

# 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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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 18, 2008

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## CHAPTER \_\_\_\_\_

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.

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

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

8 A. Ward 1, precincts 2 and 3;

9 B. Ward 2 in its entirety;

10 C. Ward 3, precinct 3; and

11 D. Ward 26, precinct 10;

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

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

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

32 **5. FOR NOT MORE THAN THREE RESTAURANTS IN A**  
33 **BUSINESS PLANNED UNIT DEVELOPMENT IN WARD 24, PRECINCT 5 OF THE 46TH**  
34 **ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE**  
35 **COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE**  
36 **DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF**  
37 **APPEALS ON JUNE 21, 2002, IF EACH RESTAURANT HAS A MINIMUM CAPITAL**  
38 **INVESTMENT OF ~~\$600,000~~ \$700,000, A SEATING CAPACITY THAT EXCEEDS ~~70~~ 75**

1 PERSONS BUT IS NOT MORE THAN 150 PERSONS, AVERAGE DAILY RECEIPTS  
2 FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY  
3 RECEIPTS OF THE RESTAURANT, AND NO SALES FOR OFF-PREMISES  
4 CONSUMPTION; AND

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

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

13 2. ~~Ward~~ EXCEPT AS PROVIDED IN PARAGRAPH  
14 (1)(III)5 OF THIS SUBSECTION, WARD 24, precinct 5 of the ~~47th~~ 46th alcoholic  
15 beverages district, which at all times shall be coterminous with the 46th Legislative  
16 District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court  
17 of Appeals on June 21, 2002.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.