

SENATE BILL 118

A2

EMERGENCY BILL

8lr1351
CF HB 151

By: **Senator Ferguson**

Introduced and read first time: January 11, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Waivers – License Transfers**

3 FOR the purpose of authorizing the Board of License Commissioners of Baltimore City to
4 waive the minimum capital investment requirement and the minimum seating
5 requirement for an additional licensed restaurant under certain circumstances;
6 authorizing the transfer of certain alcoholic beverages licenses from certain areas in
7 Baltimore City to other areas in Baltimore City; specifying that a certain license is
8 considered unexpired until a certain date for a certain purpose; specifying that,
9 unless transferred to another location, a certain license expires not later than a
10 certain date; making this Act an emergency measure; and generally relating to
11 alcoholic beverages licenses issued in Baltimore City.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 12–102
15 Annotated Code of Maryland
16 (2016 Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 12–1609 and 12–1706(b)
20 Annotated Code of Maryland
21 (2016 Volume and 2017 Supplement)

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.



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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–1609.

(a) The Board may:

(1) subject to subsection (c) of this section, issue an additional Class B (on–sale — hotels and restaurants) beer, wine, and liquor license for premises used as a restaurant that meets the requirements of subsection (b) of this section to the holder of a Class B (on–sale — hotels and restaurants) beer, wine, and liquor license; and

(2) define “restaurant” by regulation.

(b) (1) **[A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A restaurant under this section is required to have:**

(i) a minimum capital investment of \$500,000 for restaurant facilities; and

(ii) a minimum seating capacity of 125 individuals.

(2) The capital investment described in paragraph (1)(i) of this subsection may not include the cost of land or buildings.

(c) The Board may not issue more than five licenses under this section to or for the use of the same person.

(d) Additional licenses shall be limited to providing alcoholic beverages for on–premises consumption.

(E) THE BOARD MAY WAIVE THE MINIMUM CAPITAL INVESTMENT REQUIREMENT AND THE MINIMUM SEATING CAPACITY REQUIREMENT UNDER SUBSECTION (B)(1) OF THIS SECTION FOR AN ADDITIONAL RESTAURANT THAT A LICENSE HOLDER SEEKS UNDER THIS SECTION IF THE BOARD:

(1) HOLDS A PUBLIC MEETING AT WHICH THE BOARD REVIEWS THE BUSINESS PRACTICE OF THE LICENSE HOLDER; AND

1 **(2) DETERMINES THAT THE LICENSE HOLDER IS IN GOOD STANDING**
2 **AND HAS A REPUTABLE BUSINESS PRACTICE.**

3 12-1706.

4 (b) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this
5 subsection, the Board may not transfer a license into:

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

7 (ii) ward 23, precinct 1; or

8 (iii) ward 24, precinct 5.

9 (2) The Board may allow the transfer of one Class D license into the
10 residential planned unit development for Silo Point located in ward 24, precinct 5 that was
11 enacted by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23,
12 2004, if the Class D license holder operates the establishment in accordance with the
13 provisions of Ordinance 04-697.

14 **(3) THE BOARD MAY ALLOW THE TRANSFER OF:**

15 **(I) A CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE FROM**
16 **AN AREA IN WARD 1, PRECINCT 4 BOUNDED ON THE NORTH BY ELLIOTT STREET, ON**
17 **THE WEST BY SOUTH ROBINSON STREET, ON THE SOUTH BY TOONE STREET, AND**
18 **ON THE EAST BY SOUTHEAST AVENUE INTO AN AREA IN WARD 1, PRECINCT 5**
19 **BOUNDED ON THE NORTH BY FAIT AVENUE, ON THE WEST BY SOUTH KENWOOD**
20 **AVENUE, ON THE SOUTH BY HUDSON STREET, AND ON THE EAST BY SOUTH**
21 **STREEPER STREET; AND**

22 **(II) A CLASS D BEER, WINE, AND LIQUOR LICENSE FROM AN**
23 **AREA IN WARD 1, PRECINCT 5 BOUNDED ON THE NORTH BY FAIT AVENUE, ON THE**
24 **WEST BY SOUTH KENWOOD AVENUE, ON THE SOUTH BY HUDSON STREET, AND ON**
25 **THE EAST BY SOUTH STREEPER STREET INTO AN AREA IN WARD 1, PRECINCT 4**
26 **BOUNDED ON THE NORTH BY ELLIOTT STREET, ON THE WEST BY SOUTH ROBINSON**
27 **STREET, ON THE SOUTH BY TOONE STREET, AND ON THE EAST BY SOUTHEAST**
28 **AVENUE.**

29 **(4) (i)** The Board may allow the transfer of not more than two Class B
30 beer, wine, and liquor licenses, so that the cumulative number of licenses issued or
31 transferred is two, into the area of 829 through 919 E. Fort Avenue only if:

32 1. the Board has executed a memorandum of understanding
33 between the community associations in Riverside and Locust Point regarding the nature of
34 the proposed establishment; and

1 2. the Board enforces the memorandum of understanding
2 against any license holder that obtains a license under § 12–1604 of this title and seeks to
3 transfer the license.

4 (ii) The Board may not allow a license to be transferred out of the
5 area described in subparagraph (i) of this paragraph and into any other area of ward 24,
6 precinct 5.

7 SECTION 2. AND BE IT FURTHER ENACTED, That, a Class D (7–day) beer and
8 light wine license issued for a premises in the 600 block of South Montford Avenue in ward
9 1, precinct 3:

10 (1) shall be considered to be unexpired until the end of July 1, 2019, for
11 purposes of being transferred to another owner and location, notwithstanding
12 § 12–1706(d)(1)(i) of the Alcoholic Beverages Article; and

13 (2) if not transferred to another owner and location by the end of July 1,
14 2019, shall be considered to have expired.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
16 measure, is necessary for the immediate preservation of the public health or safety, has
17 been passed by a yea and nay vote supported by three–fifths of all the members elected to
18 each of the two Houses of the General Assembly, and shall take effect from the date it is
19 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.