
By: **Senators Brochin and Stone (By Request - Baltimore County Administration)**

Introduced and read first time: March 6, 2006

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 8, 2006

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2006

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages Licenses - Transfers into Towson**
3 **Commercial Revitalization District**

4 FOR the purpose of authorizing the Baltimore County Board of Liquor License
5 Commissioners to authorize the transfer of a certain number of certain beer,
6 wine and liquor (on-sale) licenses into the Towson Commercial Revitalization
7 District; specifying certain requirements for licenses to be transferred; requiring
8 that a license that is transferred into the Towson Commercial Revitalization
9 District be converted into a Class B ~~(TRD)~~ (B, W, L) (TCRD) license; specifying
10 certain requirements for a Class B ~~(TRD)~~ (B, W, L) (TCRD) license and for the
11 restaurant for which a Class B ~~(TRD)~~ (B, W, L) (TCRD) license is issued;
12 requiring a certain minimum capital investment for a restaurant; prohibiting
13 the transfer or conversion of a Class B ~~(TRD)~~ (B, W, L) (TCRD) license; providing
14 for the termination of this Act; and generally relating to alcoholic beverages in
15 Baltimore County.

16 BY adding to
17 Article 2B - Alcoholic Beverages
18 Section 8-204.3
19 Annotated Code of Maryland
20 (2005 Replacement Volume)

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

1

Article 2B - Alcoholic Beverages

2 8-204.3.

3 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

4 (B) (1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA
5 LIMITATIONS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS AND IN
6 ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN BALTIMORE COUNTY,
7 THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY AUTHORIZE THE TRANSFER
8 INTO THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS DEFINED BY THE
9 BALTIMORE COUNTY COUNCIL, OF NOT MORE THAN TWO BEER, WINE AND LIQUOR
10 (ON-SALE) LICENSES THAT:

11 (I) WERE ISSUED ON OR BEFORE DECEMBER 31, 2005;

12 (II) ARE IN EXISTENCE IN ELECTION DISTRICT 13, 14, OR 15 OF
13 BALTIMORE COUNTY ON JUNE 1, 2006; AND

14 (III) ARE VALID ON THE DATE OF TRANSFER.

15 (2) TO BE TRANSFERRED UNDER THIS SECTION, A LICENSE:

16 (I) SHALL BE A CLASS B OR A CLASS D LICENSE; AND

17 (II) MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING
18 TRANSFERRED BY STATUTE OR REGULATION.

19 (3) A LICENSE TRANSFERRED UNDER THIS SECTION SHALL BE
20 CONSIDERED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS AS A REGULAR
21 LICENSE AND NOT AN EXCEPTION LICENSE FOR DETERMINING THE TOTAL NUMBER
22 OF LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE
23 BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF
24 LICENSES AVAILABLE BY POPULATION.

25 (4) ON THE DATE OF TRANSFER, A LICENSE TRANSFERRED UNDER THIS
26 SECTION SHALL BE CONVERTED INTO A CLASS B ~~(FRD)~~ (B, W, L) (TCRD) LICENSE AND
27 MAY NOT BE CONSTRUED TO EXIST IN THE ELECTION DISTRICT FROM WHERE IT WAS
28 TRANSFERRED.

29 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE LICENSE
30 ISSUANCE REQUIREMENTS, LICENSE FEE, THE MINIMUM SQUARE FOOT AREA
31 REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND
32 DAYS AND HOURS OF SALE FOR A CLASS B ~~(FRD)~~ (B, W, L) (TCRD) (ON-SALE) LICENSE
33 ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL
34 AND RESTAURANT LICENSE.

35 (D) (1) THE CLASS B ~~(FRD)~~ (B, W, L) (TCRD) LICENSES MAY BE ISSUED ONLY
36 FOR A LOCATION WITHIN THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS
37 DEFINED BY THE BALTIMORE COUNTY COUNCIL.

1 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE
2 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE
3 REGULATIONS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS.

4 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY
5 RECEIPTS FROM THE SALE OF FOOD AT LEAST ~~60%~~ 70% OF THE TOTAL DAILY
6 RECEIPTS OF THE RESTAURANT.

7 (4) THE SEATING CAPACITY FOR THE BAR AREA MAY NOT EXCEED ~~30%~~
8 25% OF THE TOTAL SEATING CAPACITY OF THE RESTAURANT.

9 (5) THE AREA DEDICATED TO THE RESTAURANT OPERATION SHALL
10 HAVE A MINIMUM SEATING CAPACITY OF 100 PERSONS.

11 (6) THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE
12 LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS
13 OFFERED FOR SALE.

14 (E) AN APPLICANT FOR TRANSFER OF A CLASS B OR CLASS D LICENSE AND
15 ISSUANCE OF A CLASS B ~~(TRD)~~ (B, W, L) (TCRD) LICENSE SHALL DEMONSTRATE TO THE
16 BOARD OF LIQUOR LICENSE COMMISSIONERS THAT THE RESTAURANT HAS A
17 MINIMUM CAPITAL INVESTMENT OF \$500,000.

18 (F) A CLASS B ~~(TRD)~~ (B, W, L) (TCRD) LICENSE ISSUED UNDER THIS SECTION
19 MAY NOT BE TRANSFERRED FROM THE LOCATION OF ITS ISSUANCE OR BE
20 CONVERTED INTO ANY OTHER CLASS OF LICENSE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2006. It shall remain effective for a period of 3 years and 7 months and, at the
23 end of December 31, 2009, with no further action required by the General Assembly,
24 this Act shall be abrogated and of no further force and effect.