

HOUSE BILL 134

A2

3lr0447
CF SB 233

By: **Delegates McHale, Hammen, and Clippinger**

Introduced and read first time: January 17, 2013

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2013

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Baltimore City – 46th District – Class B Location**
3 **Restrictions – Limited Exemption**

4 FOR the purpose of authorizing the transfer within a certain area in the 46th
5 Legislative District in Baltimore City of certain alcoholic beverages licenses
6 subject to certain restrictions under certain circumstances; making stylistic
7 changes; and generally relating to alcoholic beverages licenses in Baltimore
8 City.

9 BY repealing and reenacting, without amendments,
10 Article 2B – Alcoholic Beverages
11 Section 9–204.1(e)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 2B – Alcoholic Beverages
16 Section 9–204.1(f) and 9–204.3
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2012 Supplement)

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

21 **Article 2B – Alcoholic Beverages**

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 9–204.1.

2 (e) (1) Except as provided in paragraph (2) of this subsection, licenses for
3 the sale of alcoholic beverages of any class may not be transferred into the areas
4 covered by this section.

5 (2) (i) A licensed drugstore may transfer the license into the 45th
6 alcoholic beverages district.

7 (ii) One Class B–D–7 license issued for a property surrounded
8 by West Preston Street on the north, Morton Street on the east, West Biddle Street on
9 the south, and Maryland Avenue on the west may be transferred to a property
10 surrounded by West Eager Street and East Eager Street on the north, Lovegrove
11 Street on the east, West Read Street and East Read Street on the south, and Morton
12 Street on the west.

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

15 (2) Notwithstanding § 6–201(d)(1)(vii) of this article, and subject to
16 paragraph (8) of this subsection, the Board may issue a Class B beer, wine and liquor
17 license:

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

22 (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,
23 if the restaurant has a minimum capital investment of \$700,000, a seating capacity
24 that exceeds 75 persons, average daily receipts for the sale of food that are at least
25 65% of the total daily receipts of the restaurant, and no sales for off–premises
26 consumption;

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

33 (iv) For not more than three restaurants in a business planned
34 unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which
35 at all times shall be coterminous with the 46th Legislative District in the Legislative
36 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,
37 2002, if each restaurant has a minimum capital investment of \$700,000, a seating

1 capacity that exceeds 75 persons but is not more than 150 persons, average daily
2 receipts from the sale of food that are at least 65% of the total daily receipts of the
3 restaurant, and no sales for off-premises consumption.

4 (3) (i) Except as provided in subparagraph (ii) **OR (III)** of this
5 paragraph, the Board may not issue an alcoholic beverages license or transfer a license
6 into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24, precinct 5.

7 (ii) The Board may allow the transfer of one Class D license into
8 the residential planned unit development for Silo Point located in ward 24, precinct 5
9 which was enacted by the Mayor and City Council of Baltimore City in Ordinance
10 04-697 on June 23, 2004, provided that the Class D license holder operates the
11 establishment in accordance with the provisions of Ordinance 04-697.

12 **(III) SUBJECT TO § 9-204.3(A)(2)(II) OF THIS SUBTITLE, AND**
13 **NOTWITHSTANDING SUBSECTION (E) OF THIS SECTION, A CLASS B BEER, WINE**
14 **AND LIQUOR LICENSE OR A CLASS B-D-7 LICENSE ISSUED FOR A PROPERTY**
15 **LOCATED IN THE AREA OF THE 2800 THROUGH 3000 BLOCKS OF O'DONNELL**
16 **STREET MAY BE TRANSFERRED TO ANOTHER LOCATION IN THE SAME AREA.**

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

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

23 (6) (i) Except as provided in subparagraph (ii) of this paragraph
24 **OR § 9-204.3(A)(2)(II) OF THIS SUBTITLE**, the Board may not transfer or issue a
25 license if the transfer or issuance would result in:

26 1. The licensed premises being located within 300 feet of
27 the nearest point of a [church] **PLACE OF WORSHIP** or a school; or

28 2. The licensed premises being located closer to the
29 nearest point of a [church] **PLACE OF WORSHIP** or a school than the licensed
30 premises was on June 1, 2004.

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

32 1. Ward 4, precinct 1;

33 2. Ward 22, precinct 1; or

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

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

- 7 1. Ward 1, precincts 2 and 3;
- 8 2. Ward 2 in its entirety;
- 9 3. Ward 3, precinct 3; and
- 10 4. Ward 26, precincts 3 and 10.

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

- 14 1. A hotel;
- 15 2. An establishment located in a planned unit
16 development if the application for the planned unit development was filed or approved
17 before December 31, 1995;
- 18 3. An establishment located in an area governed by the
19 Inner Harbor East Urban Renewal Plan; or
- 20 4. An establishment that has a seating capacity of fewer
21 than 150 persons or in which the average daily receipts from the sale of food are at
22 least 51% of the total daily receipts of the establishment.

23 (8) Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a
24 license specified under this subsection, including a license that allows no sales for
25 off-premises consumption, may include an off-sale privilege for sales of refillable
26 containers under a refillable container license issued in accordance with § 8-203(e) of
27 this article.

28 9-204.3.

29 (a) (1) Except as provided in paragraph (2) of this subsection, in
30 Baltimore City, no new license, or removal of an existing license, shall be granted to
31 sell alcoholic beverages in any building located within 300 feet of the nearest point of
32 the buildings of a [church] **PLACE OF WORSHIP** or school, but the license of any
33 person now holding a license for any building located within such distance of the

1 building grounds of a [church] PLACE OF WORSHIP or school may be renewed or
2 extended for the same building.

3 (2) (I) In the 45th Legislative District in Baltimore City, a new
4 Class A license of any type may not be issued for the sale of alcoholic beverages in a
5 building located within 500 feet of the nearest point of the building of a place of
6 worship or school.

7 (II) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS
8 SECTION, A CLASS B BEER, WINE AND LIQUOR LICENSE OR A CLASS B-D-7
9 LICENSE ISSUED FOR A PROPERTY IN THE AREA OF THE 2800 THROUGH 3000
10 BLOCKS OF O'DONNELL STREET IN THE 46TH LEGISLATIVE DISTRICT MAY BE
11 TRANSFERRED TO A NEW LOCATION IN THE SAME AREA IF THE GOVERNING
12 BODY OF EACH PLACE OF WORSHIP OR SCHOOL LOCATED WITHIN 300 FEET OF
13 THE NEW LOCATION WAIVES IN WRITING THE RESTRICTIONS OF THIS SECTION.

14 (b) The restrictions regarding distance in subsection (a)(1) of this section do
15 not apply to the following licenses, which may be issued within the 300 feet limitation:

16 (1) Except in the 46th Legislative District, Class B beer and wine;

17 (2) Except in the 46th Legislative District, Class B beer, wine and
18 liquor;

19 (3) Class C beer and wine; and

20 (4) Class C beer, wine and liquor.

21 (c) Except in the 46th Legislative District, the governing body of any
22 [church] PLACE OF WORSHIP in writing may waive the restrictions of this section
23 regarding licenses not specified in subsection (b) of this section with respect to cafes or
24 restaurants located within 250 feet of a theater having a capacity of not less than 300
25 seats, which theater is operated by a nonprofit theater association.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2013.