

Chapter 373

(Senate Bill 771)

AN ACT concerning

Baltimore City ~~46th District~~ – Alcoholic Beverages Licenses – Licenses and Outdoor Table Service Privileges

FOR the purpose of altering certain hours of sale, certain square footage requirements, and a certain license fee for the holder of a public market license in the 46th alcoholic beverages district in Baltimore City; authorizing the Board of License Commissioners for Baltimore City to waive certain distance restrictions for an application for the transfer of a license into a certain area; repealing a provision of law authorizing the Board to issue not more than a certain number of Class B licenses in a certain area in the 46th alcoholic beverages district; extending for a certain ~~number of years~~ amount of time the expiration ~~date of a~~ dates of certain Class B beer and wine license licenses issued for ~~a certain~~ premises located in ~~a certain area~~ areas; prohibiting the Board from charging a holder of an alcoholic beverages license a certain fee if the holder holds a Temporary Outdoor Seating Permit issued by the Mayor and City Council of Baltimore City; authorizing the Board to grant certain ancillary license privileges to a holder of an alcoholic beverages license and to alter certain notice requirements under certain circumstances; and generally relating to alcoholic beverages ~~licenses~~ in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section ~~12-102 and~~ 12-1002.1(a) and (e), and 12-1604(a)

Annotated Code of Maryland

(2016 Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section ~~12-1002.1(e)~~ 12-1002.1(d), (g), and (h), 12-1604(h), 12-1605(a), and 12-2204

Annotated Code of Maryland

(2016 Volume and 2021 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.

12-1002.1.

(a) There is a public market license.

(d) (1) The license authorizes the license holder to sell, for on- or off-premises consumption:

(i) beer;

(ii) wine; and

(iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least \$5 each.

(2) (i) Subject to subparagraph (ii) of this paragraph and subsection (e)(6) of this section, the license holder may designate vendors within the public market to sell alcoholic beverages that are allowed under paragraph (1) of this subsection in leasable market space covering not more than [20%] 25% of the total square footage of floor space of the licensed premises.

(ii) Except as provided in subsection (e)(3) of this section, an individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space.

(3) (i) The license holder shall submit to the Board the same information about each vendor that the Board requires of an applicant for a license.

(ii) The Board shall apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages.

(iii) A vendor authorized to sell alcoholic beverages or an individual who is designated by the vendor and employed in a supervisory capacity is required to be:

1. certified by an approved alcohol awareness program; and

2. present when alcoholic beverages are consumed.

(4) (i) Subject to subparagraph (ii) of this paragraph, monthly receipts from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly receipts of the market.

(ii) The only nonalcoholic beverage items that may be counted in the calculation required under subparagraph (i) of this paragraph are items sold in the public market that are not provided as part of an off-premises catering service.

(e) (1) The license holder may designate a vendor to sell alcoholic beverages allowed under subsection (d)(1) of this section for on-premises consumption at a restaurant in the premises formerly occupied by an establishment for which a Class D (7-day) beer and wine license was issued.

(2) The restaurant shall have average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant.

(3) The vendor designated for the restaurant may sell alcoholic beverages in an area exceeding 1,000 square feet of floor space.

(4) The hours of sale for alcoholic beverages at the restaurant are from 9 a.m. to 1 a.m. the following day, Monday through Sunday.

(5) The privilege to sell alcoholic beverages at the restaurant may not be transferred to another location.

(6) The premises of the restaurant do not count toward the limit on the total square footage of floor space in which alcoholic beverages may be sold in the public market under subsection (d)(2)(i) of this section.

(g) Except as provided under subsection (e)(4) of this section, the hours of sale of alcoholic beverages for on-premises consumption are:

(1) from 11:30 a.m. to [10 p.m.] **11 P.M.** Monday through Thursday;

(2) from 11:30 a.m. to [11:30 p.m.] **MIDNIGHT** on Friday;

(3) from 9 a.m. to [11:30 p.m.] **MIDNIGHT** on Saturday; and

(4) from 9 a.m. to [9 p.m.] **11 P.M.** on Sunday.

(h) The annual license fee is:

(1) subject to item (2) of this subsection, [**\$7,500**] **\$6,000**; or

(2) \$3,500, if the applicant for the license obtains and extinguishes one Class A, Class B, Class D, or Class B-D-7 license issued for use in ward 23, precinct 1 of the 46th alcoholic beverages district.

12-1604.

(a) This section applies only to the 46th alcoholic beverages district, which at all times is coterminous with the 46th legislative district in the Legislative Districting Plan of 2012.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board may not issue a license for:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

[(2) The Board may issue not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if the Board:

(i) has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under this paragraph and seeks to renew or transfer the license.]

[(3)] (2) (i) The Board may issue not more than a combined total of five Class B beer, wine, and liquor licenses for use by establishments on the north side of the 900 block of East Fort Avenue and on the west side of the 1400 block of Lawrence Street.

(ii) A license issued for an establishment in these areas may not be transferred to another establishment.

[(4)] (3) The Board may issue not more than one Class B-HM (hotel-motel) beer, wine, and liquor license to a hotel in the 1200 block of East Fort Avenue.

12-1605.

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

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

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class B beer and wine license outside the 46th legislative district;

(ii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iii) a Class B–D–7 license in the Old Goucher Revitalization District under § 12–1603(e) of this subtitle;

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

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

(3) A license for use in a building that is within 300 feet of the grounds of a place of worship or school may be renewed or extended for the same building.

(4) (i) This paragraph applies only to an area bounded by:

1. High Street on the west, Pratt Street on the north, Central Avenue on the east, and Eastern Avenue on the south;

2. West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south; [or]

3. Holliday Street on the west, Saratoga Street on the north, Gay Street on the east, and Lexington Street on the south; **OR**

4. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, FAGLEY STREET ON THE WEST, GOUGH STREET ON THE NORTH, GRUNDY STREET ON THE EAST, AND CHESTLE PLACE ON THE SOUTH.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph if:

1. the application is approved by:

A. each community association representing the area;

B. each business association in the area; and

C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and

2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

(III) THE BOARD MAY NOT ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN SUBPARAGRAPH (I)4 OF THIS PARAGRAPH IF:

1. THE PROPOSED LOCATION OF THE ESTABLISHMENT IS IN AN AREA THAT IS ZONED “RESIDENTIAL”; OR

2. THE LICENSE TO BE ISSUED OR TRANSFERRED IS A CLASS A LICENSE OF ANY TYPE.

12-2204.

Unless transferred to another location, a Class B (7-day) beer and wine license issued for a premises located in an area surrounded by Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1, [2022] **2024**.

SECTION 2. AND BE IT FURTHER ENACTED, That a Class B-D-7 license issued for a premises in the 1171-1173 block of Hamburg Street shall be considered unexpired until the end of July 1, 2023, for the purposes of being transferred to another owner at the same location, notwithstanding § 12-1705 of the Alcoholic Beverages Article.

~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.~~

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b)(3) of this section, the Board of License Commissioners for Baltimore City may not charge a fee to a holder of an alcoholic beverages license issued by the Board if:

(1) the holder of the alcoholic beverages license also holds an unexpired Temporary Outdoor Seating Permit issued by the Mayor and City Council of Baltimore City; and

(2) the fee is imposed for the ancillary privilege of providing outdoor table or cafe service in conjunction with the Temporary Outdoor Seating Permit.

(b) (1) On application, the Board of License Commissioners for Baltimore City may consider the request of a holder of an alcoholic beverages license who also holds an unexpired Temporary Outdoor Seating Permit issued by the Mayor and City Council of Baltimore City to permanently add to the holder’s license the ancillary privilege of providing outdoor table or cafe service.

(2) The Board may:

(i) satisfy the notice requirement under § 12-1506(a) of the Alcoholic Beverages Article by publishing the entire list of applications received under paragraph (1) of this subsection as a single consolidated list in two newspapers of general circulation in Baltimore City; and

(ii) waive the requirement under § 12-1506(b) of the Alcoholic Beverages Article to post a notice at the location described in the application.

(3) If, in accordance with this subsection, the Board adds to a license holder's license the ancillary privilege of providing outdoor table or cafe service, the fee prohibition under subsection (a) of this section does not apply.

(4) The Board shall adopt regulations to carry out the provisions of this subsection.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea 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. Section 2 of this Act shall remain effective through June 30, 2023, and, at the end of June 30, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2022.