

SENATE BILL 607

A2

(3lr1890)

ENROLLED BILL

— Finance/Economic Matters —

Introduced by Senator Ferguson

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.

President.

CHAPTER _____

1 AN ACT concerning

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.



Section 12-102 and 12-1604(a) and (b)
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 12-104, 12-1604(c) and (g), and 12-1706(d)
Annotated Code of Maryland
(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:

Article – Alcoholic Beverages

23 12-102.

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.

7 12-1604.

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

14 (i) a 1-day license; and

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;

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;

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

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:

9 2. seating for more than 75 individuals;

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

4. except as provided in paragraph (5) of this subsection, no
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;

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

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

3 1. seating for at least 75 individuals;

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**

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.

(ii) A license issued under paragraph (1)(ii) of this subsection may 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;

(ii) 2. average daily receipts from the sale of food that are at least 40% of the total daily receipts of the restaurant; and

30 (iii) 3. no sales for off-premises consumption; AND

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

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

7 **2. NO SALES FOR OFF-PREMISES CONSUMPTION.**

8 (6) A license specified under this subsection, including a license that does
9 not allow sales for off-premises consumption, may include an off-sale privilege for sales of
10 refillable containers under a refillable container license issued in accordance with §
11 12-1102 of this title.

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

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

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

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

21 **[(1)] (I) the area covered by the Key Highway East Industrial Area Urban**
22 **Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance**
23 **986 on June 29, 1987;**

24 **[(2)] (II) the area covered by the Key Highway Urban Renewal Plan, as**
25 **adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12,**
26 **1986;**

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

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

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

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

1. SEATING FOR MORE THAN 75 INDIVIDUALS:

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

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;

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

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

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

19 12-1706.

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

22 (i) ward 1, precincts 2 and 3;

23 (ii) ward 2 in its entirety;

24 (iii) ward 3, precinct 3; and

25 (iv) ward 26, precincts 3 and 10.

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

29 (i) a hotel;

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]

The Charter of Baltimore City

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.

(b) Notwithstanding § 12-1705 of the Alcoholic Beverages Article, a Class B beer, 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.

President of the Senate.

Speaker of the House of Delegates.