

HOUSE BILL 391

A2

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By: **Delegates Lafferty, Frank, and Aumann**

Introduced and read first time: January 28, 2010

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2010

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Towson Commercial Revitalization District – Alcoholic**
3 **Beverages Licenses – Restaurants**

4 FOR the purpose of ~~lowering~~ altering in the Towson Commercial Revitalization
5 District in Baltimore County the ~~minimum~~ amount of capital investment
6 required for certain restaurants for which certain alcoholic beverages licenses
7 may be transferred and new licenses issued; altering the food sales and seating
8 capacity requirements for certain restaurants; ~~reducing the time by a certain~~
9 ~~amount that an applicant for transfer must wait under certain circumstances;~~
10 and generally relating to alcoholic beverages licenses for restaurants in
11 Baltimore County.

12 BY repealing and reenacting, without amendments,
13 Article 2B – Alcoholic Beverages
14 Section 8–204.3(a) ~~and (b)(1)~~, (b)(1), and (f)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 8–204.3(d)(3) and (5) ~~and (f)~~
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2009 Supplement)

22 BY repealing

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 Article 2B – Alcoholic Beverages
 2 Section 8–204.3(e)
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2009 Supplement)

5 BY adding to
 6 Article 2B – Alcoholic Beverages
 7 Section 8–204.3(e)
 8 Annotated Code of Maryland
 9 (2005 Replacement Volume and 2009 Supplement)

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

12 **Article 2B – Alcoholic Beverages**

13 8–204.3.

14 (a) This section applies only in Baltimore County.

15 (b) (1) Notwithstanding the license population quota limitations of the
 16 Board of Liquor License Commissioners and in addition to the licenses authorized for
 17 issuance in Baltimore County, the Board of Liquor License Commissioners may
 18 authorize the transfer into the Towson Commercial Revitalization District, as defined
 19 by the Baltimore County Council, of not more than 10 beer, wine and liquor (on–sale)
 20 licenses that:

21 (i) Were issued on or before December 31, 2008;

22 (ii) Are in existence in Election District 15 of Baltimore County
 23 on June 1, 2009; and

24 (iii) Are valid on the date of transfer.

25 (d) (3) **[The] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(II) OF THIS**
 26 **SECTION, THE** restaurant operation shall maintain average daily receipts from the
 27 sale of food at least 65% of the total daily receipts of the restaurant.

28 (5) **[The] EXCEPT AS PROVIDED IN SUBSECTION (E)(2)(III) OF**
 29 **THIS SECTION, THE** area dedicated to the restaurant operation shall have a minimum
 30 seating capacity of 100 persons.

31 **[(e) An applicant for transfer of a Class B or Class D license and issuance of a**
 32 **Class B (B, W, L) (TCRD) license shall demonstrate to the Board of Liquor License**
 33 **Commissioners that the restaurant has a minimum capital investment of \$500,000,**
 34 **excluding the cost of the land and building shell.]**

1 (E) OF THE RESTAURANTS FOR WHICH A CLASS B OR CLASS D LICENSE
2 MAY BE TRANSFERRED AND A CLASS B (B, W, L) (TCRD) MAY BE ISSUED
3 UNDER SUBSECTION (B)(1) OF THIS SECTION, THE BOARD OF LIQUOR LICENSE
4 COMMISSIONERS MAY REQUIRE THAT:

5 (1) FOR NOT MORE THAN SEVEN RESTAURANTS, APPLICANTS FOR
6 LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A MINIMUM CAPITAL
7 INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF
8 \$500,000; AND

9 (2) FOR NOT MORE THAN THREE RESTAURANTS:

10 (I) APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE
11 DEMONSTRATE A ~~MINIMUM~~ CAPITAL INVESTMENT, EXCLUDING THE COSTS OF
12 THE LAND AND BUILDING SHELL, OF ~~\$50,000~~ NOT LESS THAN \$50,000 OR MORE
13 THAN \$400,000;

14 (II) THE RESTAURANT OPERATION ~~SHALL~~ MAINTAIN
15 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 70% OF THE
16 TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND

17 (III) THE AREA DEDICATED TO THE RESTAURANT
18 OPERATION ~~SHALL HAVE A~~ HAVE:

19 1. A MAXIMUM SEATING CAPACITY OF 100 PERSONS
20 ~~BUT NO MINIMUM SEATING REQUIREMENT,~~ WITH THE SEATING CAPACITY IN
21 THE BAR AREA NOT EXCEEDING 15% OF THE TOTAL SEATING CAPACITY OF THE
22 RESTAURANT; AND

23 2. A MINIMUM SEATING CAPACITY OF 40 PERSONS.

24 (f) The Board of Liquor License Commissioners shall deny an application for
25 transfer of a Class B or Class D license and issuance of a Class B (B, W, L) (TCRD)
26 license if within ~~2 years~~ 1 YEAR immediately preceding the application:

27 (1) (i) The applicant was a holder of an on-sale license issued
28 under this article within the boundaries of the Towson Commercial Revitalization
29 District; or

30 (ii) There was an on-sale license in existence for the proposed
31 premises of the applicant; and

32 (2) The previous on-sale license was transferred to premises outside of
33 the Towson Commercial Revitalization District.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.