

SENATE BILL 571

A2

71r0391

By: **Senator Della**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – 46th Alcoholic Beverages District – Licenses**

3 FOR the purpose of altering certain district designations to reflect that a Class B beer,
4 wine and liquor license may be issued for a restaurant in a certain alcoholic
5 beverages district in Baltimore City; authorizing the issuance of a certain
6 license for use by a restaurant in a certain location; altering the minimum
7 amount of capital investment for restaurant facilities required for the issuance
8 of a certain license for use by a restaurant; authorizing the Baltimore City
9 Board of Liquor License Commissioners to issue a Class C beer, wine and liquor
10 license for use on the premises of a nonprofit organization in a certain location
11 in Baltimore City; clarifying the description of an area in which a certain
12 restaurant license may be issued only under certain circumstances; altering a
13 certain definition; providing for the termination of a certain provision of this
14 Act; and generally relating to the issuance of alcoholic beverages licenses in
15 Baltimore City.

16 BY repealing and reenacting, without amendments,
17 Article 2B – Alcoholic Beverages
18 Section 6–201(d)(1)(i)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2006 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 2B – Alcoholic Beverages
23 Section 6–201(d)(1)(iii),(iv),(v), (vii),(viii)1., and (ix) and 9–102(b–3A)
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2006 Supplement)

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

4 **Article 2B – Alcoholic Beverages**

5 6–201.

6 (d) (1) (i) This subsection applies only in Baltimore City.

7 (iii) In this paragraph [“47th] **“46TH** Alcoholic Beverages
8 District” [applies to the following areas of Baltimore City:

9 1. Wards 23, 24, and 25 in their entirety;

10 2. Ward 19, precincts 2 and 3;

11 3. Ward 20, precincts 19 and 20;

12 4. Ward 21, precinct 15; and

13 5. Ward 21, precincts 2 and 3] **MEANS AN AREA THAT**
14 **AT ALL TIMES SHALL BE COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT**
15 **IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE**
16 **MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

17 (iv) Except for the [47th] **46TH** Alcoholic Beverages District,
18 this license shall be issued in accordance with the provisions of subsection (a) of this
19 section.

20 (v) In **AN AREA COTERMINOUS WITH** the 47th Alcoholic
21 Beverages District **AS THAT DISTRICT EXISTED BEFORE THE LEGISLATIVE**
22 **DISTRICTING PLAN WAS ORDERED BY THE MARYLAND COURT OF APPEALS ON**
23 **JUNE 21, 2002**, a Class B beer, wine and liquor license issued for use in a restaurant:

24 1. After July 1, 1991 may not include an off-sale
25 alcoholic beverages privilege;

26 2. Before July 1, 1991 with an on-sale alcoholic
27 beverages privilege only may not be changed or altered to include an off-sale alcoholic
28 beverages privilege;

1 3. Before July 1, 1991 with both on- and off-sale
2 alcoholic beverages privileges may continue to be sold, renewed, or transferred within
3 the 47th Alcoholic Beverages District with both privileges; and

4 4. Except as provided in subparagraph (vi) of this
5 paragraph, before July 1, 1991 may not include an off-sale privilege for sales of
6 alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

7 (vii) In addition to the other requirements provided for in this
8 subsection, in the 46th [and 47th] Alcoholic Beverages [Districts] **DISTRICT** the
9 restaurant shall have a minimum:

10 1. Except as provided in subparagraph (ix) of this
11 paragraph, capital investment of \$500,000 for restaurant facilities not including the
12 cost of the land, the building, or improvements that are not to the interior of a building
13 on the licensed premises; and

14 2. Seating capacity of 75 persons, and, except as
15 provided in subparagraph (ix) of this paragraph, a maximum seating capacity of 150
16 persons.

17 (viii) 1. Notwithstanding § 1-102(a)(22)(i)3 of this article and,
18 except as provided in subparagraph (ix) of this paragraph, for a licensee who is issued
19 a Class B beer, wine and liquor license for use in a restaurant in the 46th [or 47th]
20 Alcoholic Beverages District, the average daily receipts from the sale of food must be
21 at least 51% of the total daily receipts of the restaurant.

22 (ix) The Board of Liquor License Commissioners for Baltimore
23 City may issue a Class B beer, wine and liquor license for use in a restaurant that has
24 a seating capacity exceeding 150 persons if the restaurant:

25 1. Is located in ward 26, precinct 8, **WARD 4 PRECINCT**
26 **1, OR WARD 3, PRECINCT 3** of the 46th Alcoholic Beverages District, which at all
27 times shall be coterminous with the 46th Legislative District in the Legislative
28 Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21,
29 2002;

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

31 3. Has average daily receipts from the sale of food that
32 are at least 65% of the total daily receipts.

1 9–102.

2 (b–3A) Notwithstanding any other provisions of this section in Baltimore
3 City or Baltimore County, the holder of a Class B, (on–sale — hotels and restaurants)
4 beer, wine and liquor license under this article, by making application in the regular
5 manner and paying the usual fee may obtain an additional Class B, (on–sale — hotels
6 and restaurants) beer, wine and liquor license for premises used and occupied as a
7 bona fide restaurant, as may be defined by the rules and regulations of the Board of
8 License Commissioners for Baltimore City or Baltimore County, provided that said
9 restaurant has a minimum capital investment of [~~\$250,000.00~~] **\$500,000** for
10 restaurant facilities, which sum shall not include the cost of land or buildings, and has
11 a minimum seating capacity of 125 persons. Nothing contained herein shall permit the
12 issuance of more than three (3) such licenses to any person, or for the use of any
13 partnership, corporation, unincorporated association, or limited liability company in
14 Baltimore City or Baltimore County. The granting of additional licenses hereunder
15 shall be limited and restricted to the purpose of providing alcoholic beverages for
16 consumption on the licensed premises only, with no off–sale privileges to be exercised
17 therewith.

18 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
19 prohibition in Article 2B, § 9–204.1 of the Code against the issuance of licenses for the
20 sale of alcoholic beverages in the 46th Alcoholic Beverages District, the Baltimore City
21 Board of Liquor License Commissioners may issue a Class C beer, wine and liquor
22 license issued for use on the premises of a nonprofit organization in ward 24, precinct
23 5 in the 46th Alcoholic Beverages District.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2007. Section 2 of this Act shall remain effective for a period of 6 months and,
26 at the end of December 1, 2007, with no further action required by the General
27 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.