

# SENATE BILL 233

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CF HB 134

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By: **Senator Ferguson**

Introduced and read first time: January 18, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Baltimore City – 46th District – Class B Location**  
3 **Restrictions – Limited Exemption**

4 FOR the purpose of authorizing the transfer within a certain area in the 46th  
5 Legislative District in Baltimore City of certain alcoholic beverages licenses  
6 subject to certain restrictions under certain circumstances; making stylistic  
7 changes; and generally relating to alcoholic beverages licenses in Baltimore  
8 City.

9 BY repealing and reenacting, without amendments,  
10 Article 2B – Alcoholic Beverages  
11 Section 9–204.1(e)  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 2B – Alcoholic Beverages  
16 Section 9–204.1(f) and 9–204.3  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2012 Supplement)

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

21 **Article 2B – Alcoholic Beverages**

22 9–204.1.

23 (e) (1) Except as provided in paragraph (2) of this subsection, licenses for  
24 the sale of alcoholic beverages of any class may not be transferred into the areas  
25 covered by this section.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)   (i)    A licensed drugstore may transfer the license into the 45th  
2 alcoholic beverages district.

3                   (ii)   One Class B–D–7 license issued for a property surrounded  
4 by West Preston Street on the north, Morton Street on the east, West Biddle Street on  
5 the south, and Maryland Avenue on the west may be transferred to a property  
6 surrounded by West Eager Street and East Eager Street on the north, Lovegrove  
7 Street on the east, West Read Street and East Read Street on the south, and Morton  
8 Street on the west.

9                   (f)   (1)   This subsection applies only in the 46th alcoholic beverages  
10 district.

11                   (2)   Notwithstanding § 6–201(d)(1)(vii) of this article, and subject to  
12 paragraph (8) of this subsection, the Board may issue a Class B beer, wine and liquor  
13 license:

14                   (i)    For a restaurant in ward 26, precinct 8, if the restaurant has  
15 a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons,  
16 and average daily receipts from the sale of food that are at least 65% of the total daily  
17 receipts of the restaurant;

18                   (ii)   For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,  
19 if the restaurant has a minimum capital investment of \$700,000, a seating capacity  
20 that exceeds 75 persons, average daily receipts for the sale of food that are at least  
21 65% of the total daily receipts of the restaurant, and no sales for off–premises  
22 consumption;

23                   (iii)  For not more than three restaurants in a residential planned  
24 unit development for Silo Point as approved by the Mayor and City Council of  
25 Baltimore City in Ordinance 04–697 on June 23, 2004, if the restaurant has a  
26 minimum capital investment of \$700,000, a seating capacity that exceeds 75 persons,  
27 average daily receipts from the sale of food that are at least 65% of the total daily  
28 receipts of the restaurant, and no sales for off–premises consumption; and

29                   (iv)   For not more than three restaurants in a business planned  
30 unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which  
31 at all times shall be coterminous with the 46th Legislative District in the Legislative  
32 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,  
33 2002, if each restaurant has a minimum capital investment of \$700,000, a seating  
34 capacity that exceeds 75 persons but is not more than 150 persons, average daily  
35 receipts from the sale of food that are at least 65% of the total daily receipts of the  
36 restaurant, and no sales for off–premises consumption.

1           (3)   (i)    Except as provided in subparagraph (ii) **OR (III)** of this  
2 paragraph, the Board may not issue an alcoholic beverages license or transfer a license  
3 into ward 1, precincts 4 and 5, ward 23, precinct 1, or ward 24, precinct 5.

4           (ii)   The Board may allow the transfer of one Class D license into  
5 the residential planned unit development for Silo Point located in ward 24, precinct 5  
6 which was enacted by the Mayor and City Council of Baltimore City in Ordinance  
7 04–697 on June 23, 2004, provided that the Class D license holder operates the  
8 establishment in accordance with the provisions of Ordinance 04–697.

9                           **(III) SUBJECT TO § 9–204.3(A)(2)(II) OF THIS SUBTITLE, AND**  
10 **NOTWITHSTANDING SUBSECTION (E) OF THIS SECTION, A CLASS B BEER, WINE**  
11 **AND LIQUOR LICENSE OR A CLASS B–D–7 LICENSE ISSUED FOR A PROPERTY**  
12 **LOCATED IN THE AREA OF THE 2800 THROUGH 3000 BLOCKS OF O’DONNELL**  
13 **STREET MAY BE TRANSFERRED TO ANOTHER LOCATION IN THE SAME AREA.**

14           (4)   Notwithstanding any other provision of law, a new Class B beer,  
15 wine and liquor license may not be transferred to another location or downgraded  
16 within the 46th alcoholic beverages district.

17           (5)   A new Class B licensed restaurant must have average daily  
18 receipts from the sale of food that are at least 51% of the total daily receipts of the  
19 restaurant.

20           (6)   (i)    Except as provided in subparagraph (ii) of this paragraph  
21 **OR § 9–204.3(A)(2)(II) OF THIS SUBTITLE**, the Board may not transfer or issue a  
22 license if the transfer or issuance would result in:

23                           1.    The licensed premises being located within 300 feet of  
24 the nearest point of a [church] **PLACE OF WORSHIP** or a school; or

25                           2.    The licensed premises being located closer to the  
26 nearest point of a [church] **PLACE OF WORSHIP** or a school than the licensed  
27 premises was on June 1, 2004.

28           (ii)   This paragraph does not apply to a licensed restaurant in:

29                           1.    Ward 4, precinct 1;

30                           2.    Ward 22, precinct 1; or

31                           3.    A residential planned unit development for Silo Point  
32 as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on  
33 June 23, 2004.

1                   (7)   (i)    Except as provided in subparagraph (ii) of this paragraph, a  
2 license for the sale of alcoholic beverages may not be transferred into, or transferred to  
3 a different location within, the following areas:

- 4                               1.    Ward 1, precincts 2 and 3;
- 5                               2.    Ward 2 in its entirety;
- 6                               3.    Ward 3, precinct 3; and
- 7                               4.    Ward 26, precincts 3 and 10.

8                   (ii)   This paragraph does not apply to an application for a new  
9 license or a transfer from within the areas described in subparagraph (i) of this  
10 paragraph if the new license or transfer is for:

- 11                               1.    A hotel;
- 12                               2.    An establishment located in a planned unit  
13 development if the application for the planned unit development was filed or approved  
14 before December 31, 1995;
- 15                               3.    An establishment located in an area governed by the  
16 Inner Harbor East Urban Renewal Plan; or
- 17                               4.    An establishment that has a seating capacity of fewer  
18 than 150 persons or in which the average daily receipts from the sale of food are at  
19 least 51% of the total daily receipts of the establishment.

20                   (8)   Notwithstanding paragraph (2)(ii) through (iv) of this subsection, a  
21 license specified under this subsection, including a license that allows no sales for  
22 off-premises consumption, may include an off-sale privilege for sales of refillable  
23 containers under a refillable container license issued in accordance with § 8-203(e) of  
24 this article.

25   9-204.3.

26                   (a)   (1)   Except as provided in paragraph (2) of this subsection, in  
27 Baltimore City, no new license, or removal of an existing license, shall be granted to  
28 sell alcoholic beverages in any building located within 300 feet of the nearest point of  
29 the buildings of a [church] **PLACE OF WORSHIP** or school, but the license of any  
30 person now holding a license for any building located within such distance of the  
31 building grounds of a [church] **PLACE OF WORSHIP** or school may be renewed or  
32 extended for the same building.

33                   (2)   (I)   In the 45th Legislative District in Baltimore City, a new  
34 Class A license of any type may not be issued for the sale of alcoholic beverages in a

1 building located within 500 feet of the nearest point of the building of a place of  
2 worship or school.

3 **(II) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS**  
4 **SECTION, A CLASS B BEER, WINE AND LIQUOR LICENSE OR A CLASS B-D-7**  
5 **LICENSE ISSUED FOR A PROPERTY IN THE AREA OF THE 2800 THROUGH 3000**  
6 **BLOCKS OF O'DONNELL STREET IN THE 46TH LEGISLATIVE DISTRICT MAY BE**  
7 **TRANSFERRED TO A NEW LOCATION IN THE SAME AREA IF THE GOVERNING**  
8 **BODY OF EACH PLACE OF WORSHIP OR SCHOOL LOCATED WITHIN 300 FEET OF**  
9 **THE NEW LOCATION WAIVES IN WRITING THE RESTRICTIONS OF THIS SECTION.**

10 (b) The restrictions regarding distance in subsection (a)(1) of this section do  
11 not apply to the following licenses, which may be issued within the 300 feet limitation:

12 (1) Except in the 46th Legislative District, Class B beer and wine;

13 (2) Except in the 46th Legislative District, Class B beer, wine and  
14 liquor;

15 (3) Class C beer and wine; and

16 (4) Class C beer, wine and liquor.

17 (c) Except in the 46th Legislative District, the governing body of any  
18 [church] PLACE OF WORSHIP in writing may waive the restrictions of this section  
19 regarding licenses not specified in subsection (b) of this section with respect to cafes or  
20 restaurants located within 250 feet of a theater having a capacity of not less than 300  
21 seats, which theater is operated by a nonprofit theater association.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2013.