

Chapter 713

(Senate Bill 616)

AN ACT concerning

Baltimore City – Alcoholic Beverages – ~~Transfer of License~~ License Issuance, Transfer, and Expiration

FOR the purpose of establishing a marketplace license in a certain alcoholic beverages district in Baltimore City; creating exceptions under which the Board of License Commissioners for Baltimore City may issue certain new Class B–D–7 licenses; authorizing the Board to issue a Class BWLT beer, wine, and liquor (on premises) tasting license to a holder of a Class A–7 license only in a certain location; specifying that a certain Class B–D–7 license is licenses are considered to be unexpired until a certain date for a certain purpose in Baltimore City; altering a certain definition; making certain provisions of this Act contingent on the taking effect of another Act; making this Act an emergency measure; and generally relating to alcoholic beverages licenses issued in Baltimore City.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 12–102, 12–905, 12–1308(b), and 12–1705
 Annotated Code of Maryland
 (2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 12–1001.1(b), 12–1308(a) and (c), and 12–1603
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–905.

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

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

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

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

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days set out under § 12-2004(c) of this title.

(2) The hours of sale for a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue are from 9 a.m. to 9 p.m.

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

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

12-1001.1.

(b) There is a marketplace license in the 40th AND 43RD alcoholic beverages [district] DISTRICTS.

12-1603.

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

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

(1) the 40th alcoholic beverages district;

(2) the 41st alcoholic beverages district;

(3) the 43rd alcoholic beverages district;

(4) the 44th alcoholic beverages district; and

(5) the 45th alcoholic beverages district.

(c) The Board may issue:

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

(i) a 1-day license; or

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

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

2. has a minimum seating capacity of 75 individuals;

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

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

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

(5) a Class B-D-7 license in the 100 block of North Avenue in the 45th alcoholic beverages district; [and]

(6) TWO CLASS B-D-7 LICENSES IN THE 2100 BLOCK OF NORTH CHARLES STREET IN THE 43RD ALCOHOLIC BEVERAGES DISTRICT;

(7) TWO CLASS B-D-7 LICENSES IN THE 2100 BLOCK OF MARYLAND AVENUE IN THE 43RD ALCOHOLIC BEVERAGES DISTRICT; AND

[(6)](8) subject to the requirements under subsection (e) of this section, four Class B-D-7 licenses in the 43rd alcoholic beverages district.

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

(e) (1) In this subsection, “Old Goucher Revitalization District” means the area surrounded by Howard Street on the west, 25th Street on the north, St. Paul Street on the east, and [22nd] 21ST Street on the south.

(2) If an establishment has a minimum capital investment, not including land and acquisition costs, of \$50,000, the Board may issue one Class B-D-7 license for use in each of the following properties in the Old Goucher Revitalization District:

(i) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 22nd Street on the south;

(ii) a property that is surrounded by Morton Street on the west, 23rd Street on the north, Charles Street on the east, and 22nd Street on the south;

(iii) a property that is surrounded by Morton Street on the west, Ware Street on the north, Charles Street on the east, and 24th Street on the south; and

(iv) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

(3) A Class B-D-7 license that may be issued under § 12-1603(c)(6) of this title may be transferred within the Old Goucher Revitalization District.

12-1705.

(a) Except as provided in subsection (b) of this section, a transfer of a license shall be completed on or before 180 days after the Board approves the transfer.

(b) (1) Within 180 days after the Board approves the transfer of a license, the license holder or another appropriate interested party may make a written request to the Board to extend the time authorized to complete the transfer due to hardship.

(2) The Board may grant the extension if the Board finds after a hearing that an existing hardship caused the delay in transferring the license.

(3) An extension may not prolong the period authorized to complete the transfer beyond 270 days after the Board approves the transfer.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

12-1308.

(a) This section applies in:

(1) ward 27, precincts 42 and 44 of the 41st legislative district of the City;

(2) ward 27, precincts 41 and 48 of the 43rd legislative district of the City;

(3) ward 12, precinct 3 of the 43rd legislative district of the City;

(4) ward 11, precinct 5 of the 44th legislative district of the City; [and]

(5) the 3000 block of Frederick Avenue in ward 20, precinct 9 of the 44A legislative district of the City, based on the Legislative Districting Plan of 2012; AND

(6) THE 46TH LEGISLATIVE DISTRICT OF THE CITY.

(b) There is a Class BWLT beer, wine, and liquor (on premises) tasting license.

(c) The Board may issue the license to a holder of a:

(1) Class A beer, wine, and liquor license ONLY IN A LOCATION SPECIFIED IN SUBSECTION (A)(1) THROUGH (5) OF THIS SECTION; OR

(2) CLASS A-7 BEER, WINE, AND LIQUOR LICENSE ONLY IN THE 46TH LEGISLATIVE DISTRICT OF THE CITY.

SECTION 3. AND BE IT FURTHER ENACTED, That, a Class B-D-7 beer, wine, and liquor license issued for a premises in the 2200 block of West North Avenue shall be considered to be unexpired until the end of July 1, 2019, for purposes of completing the transfer to another owner at the same location, notwithstanding § 12-1705 of the Alcoholic Beverages Article.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That a Class B-D-7 beer, wine, and liquor license issued for a premises in the 2000 block of North Charles Street shall be considered to be unexpired until the end of July 1, 2019, for the purposes of completing the transfer to another owner at the same location or in the same license district, notwithstanding § 12-1705 of the Alcoholic Beverages Article.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2018, contingent on the taking effect of Chapter 537 of the Acts of the General Assembly of 2018, and if Chapter 537 does not take effect, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, ~~That~~ this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 15, 2018.