

Chapter 558

(Senate Bill 654)

AN ACT concerning

Baltimore County – Alcoholic Beverages Licenses

FOR the purpose of altering certain minimum percentages of average daily receipts from the sale of food that restaurants must maintain for a certain purpose; prohibiting the Baltimore County Board of Liquor License Commissioners from authorizing the transfer of more than a certain total of certain licenses in existence on a certain date out of a certain election district; authorizing the ~~Baltimore County Board of License Commissioners~~ Board to approve the transfer of certain alcoholic beverages licenses in existence in a certain election district on a certain date to certain election districts based on a certain rule; establishing ~~a certain limit~~ certain limits on the number of licenses that may be transferred into a single election district during ~~a certain period~~ certain periods; requiring the Board to create and issue a certain number of Class B Service Bar (SB) beer and wine licenses during certain time periods under certain circumstances; requiring a Class B Service Bar (SB) beer and wine license to comply with certain provisions of law relating to the operation of restaurants; establishing a certain fee; requiring the conversion of a Class D license to a Class B license that is transferred from a certain election district to any other election district and prohibiting its transfer or conversion to another class of license; prohibiting the transfer from a licensed premises or conversion to another class of license of any new license issued by the Board based on a certain increase in population; requiring the issuance of a license for a partnership to be issued to at least two general partners, at least one of whom is a registered voter of any county or Baltimore City and resides in the county or Baltimore City at the time of application; requiring the Board to issue a license to only one partner of a partnership as an individual under certain circumstances; altering the maximum number of certain licenses an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company may obtain a certain interest in; repealing certain provisions of law relating to minimum seating capacity for dining ~~and~~; altering the maximum seating capacity for a certain cocktail lounge or bar; altering a maximum percentage of sales in alcoholic beverages; altering a certain residency requirement for certain license applicants to require residency in the State for a certain period of time; repealing a certain provision of law requiring that a certain certificate be signed by a certain number of citizens regarding the length of time each has been acquainted with a certain applicant; requiring the Board to allow a certain reduction of certain square footage requirements applicable to certain buildings under a certain rule; requiring the County Executive for Baltimore County to appoint a certain task force to study certain

issues relating to the distribution of alcoholic beverages licenses in Baltimore County; providing for the construction of certain provisions of this Act; providing for the application of certain provisions of this Act; making this Act an emergency measure; and generally relating to the transfer and issuance of alcoholic beverages licenses in Baltimore County.

BY adding to

Article 2B – Alcoholic Beverages
Section ~~8–204.7 and~~ 8–204.8, and 8–204.9
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 8–204.3(d)(3) and (e), 8–204.4(d), 8–204.5(d), 9–101(a)(1), 9–102(b–3B)(1) and (2) and (b–3C)(1), and 10–103(b)(4) and (18)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 8–204.3(d)(1) and (2)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing

Article 2B – Alcoholic Beverages
Section 10–104(e)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

8–204.3.

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

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

(3) [Except as provided in subsection (e)(2)(ii) of this section, the] THE restaurant operation shall maintain average daily receipts from the sale of food at least [65%] 60% of the total daily receipts of the restaurant.

(e) Of the restaurants for which a Class B or Class D license may be transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of this section, the Board of Liquor License Commissioners may require that:

(1) For not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of \$500,000; and

(2) For not more than three restaurants:

(i) Applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than \$50,000 or more than \$400,000; AND

(ii) [The restaurant operation maintain average daily receipts from the sale of food of at least 70% of the total daily receipts of the restaurant; and

(iii)] The area dedicated to the restaurant operation have:

1. A maximum seating capacity of 100 persons, with the seating capacity in the bar area not exceeding [15%] 25% of the total seating capacity of the restaurant; and

2. A minimum seating capacity of 40 persons.

8-204.4.

(d) The following additional requirements apply to the Class B (HV) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998;

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

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%] 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

8-204.5.

(d) The following additional requirements apply to a Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the geographic areas identified in subsection (b)(1) of this section;

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

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%] 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

8-204.7.

(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT AUTHORIZE THE TRANSFER OF MORE THAN A TOTAL OF 25 CLASS B OR CLASS D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.

8-204.8.

(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

(B) (1) SUBJECT TO § 8-204.7 OF THIS SUBTITLE AND PARAGRAPH (2) OF THIS SUBSECTION, FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE, THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY AUTHORIZE THE TRANSFER OF A CLASS B OR CLASS D LICENSE IN EXISTENCE IN ELECTION DISTRICT 15 ON MAY 1, 2012, TO AN ELECTION DISTRICT IN WHICH THE NUMBER OF LICENSES IN EXISTENCE, ON THE DATE OF APPROVAL OF THE TRANSFER, IS NOT GREATER THAN 25% MORE THAN THE NUMBER OF LICENSES THAT WOULD OTHERWISE EXIST IN THAT ELECTION DISTRICT, BASED ON THE RULE OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BY POPULATION.

(2) NOT MORE THAN TWO LICENSES MAY BE TRANSFERRED UNDER THIS SUBSECTION INTO ANY SINGLE ELECTION DISTRICT EACH YEAR FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE.

~~(C) IF FEWER THAN FIVE CLASS B OR CLASS D LICENSES TRANSFER FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT WITHIN ANY 1 YEAR FROM MAY 1 TO APRIL 30, BOTH INCLUSIVE, OF THE FOLLOWING YEAR, DURING THE PERIOD FROM MAY 1, 2012, THROUGH APRIL 30, 2017, UNDER ANY APPLICABLE SECTION OF LAW OR THE RULES OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD OF LICENSE COMMISSIONERS SHALL CREATE AND ISSUE A NEW CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE TO ACHIEVE A REQUIREMENT OF NOT FEWER THAN FIVE NEW LICENSES EACH YEAR AS FOLLOWS:~~

~~(1) BY APRIL 30, 2013, 5 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(2) BY APRIL 30, 2014, 10 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(3) BY APRIL 30, 2015, 15 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(4) BY APRIL 30, 2016, 20 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED; AND~~

~~(5) BY APRIL 30, 2017, 25 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED WITH THE LAST CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE REQUIRED TO HAVE BEEN CREATED ON OR BEFORE MAY 1, 2018.~~

(C) (1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE COUNTY; OR

(II) ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES UNDER SUBSECTION (D) OF THIS SECTION.

(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D LICENSES; OR

(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 10.

(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 15.

(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 20.

(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 25; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 25.

(7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

(8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD.

(D) (1) A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE MAY BE ISSUED UNDER THIS SECTION SHALL COMPLY WITH PARAGRAPHS (2) THROUGH (6) OF ONLY IN COMPLIANCE WITH THIS SUBSECTION.

(2) THE A CLASS B SERVICE BAR (SB) LICENSE MAY BE USED ONLY WITH IN THE OPERATION OF A RESTAURANT, AS DEFINED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS AND THIS ARTICLE, THAT MAINTAINS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(3) ~~THE A CLASS B SERVICE BAR (SB) LICENSE SHALL ALLOW ON-PREMISES SALES OF BEER AND WINE ONLY.~~

(4) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS ALCOHOLIC BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.

~~(4) (5) (I) THE A CLASS B SERVICE BAR (SB) LICENSE SHALL BE RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE, EXCLUDING ANY TYPE OF SERVICE PROVIDED TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF THE PURCHASED FOOD ITEMS OTHER THAN WHILE SEATED AT A TABLE.~~

(II) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A TABLE.

~~(5) (6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PROPOSED LOCATION OF THE RESTAURANT FOR WHICH A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT SHALL COMPLY WITH THE ZONING ORDINANCES OF BALTIMORE COUNTY, INCLUDING ALLOWING SEATING FOR NOT FEWER THAN 30 CUSTOMERS AND NOT MORE THAN 100 CUSTOMERS.~~

(II) THE LICENSE MAY NOT BE USED IN CONJUNCTION WITH THE VIEWING OF TELEVISED SPORTING EVENTS OR THE USE OF LIVE BANDS, DISC JOCKEYS, KARAOKE, OR ANY OTHER FORM OF LIVE ENTERTAINMENT.

~~(6) (7) A CLASS B OR D LICENSE TRANSFERRED UNDER SUBSECTION (B) OF HIS THIS SECTION OR ISSUED UNDER SUBSECTION (C) OF THIS SECTION AND A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT THEREAFTER BE TRANSFERRED FROM THE LICENSED PREMISES OR CONVERTED TO ANOTHER CLASS OF LICENSE.~~

(8) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.

(9) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B SERVICE BAR (SB) LICENSE IS FILED.

(10) ANY PERSON, INCLUDING AN INDIVIDUAL OR SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, UNINCORPORATED

ASSOCIATION, AND LIMITED LIABILITY COMPANY, MAY NOT HAVE A DIRECT OR INDIRECT INTEREST AS DEFINED IN § 9-102(B-3B) OF THIS ARTICLE IN MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE.

(E) THE ANNUAL FEE FOR A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE ISSUED UNDER THIS SECTION IS \$5,000.

(F) (1) WHEN A LICENSE IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT UNDER THIS SECTION, THE LICENSE MAY NOT BE CONSTRUED TO EXIST IN ELECTION DISTRICT 15.

(2) SUBJECT TO THE 25% ALLOWANCE AUTHORIZED IN SUBSECTION (B) OF THIS SECTION, A LICENSE TRANSFERRED UNDER THIS SECTION SHALL BE CONSIDERED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS AS A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION.

~~§ 204.8.~~ § 204.9.

(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS:

(1) SHALL CONVERT A CLASS D LICENSE THAT IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT TO A CLASS B LICENSE; AND

(2) MAY NOT THEREAFTER TRANSFER THE CLASS B LICENSE FROM THE LICENSED PREMISES OR CONVERT THE LICENSE TO ANOTHER CLASS OF LICENSE.

(C) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT TRANSFER FROM A LICENSED PREMISES OR CONVERT A LICENSE TO ANOTHER CLASS OF LICENSE:

(1) A NEW LICENSE ISSUED BY THE BOARD BASED ON AN INCREASE IN POPULATION UNDER THE RULE OF THE BOARD LIMITING THE TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION; AND

(2) A LICENSE THAT HAS BEEN REVOKED AND REISSUED BY THE BOARD.

9–101.

(a) A license may not be issued to a partnership, to a corporation, or to a limited liability company, but only to individuals authorized to act for a partnership, corporation, or limited liability company who shall assume all responsibilities as individuals, and be subject to all of the penalties, conditions and restrictions imposed upon licensees under the provisions of the Tax – General Article that relate to the alcoholic beverage tax and the provisions of this article. If the application is made for a partnership, the license shall be applied for and be issued to all the partners as individuals, all of whom shall have resided in the city or county in which the place of business is located for at least 2 years prior to the application.

(1) (i) [Subject to subparagraph (ii) of this paragraph, in Baltimore and] IN Montgomery [counties] COUNTY, if the application is made for a partnership, the license shall be applied for and issued to at least 2 general partners as individuals, at least one of whom is a registered voter of the county where the application is made and resides there at the time of the application. If there is only one general partner, the license shall be issued to that partner as an individual, if that partner is a registered voter of the county where the application is made and resides there at the time of application.

(ii) 1. In Baltimore County, **IF THE APPLICATION IS MADE FOR A PARTNERSHIP, THE LICENSE SHALL BE APPLIED FOR AND ISSUED TO AT LEAST TWO GENERAL PARTNERS AS INDIVIDUALS, AT LEAST ONE OF WHOM IS A REGISTERED VOTER OF ANY COUNTY OF THE STATE OR OF THE CITY OF BALTIMORE AND RESIDES THERE AT THE TIME OF APPLICATION.**

2. **IF THERE IS ONLY ONE GENERAL PARTNER, THE BOARD OF LICENSE COMMISSIONERS SHALL ISSUE THE LICENSE TO THAT PARTNER AS AN INDIVIDUAL, IF THE PARTNER IS A REGISTERED VOTER OF ANY COUNTY OR OF THE CITY OF BALTIMORE AND RESIDES THERE AT THE TIME OF THE APPLICATION.**

3. [the] **THE** provisions of this [paragraph] **SUBPARAGRAPH** may not be construed to waive any of the requirements under §§ 9–102, 9–102.2, and 9–301 of this article.

9–102.

(b–3B) (1) Notwithstanding any other provision of this section or § 8–204(l) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in:

(i) Not more than ~~[six]~~ **12** Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article; or

(ii) If one of the restaurants for which a license is issued is located in the Liberty Road Commercial Revitalization District in accordance with subsection (b-3C) of this section, not more than ~~[seven]~~ **13** Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article.

(2) For an applicant to obtain a license under this subsection:

(i) The applicant shall apply in the regular manner and pay the usual fee; and

(ii) The restaurants for which the licenses are sought shall:

1. Meet the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

2. Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

3. Have a minimum seating capacity of 190 persons for dining;

4. Have a cocktail lounge or bar area seating capacity that does not exceed ~~[10%]~~ **25%** of the seating capacity for dining; and

5. Have no more than ~~[20%]~~ **40%** of sales in alcoholic beverages in connection with the business.

(b-3C) (1) Notwithstanding any other provision of this section or § 8-204(1) of this article, in Baltimore County, an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company in the county, may obtain a direct or indirect interest in not more than ~~[seven]~~ **13** Class B (on-sale — hotels and restaurants) beer, wine and liquor licenses under this article, by making application in the regular manner and paying the usual fee if the restaurant for which the additional license is sought:

(i) Meets the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

(ii) Meets the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

(iii) ~~[Has a minimum seating capacity of 190 persons for dining;~~

(iv)] Has a cocktail lounge or bar area seating capacity that does not exceed ~~10%~~ 25% of the seating capacity for dining;

~~[(iv)] (IV)~~ Has no more than ~~20%~~ 40% of sales in alcoholic beverages in connection with the business;] and

[(vi)] ~~(iv)] (V)~~ Is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999.

10-103.

(b) (4) (i) Except as provided in [subparagraph] **SUBPARAGRAPHS (ii) AND (IV)** of this paragraph, a statement that the applicant has been for two years next preceding the filing of the application a resident of the county or of the City of Baltimore in which the applicant proposes to operate under the license applied for. The Board of License Commissioners of Prince George's County shall apply the residency requirements as specified in § 9-101 of this article;

(ii) In Dorchester County the residency requirement is 1 year;

(iii) In Carroll County, in addition to the applicant's residential statement required under this section, the license shall remain valid only for as long as the resident applicant remains a resident of the county;

(IV) IN BALTIMORE COUNTY, A STATEMENT THAT THE APPLICANT HAS BEEN FOR 2 YEARS NEXT PRECEDING THE FILING OF THE APPLICATION A RESIDENT OF THE STATE.

(18) (i) A certificate signed by at least ten citizens who are owners of real estate and registered voters of the precinct in which the business is to be conducted, stating the length of time each has been acquainted with the applicant, or in the case of a corporation with the individuals making the application; that they have examined the application of the applicant and that they have good reason to believe that all the statements contained in this application are true, and that they are of the opinion that the applicant is a suitable person to obtain the license. The certificate must have a statement that the signers of it are familiar with the premises upon which the proposed business is to be conducted, and that they believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages.

(ii) [In Baltimore County, persons who are owners of real estate and registered voters of Baltimore County and who reside within 1 mile of the premises for which a license is sought shall be those persons signing the certificate.

(iii)] In St. Mary's County, persons who are owners of real estate within 5 miles of the premises for which a license is sought and registered voters of St. Mary's County shall be those persons signing the certificate.

[(iv)] (III) [This] THE certificate REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH is not necessary for applications filed in Dorchester County, Prince George's County, Montgomery County [and], Anne Arundel County, AND BALTIMORE COUNTY.

10-104.

[(e) In Baltimore County, the certificate shall be signed by at least 10 citizens who shall be owners of real estate within 1 mile of the location of the proposed business and registered voters of Baltimore County.]

SECTION 2. AND BE IT FURTHER ENACTED, That on and after the effective date of this Act, the Baltimore County Board of Liquor License Commissioners shall allow a reduction of 20% of the required square footage applicable to office buildings and shopping centers in the rule of the Board of License Commissioners that limits the total number of licenses available by population and other issues related to the distribution of liquor licenses in the county.

SECTION 3. AND BE IT FURTHER ENACTED, That not later than June 15, 2016, the County Executive for Baltimore County shall appoint a task force to examine further reductions in the rule of the Board of Liquor License Commissioners that limits the total number of licenses available by population and other issues related to the distribution of alcoholic beverages licenses in Baltimore County.

SECTION 4. AND BE IT FURTHER ENACTED, That §§ 8-204.3(d)(3) and (e), 8-204.4(d), 8-204.5(d), and 9-102(b-3B)(2)(ii) and (b-3C)(1), as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect restaurants for which alcoholic beverages licenses have been issued or are sought.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 22, 2012.