

SENATE BILL 543

A2

9lr2562

By: **Senators Brochin and Stone**

Introduced and read first time: February 5, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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
5 that may be transferred under certain circumstances and converted into
6 certain licenses for restaurants in the Towson Commercial Revitalization
7 District in Baltimore County; altering the seating capacity that may be devoted
8 to the bar area of licensed restaurants; 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 Board of Liquor License Commissioners deny an
12 application for the transfer and conversion of a license under certain
13 circumstances; prohibiting a license from being transferred from the Towson
14 Commercial Revitalization District or converted into any other class of license;
15 repealing the termination provision relating to the period during which a
16 certain alcoholic beverages license may be transferred and converted into a
17 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)

24 BY repealing and reenacting, with amendments,
25 Chapter 215 of the Acts of the General Assembly of 2006
26 Section 2

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article 2B – Alcoholic Beverages**

2 8–204.3.

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

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

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

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

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

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

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

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

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

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

26 (c) Except as provided in subsection (d) of this section, the license issuance
27 requirements, license fee, the minimum square foot area requirement for food and
28 beverage preparation and consumption, and days and hours of sale for a Class B (B,
29 W, L) (TCRD) (on–sale) license are the same as those for a Class B beer, wine and
30 liquor (on–sale) hotel and restaurant license.

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

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

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

6 (4) The seating capacity for the bar area may not exceed [25%] **35%** of
7 the total seating capacity of the restaurant.

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

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

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

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

17 **(F) THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL DENY AN**
18 **APPLICATION FOR TRANSFER OF A CLASS B OR CLASS D LICENSE AND**
19 **ISSUANCE OF A CLASS B (B,W, L) (TCRD) LICENSE IF:**

20 **(1) WITHIN 2 YEARS IMMEDIATELY PRECEDING THE**
21 **APPLICATION, A PREVIOUS CLASS B (B, W, L) (TCRD) LICENSE WAS ISSUED TO**
22 **THE APPLICANT OR FOR THE PROPOSED PREMISES OF THE APPLICANT; AND**

23 **(2) THE PREVIOUS CLASS B (B, W, L) (TCRD) LICENSE WAS**
24 **TRANSFERRED TO PREMISES OUTSIDE OF THE TOWSON COMMERCIAL**
25 **REVITALIZATION DISTRICT.**

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

29 **Chapter 215 of the Acts of 2006**

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

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