

HOUSE BILL 1439

A2

9lr3243

By: **Delegates Bromwell and Lafferty (By Request - Baltimore County Administration)**

Introduced and read first time: February 26, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 9, 2009

Committee Report: Favorable

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County - Towson Commercial Revitalization District - Alcoholic**
3 **Beverages - Transfer and Conversion of Licenses**

4 FOR the purpose of increasing the number of certain alcoholic beverages licenses that
5 may be transferred under certain circumstances and converted into certain
6 licenses for restaurants in the Towson Commercial Revitalization District in
7 Baltimore County; altering the percentage of total daily receipts that a certain
8 restaurant operation is required to maintain; specifying that the licenses for
9 restaurants may not confer an off-sale privilege; specifying that the minimum
10 capital investment for restaurants excludes the cost of the land and building
11 shell; requiring that the Baltimore County Board of Liquor License
12 Commissioners deny an application for the transfer and conversion of a license
13 under certain circumstances; prohibiting a license from being transferred from
14 the Towson Commercial Revitalization District or converted into any other class
15 of license; repealing the termination provision relating to the period during
16 which a certain alcoholic beverages license may be transferred and converted
17 into a certain license for a restaurant in the Towson Commercial Revitalization
18 District; and generally relating to alcoholic beverages in Baltimore County.

19 BY repealing and reenacting, with amendments,
20 Article 2B - Alcoholic Beverages
21 Section 8-204.3
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2008 Supplement)

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 and reenacting, with amendments,
2 Chapter 215 of the Acts of the General Assembly of 2006
3 Section 2

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

6 **Article 2B – Alcoholic Beverages**

7 8–204.3.

8 (a) This section applies only in Baltimore County.

9 (b) (1) Notwithstanding the license population quota limitations of the
10 Board of Liquor License Commissioners and in addition to the licenses authorized for
11 issuance in Baltimore County, the Board of Liquor License Commissioners may
12 authorize the transfer into the Towson Commercial Revitalization District, as defined
13 by the Baltimore County Council, of not more than [two] **10** beer, wine and liquor
14 (on–sale) licenses that:

15 (i) Were issued on or before December 31, [2005] **2008**;

16 (ii) Are in existence in Election District [13, 14, or] 15 of
17 Baltimore County on June 1, [2006] **2009**; and

18 (iii) Are valid on the date of transfer.

19 (2) To be transferred under this section, a license:

20 (i) Shall be a Class B or a Class D license; and

21 (ii) May not be a license that is prohibited from being
22 transferred by statute or regulation.

23 (3) A license transferred under this section shall be considered by the
24 Board of Liquor License Commissioners as a regular license and not an exception
25 license for determining the total number of licenses available in any election district
26 based on the rule of the Board of Liquor License Commissioners that limits the total
27 number of licenses available by population.

28 (4) On the date of transfer, a license transferred under this section
29 shall be converted into a Class B (B, W, L) (TCRD) license and may not be construed to
30 exist in the election district from where it was transferred.

31 (c) Except as provided in subsection (d) of this section, the license issuance
32 requirements, license fee, the minimum square foot area requirement for food and

1 beverage preparation and consumption, and days and hours of sale for a Class B (B,
2 W, L) (TCRD) (on-sale) license are the same as those for a Class B beer, wine and
3 liquor (on-sale) hotel and restaurant license.

4 (d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a
5 location within the Towson Commercial Revitalization District, as defined by the
6 Baltimore County Council.

7 (2) The license shall be used in conjunction with the operation of a
8 restaurant, as defined in this article and in the regulations of the Board of Liquor
9 License Commissioners.

10 (3) The restaurant operation shall maintain average daily receipts
11 from the sale of food at least [70%] **65%** of the total daily receipts of the restaurant.

12 (4) The seating capacity for the bar area may not exceed 25% of the
13 total seating capacity of the restaurant.

14 (5) The area dedicated to the restaurant operation shall have a
15 minimum seating capacity of 100 persons.

16 (6) The hours during which the privileges conferred by the license may
17 be exercised may not exceed the hours during which food is offered for sale.

18 **(7) THE LICENSE MAY NOT CONFER AN OFF-SALE PRIVILEGE.**

19 (e) An applicant for transfer of a Class B or Class D license and issuance of a
20 Class B (B, W, L) (TCRD) license shall demonstrate to the Board of Liquor License
21 Commissioners that the restaurant has a minimum capital investment of \$500,000,
22 **EXCLUDING THE COST OF THE LAND AND BUILDING SHELL.**

23 **(F) THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL DENY AN**
24 **APPLICATION FOR TRANSFER OF A CLASS B OR CLASS D LICENSE AND**
25 **ISSUANCE OF A CLASS B (B, W, L) (TCRD) LICENSE IF WITHIN 2 YEARS**
26 **IMMEDIATELY PRECEDING THE APPLICATION:**

27 **(1) (I) THE APPLICANT WAS A HOLDER OF AN ON-SALE**
28 **LICENSE ISSUED UNDER THIS ARTICLE WITHIN THE BOUNDARIES OF THE**
29 **TOWSON COMMERCIAL REVITALIZATION DISTRICT; OR**

30 **(II) THERE WAS AN ON-SALE LICENSE IN EXISTENCE FOR**
31 **THE PROPOSED PREMISES OF THE APPLICANT; AND**

32 **(2) THE PREVIOUS ON-SALE LICENSE WAS TRANSFERRED TO**
33 **PREMISES OUTSIDE OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT.**

1 [(f)] (G) A Class B (B, W, L) (TCRD) license issued under this section may
2 not be transferred from the [location of its issuance] **TOWSON COMMERCIAL**
3 **REVITALIZATION DISTRICT** or be converted into any other class of license.

4 **Chapter 215 of the Acts of 2006**

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.