

## Chapter 555

(Senate Bill 793)

AN ACT concerning

### **Baltimore City – 46th District – Alcoholic Beverages – Class B Beer, Wine and Liquor ~~License Transfer~~ Licenses**

FOR the purpose of authorizing the Board of License Commissioners to issue or allow the transfer of a certain cumulative number of Class B beer, wine and liquor licenses into a certain area of the 46th Legislative District in Baltimore City, subject to certain limitations; requiring the Board to execute a certain memorandum of understanding between certain community associations and to enforce a certain memorandum of understanding for certain proposed actions before the Board issues or allows ~~a certain~~ the transfer of a certain license; prohibiting the Board from allowing a license issued for or transferred into a certain area to be subsequently transferred into a certain other area; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages  
Section 9–204.1(a), (b), and (c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article 2B – Alcoholic Beverages  
Section 9–204.1(f)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 Supplement)

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

#### **Article 2B – Alcoholic Beverages**

9–204.1.

(a) In this section, “Board” means the Board of Liquor License Commissioners for Baltimore City.

(b) This section applies only in Baltimore City.

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

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

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

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

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

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

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

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

(ii) The Board may allow the transfer of one Class D license into the residential planned unit development for Silo Point located in ward 24, precinct 5 which was enacted by the Mayor and City Council of Baltimore City in Ordinance

04-697 on June 23, 2004, provided that the Class D license holder operates the establishment in accordance with the provisions of Ordinance 04-697.

(III) 1. **SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD MAY ISSUE OR ALLOW THE TRANSFER OF NO MORE THAN TWO CLASS B BEER, WINE AND LIQUOR LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED IS TWO, INTO THE AREA ~~BOUNDED ON THE NORTH BY BOYLE STREET, THEN FOLLOWING E. HEATH STREET, THEN FOLLOWING E. FORT AVENUE, ON THE EAST BY LUDLOW STREET, ON THE SOUTH BY CLEMM STREET, AND ON THE WEST BY WEBSTER STREET~~ OF 829 THROUGH 919 E. FORT AVENUE.**

2. **THE BOARD MAY ISSUE OR ALLOW ~~A~~ THE TRANSFER OF A LICENSE INTO THE AREA DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH ONLY IF:**

A. **THE BOARD HAS EXECUTED A MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND LOCUST POINT REGARDING THE NATURE OF THE PROPOSED ESTABLISHMENT; AND**

B. **THE BOARD ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH AND SEEKS TO RENEW OR TRANSFER THE LICENSE.**

3. **THE BOARD MAY NOT ALLOW A LICENSE TO BE TRANSFERRED OUT OF THE AREA DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH AND INTO ANY OTHER AREA OF WARD 24, PRECINCT 5.**

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

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

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

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

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

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

1. Ward 4, precinct 1;
2. Ward 22, precinct 1; or
3. A residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004.

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

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

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

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

(8) Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a license specified under this subsection, including a license that allows no sales for off-premises consumption, may include an off-sale privilege for sales of refillable

containers under a refillable container license issued in accordance with § 8-203(e) of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

**Approved by the Governor, May 15, 2014.**