OF THE ESTABLISHMENT.

35 (G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
36 LICENSE OF ANY CLASS FOR THE SALE OF ALCOHOLIC BEVERAGES MAY NOT BE

1 TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN, THE  
2 3RD AND 4TH PRECINCTS OF THE 16TH WARD OF THE 44TH ALCOHOLIC BEVERAGES  
3 DISTRICT.

4 (2) THIS SUBSECTION DOES NOT APPLY TO:

5 (I) CLASS C LICENSES;

6 (II) CLASS B (ON-SALE) HOTEL AND RESTAURANT LICENSES;

7 (III) CLASS A (OFF-SALE) LICENSES;

8 (IV) A LICENSED PREMISES, IF THE LAND ON WHICH THE LICENSED  
9 PREMISES EXISTS IS TAKEN BY RIGHT OF EMINENT DOMAIN; AND

10 (V) A HOLDER OF ANY CLASS OF LICENSE WHOSE LICENSED  
11 PREMISES ARE DESTROYED BY AN ACT OF GOD IF:

12 1. THE PREMISES ARE DECLARED BY THE BOARD TO BE  
13 UNUSABLE FOR PURPOSES OF THE LICENSE; AND

14 2. THE HOLDER HAS NOT BEEN CITED FOR ANY LICENSE  
15 VIOLATION WITHIN A 2-YEAR PERIOD PRIOR TO THE DATE THE BOARD DECLARES  
16 THE LICENSED PREMISES UNUSABLE.

17 (H) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THE BOARD  
18 MAY NOT ISSUE ANY NEW CLASS A (OFF-SALE) OR CLASS D (ON- AND OFF-SALE)  
19 ALCOHOLIC BEVERAGES LICENSES WITHIN OR TRANSFER ANY CLASS A (OFF-SALE)  
20 OR CLASS D (ON- AND OFF-SALE) ALCOHOLIC BEVERAGES LICENSES INTO THE AREA  
21 BOUNDED ON THE NORTH BY 39TH STREET, THEN FOLLOWING ELLERSLIE AVENUE,  
22 THEN FOLLOWING CHESTNUT HILL AVENUE, ON THE EAST BY LOCH RAVEN  
23 BOULEVARD, THEN FOLLOWING WALPERT AVENUE AND THEN FOLLOWING  
24 HOMEWOOD AVENUE, ON THE SOUTH BY NORTH AVENUE, AND ON THE WEST BY  
25 HOWARD STREET, THEN FOLLOWING ART MUSEUM DRIVE, THEN FOLLOWING NORTH  
26 CHARLES STREET.

27 (I) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO CLASS C BEER,  
28 WINE AND LIQUOR LICENSES ISSUED FOR USE ON THE PREMISES LOCATED AT 3920  
29 BUENA VISTA AVENUE.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2005.