

HOUSE BILL 289

A2

7lr0547
CF 7lr2549

By: **Delegates Hayes and Conaway**

Introduced and read first time: January 23, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Marketplace License**

3 FOR the purpose of establishing a marketplace license in a certain alcoholic beverages
4 district Baltimore City; authorizing the Baltimore City Board of License
5 Commissioners to issue the license; specifying the scope, hours for sale, and fees for
6 the license; authorizing a holder of a Class B beer, wine, and liquor license to
7 surrender the license to the Board under certain circumstances; requiring the Board
8 to issue a substitute marketplace license under certain circumstances; defining a
9 certain term; and generally relating to alcoholic beverages licenses in Baltimore City.

10 BY repealing and reenacting, without amendments,

11 Article – Alcoholic Beverages

12 Section 12–102

13 Annotated Code of Maryland

14 (2016 Volume and 2016 Supplement)

15 BY adding to

16 Article – Alcoholic Beverages

17 Section 12–1001.1

18 Annotated Code of Maryland

19 (2016 Volume and 2016 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

21 That the Laws of Maryland read as follows:

22 **Article – Alcoholic Beverages**

23 12–102.

24 This title applies only in Baltimore City.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **12-1001.1.**

2 (A) IN THIS SECTION, "MARKETPLACE" MEANS PREMISES THAT:

3 (1) ACCOMMODATE THE PUBLIC; AND

4 (2) ARE EQUIPPED WITH FIVE OR MORE OUTLETS FOR PREPARING
5 AND SERVING REGULAR MEALS THAT MAY BE CONSUMED BY PATRONS IN A COMMON
6 SEATING AREA OR ANYWHERE ELSE ON THE PREMISES.

7 (B) THERE IS A MARKETPLACE LICENSE IN THE 40TH ALCOHOLIC
8 BEVERAGES DISTRICT.

9 (C) THE BOARD MAY ISSUE A MARKETPLACE LICENSE ONLY TO THE
10 PERSON, FIRM, OR CORPORATION THAT OWNS OR LEASES THE MARKETPLACE.

11 (D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,
12 AND LIQUOR FROM ONE OR MORE OUTLETS WITHIN THE MARKETPLACE BY THE
13 DRINK OR BY THE BOTTLE FOR ON-PREMISES CONSUMPTION.

14 (E) THE MARKETPLACE SHALL HAVE:

15 (1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF
16 LAND AND BUILDINGS, OF \$1,000,000 FOR MARKETPLACE FACILITIES;

17 (2) A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS; AND

18 (3) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT
19 LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE MARKETPLACE.

20 (F) THE HOURS FOR SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
21 UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR CLASS B
22 BEER, WINE, AND LIQUOR LICENSE HOLDERS UNDER § 12-2004 OF THIS TITLE.

23 (G) (1) THE ANNUAL LICENSE FEE IS:

24 (I) \$1,320, FOR A MARKETPLACE WITH A SEATING CAPACITY OF
25 NOT MORE THAN 200 INDIVIDUALS; OR

26 (II) \$1,800, FOR A MARKETPLACE WITH A SEATING CAPACITY OF
27 MORE THAN 200 INDIVIDUALS.

1 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER**
2 **SHALL PAY ANNUALLY:**

3 **(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE**
4 **ENTERTAINMENT; AND**

5 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
6 **SERVICE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That:

8 (a) A license holder in Baltimore City who has a Class B beer, wine, and liquor
9 license on or after July 1, 2016, and meets the requirements for a marketplace license under
10 this Act may surrender the Class B beer, wine, and liquor license to the Baltimore City
11 Board of License Commissioners.

12 (b) If a license holder surrenders a Class B beer, wine, and liquor license under
13 subsection (a) of this section, the Baltimore City Board of License Commissioners shall
14 issue a substitute marketplace license without additional payment or penalty to the license
15 holder.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2017.