

HOUSE BILL 917

A2

(3lr1892)

ENROLLED BILL

— Economic Matters/Finance —

Introduced by **Delegates Clippinger, Edelson, and R. Lewis**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – 46th Alcoholic Beverages District –**
3 **Revisions**

4 FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to
5 approve a certain license expansion under certain circumstances; authorizing the
6 establishment and conversion of various alcoholic beverages licenses in the 46th
7 alcoholic beverages district in Baltimore City; altering certain seating capacity
8 requirements for a certain establishment located in a certain area in the 46th
9 alcoholic beverage district; extending for a certain amount of time the expiration of
10 ~~an~~ alcoholic beverages ~~license~~ *licenses* issued for a certain ~~area~~ *areas* for ~~the certain~~
11 *transferal and renewal* purposes ~~of transferring the license to another owner at the~~
12 ~~same location~~; and generally relating to alcoholic beverages in Baltimore City.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages

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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 12–102 and 12–1604(a) and (b)
 2 Annotated Code of Maryland
 3 (2016 Volume and 2022 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article – Alcoholic Beverages
 6 Section 12–104, 12–1604(c) *and (g)*, and 12–1706(d)
 7 Annotated Code of Maryland
 8 (2016 Volume and 2022 Supplement)

9 BY adding to
 10 Article – Alcoholic Beverages
 11 Section 12–1604.1
 12 Annotated Code of Maryland
 13 (2016 Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
 15 *The Charter of Baltimore City*
 16 *Article II – General Powers*
 17 *Section (61)(b)(1)*
 18 *(2007 Replacement Volume, as amended)*
 19 *(As enacted by Chapter 36 of the Acts of the General Assembly of 2022)*

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

22 Article – Alcoholic Beverages

23 12–102.

24 This title applies only in Baltimore City.

25 12–104.

26 (a) To be considered a restaurant, an establishment shall meet the requirements
 27 of this section.

28 (b) An establishment shall have average daily receipts from the sale of food that
 29 are at least 40% of its total daily receipts.

30 (c) The Board may not consider as food an ingredient or a garnish used with or
 31 mixed with an alcoholic beverage that is prepared and served for on–premises consumption.

32 (d) **(1)** The Board may waive the food requirement specified under subsection
 33 (b) of this section for a restaurant owned and operated by a nonprofit organization in the
 34 area bounded by South Ellwood Avenue on the west, Bank Street on the north, South
 35 Bouldin Street on the east, and Fleet Street on the south.

1 **(2) FOR A LICENSE THAT MEETS THE QUALIFICATIONS UNDER**
2 **PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY APPROVE AN EXPANSION OF**
3 **THE LICENSED PREMISES ONTO A NONCONTIGUOUS PROPERTY WITH A SECOND**
4 **SEPARATE USE PERMIT ISSUED BY THE CITY, IF THE SECOND SEPARATE USE PERMIT**
5 **SPECIFICALLY REFERS TO THE ALCOHOLIC BEVERAGES LICENSE AT THE PRIMARY**
6 **LOCATION.**

7 12-1604.

8 (a) This section applies only to the 46th alcoholic beverages district, which at all
9 times is coterminous with the 46th legislative district in the Legislative Districting Plan of
10 2012.

11 (b) Except as provided in subsections (c), (d), and (i) of this section, the Board may
12 not issue a new license in the 46th alcoholic beverages district.

13 (c) (1) The Board may issue:

14 (i) a 1-day license; and

15 (ii) except as provided in paragraph (2) of this subsection, and
16 subject to paragraphs (3) and (4) of this subsection, a Class B beer, wine, and liquor license
17 for use by a restaurant if the average daily receipts from the sale of food are at least 51%
18 of the total daily receipts of the restaurant.

19 (2) The Board may issue a Class B beer, wine, and liquor license:

20 (i) for a restaurant in ward 26, precinct 8, ward 4, precinct 1, or
21 ward 3, precinct 3 that has:

22 1. seating for more than 150 individuals;

23 2. a minimum capital investment of \$700,000; and

24 3. subject to paragraph (3) of this subsection, average daily
25 receipts from the sale of food that are at least 65% of the total daily receipts of the
26 restaurant;

27 (ii) for a restaurant in ward 4, precinct 1, or ward 22, precinct 1, if
28 the restaurant has:

29 1. seating for more than 75 individuals;

30 2. a minimum capital investment of \$700,000;

1 3. average daily receipts from the sale of food that are at
2 least 65% of the total daily receipts of the restaurant; and

3 4. except as provided in paragraph (5) of this subsection, no
4 sales for off-premises consumption;

5 (iii) for not more than three restaurants in a residential planned unit
6 development for Silo Point as approved by the Mayor and City Council of Baltimore City in
7 Ordinance 04-697 on June 23, 2004, if each restaurant has:

8 1. a minimum capital investment of \$700,000;

9 2. seating for more than 75 individuals;

10 3. average daily receipts from the sale of food that are at
11 least 65% of the total daily receipts of the restaurant; and

12 4. except as provided in paragraph (5) of this subsection, no
13 sales for off-premises consumption;

14 (iv) for not more than three restaurants in a business planned unit
15 development in ward 24, precinct 5, if each restaurant:

16 1. has a minimum capital investment of \$700,000;

17 2. has seating for more than 75 individuals, but not more
18 than 150 individuals;

19 3. has average daily receipts from the sale of food that are at
20 least 51% of the total daily receipts of the restaurant; and

21 4. except as provided in paragraph (5) of this subsection, may
22 not sell for off-premises consumption;

23 (v) for a restaurant in the area that is commonly known as Port
24 Covington, bounded on the north by Interstate 95, on the east by the South Locust Point
25 Terminal, and on the south and west by the Patapsco River, and that has:

26 1. seating for more than 150 individuals;

27 2. a minimum capital investment of \$700,000; and

28 3. subject to paragraph (3) of this subsection, average daily
29 receipts from the sale of food that are at least 60% of the total daily receipts of the
30 restaurant; [and]

1 (vi) for a restaurant in Unit G of 3700 Toone Street in ward 26,
2 precinct 8, if the restaurant has:

- 3 1. seating for at least 75 individuals;
- 4 2. a minimum capital investment of \$700,000;
- 5 3. average daily receipts for the sale of food that are at least
6 65% of the total daily receipts of the restaurant; and
- 7 4. has executed a memorandum of understanding with
8 Brewer's Hill Neighbors, Inc.; AND

9 (VII) FOR A RESTAURANT IN THE AREA BOUNDED ON THE NORTH
10 BY EASTERN AVENUE, ON THE EAST BY SOUTH DUNCAN STREET, ON THE SOUTH BY
11 FLEET STREET, AND ON THE WEST BY SOUTH CHESTER STREET, IF THE
12 RESTAURANT HAS:

- 13 1. A PHYSICAL DUCKPIN BOWLING ALLEY; AND
- 14 2. A MINIMUM CAPITAL INVESTMENT OF \$500,000,
15 EXCLUDING RESIDENTIAL IMPROVEMENTS.

16 (3) When a license is renewed, the license holder shall file with the Board
17 a statement of average daily receipts and an affidavit of a licensed certified public
18 accountant that verify that the license holder has met the requirement under paragraph
19 (1)(ii) or (2)(i)3 or (v)3 of this subsection.

20 (4) (i) A license may not be issued under paragraph (1)(ii) of this
21 subsection for use in an establishment that is a fast-food-style restaurant.

22 (ii) A license issued under paragraph (1)(ii) of this subsection may
23 not be transferred from the location of its first issuance.

24 (5) The Board may issue a Class B beer, wine, and liquor license for a
25 restaurant in ward 21, precinct 4:

26 (I) in the 1400 block of Warner Street that has:

- 27 ~~(i)~~ 1. seating for more than 150 individuals;
- 28 ~~(ii)~~ 2. average daily receipts from the sale of food that are at
29 least 40% of the total daily receipts of the restaurant; and
- 30 ~~(iii)~~ 3. no sales for off-premises consumption; AND

(II) IN THE 1300 BLOCK OF WARNER STREET THAT HAS:

1. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT, UNLESS THE LICENSE HOLDER OFFERS FOOD TRUCK OPTIONS ON THE LICENSED PREMISES, IN WHICH CASE THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD MAY BE AT LEAST 20% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND

2. NO SALES FOR OFF-PREMISES CONSUMPTION.

(6) A license specified under this subsection, including a license that does not allow sales for off-premises consumption, may include an off-sale privilege for sales of refillable containers under a refillable container license issued in accordance with § 12-1102 of this title.

(7) A LICENSE ISSUED UNDER PARAGRAPH (2)(VII) OF THIS SUBSECTION:

(I) IS NOT REQUIRED TO HAVE A MINIMUM AMOUNT OF SEATING FOR PATRONS OR A MINIMUM AMOUNT OF FOOD SALES TO MAINTAIN LICENSURE; AND

(II) MAY NOT BE TRANSFERRED FROM THE LOCATION OF ITS FIRST ISSUANCE.

(g) (1) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:

[(1)] (I) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

[(2)] (II) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

[(3) (i)] (III) 1. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ward 1, precinct 4 or 5;

[(ii)] 2. ward 23, precinct 1; and

[(iii)] 3. ward 24, precinct 5; and

[(4)] (IV) the area known as Pen Lucy, ward 9, precincts 1 and 2.

1 **(2) (I) THE BOARD MAY ISSUE ONE CLASS B BEER, WINE, AND**
 2 **LIQUOR LICENSE FOR A RESTAURANT IN WARD 1, PRECINCT 4, ~~ON THE EVEN SIDE OF~~**
 3 **IN THE 2700 BLOCK OF BOSTON STREET THAT HAS:**

4 **1. SEATING FOR MORE THAN 75 INDIVIDUALS;**

5 **2. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD**
 6 **THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT;**

7 **3. A MINIMUM CAPITAL INVESTMENT OF AT LEAST**
 8 **\$700,000 FOR RESTAURANT FACILITIES; AND**

9 **4. EXECUTED A MEMORANDUM OF UNDERSTANDING**
 10 **WITH THE CANTON COMMUNITY ASSOCIATION.**

11 **(II) THE LICENSE DESCRIBED IN THIS PARAGRAPH MAY NOT:**

12 **1. EXCEPT FOR DELIVERY TO A VESSEL DOCKED AT AN**
 13 **ADJACENT MARINA, BE USED FOR OFF-PREMISES SALES; OR**

14 **2. BE TRANSFERRED FROM THE LOCATION OF ITS**
 15 **ORIGINAL ISSUANCE.**

16 **12-1604.1.**

17 **(A) THIS SECTION APPLIES ONLY TO A LICENSE HOLDER OF A CLASS D**
 18 **BEER AND LIGHT WINE LICENSE FOR USE IN THE 46TH ALCOHOLIC BEVERAGES**
 19 **DISTRICT.**

20 **(B) (1) A LICENSE HOLDER WHO HOLDS A VALID CLASS D BEER AND**
 21 **LIGHT WINE LICENSE MAY APPLY TO THE BOARD TO CONVERT THE LICENSE TO A**
 22 **CLASS D BEER, WINE, AND LIQUOR LICENSE IF THE LICENSE HOLDER:**

23 **(I) 1. MAINTAINS AVERAGE DAILY RECEIPTS FROM THE**
 24 **SALE OF FOOD THAT ARE AT LEAST 51% OF ITS TOTAL DAILY RECEIPTS;**

25 ~~**(II)**~~ **2. EXECUTES A MEMORANDUM OF UNDERSTANDING**
 26 **WITH THE RELEVANT LOCAL NEIGHBORHOOD ASSOCIATION AS DETERMINED BY THE**
 27 **BOARD;**

28 ~~**(III)**~~ **3. OPERATES A LOCATION WITH NOT MORE THAN 75**
 29 **SEATS; AND**

~~(IV)~~ 4. PAYS A SPECIAL TRANSFER FEE OF \$15,000, IN ADDITION TO ANY FEES REQUIRED UNDER § 12-1704 OF THIS TITLE; OR

(II) 1. HOLDS A LICENSE THAT WAS ORIGINALLY ISSUED BY THE BOARD UNDER § 12-1604(I) OF THIS SUBTITLE; AND

2. PAYS A SPECIAL TRANSFER FEE OF \$15,000, IN ADDITION TO ANY FEES REQUIRED UNDER § 12-1704 OF THIS TITLE.

(2) IF A CLASS D BEER AND LIGHT WINE LICENSE IS CONVERTED TO A CLASS D BEER, WINE, AND LIQUOR LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CLASS D BEER, WINE, AND LIQUOR LICENSE:

(I) MAY NOT BE TRANSFERRED TO A NEW LOCATION; AND

(II) IS SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.

(C) A HOLDER OF A LICENSE CONVERTED UNDER THIS SECTION MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FROM 6 A.M. UNTIL 1 A.M. THE FOLLOWING DAY.

~~(D)~~ AN APPLICATION TO CONVERT A CLASS D BEER AND LIGHT WINE LICENSE UNDER SUBSECTION (B)(1) OF THIS SECTION IS A TRANSFER SUBJECT TO THE PROVISIONS OF ~~§ 12-1701(B)(1)~~ § 12-1701 OF THIS TITLE.

12-1706.

(d) (1) Except as provided in paragraph (2) of this subsection, a license may not be transferred into or within:

(i) ward 1, precincts 2 and 3;

(ii) ward 2 in its entirety;

(iii) ward 3, precinct 3; and

(iv) ward 26, precincts 3 and 10.

(2) This subsection does not apply to an application for a new license or a transfer from within the areas described in paragraph (1) of this subsection if the new license or transfer is for:

(i) a hotel;

1 (ii) an establishment located in a planned unit development if the
 2 application for the planned unit development was filed or approved before December 31,
 3 1995;

4 (iii) an establishment located in an area governed by the Inner
 5 Harbor East Urban Renewal Plan; or

6 (iv) an establishment that has:

7 1. a seating capacity of fewer than 150 individuals; [or]

8 2. average daily receipts from the sale of food that are at
 9 least 51% of the total daily receipts of the establishment; **OR**

10 **3. A SEATING CAPACITY OF FEWER THAN 200**
 11 **INDIVIDUALS ONLY IF THE ESTABLISHMENT IS WITHIN WARD 3, PRECINCT 3.**

12 *The Charter of Baltimore City*

13 *Article II – General Powers*

14 *The Mayor and City Council of Baltimore shall have full power and authority to*
 15 *exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland*
 16 *or by any Public General or Public Local Laws of the State of Maryland; and in particular,*
 17 *without limitation upon the foregoing, shall have power by ordinance, or such other method*
 18 *as may be provided for in its Charter, subject to the provisions of said Constitution and*
 19 *Public General Laws:*

20 *(61)*

21 *(b) (1) As provided by ordinance, the Authority shall enter into a contract with*
 22 *the Baltimore Police Department to hire two POLICE officers [of the Baltimore Police*
 23 *Department] to exclusively patrol the 400 unit block of Baltimore Street and the unit block*
 24 *of Custom House Avenue between the hours of 10 p.m. and 3 a.m. on the Thursday, Friday,*
 25 *and Saturday of each week.*

26 SECTION 2. AND BE IT FURTHER ENACTED, That, ~~notwithstanding:~~

27 *(a) Notwithstanding § 12–1705 of the Alcoholic Beverages Article, a Class*
 28 *B–D–7 license issued for a premises in the 4300 block of East Lombard Street shall be*
 29 *considered unexpired until the end of July 1, 2024, for the purposes of being transferred to*
 30 *another owner at the same location.*

31 *(b) Notwithstanding § 12–1705 of the Alcoholic Beverages Article, a Class B beer,*
 32 *wine, and liquor license issued for a premises in the unit block of South Decker Street shall*

1 be considered unexpired until the end of July 1, 2024, for the purpose of completing a transfer
 2 of ownership and renewal at the same location.

3 (c) Notwithstanding § 12-2202 of the Alcoholic Beverages Article, a Class C beer
 4 and light wine license issued for a premises in the 6700 block of Youngstown Avenue shall
 5 be considered unexpired until the end of July 1, 2024, for the purpose of being renewed to
 6 the current license year by the licensee.

7 (d) Notwithstanding § 12-2202 of the Alcoholic Beverages Article, a Class B beer,
 8 wine, and liquor license issued for a premises on the odd side of the 900 block of South Bond
 9 Street shall be considered unexpired until the end of July 1, 2024, for the purpose of being
 10 renewed to the current license year and transferred to a different applicant at the same
 11 location, if the applicant enters into a memorandum of understanding with the Fells Point
 12 Neighborhood Association.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 14 1, 2023. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and,
 15 at the end of June 30, 2024, Section 2 of this Act, with no further action required by the
 16 General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.