

# SENATE BILL 496

A2

8lr2587

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By: **Senator Della**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Licenses – Restaurants in Business**  
3 **Planned Unit Development**

4 FOR the purpose of authorizing the Board of Liquor License Commissioners of  
5 Baltimore City to issue a certain number of Class B beer, wine and liquor  
6 restaurant licenses in a business planned unit development in a specified area  
7 in Baltimore City; requiring the restaurants to have a certain minimum capital  
8 investment, seating capacity range, and average daily receipts from the sale of  
9 food that are at least a certain percentage of the total daily receipts of the  
10 restaurant; prohibiting sales for off-premises consumption; and generally  
11 relating to alcoholic beverages licenses in Baltimore City.

12 BY repealing and reenacting, with amendments,  
13 Article 2B – Alcoholic Beverages  
14 Section 9–204.1(c)(1)(iii) and (2)(i)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2007 Supplement)

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

19 **Article 2B – Alcoholic Beverages**

20 9–204.1.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 A. Ward 1, precincts 2 and 3;

5 B. Ward 2 in its entirety;

6 C. Ward 3, precinct 3; and

7 D. Ward 26, precinct 10;

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

15 3. For a restaurant anywhere in ward 4, precinct 1 or  
16 ward 22, precinct 1 of the 46th alcoholic beverages district, which at all times shall be  
17 coterminous with the 46th Legislative District in the Legislative Districting Plan of  
18 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if the restaurant  
19 has a minimum capital investment of \$750,000, a seating capacity that exceeds 70  
20 persons, average daily receipts from the sale of food that are at least 65% of the total  
21 daily receipts of the restaurant, and no sales for off-premises consumption; [and]

22 4. For not more than three restaurants in a residential  
23 planned unit development for Silo Point as approved by the Mayor and City Council of  
24 Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a  
25 minimum capital investment of \$600,000, a seating capacity that exceeds 70 persons,  
26 average daily receipts from the sale of food that are at least 65% of the total daily  
27 receipts of the restaurant, and no sales for off-premises consumption; and

28 **5. FOR NOT MORE THAN THREE RESTAURANTS IN A**  
29 **BUSINESS PLANNED UNIT DEVELOPMENT IN WARD 24, PRECINCT 5 OF THE 46TH**  
30 **ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE**  
31 **COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE**  
32 **DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF**  
33 **APPEALS ON JUNE 21, 2002, IF EACH RESTAURANT HAS A MINIMUM CAPITAL**  
34 **INVESTMENT OF \$600,000, A SEATING CAPACITY THAT EXCEEDS 70 PERSONS**  
35 **BUT IS NOT MORE THAN 150 PERSONS, AVERAGE DAILY RECEIPTS FROM THE**  
36 **SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE**  
37 **RESTAURANT, AND NO SALES FOR OFF-PREMISES CONSUMPTION; AND**

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

4                                   1.    [Ward] **EXCEPT AS PROVIDED IN PARAGRAPH**  
5 **(1)(III)5 OF THIS SUBSECTION, WARD** 1, precinct 4 or 5 of the 46th alcoholic  
6 beverages district, which at all times shall be coterminous with the 46th Legislative  
7 District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court  
8 of Appeals on June 21, 2002; or

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

13                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2008.