

SENATE BILL 378

A2

0lr0388

By: **Senator Della**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – 46th District – Alcoholic Beverages – Issuance or Transfer of**
3 **Licenses Prohibited in Certain Precincts – Food Sales**

4 FOR the purpose of prohibiting the issuance of alcoholic beverages licenses in, or the
5 transfer of alcoholic beverages licenses into, certain precincts of a certain ward
6 in the 46th alcoholic beverages district of Baltimore City; altering the
7 percentage of average daily receipts derived from the sale of food that is
8 required of certain licensed restaurants in certain wards and precincts in the
9 46th alcoholic beverages district; and generally relating to alcoholic beverages
10 licenses in certain wards and precincts in the 46th alcoholic beverages district of
11 Baltimore City.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 6–201(d)(1)(ix) and 9–204.1(d)(3) and (f)(2)(i) and (ii) and (3)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article 2B – Alcoholic Beverages
19 Section 9–204.1(a), (b), (c), and (f)(1)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2009 Supplement)

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

24 **Article 2B – Alcoholic Beverages**

25 6–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) (ix) The Board of Liquor License Commissioners for Baltimore
2 City may issue a Class B beer, wine and liquor license for use in a restaurant that has
3 a seating capacity exceeding 150 persons if the restaurant:

4 1. Is located in ward 26, precinct 8, ward 4, precinct 1, or
5 ward 3, precinct 3 of the 46th Alcoholic Beverages District, which at all times shall be
6 coterminous with the 46th Legislative District in the Legislative Districting Plan of
7 2002 as ordered by the Maryland Court of Appeals on June 21, 2002;

8 2. Has a minimum capital investment of \$700,000; and

9 3. Has average daily receipts from the sale of food that
10 are at least [65%] **60%** of the total daily receipts.

11 9-204.1.

12 (a) In this section, "Board" means the Board of Liquor License
13 Commissioners for Baltimore City.

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

15 (c) The alcoholic beverages districts described in this section at all times
16 shall be coterminous with the legislative districts in the Legislative Districting Plan of
17 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

18 (d) (3) Notwithstanding paragraph (2) of this subsection, new Class B
19 beer, wine and liquor restaurant licenses may not be issued:

20 (i) In the 46th alcoholic beverages district, the area covered by
21 the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor
22 and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

23 (ii) In the 46th alcoholic beverages district, the area covered by
24 the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of
25 Baltimore City in Ordinance 622 on March 12, 1986;

26 **(III) IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WARD**
27 **25, PRECINCTS 7 THROUGH 16, INCLUSIVE;**

28 [(iii)] **(IV)** In the 46th alcoholic beverages district, ward 23,
29 precinct 1, ward 1, precinct 4 or 5, and ward 24, precinct 5; and

30 [(iv)] **(V)** In the area known as Pen Lucy, ward 9, precincts 1
31 and 2.

32 (f) (1) This subsection applies only in the 46th alcoholic beverages
33 district.

1 (2) Notwithstanding § 6–201(d)(1)(vii) of this article, the Board may
2 issue a Class B beer, wine and liquor license:

3 (i) For a restaurant in ward 26, precinct 8, if the restaurant has
4 a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons,
5 and average daily receipts from the sale of food that are at least ~~[65%]~~ **60%** of the
6 total daily receipts of the restaurant;

7 (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,
8 if the restaurant has a minimum capital investment of \$700,000, a seating capacity
9 that exceeds 75 persons, average daily receipts for the sale of food that are at least
10 ~~[65%]~~ **60%** of the total daily receipts of the restaurant, and no sales for off–premises
11 consumption;

12 (3) The Board may not issue an alcoholic beverages license or transfer
13 a license into:

14 (I) [ward] **WARD 1**, precincts 4 and 5[.];

15 (II) [ward] **WARD 23**, precinct 1[, or];

16 (III) [ward] **WARD 24**, precinct 5; **OR**

17 (IV) **WARD 25, PRECINCTS 7 THROUGH 16, INCLUSIVE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2010.