

CHAPTER 335

(Senate Bill 571)

AN ACT concerning

Baltimore City – 46th Alcoholic Beverages District – Licenses

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

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

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(1)(iii),(iv),(v), (vii),(viii)1., and (ix) and 9–102(b–3A)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Article 2B – Alcoholic Beverages

6–201.

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

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

1. Wards 23, 24, and 25 in their entirety;
2. Ward 19, precincts 2 and 3;
3. Ward 20, precincts 19 and 20;
4. Ward 21, precinct 15; and

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

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

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

1. After July 1, 1991 may not include an off-sale alcoholic beverages privilege;
2. Before July 1, 1991 with an on-sale alcoholic beverages privilege only may not be changed or altered to include an off-sale alcoholic beverages privilege;
3. Before July 1, 1991 with both on- and off-sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; and
4. Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off-sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

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

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

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

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

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

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

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

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

9–102.

(b–3A) Notwithstanding any other provisions of this section in Baltimore City or Baltimore County, the holder of a Class B, (on–sale — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain an additional Class B, (on–sale — hotels and restaurants) beer, wine and liquor license for premises used and occupied as a

bona fide restaurant, as may be defined by the rules and regulations of the Board of License Commissioners for Baltimore City or Baltimore County, provided that said restaurant has a minimum capital investment of [~~\$250,000.00~~] **\$500,000** for restaurant facilities, which sum shall not include the cost of land or buildings, and has a minimum seating capacity of 125 persons. Nothing contained herein shall permit the issuance of more than three (3) such licenses to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company in Baltimore City or Baltimore County. The granting of additional licenses hereunder shall be limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges to be exercised therewith.

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

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

Approved by the Governor, May 8, 2007.