

## Chapter 228

(House Bill 391)

AN ACT concerning

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

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

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

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

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

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

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

**Article 2B – Alcoholic Beverages**

8–204.3.

(a) This section applies only in Baltimore County.

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

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

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

(iii) Are valid on the date of transfer.

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

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

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

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

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

**(2) FOR NOT MORE THAN THREE RESTAURANTS:**

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

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

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

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

**2. A MINIMUM SEATING CAPACITY OF 40 PERSONS.**

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

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

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

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

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

**Approved by the Governor, May 4, 2010.**