

SENATE BILL 854

A2

11r2651

By: **Senator Ferguson**

Introduced and read first time: February 14, 2011

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 18, 2011

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2011

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Board of Liquor License Commissioners – Issuance of**
3 **Licenses**

4 FOR the purpose of ~~eliminating a prohibition against sales for off-premises~~
5 ~~consumption for certain restaurants to obtain a Class B beer, wine and liquor~~
6 ~~license in a certain location in Baltimore City; eliminating~~ altering a prohibition
7 against the Board of Liquor License Commissioners for Baltimore City issuing
8 an alcoholic beverages license or transferring a license into certain locations in
9 Baltimore City by authorizing the Board to allow the transfer of a certain
10 license into a certain development in a certain location; and generally relating
11 to the issuance of alcoholic beverages licenses in Baltimore City.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 9–204.1(f)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

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

19 **Article 2B – Alcoholic Beverages**

20 9–204.1.

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.



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

3 (2) Notwithstanding § 6-201(d)(1)(vii) of this article, the Board may
4 issue a Class B beer, wine and liquor license:

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

9 (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,
10 if the restaurant has a minimum capital investment of \$700,000, a seating capacity
11 that exceeds 75 persons, average daily receipts for the sale of food that are at least
12 65% of the total daily receipts of the restaurant, and no sales for off-premises
13 consumption;

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

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

28 (3) ~~The (I)~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
29 **THIS PARAGRAPH, THE** Board may not issue an alcoholic beverages license or
30 transfer a license into ward 1, precincts 4 and 5 or ward 23, precinct 1~~;~~, or ward 24,
31 precinct 5~~;~~.

32 **(II) THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS**
33 **D LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO**
34 **POINT LOCATED IN WARD 24, PRECINCT 5.**

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

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

4 (6) (i) Except as provided in subparagraph (ii) of this paragraph,
5 the Board may not transfer or issue a license if the transfer or issuance would result
6 in:

7 1. The licensed premises being located within 300 feet of
8 the nearest point of a church or a school; or

9 2. The licensed premises being located closer to the
10 nearest point of a church or a school than the licensed premises was on June 1, 2004.

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

12 1. Ward 4, precinct 1;

13 2. Ward 22, precinct 1; or

14 3. A residential planned unit development for Silo Point
15 as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on
16 June 23, 2004.

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

20 1. Ward 1, precincts 2 and 3;

21 2. Ward 2 in its entirety;

22 3. Ward 3, precinct 3; and

23 4. Ward 26, precincts 3 and 10.

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

27 1. A hotel;

28 2. An establishment located in a planned unit
29 development if the application for the planned unit development was filed or approved
30 before December 31, 1995;

