

SENATE BILL 584

A2

8lr2197

By: **Senators Della, Gladden, and McFadden**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2008

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Act of 2008**

3 FOR the purpose of altering certain alcoholic beverages license fees and establishing
4 new alcoholic beverages license fees in Baltimore City; revising and restating
5 certain alcoholic beverages provisions concerning the issuance and transfer of
6 certain licenses in certain areas of the City; clarifying certain exemptions from
7 the prohibitions against the issuance of new licenses and the transfer of licenses
8 in certain areas of the City; clarifying that certain alcoholic beverages districts
9 be coterminous with ~~the current~~ a certain legislative districting plan; updating
10 certain obsolete references to certain districts, wards, and precincts; requiring
11 the Board of Liquor License Commissioners for Baltimore City to obtain
12 criminal records of applicants for licenses from a certain agency and to forward
13 certain fingerprints to a certain agency; altering the annual salary of the
14 chairman and other members of the Board; specifying that the chairman and
15 other members of the Board are eligible to receive certain health benefits;
16 altering the number of permanent part-time inspectors that the Board is
17 required to employ; changing the positions and altering the salary grade level
18 for certain Board staff; creating new positions on the Board staff; authorizing
19 each inspector of the Board to examine certain identification used as proof of
20 age; altering certain provisions regarding the registration of bottle clubs by the
21 Board; providing for a registration fee; prohibiting the Board from accepting a
22 renewal of a registration without a hearing under certain circumstances;
23 providing that this Act does not apply to the salary or compensation of the
24 incumbent chairman of the Board of Liquor License Commissioners for
25 Baltimore City or other members of the Board; defining a certain term; and
26 generally relating to alcoholic beverages in Baltimore City.

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 BY repealing

2 Article 2B – Alcoholic Beverages

3 Section ~~9–204.1 and 8–403.1(d)(1)~~

4 Annotated Code of Maryland

5 (2005 Replacement Volume and 2007 Supplement)

6 BY repealing and reenacting, without amendments,

7 Article 2B – Alcoholic Beverages

8 Section ~~5–101(a)(1), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–102(a)~~

9 and (c), ~~6–201(a)(1) and (d)(1)(i), and (2)(i), and (4)(i), 6–301(a)(1),~~

10 ~~6–401(a)(1), 8–203(d)(1), 8–403.1(a), 8–508(a), 10–503(d)(1),~~

11 ~~11–503(b)(2)(iii), and 15–112(a)(3) and (d)(1)~~

12 Annotated Code of Maryland

13 (2005 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article 2B – Alcoholic Beverages

16 Section ~~5–101(d), 5–201(d), 5–301(d), 5–401(d), 6–101(d), 6–102(d),~~

17 ~~6–201(d)(1)(ii), (2)(iii), and (3)(viii), and (4)(ii), 6–301(d), 6–401(d)(1),~~

18 ~~8–203(d)(7), 8–403.1(d)(1), 8–508(c), 9–204.3, 10–301(j)(2),~~

19 ~~10–503(d)(3)(i), 11–403(a)(3), 11–503(b)(2)(i) and (ii), 15–109(d)(1)~~

20 ~~15–109(d), 15–112(d)(9), (11)(vi), and (13), and 20–102~~

21 Annotated Code of Maryland

22 (2005 Replacement Volume and 2007 Supplement)

23 BY adding to

24 Article 2B – Alcoholic Beverages

25 Section ~~6–201(d)(5) and (6), 8–403.1(d)(1), 9–204.1, 10–103(b)(13)(xiv),~~

26 ~~10–502(c), and 15–112(d)(14)~~

27 Annotated Code of Maryland

28 (2005 Replacement Volume and 2007 Supplement)

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

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

34 **Article 2B – Alcoholic Beverages**

35 ~~5–101.~~

36 ~~(a) (1) A Class A beer and light wine license shall be issued by the license~~
37 ~~issuing authority of the county in which the place of business is located. The holder of~~
38 ~~the license may keep for sale and sell beer and light wines at retail, in any quantity to~~
39 ~~any consumers, at the place described in the license. The holder shall deliver the beer~~

1 ~~and light wines in a sealed package or container, which package or container may not~~
2 ~~be opened nor its contents consumed on the premises where sold.~~

3 (d) ~~In Baltimore City the annual license fee is [~~\$110~~] **\$132.**~~

4 ~~5-201.~~

5 (a) (1) ~~A Class B beer and light wine license shall be issued by the license~~
6 ~~issuing authority of the county in which the place of business is located. The holder~~
7 ~~may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at~~
8 ~~the place described in the license, for consumption on the premises or elsewhere.~~

9 (d) ~~In Baltimore City the annual license fee is [~~\$165~~] **\$198.**~~

10 ~~5-301.~~

11 (a) (1) ~~Except as provided in subsection (n) of this section, a Class C beer~~
12 ~~and light wine license shall be issued by the license issuing authority of the county in~~
13 ~~which the place of business is located. The holder of the license may keep for sale and~~
14 ~~sell beer and light wines at retail to bona fide members and their guests, at any club,~~
15 ~~at the place described in the license, for consumption on the premises only.~~

16 (d) ~~In Baltimore City the annual license fee is [~~\$82.50~~] **\$99.**~~

17 ~~5-401.~~

18 (a) (1) ~~A Class D beer and light wine license shall be issued by the license~~
19 ~~issuing authority of the county in which the place of business is located. The license~~
20 ~~authorizes its holder to keep for sale and to sell beer and light wines at retail, at the~~
21 ~~place described in the license, for consumption on the premises or elsewhere. The~~
22 ~~license may not be issued for any drugstore.~~

23 (d) ~~In Baltimore City the annual license fee is [~~\$165~~] **\$198.**~~

24 ~~6-101.~~

25 (a) (1) A Class A beer, wine and liquor license shall be issued by the
26 license issuing authority of the county in which the place of business is located. The
27 license authorizes the holder to keep for sale and to sell all alcoholic beverages at
28 retail, in any quantity, at the place described in the license. The licensee shall deliver
29 the alcoholic beverages in a sealed package or container and the package or container
30 may not be opened nor its contents consumed on the premises where sold.

31 (d) In Baltimore City the annual license fee is [~~\$715~~] **\$858.**

32 ~~6-102.~~

1 (a) This section applies only in Baltimore City.

2 (c) A Class A-2 beer, wine and liquor off-sale package goods license
3 authorizes the holder to:

4 (1) Keep for sale and sell beer, wine, and liquor at retail; and

5 (2) Deliver alcoholic beverages in sealed packages or containers. The
6 package or container may not be opened nor its contents be consumed on the premises
7 where it is sold.

8 (d) The annual license fee is ~~[\$715]~~ **\$858**.

9 6-201.

10 (a) (1) A Class B beer, wine and liquor license shall be issued by the
11 license issuing authority of the county in which the place of business is located, and
12 the license authorizes its holder to keep for sale and sell all alcoholic beverages at
13 retail at any hotel or restaurant at the place described, for consumption on the
14 premises or elsewhere, or as provided in this section.

15 (d) (1) (i) This subsection applies only in Baltimore City.

16 (ii) Except as otherwise provided by this subsection, the annual
17 license fee is ~~[\$1,100]~~ **\$1,320**;

18 **1. \$1,320 FOR A LICENSED ESTABLISHMENT WITH A**
19 **SEATING CAPACITY OF 200 OR FEWER; AND**

20 **2. \$1,800 FOR A LICENSED ESTABLISHMENT WITH A**
21 **SEATING CAPACITY OF MORE THAN 200.**

22 (2) (i) There is a Class B-BWL (H-M) license.

23 (iii) The annual license fee is ~~[\$5,500]~~ **\$6,600** **\$6,500**.

24 (3) (viii) The annual license fee for the arena license is ~~[\$10,000]~~
25 **\$12,000**.

26 ~~(4) (i) The owner or owners of any regularly licensed racing~~
27 ~~establishment, or the concessionaire or catering organization at such place, whether~~
28 ~~an individual, association or corporation, without additional residential, voting or~~
29 ~~locative qualifications may procure a license for the sale of beer, wine and liquor~~
30 ~~within the confines of its racing park.~~

31 (ii) The license fee is ~~[\$55]~~ **\$66** per day.

1 (5) A LICENSEE THAT IS ISSUED A LICENSE FOR ROOM SERVICE
2 FOR AN ESTABLISHMENT WITH FEWER THAN 100 ROOMS SHALL PAY AN ANNUAL
3 ROOM SERVICE FEE OF \$1,000 IN ADDITION TO THE LICENSE FEE.

4 (6) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSEE
5 ISSUED A LICENSE UNDER THIS SUBSECTION SHALL PAY ANNUALLY:

6 (I) \$500, IF THE LICENSEE PROVIDES ~~DISK JOCKEY,~~
7 ~~KARAOKE, OR LIVE ENTERTAINMENT; OR; AND~~

8 (II) \$200, IF THE LICENSEE PROVIDES OUTDOOR TABLE OR
9 CAFE SERVICE.

10 ~~6-301.~~

11 ~~(a) (1) Except as provided in subsection (n) of this section, a Class C beer,~~
12 ~~wine and liquor license shall be issued by the license issuing authority of the county in~~
13 ~~which the place of business is located. It authorizes the holder to keep for sale and sell~~
14 ~~all alcoholic beverages at retail at any club, at the place described in the license, for~~
15 ~~consumption on the premises only.~~

16 ~~(d) In Baltimore City the annual license fee is [\$550] \$660.~~

17 ~~6-401.~~

18 (a) (1) A Class D beer, wine and liquor license shall be issued by the
19 license issuing authority of the county in which the place of business is located. It
20 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the
21 place described in it, for consumption on the premises or elsewhere. A license may not
22 be issued for any drugstore.

23 (d) (1) Subject to § 11-503(b)(2) of this article, in Baltimore City the
24 annual license fee is [\$687.50] \$825.

25 ~~8-203.~~

26 ~~(d) (1) There is a Class B-D-7 license.~~

27 ~~(7) All such licenses shall be issued by the Board of Liquor License~~
28 ~~Commissioners upon certification of the Board. The annual license fee is [\$1,320]~~
29 ~~\$1,584.~~

30 ~~8-403.1.~~

31 ~~(a) The Baltimore City Board of License Commissioners may issue a 1-day~~
32 ~~Class BWT beer and wine (on-premises) tasting license.~~

1 ~~(d) [(1) The Board shall set a fee for a Class BWT license]~~

2 ~~(1) THE FEE FOR A CLASS BWT LICENSE IS \$50 FOR EACH~~
 3 ~~TASTING EVENT.~~

4 8-508.

5 (a) This section applies only to a golf course that is:

6 (1) Located on land that is owned by Baltimore City; and

7 (2) Operated by a Baltimore City golf course manager or a golf course
 8 manager under a management agreement with Baltimore City.

9 (c) The annual license fee is [~~\$500~~] **\$600**.

10 **9-204.1.**

11 **(A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LIQUOR**
 12 **LICENSE COMMISSIONERS FOR BALTIMORE CITY.**

13 **(B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

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

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

22 **(I) THE 40TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE**
 23 **DISTRICT);**

24 **(II) THE 41ST ALCOHOLIC BEVERAGES DISTRICT (ENTIRE**
 25 **DISTRICT);**

26 **(III) THE 43RD ALCOHOLIC BEVERAGES DISTRICT (ENTIRE**
 27 **DISTRICT);**

28 **(IV) THE 44TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE**
 29 **DISTRICT);**

1 (V) THE 45TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE
2 DISTRICT); AND

3 (VI) THE 46TH ALCOHOLIC BEVERAGES DISTRICT (ENTIRE
4 DISTRICT).

5 (2) THE BOARD MAY ISSUE:

6 (I) SPECIAL 1-DAY LICENSES; OR

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

9 1. A MINIMUM CAPITAL INVESTMENT, NOT
10 INCLUDING THE COST OF LAND AND BUILDINGS, OF \$200,000 FOR RESTAURANT
11 FACILITIES EXCEPT IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT;

12 2. A MINIMUM SEATING CAPACITY OF 75 PERSONS;
13 AND

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

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

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

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

28 (III) IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WARD
29 23, PRECINCT 1, WARD 1, PRECINCT 4 OR 5, AND WARD 24, PRECINCT 5; AND

30 (IV) IN THE AREA KNOWN AS PEN LUCY, WARD 9, PRECINCTS
31 1 AND 2.

32 (E) (1) EXCEPT AS PROVIDED IN ~~PARAGRAPHS (2) AND (3)~~
33 PARAGRAPH (2) OF THIS SUBSECTION, LICENSES FOR THE SALE OF ALCOHOLIC

1 BEVERAGES OF ANY CLASS MAY NOT BE TRANSFERRED INTO THE AREAS
2 COVERED BY THIS SECTION.

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

5 ~~(3) (i) NOTWITHSTANDING ANY REGULATION OF THE BOARD,~~
6 ~~A CLASS B BEER AND WINE LICENSE MAY BE ISSUED IN OR TRANSFERRED INTO~~
7 ~~THE 43RD ALCOHOLIC BEVERAGES DISTRICT OR THE 44TH ALCOHOLIC~~
8 ~~BEVERAGES DISTRICT FOR USE IN CONJUNCTION WITH A RETAIL SEAFOOD~~
9 ~~FACILITY THAT IS A PERMANENT, BONA FIDE RAW BAR.~~

10 ~~(H) IF A LICENSE ISSUED UNDER SUBPARAGRAPH (I) OF~~
11 ~~THIS PARAGRAPH IS ISSUED IN OR TRANSFERRED INTO THE 43RD ALCOHOLIC~~
12 ~~BEVERAGES DISTRICT OR THE 44TH ALCOHOLIC BEVERAGES DISTRICT, THE~~
13 ~~LICENSE MAY NOT BE TRANSFERRED TO ANY OTHER LOCATION.~~

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

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

18 (I) FOR A RESTAURANT IN WARD 26, PRECINCT 8, IF THE
19 RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF \$700,000, A SEATING
20 CAPACITY EXCEEDING 150 PERSONS, AND AVERAGE DAILY RECEIPTS FROM THE
21 SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE
22 RESTAURANT;

23 (II) FOR A RESTAURANT IN WARD 4, PRECINCT 1 OR WARD
24 22, PRECINCT 1, IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF
25 ~~\$750,000~~ \$700,000, A SEATING CAPACITY THAT EXCEEDS ~~70~~ 75 PERSONS,
26 AVERAGE DAILY RECEIPTS FOR THE SALE OF FOOD THAT ARE AT LEAST 65% OF
27 THE TOTAL DAILY RECEIPTS OF THE RESTAURANT, AND NO SALES FOR
28 OFF-PREMISES CONSUMPTION; AND

29 (III) FOR NOT MORE THAN THREE RESTAURANTS IN A
30 RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY
31 THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697
32 ON JUNE 23, 2004, IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT
33 OF ~~\$600,000~~ \$700,000, A SEATING CAPACITY THAT EXCEEDS ~~70~~ 75 PERSONS,
34 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65%
35 OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT, AND NO SALES FOR
36 OFF-PREMISES CONSUMPTION.

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

4 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A NEW
5 CLASS B BEER, WINE AND LIQUOR LICENSE MAY NOT BE TRANSFERRED TO
6 ANOTHER LOCATION OR DOWNGRADED WITHIN THE 46TH ALCOHOLIC
7 BEVERAGES DISTRICT.

8 (5) A NEW CLASS B LICENSED RESTAURANT MUST HAVE
9 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51%
10 OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.

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

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

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

19 (II) THIS PARAGRAPH DOES NOT APPLY TO A LICENSED
20 RESTAURANT IN:

21 1. WARD 4, PRECINCT 1;

22 2. WARD 22, PRECINCT 1; OR

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

26 (7) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
27 PARAGRAPH, A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES MAY NOT BE
28 TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN,
29 THE FOLLOWING AREAS:

30 1. WARD 1, PRECINCTS 2 AND 3;

31 2. WARD 2 IN ITS ENTIRETY;

32 3. WARD 3, PRECINCT 3; AND

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

2 **(II) THIS PARAGRAPH DOES NOT APPLY TO AN APPLICATION**
 3 **FOR A NEW LICENSE OR A TRANSFER FROM WITHIN THE AREAS DESCRIBED IN**
 4 **SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE NEW LICENSE OR TRANSFER IS**
 5 **FOR:**

6 **1. A HOTEL;**

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

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

12 **4. AN ESTABLISHMENT THAT HAS A SEATING**
 13 **CAPACITY OF FEWER THAN 150 PERSONS OR IN WHICH THE AVERAGE DAILY**
 14 **RECEIPTS FROM THE SALE OF FOOD ARE AT LEAST 51% OF THE TOTAL DAILY**
 15 **RECEIPTS OF THE ESTABLISHMENT.**

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

21 ~~**(2) THIS SUBSECTION DOES NOT APPLY TO:**~~

22 ~~**(I) CLASS C LICENSES;**~~

23 ~~**(II) CLASS B (ON SALE) HOTEL AND RESTAURANT**~~
 24 ~~**LICENSES;**~~

25 ~~**(III) CLASS A (OFF SALE) LICENSES;**~~

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

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

30 ~~**1. THE PREMISES ARE DECLARED BY THE BOARD TO**~~
 31 ~~**BE UNUSABLE FOR PURPOSES OF THE LICENSE; AND**~~

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

4 ~~(H) (G) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THE~~
 5 ~~BOARD MAY NOT ISSUE ANY NEW CLASS A (OFF-SALE) OR CLASS D (ON- AND~~
 6 ~~OFF-SALE) ALCOHOLIC BEVERAGES LICENSES WITHIN OR TRANSFER ANY A~~
 7 ~~CLASS A (OFF-SALE) OR CLASS D (ON- AND OFF-SALE) ALCOHOLIC BEVERAGES~~
 8 ~~LICENSES LICENSE MAY NOT BE ISSUED WITHIN OR TRANSFERRED INTO THE~~
 9 ~~AREA BOUNDED ON THE NORTH BY 39TH STREET, THEN FOLLOWING ELLERSLIE~~
 10 ~~AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE, ON THE EAST BY LOCH~~
 11 ~~RAVEN BOULEVARD, THEN FOLLOWING WALPERT AVENUE, THEN FOLLOWING~~
 12 ~~HOMWOOD AVENUE, ON THE SOUTH BY NORTH AVENUE, AND ON THE WEST BY~~
 13 ~~HOWARD STREET, THEN FOLLOWING ART MUSEUM DRIVE, THEN FOLLOWING~~
 14 ~~NORTH CHARLES STREET.~~

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

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

21 9-204.3.

22 (a) In Baltimore City, [in the 2nd, 3rd, 4th, and 5th Legislative Districts as
 23 they existed on January 1, 1972, and 46th and 47th Legislative Districts as listed in
 24 the Baltimore Directory of 1986 issued by the Board of Supervisors of Elections of
 25 Baltimore City,] no new license, or removal of an existing license, shall be granted to
 26 sell alcoholic beverages in any building located within 300 feet of the nearest point of
 27 the buildings of a church or school, but the license of any person now holding a license
 28 for any building located within such distance of the building grounds of a church or
 29 school may be renewed or extended for the same building.

30 (b) The restrictions regarding distance do not apply to the following licenses,
 31 which may be issued within the 300 feet limitation:

32 (1) Except in the 46th [and 47th Legislative Districts as listed in the
 33 Baltimore Directory of 1986 issued by the Board of Supervisors of Elections of
 34 Baltimore City] **LEGISLATIVE DISTRICT**, Class B beer and wine;

1 (2) Except in the 46th [and 47th Legislative Districts as listed in the
2 Baltimore Directory of 1986 issued by the Board of Supervisors of Elections of
3 Baltimore City] **LEGISLATIVE DISTRICT**, Class B beer, wine and liquor;

4 (3) Class C beer and wine; **AND**

5 (4) Class C beer, wine and liquor, ~~and~~

6 ~~(5) A Class A license that is transferred from ward 12, precinct 1 to a
7 property within a block surrounded by Elm Avenue, Berry Street, Paine Street and
8 West 37th Street, if:~~

9 ~~(i) The transfer has the written support of the Hampden
10 Community Council, the Hampden Village Merchant's Association, and Hampden
11 Main Street; and~~

12 ~~(ii) The transfer is consistent with the Hampden Urban
13 Renewal Plan.~~

14 (c) Except in the 46th [and 47th Legislative Districts as listed in the
15 Baltimore Directory of 1986 issued by the Board of Supervisors of Elections of
16 Baltimore City] **LEGISLATIVE DISTRICT**, the governing body of any church in
17 writing may waive the restrictions of this section regarding licenses not specified in
18 subsection (b) with respect to cafes or restaurants located within 250 feet of a theater
19 having a capacity of not less than 300 seats, which theater is operated by a nonprofit
20 theater association.

21 10-103.

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

23 **1. THE BOARD OF LIQUOR LICENSE**
24 **COMMISSIONERS SHALL:**

25 **A. OBTAIN CRIMINAL RECORDS OF ALCOHOLIC**
26 **BEVERAGES LICENSE APPLICANTS FROM THE CRIMINAL JUSTICE**
27 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
28 **PUBLIC SAFETY AND CORRECTIONAL SERVICES;**

29 **B. REQUIRE APPLICANTS FOR ALCOHOLIC**
30 **BEVERAGES LICENSES IN ~~THE COUNTY~~ BALTIMORE CITY TO BE**
31 **FINGERPRINTED; AND**

32 **C. FORWARD THE FINGERPRINTS THROUGH THE**
33 **CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE**
34 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR**

1 TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL
2 CRIMINAL HISTORY RECORDS CHECK; AND

3 **2. APPLICANTS FOR LICENSE RENEWAL MAY NOT BE**
4 **SUBJECT TO THE PROVISIONS OF THIS SUBPARAGRAPH.**

5 10-301.

6 (j) (2) (i) Each year, between March 1 and March 31, both inclusive,
7 each licensee shall file an application for license renewal with the Board.

8 **(II) AN APPLICANT FOR A RENEWAL OF A LICENSE ISSUED**
9 **BY THE BOARD SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE**
10 **DIRECTOR OF FINANCE.**

11 [(ii)] **(III)** A license renewal application received by the Board
12 after March 31 may be subject to:

13 1. Rejection; or

14 2. A late charge of \$50 for each day the application is
15 filed late, not to exceed \$1,500.

16 10-502.

17 **(c) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.**

18 **(2) AN ESTABLISHMENT WITH MULTIPLE PUBLIC AREAS IN**
19 **WHICH ALCOHOLIC BEVERAGES ARE SOLD SHALL DISPLAY A DUPLICATE**
20 **LICENSE IN EACH AREA.**

21 **(3) THE FEE FOR A DUPLICATE LICENSE IS \$20.**

22 10-503.

23 (d) (1) This subsection applies only in Baltimore City.

24 (3) (i) Subject to subparagraph (ii) of this paragraph, the fee for
25 transfer or assignment of a license is [~~\$100~~] **\$200** in addition to the cost of publication
26 and notice and any hearing fees required.

27 11-403.

28 (a) (3) (i) Except for the Class B Sunday off-sale license prohibition in
29 the 47th alcoholic beverages district in Baltimore City as provided for in § 6-201(d) of

1 this article, in Baltimore City a Class B and a Class C beer and light wine or beer,
2 wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

3 (ii) 1. Subject to the conditions provided in this
4 subparagraph, in Baltimore City, a holder of a Class A retail alcoholic beverages
5 license may exercise the off-sale license privilege on the Sundays that fall between
6 Thanksgiving Day and New Year's Day from 1 p.m. to 9 p.m.

7 2. The holder of a Class A retail off-sale license may
8 exercise the additional privilege authorized by this subparagraph in any year in which
9 a supplementary license fee of ~~[\$50]~~ ~~\$60~~ ~~\$75~~ has been paid prior to October 1 for each
10 day the additional privilege is to be exercised.

11 ~~11-503.~~

12 ~~(b) (2) (i) The Board may issue a supplemental license no more than~~
13 ~~[two] FOUR times during any calendar year to a holder of a Class D beer, wine and~~
14 ~~liquor license authorizing the holder to sell alcoholic beverages between the hours of~~
15 ~~6 a.m. on Sunday and 1 a.m. the following day.~~

16 ~~(ii) The fee for the supplemental license is ~~[\$75]~~ \$100 per~~
17 ~~issuance, which fee is in addition to the annual fee for the underlying Class D beer,~~
18 ~~wine and liquor license.~~

19 ~~(iii) A holder of a supplemental license under this paragraph~~
20 ~~shall notify the Board at least 2 weeks in advance of exercising the privileges under~~
21 ~~the supplemental license.~~

22 15-109.

23 (d) In Baltimore City:

24 (1) The chairman of the Board shall receive an annual salary of
25 ~~[\$18,500]~~ ~~\$28,500~~, and the other members of the Board shall receive an annual
26 salary of ~~[\$18,000]~~ ~~\$28,000~~.

27 **(2) THE CHAIRMAN AND THE OTHER MEMBERS OF THE BOARD**
28 **ARE ELIGIBLE TO RECEIVE THE SAME HEALTH BENEFITS THAT FULL-TIME**
29 **LIQUOR INSPECTORS OF THE BOARD RECEIVE.**

30 ~~[(2)] (3) The Board shall appoint an executive secretary and a deputy~~
31 ~~executive secretary whose salaries shall be fixed by the Board, subject to approval by~~
32 ~~the State Comptroller.~~

33 ~~[(3)] (4) The executive secretary and the deputy executive secretary~~
34 ~~shall be residents of Baltimore City and of high character and integrity.~~

- 1 [(iv)] (V) Accounting Assistant II – Grade 085;
- 2 [(v)] (VI) Secretary III – Grade 086;
- 3 [(vi)] (VII) [Office Supervisor] **311 CALL CENTER**
- 4 **SUPERVISOR** – Grade [087] ~~088~~ 093;
- 5 (VIII) **INSPECTOR III – GRADE 088**;
- 6 [(vii)] (IX) [Administrative Coordinator] **ASSISTANT**
- 7 **EXECUTIVE SECRETARY** – Grade [090] ~~095~~ 099;
- 8 [(viii)] (X) Assistant Chief Inspector – Grade [090] ~~093~~ 097; and
- 9 [(ix)] (XI) Chief Inspector – Grade [093] ~~095~~ 099.

10 (14) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**

11 **EACH INSPECTOR EMPLOYED BY THE BOARD MAY EXAMINE ANY**

12 **IDENTIFICATION USED AS PROOF OF AGE BY A PERSON FOR THE PURCHASE OF**

13 **ALCOHOLIC BEVERAGES IN THE CITY.**

14 (II) **AN EXAMINATION SHALL BE MADE ON THE PREMISES OF**

15 **THE LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.**

16 20–102.

17 (a) (1) In this section, “bottle club” means any establishment that serves,

18 gives, or allows alcoholic beverages to be consumed by patrons from supplies that the

19 patrons previously purchased or reserved.

20 (2) “Bottle club” does not include any establishment if a license for the

21 premises had been issued under the provisions of this article.

22 (b) This section applies only in Baltimore City.

23 (c) A bottle club may not give, serve, dispense, keep, or allow to be consumed

24 on its premises, or on premises under its control or possession, any alcoholic

25 beverages, setups, or other component parts of mixed alcoholic drinks after legal

26 closing hours for establishments under § 8–203(d) of this article.

27 (d) (1) Any person who owns or operates a bottle club shall ~~register~~ the

28 establishment with ~~the Board of License Commissioners for Baltimore City~~ ~~HAVE THE ESTABLISHMENT REGISTERED BY~~ the Board of

29 License Commissioners for Baltimore City AND PAY THE APPLICATION FEE THAT

30 THE BOARD SETS.

(2) The registration shall include:

(i) The name of the establishment; [and]

(ii) The address where the establishment is doing business; AND

(III) EVIDENCE OF ALL INSPECTIONS REQUIRED OF THE ESTABLISHMENT AND BUSINESS LICENSES ISSUED TO THE PERSON BY THE STATE OR ~~THE BOARD~~ BALTIMORE CITY.

(3) (I) THE BOARD SHALL MEET THE SAME NOTICE AND HEARING REQUIREMENTS FOR THE APPLICATION FOR REGISTRATION THAT APPLY TO AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE.

(II) BEFORE THE BOARD MAY APPROVE AN APPLICATION AND ACCEPT THE REGISTRATION, THE APPLICANT SHALL PROVIDE COPIES OF ALL INSPECTIONS BY THE APPROPRIATE AGENCIES, A TRADER’S LICENSE, A SALES AND USE TAX LICENSE, AND A USE AND OCCUPANCY PERMIT.

~~(II)~~ (III) AFTER AT THE HEARING, THE BOARD SHALL DETERMINE WHETHER TO REGISTER THE ESTABLISHMENT, USING THE STANDARDS LISTED UNDER ~~§ 10-202(A)(2)~~ § 10-202(A)(2)(II) OF THIS ARTICLE.

(IV) 1. A REGISTRATION OF A BOTTLE CLUB UNDER THIS SUBSECTION REMAINS IN EFFECT FOR 1 YEAR.

2. SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, A REGISTRATION THAT IS ACCEPTED BY THE BOARD MAY BE RENEWED EACH YEAR IN ACCORDANCE WITH THE SAME RENEWAL PROCEDURES USED FOR LIQUOR LICENSES.

3. A PERSON THAT SEEKS TO RENEW A REGISTRATION SHALL PAY THE RENEWAL FEE THAT THE BOARD ESTABLISHES.

(V) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE BOARD MAY NOT ACCEPT A RENEWAL OF A REGISTRATION WITHOUT A HEARING IF A PROTEST HAS BEEN FILED AGAINST THE RENEWAL AT LEAST 30 DAYS BEFORE THE EXPIRATION OF THE REGISTRATION.

2. A PROTEST SHALL BE:

A. INSTITUTED BY THE BOARD; OR

B. SIGNED BY AT LEAST 10 RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR ANY

1 LICENSE ISSUED UNDER THIS ARTICLE, OR REAL ESTATE OWNERS IN THE
2 IMMEDIATE VICINITY IN WHICH THE BOTTLE CLUB IS LOCATED.

3 (VI) THE BOARD MAY REVOKE OR REFUSE TO RENEW A
4 REGISTRATION.

5 (e) A violation of this section is a misdemeanor, and upon conviction, the
6 court shall impose a fine of up to \$10,000 or imprisonment for up to 2 years, or both.

7 SECTION 3. AND BE IT FURTHER ENACTED, That, pursuant to Article III, §
8 35 of the Maryland Constitution, this Act may not be construed to extend or apply to
9 the salary or compensation of the chairman of the Board of Liquor License
10 Commissioners for Baltimore City and the other members of the Board in office on the
11 effective date of this Act, but the provisions of this Act concerning the salary or
12 compensation of the chairman of the Board of Liquor License Commissioners for
13 Baltimore City and the other members of the Board shall take effect at the beginning
14 of the next following term of office.

15 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 June 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.