

# SENATE BILL 51

A2  
SB 7/1SS11 – SRU

EMERGENCY BILL

2lr1248

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By: **Senator Ferguson**

Introduced and read first time: January 13, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 7, 2012

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

1 AN ACT concerning

2 **Baltimore City – Board of Liquor License Commissioners – Transfer of**  
3 **License**

4 FOR the purpose of altering a prohibition against the Board of Liquor License  
5 Commissioners for Baltimore City issuing an alcoholic beverages license or  
6 transferring a license into certain locations in Baltimore City by authorizing the  
7 Board to allow the transfer of a certain license into a certain development in a  
8 certain location in accordance with a certain local ordinance; making this Act an  
9 emergency measure; and generally relating to the issuance of alcoholic  
10 beverages licenses in Baltimore City.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 9–204.1(f)  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume)

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

18 **Article 2B – Alcoholic Beverages**

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

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

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

9 (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,  
10 if the restaurant has a minimum capital investment of \$700,000, a seating capacity  
11 that exceeds 75 persons, average daily receipts for the sale of food that are at least  
12 65% of the total daily receipts of the restaurant, and no sales for off–premises  
13 consumption;

14 (iii) For not more than three restaurants in a residential planned  
15 unit development for Silo Point as approved by the Mayor and City Council of  
16 Baltimore City in Ordinance 04–697 on June 23, 2004, if the restaurant has a  
17 minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons,  
18 average daily receipts from the sale of food that are at least 65% of the total daily  
19 receipts of the restaurant, and no sales for off–premises consumption; and

20 (iv) For not more than three restaurants in a business planned  
21 unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which  
22 at all times shall be coterminous with the 46th Legislative District in the Legislative  
23 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,  
24 2002, if each restaurant has a minimum capital investment of \$700,000, a seating  
25 capacity that exceeds 75 persons but is not more than 150 persons, average daily  
26 receipts from the sale of food that are at least 65% of the total daily receipts of the  
27 restaurant, and no sales for off–premises consumption.

28 (3) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
29 **THIS PARAGRAPH,** THE Board may not issue an alcoholic beverages license or  
30 transfer a license into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24,  
31 precinct 5.

32 (II) **THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS**  
33 **D LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO**  
34 **POINT LOCATED IN WARD 24, PRECINCT 5 WHICH WAS ENACTED BY THE MAYOR**  
35 **AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04–697 ON JUNE 23,**  
36 **2004, PROVIDED THAT THE CLASS D LICENSE HOLDER OPERATES THE**  
37 **ESTABLISHMENT IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE**  
38 **04–697.**

1           (4) Notwithstanding any other provision of law, a new Class B beer,  
2 wine and liquor license may not be transferred to another location or downgraded  
3 within the 46th alcoholic beverages district.

4           (5) A new Class B licensed restaurant must have average daily  
5 receipts from the sale of food that are at least 51% of the total daily receipts of the  
6 restaurant.

7           (6) (i) Except as provided in subparagraph (ii) of this paragraph,  
8 the Board may not transfer or issue a license if the transfer or issuance would result  
9 in:

10                           1. The licensed premises being located within 300 feet of  
11 the nearest point of a church or a school; or

12                           2. The licensed premises being located closer to the  
13 nearest point of a church or a school than the licensed premises was on June 1, 2004.

14                   (ii) This paragraph does not apply to a licensed restaurant in:

15                           1. Ward 4, precinct 1;

16                           2. Ward 22, precinct 1; or

17                           3. A residential planned unit development for Silo Point  
18 as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on  
19 June 23, 2004.

20           (7) (i) Except as provided in subparagraph (ii) of this paragraph, a  
21 license for the sale of alcoholic beverages may not be transferred into, or transferred to  
22 a different location within, the following areas:

23                           1. Ward 1, precincts 2 and 3;

24                           2. Ward 2 in its entirety;

25                           3. Ward 3, precinct 3; and

26                           4. Ward 26, precincts 3 and 10.

27                   (ii) This paragraph does not apply to an application for a new  
28 license or a transfer from within the areas described in subparagraph (i) of this  
29 paragraph if the new license or transfer is for:

30                           1. A hotel;

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1                                   2.    An establishment located in a planned unit  
2 development if the application for the planned unit development was filed or approved  
3 before December 31, 1995;

4                                   3.    An establishment located in an area governed by the  
5 Inner Harbor East Urban Renewal Plan; or

6                                   4.    An establishment that has a seating capacity of fewer  
7 than 150 persons or in which the average daily receipts from the sale of food are at  
8 least 51% of the total daily receipts of the establishment.

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
10 measure, is necessary for the immediate preservation of the public health or safety,  
11 has been passed by a yea or nay vote supported by three-fifths of all the members  
12 elected to each of the two Houses of the General Assembly, and shall take effect from  
13 the date it is enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.