

SENATE BILL 426

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1lr2115
CF HB 572

By: **Senator Ferguson**

Introduced and read first time: January 20, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the holder of certain alcoholic beverages licenses in the
4 46th alcoholic beverages district in Baltimore City to apply for an alteration to a
5 certain license; authorizing the Board of License Commissioners for Baltimore City
6 to issue a Class D beer and light wine license in a certain area if a memorandum of
7 understanding has been executed with Brewer’s Hill Neighbors, Inc.; and generally
8 relating to alcoholic beverages licenses in the 46th alcoholic beverages district in
9 Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 12–102 and 12–1406
13 Annotated Code of Maryland
14 (2016 Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 12–1604
18 Annotated Code of Maryland
19 (2016 Volume and 2020 Supplement)

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

22 **Article – Alcoholic Beverages**

23 12–102.

24 This title applies only in Baltimore City.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-1406.

2 (a) In this section, “community association” means:

3 (1) a nonprofit association, corporation, or other organization that is:

4 (i) composed of residents of a community within which a nuisance
5 is located;

6 (ii) operated exclusively for the promotion of social welfare and
7 general neighborhood improvement and enhancement; and

8 (iii) exempt from taxation under § 501(c)(3) or (4) of the Internal
9 Revenue Code; or

10 (2) a nonprofit association, corporation, or other organization that is:

11 (i) composed of residents of a contiguous community that is defined
12 by specific geographic boundaries, within which a nuisance is located;

13 (ii) operated for the promotion of the welfare, improvement, and
14 enhancement of that community; and

15 (iii) in good standing with the State Department of Assessments and
16 Taxation.

17 (b) If a community association and an applicant for the issuance or renewal of a
18 Class B, B-D-7, or D alcoholic beverages license have entered into a memorandum of
19 understanding that expressly acknowledges the authority of the Board under this article,
20 the Board may make the issuance or renewal of the license conditional on the substantial
21 compliance of the applicant with the memorandum of understanding.

22 (c) The existence of a memorandum of understanding does not affect any
23 requirement of any individuals to file a protest under § 4-406 of this article or a complaint
24 under § 4-603 of this article.

25 12-1604.

26 (a) This section applies only to the 46th alcoholic beverages district, which at all
27 times is coterminous with the 46th legislative district in the Legislative Districting Plan of
28 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

29 (b) Except as provided in subsections (c) [and], (d), AND (I) of this section, the
30 Board may not issue a new license in the 46th alcoholic beverages district.

31 (c) (1) The Board may issue:

1 (i) a 1-day license; and

2 (ii) except as provided in paragraph (2) of this subsection, and
3 subject to paragraphs (3) and (4) of this subsection, a Class B beer, wine, and liquor license
4 for use by a restaurant if the average daily receipts from the sale of food are at least 51%
5 of the total daily receipts of the restaurant.

6 (2) The Board may issue a Class B beer, wine, and liquor license:

7 (i) for a restaurant in ward 26, precinct 8, ward 4, precinct 1, or
8 ward 3, precinct 3 that has:

9 1. seating for more than 150 individuals;

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

11 3. subject to paragraph (3) of this subsection, average daily
12 receipts from the sale of food that are at least 65% of the total daily receipts of the
13 restaurant;

14 (ii) for a restaurant in ward 4, precinct 1, or ward 22, precinct 1, if
15 the restaurant has:

16 1. seating for more than 75 individuals;

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

18 3. average daily receipts from the sale of food that are at
19 least 65% of the total daily receipts of the restaurant; and

20 4. except as provided in paragraph (5) of this subsection, no
21 sales for off-premises consumption;

22 (iii) for not more than three restaurants in a residential planned unit
23 development for Silo Point as approved by the Mayor and City Council of Baltimore City in
24 Ordinance 04-697 on June 23, 2004, if each restaurant has:

25 1. a minimum capital investment of \$700,000;

26 2. seating for more than 75 individuals;

27 3. average daily receipts from the sale of food that are at
28 least 65% of the total daily receipts of the restaurant; and

29 4. except as provided in paragraph (5) of this subsection, no
30 sales for off-premises consumption;

1 (iv) for not more than three restaurants in a business planned unit
2 development in ward 24, precinct 5, if each restaurant:

- 3 1. has a minimum capital investment of \$700,000;
- 4 2. has seating for more than 75 individuals, but not more
5 than 150 individuals;
- 6 3. has average daily receipts from the sale of food that are at
7 least 51% of the total daily receipts of the restaurant; and
- 8 4. except as provided in paragraph (5) of this subsection, may
9 not sell for off-premises consumption; and

10 (v) for a restaurant in the area that is commonly known as Port
11 Covington, bounded on the north by Interstate 95, on the east by the South Locust Point
12 Terminal, and on the south and west by the Patapsco River, and that has:

- 13 1. seating for more than 150 individuals;
- 14 2. a minimum capital investment of \$700,000; and
- 15 3. subject to paragraph (3) of this subsection, average daily
16 receipts from the sale of food that are at least 60% of the total daily receipts of the
17 restaurant.

18 (3) When a license is renewed, the license holder shall file with the Board
19 a statement of average daily receipts and an affidavit of a licensed certified public
20 accountant that verify that the license holder has met the requirement under paragraph
21 (1)(ii) or (2)(i)3 or (v)3 of this subsection.

22 (4) (i) A license may not be issued under paragraph (1)(ii) of this
23 subsection for use in an establishment that is a fast-food-style restaurant.

24 (ii) A license issued under paragraph (1)(ii) of this subsection may
25 not be transferred from the location of its first issuance.

26 (5) The Board may issue a Class B beer, wine, and liquor license for a
27 restaurant in ward 21, precinct 4 in the 1400 block of Warner Street that has:

- 28 (i) seating for more than 150 individuals;
- 29 (ii) average daily receipts from the sale of food that are at least 40%
30 of the total daily receipts of the restaurant; and
- 31 (iii) no sales for off-premises consumption.

1 (6) A license specified under this subsection, including a license that does
2 not allow sales for off-premises consumption, may include an off-sale privilege for sales of
3 refillable containers under a refillable container license issued in accordance with §
4 12-1102 of this title.

5 (d) (1) The Board may issue a Class D beer, wine, and liquor license to an
6 applicant who holds or has applied for a Class 9 limited distillery license.

7 (2) A Class D beer, wine, and liquor license issued under this subsection
8 may be transferred only to a holder of a Class 9 limited distillery license.

9 **(3) NOTWITHSTANDING ANY RESTRICTIONS OR REQUIREMENTS IN**
10 **THIS TITLE, A HOLDER OF A CLASS 9 LIMITED DISTILLERY LICENSE WHO ALSO**
11 **HOLDS A CLASS D (6-DAY) BEER, WINE, AND LIQUOR LICENSE AND IS LOCATED ON**
12 **THE 4200 BLOCK OF EAST PRATT STREET MAY APPLY TO THE BOARD TO CONVERT**
13 **THE EXISTING CLASS D (6-DAY) BEER, WINE, AND LIQUOR LICENSE INTO A CLASS D**
14 **(7-DAY) BEER, WINE, AND LIQUOR LICENSE.**

15 (e) The Board may issue:

16 (1) a Class C beer, wine, and liquor license in the 200 block of Holliday
17 Street in ward 3, precinct 3;

18 (2) a Class C beer, wine, and liquor license in the 200 block of South
19 Central Avenue in ward 3, precinct 3; and

20 (3) subject to subsection (f) of this section, a Class D beer license for the
21 area in ward 24, precinct 5 that is bounded by East Fort Avenue on the north, the CSX
22 access way on the east, East McComas Street on the south, and Whetstone Way on the
23 west.

24 (f) A Class D beer license may be transferred into the area specified under
25 subsection (e)(3) of this section if originally issued for another area.

26 (g) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not
27 issue a Class B beer, wine, and liquor restaurant license in:

28 (1) the area covered by the Key Highway East Industrial Area Urban
29 Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance
30 986 on June 29, 1987;

31 (2) the area covered by the Key Highway Urban Renewal Plan, as adopted
32 by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

33 (3) (i) ward 1, precinct 4 or 5;

1 (ii) ward 23, precinct 1; and

2 (iii) ward 24, precinct 5; and

3 (4) the area known as Pen Lucy, ward 9, precincts 1 and 2.

4 (h) (1) Except as provided in paragraphs (2) and (3) of this subsection, the
5 Board may not issue a license for:

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 issue not more than two Class B beer, wine, and liquor
10 licenses, so that the cumulative number of licenses issued or transferred is two, into the
11 area of 829 through 919 E. Fort Avenue only if the Board:

12 (i) has executed a memorandum of understanding between the
13 community associations in Riverside and Locust Point regarding the nature of the
14 establishment; and

15 (ii) enforces the memorandum of understanding against any license
16 holder that obtains a license under this paragraph and seeks to renew or transfer the
17 license.

18 (3) (i) The Board may issue not more than a combined total of five Class
19 B beer, wine, and liquor licenses for use by establishments on the north side of the 900
20 block of East Fort Avenue and on the west side of the 1400 block of Lawrence Street.

21 (ii) A license issued for an establishment in these areas may not be
22 transferred to another establishment.

23 (4) The Board may issue not more than one Class B–HM (hotel–motel)
24 beer, wine, and liquor license to a hotel in the 1200 block of East Fort Avenue.

25 **(I) THE BOARD MAY ISSUE A CLASS D BEER AND LIGHT WINE LICENSE FOR**
26 **AN ESTABLISHMENT IN WARD 26, PRECINCT 8 ON THE WEST SIDE OF THE 1200**
27 **BLOCK OF SOUTH HAVEN STREET THAT HAS EXECUTED A MEMORANDUM OF**
28 **UNDERSTANDING WITH BREWER’S HILL NEIGHBORS, INC.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2021.