

SENATE BILL 806

A2

71r2771

By: **Senator McFadden**

Introduced and read first time: February 16, 2007

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 22, 2007

Committee Report: Favorable

Senate action: Adopted

Read second time: April 2, 2007

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Act of 2007**

3 FOR the purpose of revising and restating certain alcoholic beverages provisions
4 concerning the issuance and transfer of certain alcoholic beverages licenses in
5 certain areas of Baltimore City; clarifying certain exemptions from the
6 prohibitions against the issuance of new licenses and the transfer of licenses in
7 certain areas of Baltimore City; clarifying that certain alcoholic beverages
8 districts shall at all times be coterminous with certain legislative districts;
9 updating certain obsolete references to certain districts, wards, and precincts;
10 requiring the Board of Liquor License Commissioners to obtain criminal records
11 of applicants for licenses from a certain agency and to forward certain
12 fingerprints to a certain agency; authorizing each inspector of the Board to
13 examine certain identification used as proof of age; defining a certain term; and
14 generally relating to the issuance of new alcoholic beverages licenses and the
15 transfer of alcoholic beverages licenses in Baltimore City.

16 BY repealing

17 Article 2B – Alcoholic Beverages

18 Section 9–204.1

19 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2005 Replacement Volume and 2006 Supplement)

2 BY adding to

3 Article 2B – Alcoholic Beverages

4 Section 9–204.1, 10–103(b)(13)(xiv), and 15–112(d)(14)

5 Annotated Code of Maryland

6 (2005 Replacement Volume and 2006 Supplement)

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9 Annotated Code of Maryland be repealed.

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

12 **Article 2B – Alcoholic Beverages**

13 **9–204.1.**

14 (A) IN THIS SECTION, “BOARD” MEANS THE BOARD OF LIQUOR
15 LICENSE COMMISSIONERS FOR BALTIMORE CITY.

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

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

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

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

27 (II) THE 41ST ALCOHOLIC BEVERAGES DISTRICT (ENTIRE
28 DISTRICT);

1 (III) THE 43RD ALCOHOLIC BEVERAGES DISTRICT (ENTIRE
2 DISTRICT);

3 (IV) THE 44TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE
4 DISTRICT);

5 (V) THE 45TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE
6 DISTRICT); AND

7 (VI) THE 46TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE
8 DISTRICT).

9 (2) THE BOARD MAY ISSUE:

10 (I) SPECIAL 1-DAY LICENSES; OR

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

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

16 2. A MINIMUM SEATING CAPACITY OF 75 PERSONS;
17 AND

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

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

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

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

5 **(III) IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WARD**
6 **23, PRECINCT 1, WARD 1, PRECINCT 4 OR 5 AND WARD 24, PRECINCT 5; AND**

7 **(IV) IN THE AREA KNOWN AS PEN LUCY, WARD 9,**
8 **PRECINCTS 1 AND 2.**

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

12 **(2) A LICENSED DRUGSTORE MAY TRANSFER THE LICENSE INTO**
13 **THE 45TH ALCOHOLIC BEVERAGES DISTRICT.**

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

19 **(II) IF A LICENSE ISSUED UNDER SUBPARAGRAPH (I) OF**
20 **THIS PARAGRAPH IS ISSUED IN OR TRANSFERRED INTO THE 43RD ALCOHOLIC**
21 **BEVERAGES DISTRICT OR THE 44TH ALCOHOLIC BEVERAGES DISTRICT, THE**
22 **LICENSE MAY NOT BE TRANSFERRED TO ANY OTHER LOCATION.**

23 **(F) (1) THIS SUBSECTION APPLIES ONLY IN THE 46TH ALCOHOLIC**
24 **BEVERAGES DISTRICT.**

25 **(2) NOTWITHSTANDING § 6-201(D)(1)(VII) OF THIS ARTICLE, THE**
26 **BOARD MAY ISSUE A CLASS B BEER, WINE AND LIQUOR LICENSE:**

27 **(I) FOR A RESTAURANT IN WARD 26 PRECINCT 8, IF THE**
28 **RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$700,000 AND A**
29 **SEATING CAPACITY EXCEEDING 150 PERSONS, AVERAGE DAILY RECEIPTS FROM**

1 THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF
2 THE RESTAURANT;

3 (II) FOR A RESTAURANT IN WARD 4, PRECINCT 1 OR WARD
4 22, PRECINCT 1, IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF
5 \$750,000, A SEATING CAPACITY THAT EXCEEDS 70 PERSONS, AVERAGE DAILY
6 RECEIPTS FOR THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL
7 DAILY RECEIPTS OF THE RESTAURANT, AND NO SALES FOR OFF-PREMISES
8 CONSUMPTION; AND

9 (III) FOR NOT MORE THAN THREE RESTAURANTS IN A
10 RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY
11 THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697
12 ON JUNE 23, 2004, IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT
13 OF \$600,000, A SEATING CAPACITY THAT EXCEEDS 70 PERSONS, AVERAGE
14 DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE
15 TOTAL DAILY RECEIPTS OF THE RESTAURANT, AND NO SALES FOR
16 OFF-PREMISES CONSUMPTION.

17 (3) THE BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES
18 LICENSE OR TRANSFER A LICENSE INTO WARD 1, PRECINCTS 4 AND 5; WARD 23,
19 PRECINCT 1; OR WARD 24, PRECINCT 5.

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

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

26 (6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
27 PARAGRAPH, THE BOARD MAY NOT TRANSFER OR ISSUE A LICENSE IF THE
28 TRANSFER OR ISSUANCE WOULD RESULT IN:

29 1. THE LICENSED PREMISES BEING LOCATED
30 WITHIN 300 FEET OF THE NEAREST POINT OF A CHURCH OR A SCHOOL; OR

1 **2. THE LICENSED PREMISES BEING LOCATED**
2 **CLOSER TO THE NEAREST POINT OF A CHURCH OR A SCHOOL THAN THE**
3 **LICENSED PREMISES WAS ON JUNE 1, 2004.**

4 **(II) THIS PARAGRAPH DOES NOT APPLY TO A LICENSED**
5 **RESTAURANT IN:**

6 **1. WARD 4, PRECINCT 1;**

7 **2. WARD 22, PRECINCT 1; OR**

8 **3. A RESIDENTIAL PLANNED UNIT DEVELOPMENT**
9 **FOR SILO POINT AS APPROVED BY THE MAYOR AND CITY COUNCIL OF**
10 **BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23, 2004.**

11 **(7) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
12 **PARAGRAPH, A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES MAY NOT BE**
13 **TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN,**
14 **THE FOLLOWING AREAS:**

15 **1. WARD 1, PRECINCTS 2 AND 3;**

16 **2. WARD 2 IN ITS ENTIRETY;**

17 **3. WARD 3, PRECINCT 3; AND**

18 **4. WARD 26, PRECINCTS 3 AND 10.**

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

23 **1. A HOTEL;**

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

1 **3. AN ESTABLISHMENT LOCATED IN AN AREA**
2 **GOVERNED BY THE INNER HARBOR EAST URBAN RENEWAL PLAN; OR**

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

7 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, A LICENSE OF ANY CLASS FOR THE SALE OF ALCOHOLIC**
9 **BEVERAGES MAY NOT BE TRANSFERRED INTO, OR TRANSFERRED TO A**
10 **DIFFERENT LOCATION WITHIN, THE 3RD AND 4TH PRECINCTS OF THE 16TH**
11 **WARD OF THE 44TH ALCOHOLIC BEVERAGES DISTRICT.**

12 **(2) THIS SUBSECTION DOES NOT APPLY TO:**

13 **(I) CLASS C LICENSES;**

14 **(II) CLASS B (ON-SALE) HOTEL AND RESTAURANT**
15 **LICENSES;**

16 **(III) CLASS A (OFF-SALE) LICENSES;**

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

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

21 **1. THE PREMISES ARE DECLARED BY THE BOARD TO**
22 **BE UNUSABLE FOR PURPOSES OF THE LICENSE; AND**

23 **2. THE HOLDER HAS NOT BEEN CITED FOR ANY**
24 **LICENSE VIOLATION WITHIN A 2-YEAR PERIOD PRIOR TO THE DATE THE BOARD**
25 **DECLARES THE LICENSED PREMISES UNUSABLE.**

26 **(H) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THE**
27 **BOARD MAY NOT ISSUE ANY NEW CLASS A (OFF-SALE) OR CLASS D (ON- AND**
28 **OFF-SALE) ALCOHOLIC BEVERAGES LICENSES WITHIN OR TRANSFER ANY**

1 **CLASS A (OFF-SALE) OR CLASS D (ON- AND OFF-SALE) ALCOHOLIC BEVERAGES**
2 **LICENSES INTO THE AREA BOUNDED ON THE NORTH BY 39TH STREET, THEN**
3 **FOLLOWING ELLERSLIE AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE,**
4 **ON THE EAST BY LOCH RAVEN BOULEVARD, THEN FOLLOWING WALPERT**
5 **AVENUE AND THEN FOLLOWING HOMEWOOD AVENUE, ON THE SOUTH BY**
6 **NORTH AVENUE, AND ON THE WEST BY HOWARD STREET, THEN FOLLOWING**
7 **ART MUSEUM DRIVE, THEN FOLLOWING NORTH CHARLES STREET.**

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

11 **(J) THE PROHIBITIONS OF THIS SECTION DO NOT APPLY TO CLASS**
12 **C BEER, WINE AND LIQUOR LICENSES ISSUED FOR USE ON THE PREMISES OF A**
13 **MUNICIPAL GOLF COURSE IN THE 41ST LEGISLATIVE DISTRICT.**

14 10-103.

15 **(b) (13) (XIV) IN BALTIMORE CITY:**

16 **1. THE BOARD OF LIQUOR LICENSE**
17 **COMMISSIONERS SHALL:**

18 **A. OBTAIN CRIMINAL RECORDS OF ALCOHOLIC**
19 **BEVERAGES LICENSE APPLICANTS FROM THE CRIMINAL JUSTICE**
20 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
21 **PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

22 **B. REQUIRE APPLICANTS FOR ALCOHOLIC**
23 **BEVERAGES LICENSES IN THE COUNTY TO BE FINGERPRINTED; AND**

24 **C. FORWARD THE FINGERPRINTS THROUGH THE**
25 **CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE**
26 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR**
27 **TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL**
28 **CRIMINAL HISTORY RECORDS CHECK; AND**

29 **2. APPLICANTS FOR LICENSE RENEWAL MAY NOT BE**
30 **SUBJECT TO THESE PROVISIONS.**

1 15-112.

2 (d) (14) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
3 EACH INSPECTOR EMPLOYED BY THE BOARD MAY EXAMINE ANY
4 IDENTIFICATION USED AS PROOF OF AGE BY A PERSON FOR THE PURCHASE OF
5 ALCOHOLIC BEVERAGES IN THE COUNTY.

6 (II) AN EXAMINATION MUST BE MADE ON THE PREMISES OF
7 THE LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.