

HOUSE BILL 637

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CF SB 584

By: **Delegates Clippinger, R. Lewis, and Lierman**

Introduced and read first time: February 6, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Licenses**

3 FOR the purpose of authorizing a certain transferee of a Class B–D–7 license in a certain
4 area of the 46th legislative district in Baltimore City to apply to the Board of License
5 Commissioners to exchange the license for a Class A–7 license under certain
6 circumstances; establishing an Inner Harbor Park license; authorizing the Board to
7 issue a certain number of licenses to a nonprofit organization that is operated for a
8 certain purpose; authorizing the licensed premises to be located in certain areas;
9 providing that the license authorizes the license holder to sell beer, wine, and liquor
10 for on–premises consumption at certain times; specifying an annual license fee and
11 certain other fees for certain privileges; authorizing the Board to issue a Class B
12 beer, wine, and liquor license for a restaurant in a certain location under certain
13 circumstances; prohibiting the Board from issuing more than a certain number of
14 Class B–HM (hotel–motel) licenses in a certain location; making a technical change;
15 and generally relating to alcoholic beverages licenses in Baltimore City.

16 BY renumbering

17 Article – Alcoholic Beverages
18 Section 12–1001.2
19 to be Section 12–1001.3
20 Annotated Code of Maryland
21 (2016 Volume and 2018 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Alcoholic Beverages
24 Section 12–102
25 Annotated Code of Maryland
26 (2016 Volume and 2018 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Alcoholic Beverages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 12–902.1 and 12–1604
2 Annotated Code of Maryland
3 (2016 Volume and 2018 Supplement)

4 BY adding to
5 Article – Alcoholic Beverages
6 Section 12–1001.2
7 Annotated Code of Maryland
8 (2016 Volume and 2018 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That Section(s) 12–1001.2 of Article – Alcoholic Beverages of the Annotated Code of
11 Maryland be renumbered to be Section(s) 12–1001.3.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
13 as follows:

14 **Article – Alcoholic Beverages**

15 12–102.

16 This title applies only in Baltimore City.

17 12–902.1.

18 (a) There is a Class A–7 beer, wine, and liquor license.

19 (b) The license authorizes the license holder to sell beer, wine, and liquor at retail
20 at the place described in the license, for off–premises consumption.

21 (c) (1) Subject to paragraphs (2) [and (3)] **THROUGH (4)** of this subsection, a
22 license holder who holds a valid Class B–D–7 beer, wine, and liquor license issued on or
23 before July 1, 2018, may apply to the Board to exchange the license for a Class A–7 license
24 if the license holder first obtains approval by resolution of the Baltimore City Council.

25 (2) The Board may not issue a Class A–7 license after July 1, 2020.

26 (3) In the 46th legislative district, a Class B–D–7 license may be exchanged
27 for a Class A–7 license [only if the Class B–D–7 license was issued for an establishment
28 operating in a Planned Use Development].

29 **(4) IN THE 46TH LEGISLATIVE DISTRICT, THE TRANSFEREE OF A**
30 **CLASS B–D–7 LICENSE THAT IS SUCCESSFULLY TRANSFERRED FROM THE 3600**
31 **BLOCK OF FLEET STREET TO THE 5600 BLOCK OF EASTERN AVENUE MAY APPLY TO**
32 **THE BOARD TO EXCHANGE THE LICENSE FOR A CLASS A–7 LICENSE FOR USE AT THE**
33 **EASTERN AVENUE LOCATION ON OR BEFORE JULY 1, 2021.**

1 (d) A holder of a Class A-7 license may sell beer, wine, and liquor on Monday
2 through Sunday from 9 a.m. to 10 p.m.

3 (e) The annual license fee is \$1,500.

4 **12-1001.2.**

5 **(A) THERE IS AN INNER HARBOR PARK LICENSE.**

6 **(B) (1) THE BOARD MAY ISSUE NOT MORE THAN TWO LICENSES FOR USE**
7 **BY A NONPROFIT ORGANIZATION THAT IS OPERATED TO PROMOTE AND CARE FOR**
8 **THE INNER HARBOR WATERFRONT.**

9 **(2) THE LICENSED PREMISES MAY BE LOCATED IN RASH FIELD AND**
10 **IN WEST SHORE PARK.**

11 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,**
12 **AND LIQUOR FOR ON-PREMISES CONSUMPTION MONDAY THROUGH SUNDAY, FROM**
13 **6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

14 **(D) (1) THE ANNUAL LICENSE FEE IS \$1,320.**

15 **(2) A LICENSE HOLDER SHALL PAY, IN ADDITION TO THE ANNUAL**
16 **LICENSE FEE:**

17 **(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE**
18 **ENTERTAINMENT; AND**

19 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
20 **SERVICE.**

21 **12-1604.**

22 (a) This section applies only to the 46th alcoholic beverages district, which at all
23 times is coterminous with the 46th legislative district in the Legislative Districting Plan of
24 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

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

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

28 (i) a 1-day license; and

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

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

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

8 1. seating for more than 150 individuals;

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

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

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

15 1. seating for more than 75 individuals;

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

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

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

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

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

25 2. seating for more than 75 individuals;

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

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

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

- 1 1. has a minimum capital investment of \$700,000;
- 2 2. has seating for more than 75 individuals, but not more
- 3 than 150 individuals;
- 4 3. has average daily receipts from the sale of food that are at
- 5 least 51% of the total daily receipts of the restaurant; and
- 6 4. except as provided in paragraph (5) of this subsection, may
- 7 not sell for off-premises consumption; and

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

- 11 1. seating for more than 150 individuals;
- 12 2. a minimum capital investment of \$700,000; and
- 13 3. subject to paragraph (3) of this subsection, average daily
- 14 receipts from the sale of food that are at least 60% of the total daily receipts of the
- 15 restaurant.

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**
 25 **LICENSE FOR A RESTAURANT IN WARD 21, PRECINCT 4 IN THE 1400 BLOCK OF**
 26 **WARNER STREET THAT HAS:**

- 27 **(I) SEATING FOR MORE THAN 150 INDIVIDUALS;**
- 28 **(II) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT**
 29 **ARE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**
- 30 **(III) NO SALES FOR OFF-PREMISES CONSUMPTION.**

1 **[(5)] (6)** A license specified under this subsection, including a license that
2 does not allow sales for off-premises consumption, may include an off-sale privilege for
3 sales of refillable containers under a refillable container license issued in accordance with
4 § 12-1102 of this title.

5 (d) (1) The Board may issue a Class D beer, wine, and liquor license to an
6 applicant who holds or has applied for a Class 9 limited distillery license.

7 (2) A Class D beer, wine, and liquor license issued under this subsection
8 may be transferred only to a holder of a Class 9 limited distillery license.

9 (e) The Board may issue:

10 (1) a Class C beer, wine, and liquor license in the 200 block of Holliday
11 Street in ward 3, precinct 3;

12 (2) a Class C beer, wine, and liquor license in the 200 block of South
13 Central Avenue in ward 3, precinct 3; and

14 (3) subject to subsection (f) of this section, a Class D beer license for the
15 area in ward 24, precinct 5 that is bounded by East Fort Avenue on the north, the CSX
16 access way on the east, East McComas Street on the south, and Whetstone Way on the
17 west.

18 (f) A Class D beer license may be transferred into the area specified under
19 subsection (e)(3) of this section if originally issued for another area.

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

22 (1) the area covered by the Key Highway East Industrial Area Urban
23 Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance
24 986 on June 29, 1987;

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

27 (3) (i) ward 1, precinct 4 or 5;

28 (ii) ward 23, precinct 1; and

29 (iii) ward 24, precinct 5; and

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

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

1 (i) ward 1, precincts 4 and 5;

2 (ii) ward 23, precinct 1; or

3 (iii) ward 24, precinct 5.

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

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

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

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

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

18 **(4) THE BOARD MAY ISSUE NOT MORE THAN ONE CLASS B-HM**
19 **(HOTEL-MOTEL) BEER, WINE, AND LIQUOR LICENSE TO A HOTEL IN THE 1200 BLOCK**
20 **OF EAST FORT AVENUE.**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2019.