

SENATE BILL 755

A2

1r2695
CF HB 1288

By: **Senator Hayes**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – 40th District Alcoholic Beverages**

3 FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to
4 issue a certain license in a certain area of the 40th alcoholic beverages district in
5 Baltimore City; prohibiting certain license holders in the 40th alcoholic beverages
6 district in Baltimore City from selling alcoholic beverages at certain times of day,
7 with certain exceptions; making technical correction; and generally relating to
8 alcoholic beverages in Baltimore City.

9 BY repealing and reenacting, without amendments,
10 Article – Alcoholic Beverages
11 Section 12–102 and 12–2004(b) and (c)
12 Annotated Code of Maryland
13 (2016 Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Alcoholic Beverages
16 Section 12–1603 and 12–2005
17 Annotated Code of Maryland
18 (2016 Volume and 2020 Supplement)

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

21 **Article – Alcoholic Beverages**

22 12–102.

23 This title applies only in Baltimore City.

24 12–1603.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

11 (c) The Board may issue:

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

14 (i) a 1-day license; or

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

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

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

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

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

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

25 (5) If the applicant executes a memorandum of understanding with the
26 Charles North Community Association, a Class C beer, wine, and liquor license to a club in
27 the area bounded by North Charles Street on the west, East Lafayette Avenue on the north,
28 North Lovegrove Street on the east, and East Lanvale Street on the south in the 45th
29 alcoholic beverages district;

1 (6) a Class B–D–7 license in the unit block of West North Avenue in the
2 45th alcoholic beverages district;

3 (7) two Class B–D–7 licenses in the 2100 block of North Charles Street in
4 the 43rd alcoholic beverages district;

5 (8) two Class B–D–7 licenses in the 2100 block of Maryland Avenue in the
6 43rd alcoholic beverages district;

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

9 (10) a Class B–D–7 license in the 5400 block of Harford Road the in 45th
10 alcoholic beverages district if:

11 (i) average daily receipts from the sale of food are at least 65% of
12 the applicant’s total daily receipts;

13 (ii) the applicant executes a memorandum of understanding with a
14 community association;

15 (iii) the applicant does not create a separate package goods
16 department;

17 (iv) alcoholic beverages are served to patrons seated at tables; and

18 (v) alcoholic beverages are served only with meals to patrons
19 provided with outdoor table service;

20 **(11) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 400 BLOCK**
21 **OF NORTH HOWARD STREET IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT; AND**

22 **(12) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 1200 BLOCK**
23 **OF EUTAW PLACE IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT.**

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

29 (e) (1) In this subsection, “Old Goucher Revitalization District” means the
30 area surrounded by Howard Street on the west, 25th Street on the north, Hargrove Street
31 on the east, and 21st Street on the south.

32 (2) If an establishment has a minimum capital investment, not including

1 land and acquisition costs, of \$50,000, the Board may issue one Class B–D–7 license for use
2 in each of the following properties in the Old Goucher Revitalization District:

3 (i) a property that is surrounded by Maryland Avenue on the west,
4 24th Street on the north, Morton Street on the east, and 22nd Street on the south;

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

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

9 (iv) a property that is surrounded by Maryland Avenue on the west,
10 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

11 (3) A Class B–D–7 license that may be issued under **SUBSECTION** (c)(6) or
12 (7) of this section may be transferred within the Old Goucher Revitalization District.

13 12–2004.

14 (b) (1) Except as provided in § 12–2005 of this subtitle, a holder of a Class B
15 beer, wine, and liquor license may sell beer, wine, and liquor:

16 (i) from 9 a.m. to 2 a.m. the following day in the area specified in
17 the Park Heights Master Plan adopted by the City in 2006; and

18 (ii) from 6 a.m. to 2 a.m. the following day in all other locations in
19 the City.

20 (2) In the 47th alcoholic beverages district in the City, the hours for sales
21 of beer, wine, and liquor for off–premises consumption under a Class B beer, wine, and
22 liquor license for use in a restaurant are as provided in § 12–903(d) of this title.

23 (3) Except as provided in § 12–2005 of this subtitle and § 12–903(d) of this
24 title, the license holder may sell beer, wine, and liquor at a bar or counter on Sunday.

25 (c) A holder of a Class B–D–7 beer, wine, and liquor license may sell beer, wine,
26 and liquor:

27 (1) from 9 a.m. to 9 p.m. in the area bounded by Liberty Heights Avenue,
28 Northern Parkway, Druid Park Drive, and Wabash Avenue;

29 (2) from 9 a.m. to 10 p.m. in the area specified in the Park Heights Master
30 Plan adopted by the City in 2006; and

31 (3) from 6 a.m. to 2 a.m. the following day in all other locations in the City.

1 12-2005.

2 (a) (1) In response to a complaint, the Board may petition the circuit court for
3 a temporary order that, on a license holder's premises, limits the hours and days for the
4 sale and consumption of:

5 (i) beer;

6 (ii) beer and light wine; or

7 (iii) beer, wine, and liquor.

8 (2) The court may issue the order if the court finds by clear and convincing
9 evidence that:

10 (i) the activities arising from the sale and consumption of alcoholic
11 beverages on the licensed premises have resulted in an extreme and continuing disturbance
12 to a residential community;

13 (ii) the license holder has failed to exercise good faith in attempting
14 to remedy the disturbance at the request or order of the Board; and

15 (iii) the Board has been unable to provide relief to the residential
16 community by exercising its authority to suspend the license or reprimand the license
17 holder.

18 (3) The duration of the order may not exceed the duration of the license
19 term.

20 (4) The order shall be stayed pending appeal from the order.

21 (5) This section does not limit any other powers of the Board.

22 (b) (1) This [section] **SUBSECTION** applies only in the City on the inner
23 perimeter of a rectangle bounded by 31st Street on the south, Greenmount Avenue on the
24 east, 32nd Street on the north, and Barclay Street on the west.

25 (2) By regulation, the Board may restrict the hours and days for the sale
26 and consumption of:

27 (i) beer;

28 (ii) beer and light wine; or

29 (iii) beer, wine, and liquor.

30 (c) (1) This subsection does not apply to:

- 1 (i) a Class B beer and light wine license;
- 2 (ii) a Class B beer, wine, and liquor license;
- 3 (iii) a Class B–D–7 beer, wine, and liquor license;
- 4 (iv) a Class C beer and light wine license; and
- 5 (v) a Class C beer, wine, and liquor license.

6 (2) For a license holder in an area bounded by Liberty Heights Avenue,
7 Northern Parkway, Druid Park Drive, and Wabash Avenue, the hours of sale:

- 8 (i) may not begin before 9 a.m. or end after 10 p.m.; and
- 9 (ii) may not be extended if they begin later than 9 a.m. or end before
10 10 p.m.

11 (3) For a license holder in an area bounded on the north by North Avenue,
12 on the west by Central Avenue and Harford Avenue, on the south by Monument Street as
13 it runs from North Central Avenue to North Wolfe Street and McElderry Street as it runs
14 from North Wolfe Street to Luzerne Avenue, and on the east by Luzerne Avenue as it runs
15 from Monument Street to Federal Street, then by Rose Street as it runs from Federal Street
16 to North Avenue, the hours of sale:

- 17 (i) may not begin before 9 a.m. or end after 10 p.m.; and
- 18 (ii) may not be extended if they begin later than 9 a.m. or end before
19 10 p.m.

20 **(D) (1) THIS SUBSECTION DOES NOT APPLY TO:**

- 21 **(I) A CLASS B BEER AND LIGHT WINE (RESTAURANT) LICENSE;**
- 22 **(II) A CLASS B BEER, WINE, AND LIQUOR (RESTAURANT)**
23 **LICENSE ISSUED UNDER § 12–1603(C)(1)(II) OF THIS TITLE;**
- 24 **(III) A CLASS B–BWL (H–M) LICENSE;**
- 25 **(IV) A CLASS C BEER AND WINE LICENSE;**
- 26 **(V) A CLASS C BEER, WINE, AND LIQUOR LICENSE;**
- 27 **(VI) AN ARENA LICENSE; OR**

1 **(VII) A MARKETPLACE LICENSE.**

2 **(2) FOR A LICENSE HOLDER IN THE 40TH ALCOHOLIC BEVERAGES**
3 **DISTRICT, THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES MAY NOT BEGIN**
4 **BEFORE 10 A.M. OR END AFTER 10 P.M.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2021.