

SENATE BILL 328

A2

0lr0976
CF HB 954

By: **Senator McCray**

Introduced and read first time: January 22, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2020

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – 45th District – Alcoholic Beverages – Exchange of Class B Beer,**
3 **Wine, and Liquor License**

4 FOR the purpose of authorizing a Class B beer, wine, and liquor license holder in a certain
5 legislative district to exchange the license for a Class B–D–7 beer, wine, and liquor
6 license if the licensed premises is in an area bounded by certain streets and an
7 applicant executes a memorandum of understanding with a certain community
8 association; providing that a certain license holder is authorized to provide outdoor
9 table service; authorizing the Board of License Commissioners for Baltimore City to
10 make issuance or renewal of a certain license conditional on the substantial
11 compliance of applicants entered into a certain memorandum of understanding; and
12 generally relating to alcoholic beverages licenses in Baltimore City.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages
15 Section 12–102, 12–903(a), (b), and (e), and 12–905(a), (b), and (d) through (f)
16 Annotated Code of Maryland
17 (2016 Volume and 2019 Supplement)

18 BY adding to
19 Article – Alcoholic Beverages
20 Section 12–903(f)
21 Annotated Code of Maryland
22 (2016 Volume and 2019 Supplement)

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 BY repealing and reenacting, with amendments,
2 Article – Alcoholic Beverages
3 Section 12–905(c) and 12–1406
4 Annotated Code of Maryland
5 (2016 Volume and 2019 Supplement)

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

8 **Article – Alcoholic Beverages**

9 12–102.

10 This title applies only in Baltimore City.

11 12–903.

12 (a) There is a Class B beer, wine, and liquor license.

13 (b) The license authorizes the license holder to sell beer, wine, and liquor at a
14 hotel or restaurant at the place described in the license, for on– or off–premises
15 consumption.

16 (e) (1) The annual license fees are:

17 (i) \$1,320 for a licensed premises with a seating capacity of not more
18 than 200 individuals; and

19 (ii) \$1,800 for a licensed premises with a seating capacity of more
20 than 200 individuals.

21 (2) In addition, the license holder annually shall pay:

22 (i) \$500, if the license holder provides live entertainment; and

23 (ii) \$200, if the license holder provides outdoor table service.

24 **(F) IN THE 45TH LEGISLATIVE DISTRICT, A CLASS B BEER, WINE, AND**
25 **LIQUOR LICENSE MAY BE EXCHANGED FOR A CLASS B–D–7 BEER, WINE, AND**
26 **LIQUOR LICENSE IF:**

27 **(1) THE LICENSED PREMISES IS IN AN AREA BOUNDED BY THE UNIT**
28 **BLOCK OF WEST PRESTON STREET, THE 1200 BLOCK OF NORTH CHARLES STREET,**
29 **THE 1200 BLOCK OF MORTON STREET, AND THE UNIT BLOCK OF WEST BIDDLE**
30 **STREET; AND**

1 **(2) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING**
2 **WITH THE MOUNT VERNON–BELVEDERE IMPROVEMENT ASSOCIATION.**

3 12–905.

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

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

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

10 (c) **(1)** The license authorizes the license holder to sell beer, wine, and liquor
11 at retail at the place described in the license, for on– and off–premises consumption.

12 **(2) THE HOLDER OF A LICENSE EXCHANGED IN ACCORDANCE WITH §**
13 **12–903 OF THIS SUBTITLE IS AUTHORIZED TO PROVIDE OUTDOOR TABLE SERVICE.**

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

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

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

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

23 12–1406.

24 (a) In this section, “community association” means:

25 (1) a nonprofit association, corporation, or other organization that is:

26 (i) composed of residents of a community within which a nuisance
27 is located;

28 (ii) operated exclusively for the promotion of social welfare and
29 general neighborhood improvement and enhancement; and

30 (iii) exempt from taxation under § 501(c)(3) or (4) of the Internal
31 Revenue Code; or

1 (2) a nonprofit association, corporation, or other organization that is:

2 (i) composed of residents of a contiguous community that is defined
3 by specific geographic boundaries, within which a nuisance is located;

4 (ii) operated for the promotion of the welfare, improvement, and
5 enhancement of that community; and

6 (iii) in good standing with the State Department of Assessments and
7 Taxation.

8 (b) If a community association and an applicant for the issuance or renewal of a
9 Class B, **B-D-7**, or D alcoholic beverages license have entered into a memorandum of
10 understanding that expressly acknowledges the authority of the Board under this article,
11 the Board may make the issuance or renewal of the license conditional on the substantial
12 compliance of the applicant with the memorandum of understanding.

13 (c) The existence of a memorandum of understanding does not affect any
14 requirement of any individuals to file a protest under § 4-406 of this article or a complaint
15 under § 4-603 of this article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.