

HOUSE BILL 832

A2

EMERGENCY BILL
ENROLLED BILL

(7lr3312)

— *Economic Matters / Education, Health, and Environmental Affairs* —

Introduced by **Delegates McIntosh and Anderson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Old Goucher Revitalization District**

3 FOR the purpose of exempting an applicant for a *certain* Class B–D–7 license in a certain
4 Old Goucher Revitalization District in the 43rd alcoholic beverages district in
5 Baltimore City from certain zoning requirements; creating an exception under which
6 the Board of License Commissioners for Baltimore City may issue certain new Class
7 B–D–7 licenses under certain circumstances; specifying that, notwithstanding
8 certain other provisions of law, the Board may issue certain licenses to certain
9 establishments that are located in certain areas and meet a certain minimum capital
10 investment requirement; specifying that a *certain* Class B–D–7 license may be
11 transferred within, ~~but may not be transferred out of,~~ the Old Goucher Revitalization
12 District; specifying that a certain distance restriction for the issuance of new
13 alcoholic beverages licenses within a certain distance of a school or place of worship
14 does not apply to a property in a certain Old Goucher Revitalization District; defining

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.

Italics indicate opposite chamber / conference committee amendments.



1 a certain term; making this Act an emergency measure; and generally relating to
2 alcoholic beverages in Baltimore City.

3 BY repealing and reenacting, without amendments,
4 Article – Alcoholic Beverages
5 Section 12–102, 12–905, and 12–1605(a)(1)
6 Annotated Code of Maryland
7 (2016 Volume and 2016 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Alcoholic Beverages
10 Section 12–1407, 12–1603, and 12–1605(a)(2)
11 Annotated Code of Maryland
12 (2016 Volume and 2016 Supplement)

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

15 **Article – Alcoholic Beverages**

16 12–102.

17 This title applies only in Baltimore City.

18 12–905.

19 (a) There is a Class B–D–7 beer, wine, and liquor license.

20 (b) (1) The Board may issue a Class B–D–7 license if the Board determines
21 that the license is reasonably necessary for the convenience of the public.

22 (2) In making the determination, the Board shall consider the number of
23 beer, wine, and liquor outlets in a given area and the number of days the outlets are open,
24 rather than the nature of the outlets.

25 (c) The license authorizes the license holder to sell beer, wine, and liquor at retail
26 at the place described in the license, for on– and off–premises consumption.

27 (d) The license holder may sell beer, wine, and liquor during the hours and days
28 set out under § 12–2004(c) of this title.

29 (e) The Board shall adopt regulations to determine the manner of operation of a
30 licensed premises.

31 (f) The annual license fee is \$1,320.

32 12–1407.

1 (a) (1) The Board or the Board's designee shall examine each application for
2 the issuance or transfer of a license within 45 days of receipt of the application to determine
3 whether the application is complete.

4 (2) [An] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
5 **SUBSECTION, AN** application for the issuance, transfer, or renewal is not complete unless
6 the applicant has:

7 (i) obtained zoning approval or verification of zoning if the
8 application is for renewal;

9 (ii) submitted all documents required in the application; and

10 (iii) paid all fines and fees that are due.

11 **(3) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR RENEWAL**
12 **OF A CLASS B-D-7 LICENSE THAT MAY BE ISSUED UNDER § 12-1603(C)(5) OF THIS**
13 **TITLE IN THE OLD GOUCHER REVITALIZATION DISTRICT UNDER § 12-1603(E) OF**
14 **THIS TITLE IS COMPLETE WITHOUT AN APPLICANT OBTAINING ZONING APPROVAL**
15 **OR VERIFICATION OF ZONING.**

16 (b) (1) A license hearing may not be scheduled unless the Board determines
17 that the application is complete.

18 (2) A complete application with all submitted documents shall be posted
19 online at least 14 days before the hearing date.

20 (3) The postponement of a hearing shall be posted online not less than 72
21 hours before the hearing date.

22 (c) (1) To incorporate a change in the application document after the Board or
23 the Board's designee has determined the application to be complete, the applicant shall
24 submit the change to the Board not later than 15 days before the scheduled hearing.

25 (2) After the hearing on the application, an applicant may change the
26 application only at a new hearing.

27 (d) The Board shall impose a fine that it determines for failure to comply with the
28 requirements under this section.

29 12-1603.

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

1 (b) Except as provided in subsection (c) of this section, the Board may not issue a
2 new license in:

- 3 (1) the 40th alcoholic beverages district;
4 (2) the 41st alcoholic beverages district;
5 (3) the 43rd alcoholic beverages district;
6 (4) the 44th alcoholic beverages district; and
7 (5) the 45th alcoholic beverages district.

8 (c) The Board may issue:

9 (1) in the alcoholic beverages districts specified in subsection (b) of this
10 section:

11 (i) a 1-day license; or

12 (ii) a Class B beer, wine, and liquor license to a restaurant that:

13 1. has a minimum capital investment, not including the cost
14 of land and buildings, of \$200,000 for restaurant facilities; and

15 2. has a minimum seating capacity of 75 individuals;

16 (2) a Class C beer, wine, and liquor license in the 45th alcoholic beverages
17 district;

18 (3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th
19 alcoholic beverages district; [and]

20 (4) a Class C beer, wine, and liquor license in the 200 block of West
21 Saratoga Street in ward 4, precinct 3 of the 40th alcoholic beverages district; AND

22 **(5) SUBJECT TO THE REQUIREMENTS UNDER SUBSECTION (E) OF**
23 **THIS SECTION, FOUR CLASS B-D-7 LICENSES IN THE 43RD ALCOHOLIC BEVERAGES**
24 **DISTRICT.**

25 (d) One Class B-D-7 license issued for a property surrounded by Morton Street
26 on the west, West Eager Street on the north, North Charles Street on the east, and West
27 Read Street on the south may be transferred to a property surrounded by 21st Street on
28 the north, Morton Street on the west, North Charles Street on the east, and 20th Street on
29 the south.

1 (E) (1) IN THIS SUBSECTION, “OLD GOUCHER REVITALIZATION
2 DISTRICT” MEANS THE AREA SURROUNDED BY HOWARD STREET ON THE WEST,
3 25TH STREET ON THE NORTH, ST. PAUL STREET ON THE EAST, AND 22ND STREET
4 ON THE SOUTH.

5 (2) IF AN ESTABLISHMENT HAS A MINIMUM CAPITAL INVESTMENT,
6 NOT INCLUDING LAND AND ACQUISITION COSTS, OF \$50,000, THE BOARD MAY ISSUE
7 ONE CLASS B-D-7 LICENSE FOR USE IN EACH OF THE FOLLOWING PROPERTIES IN
8 THE OLD GOUCHER REVITALIZATION DISTRICT:

9 (I) A PROPERTY THAT IS SURROUNDED BY MARYLAND AVENUE
10 ON THE WEST, 24TH STREET ON THE NORTH, MORTON STREET ON THE EAST, AND
11 22ND STREET ON THE SOUTH;

12 (II) A PROPERTY THAT IS SURROUNDED BY MORTON STREET ON
13 THE WEST, 23RD STREET ON THE NORTH, CHARLES STREET ON THE EAST, AND
14 22ND STREET ON THE SOUTH;

15 (III) A PROPERTY THAT IS SURROUNDED BY MORTON STREET ON
16 THE WEST, WARE STREET ON THE NORTH, CHARLES STREET ON THE EAST, AND
17 24TH STREET ON THE SOUTH; AND

18 (IV) A PROPERTY THAT IS SURROUNDED BY MARYLAND AVENUE
19 ON THE WEST, 24TH STREET ON THE NORTH, MORTON STREET ON THE EAST, AND
20 23RD STREET ON THE SOUTH.

21 (3) A CLASS B-D-7 LICENSE:

22 ~~(I)~~ THAT MAY BE ISSUED UNDER § 12-1603(C)(5) OF THIS TITLE MAY
23 BE TRANSFERRED WITHIN THE OLD GOUCHER REVITALIZATION DISTRICT; ~~AND~~

24 ~~(II) MAY NOT BE TRANSFERRED OUT OF THE OLD GOUCHER~~
25 ~~REVITALIZATION DISTRICT.~~

26 12-1605.

27 (a) (1) (i) Except as otherwise provided in this subsection, a new license
28 may not be issued for and an existing license may not be moved to a building that is within
29 300 feet of the nearest point of the building of a place of worship or school.

30 (ii) In the 45th legislative district, a new Class A license of any type
31 may not be issued for a building that is within 500 feet of the nearest point of the building
32 of a place of worship or school.

- 1 (2) Paragraph (1)(i) of this subsection does not apply to:
- 2 (i) a Class B beer and wine license outside the 46th legislative
3 district;
- 4 (ii) a Class B beer, wine, and liquor license outside the 46th
5 legislative district;
- 6 (iii) **A CLASS B-D-7 LICENSE IN THE OLD GOUCHER**
7 **REVITALIZATION DISTRICT UNDER § 12-1603(E) OF THIS SUBTITLE;**
- 8 (IV) a Class C beer and wine license; and
- 9 [(iv)] (V) a Class C beer, wine, and liquor license.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July~~
11 ~~1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public
12 health or safety, has been passed by a yea and nay vote supported by three-fifths of all the
13 members elected to each of the two Houses of the General Assembly, and shall take effect
14 from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.