

# SENATE BILL 755

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CF HB 1288

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By: **Senator Hayes**

Introduced and read first time: February 5, 2021

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2021

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## CHAPTER \_\_\_\_\_

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 under certain circumstances; prohibiting certain license holders in  
6 certain areas of the 40th alcoholic beverages district in Baltimore City from selling  
7 alcoholic beverages at certain times of day, with certain exceptions; making technical  
8 correction; and generally relating to 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**

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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 12-102.

2 This title applies only in Baltimore City.

3 12-1603.

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

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

9 (1) the 40th alcoholic beverages district;

10 (2) the 41st alcoholic beverages district;

11 (3) the 43rd alcoholic beverages district;

12 (4) the 44th alcoholic beverages district; and

13 (5) the 45th alcoholic beverages district.

14 (c) The Board may issue:

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

17 (i) a 1-day license; or

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

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

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

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

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

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

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

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

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

10 (8) two Class B–D–7 licenses in the 2100 block of Maryland Avenue in the  
11 43rd alcoholic beverages district;

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

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

16 (i) average daily receipts from the sale of food are at least 65% of  
17 the applicant's total daily receipts;

18 (ii) the applicant executes a memorandum of understanding with a  
19 community association;

20 (iii) the applicant does not create a separate package goods  
21 department;

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

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

25 **(11) A CLASS ~~C BEER, WINE, AND LIQUOR~~ B–D–7 LICENSE ~~IN~~ ON THE**  
26 **EASTERN SIDE OF THE 400 BLOCK OF NORTH HOWARD STREET IN THE 40TH**  
27 **ALCOHOLIC BEVERAGES DISTRICT IF:**

28 **(I) THE APPLICANT DOES NOT CONVERT THE LICENSE TO A**  
29 **DIFFERENT LICENSE CLASS;**

30 **(II) ALCOHOLIC BEVERAGES ARE SERVED OUTDOORS ONLY TO**  
31 **PATRONS SEATED AT TABLES OR STANDING IN A COURTYARD AREA;**

1                   **(III) THE APPLICANT DOES NOT ALLOW THE OFF-PREMISES SALE**  
2 **OF ALCOHOLIC BEVERAGES;**

3                   **(IV) ALCOHOLIC BEVERAGES SALES BEGIN NO EARLIER THAN 10**  
4 **A.M.; AND**

5                   **(V) THE APPLICANT EXECUTES MEMORANDUMS OF**  
6 **UNDERSTANDING WITH THE DOWNTOWN PARTNERSHIP OF BALTIMORE AND THE**  
7 **MARKET CENTER MERCHANTS ASSOCIATION; AND**

8                   **(12) IF THE APPLICANT EXECUTES A MEMORANDUM OF**  
9 **UNDERSTANDING WITH THE BOLTON HILL COMMUNITY ASSOCIATION, A CLASS C**  
10 **BEER, WINE, AND LIQUOR LICENSE IN THE 1200 BLOCK OF EUTAW PLACE IN THE**  
11 **40TH ALCOHOLIC BEVERAGES DISTRICT.**

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

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

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

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

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

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

29                   (iv) a property that is surrounded by Maryland Avenue on the west,  
30 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

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

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

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

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

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

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

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

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

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

18 (3) from 6 a.m. to 2 a.m. the following day in all other locations in the City.  
19 12–2005.

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

23 (i) beer;

24 (ii) beer and light wine; or

25 (iii) beer, wine, and liquor.

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

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

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

3 (iii) the Board has been unable to provide relief to the residential  
4 community by exercising its authority to suspend the license or reprimand the license  
5 holder.

6 (3) The duration of the order may not exceed the duration of the license  
7 term.

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

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

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

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

15 (i) beer;

16 (ii) beer and light wine; or

17 (iii) beer, wine, and liquor.

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

19 (i) a Class B beer and light wine license;

20 (ii) a Class B beer, wine, and liquor license;

21 (iii) a Class B–D–7 beer, wine, and liquor license;

22 (iv) a Class C beer and light wine license; and

23 (v) a Class C beer, wine, and liquor license.

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

26 (i) may not begin before 9 a.m. or end after 10 p.m.; and

27 (ii) may not be extended if they begin later than 9 a.m. or end before  
28 10 p.m.

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

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

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

**(I) A CLASS B BEER AND LIGHT WINE (RESTAURANT) LICENSE;**

**(II) A CLASS B BEER, WINE, AND LIQUOR (RESTAURANT) LICENSE ISSUED UNDER § 12-1603(C)(1)(II) OF THIS TITLE;**

**(III) A CLASS B-BWL (H-M) LICENSE;**

**(IV) A CLASS C BEER AND WINE LICENSE;**

**(V) A CLASS C BEER, WINE, AND LIQUOR LICENSE;**

**(VI) AN ARENA LICENSE; OR**

**(VII) A MARKETPLACE LICENSE.**

**(2) FOR A LICENSE HOLDER IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT, THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES MAY NOT BEGIN BEFORE 10 A.M. OR END AFTER 10 P.M. WITHIN AN AREA BOUNDED AS FOLLOWS:**

**(I) FROM THE INTERSECTION OF REISTERSTOWN ROAD AND QUANTICO AVENUE, NORTHWEST ON REISTERSTOWN ROAD TO THE INTERSECTION WITH WYLIE AVENUE, NORTHEAST ON WYLIE AVENUE TO THE INTERSECTION WITH PIMLICO ROAD, NORTHWEST ON PIMLICO ROAD TO THE INTERSECTION WITH DUPONT AVENUE, EAST ON DUPONT AVENUE TO THE INTERSECTION WITH PALL MALL ROAD, SOUTHEAST ON PALL MALL ROAD TO THE INTERSECTION WITH EDGECOMBE CIRCLE NORTH, EAST ON EDGECOMBE CIRCLE NORTH TO THE INTERSECTION WITH FINNEY AVENUE, SOUTH ON FINNEY AVENUE TO THE INTERSECTION WITH OAKFORD AVENUE, WEST ON OAKFORD AVENUE TO THE INTERSECTION WITH PALL MALL ROAD, SOUTHEAST ON PALL MALL ROAD TO THE INTERSECTION WITH LOYOLA NORTHWAY, SOUTHWEST ON LOYOLA NORTHWAY TO THE INTERSECTION WITH PIMLICO ROAD, SOUTHEAST ON PIMLICO ROAD TO THE**

1 INTERSECTION WITH QUANTICO AVENUE, AND SOUTHWEST ON QUANTICO AVENUE  
 2 TO THE INTERSECTION WITH REISTERSTOWN ROAD;

3 (II) FROM THE INTERSECTION OF NORTH MONROE STREET  
 4 AND WESTWOOD AVENUE, NORTH ON NORTH MONROE STREET TO THE  
 5 INTERSECTION WITH WEST NORTH AVENUE, EAST ON WEST NORTH AVENUE TO  
 6 THE INTERSECTION WITH WHITELOCK STREET, NORTHEAST ON WHITELOCK  
 7 STREET TO THE INTERSECTION WITH MCCULLOH STREET, SOUTHEAST ON  
 8 MCCULLOH STREET TO THE INTERSECTION WITH GOLD STREET, SOUTHWEST ON  
 9 GOLD STREET TO THE INTERSECTION WITH NORTH CALHOUN STREET,  
 10 NORTHWEST ON NORTH CALHOUN STREET TO THE INTERSECTION WITH  
 11 WESTWOOD AVENUE, AND WEST ON WESTWOOD AVENUE TO THE INTERSECTION  
 12 WITH NORTH MONROE STREET; AND

13 (III) FROM THE INTERSECTION OF MILLINGTON AVENUE WITH  
 14 WILKENS AVENUE, NORTHWEST ON MILLINGTON AVENUE TO THE INTERSECTION  
 15 WITH FREDERICK AVENUE, NORTHEAST ON FREDERICK AVENUE TO THE  
 16 INTERSECTION WITH WEST PRATT STREET, EAST ON WEST PRATT STREET TO THE  
 17 INTERSECTION WITH SOUTH MOUNT STREET, SOUTH ON SOUTH MOUNT STREET TO  
 18 THE INTERSECTION WITH EAGLE STREET, SOUTHWEST ON EAGLE STREET TO THE  
 19 INTERSECTION WITH SOUTH SMALLWOOD STREET, NORTHWEST ON SOUTH  
 20 SMALLWOOD STREET TO THE INTERSECTION WITH WILKENS AVENUE, AND  
 21 SOUTHWEST ON WILKENS AVENUE TO THE INTERSECTION WITH MILLINGTON  
 22 AVENUE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 24 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.