

# SENATE BILL 793

A2

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By: **Senator Ferguson**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

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

1 AN ACT concerning

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

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

14 BY repealing and reenacting, without amendments,  
15 Article 2B – Alcoholic Beverages  
16 Section 9–204.1(a), (b), and (c)  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 2B – Alcoholic Beverages  
21 Section 9–204.1(f)  
22 Annotated Code of Maryland  
23 (2011 Replacement Volume and 2013 Supplement)

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

3 **Article 2B – Alcoholic Beverages**

4 9–204.1.

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

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

8 (c) The alcoholic beverages districts described in this section at all times  
9 shall be coterminous with the legislative districts in the Legislative Districting Plan of  
10 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

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

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

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

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

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

31 (iv) For not more than three restaurants in a business planned  
32 unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which  
33 at all times shall be coterminous with the 46th Legislative District in the Legislative  
34 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,  
35 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] SUBPARAGRAPHS  
5 (ii) AND (III) of this paragraph, the Board may not issue an alcoholic beverages license  
6 or transfer a license into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24,  
7 precinct 5.

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

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

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

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

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

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

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;

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.