

# SENATE BILL 378

A2

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By: **Senator Della**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City – 46th District – Alcoholic Beverages – Issuance or Transfer of**  
3 **Licenses Prohibited in Certain Precincts – Food Sales**

4 FOR the purpose of prohibiting the issuance of alcoholic beverages licenses in, or the  
5 transfer of alcoholic beverages licenses into, certain precincts of a certain ward  
6 in the 46th alcoholic beverages district of Baltimore City; altering the  
7 percentage of average daily receipts derived from the sale of food that is  
8 required of certain licensed restaurants in certain wards and precincts in the  
9 46th alcoholic beverages district; and generally relating to alcoholic beverages  
10 licenses in certain wards and precincts in the 46th alcoholic beverages district of  
11 Baltimore City.

12 BY repealing and reenacting, with amendments,  
13 Article 2B – Alcoholic Beverages  
14 Section 6–201(d)(1)(ix) and 9–204.1(d)(3) and (f)(2)(i) and (ii) and (3)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article 2B – Alcoholic Beverages  
19 Section 9–204.1(a), (b), (c), and (f)(1)  
20 Annotated Code of Maryland  
21 (2005 Replacement Volume and 2009 Supplement)

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

3 **Article 2B – Alcoholic Beverages**

4 6–201.

5 (d) (1) (ix) The Board of Liquor License Commissioners for Baltimore  
6 City may issue a Class B beer, wine and liquor license for use in a restaurant that has  
7 a seating capacity exceeding 150 persons if the restaurant:

8 1. Is located in ward 26, precinct 8, ward 4, precinct 1, or  
9 ward 3, precinct 3 of the 46th Alcoholic Beverages District, which at all times shall be  
10 coterminous with the 46th Legislative District in the Legislative Districting Plan of  
11 2002 as ordered by the Maryland Court of Appeals on June 21, 2002;

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

13 3. Has average daily receipts from the sale of food that  
14 are at least ~~[65%]~~ **60%** of the total daily receipts.

15 9–204.1.

16 (a) In this section, “Board” means the Board of Liquor License  
17 Commissioners for Baltimore City.

18 (b) This section applies only in Baltimore City.

19 (c) The alcoholic beverages districts described in this section at all times  
20 shall be coterminous with the legislative districts in the Legislative Districting Plan of  
21 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

22 (d) (3) Notwithstanding paragraph (2) of this subsection, new Class B  
23 beer, wine and liquor restaurant licenses may not be issued:

24 (i) In the 46th alcoholic beverages district, the area covered by  
25 the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor  
26 and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

27 (ii) In the 46th alcoholic beverages district, the area covered by  
28 the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of  
29 Baltimore City in Ordinance 622 on March 12, 1986;

30 **(iii) IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WARD**  
31 **25, PRECINCTS 7 THROUGH 16, INCLUSIVE;**

1                    [(iii)] (IV) In the 46th alcoholic beverages district, ward 23,  
2 precinct 1, ward 1, precinct 4 or 5, and ward 24, precinct 5; and

3                    [(iv)] (V) In the area known as Pen Lucy, ward 9, precincts 1  
4 and 2.

5            (f)    (1) This subsection applies only in the 46th alcoholic beverages  
6 district.

7                    (2) Notwithstanding § 6–201(d)(1)(vii) of this article, the Board may  
8 issue a Class B beer, wine and liquor license:

9                    (i) For a restaurant in ward 26, precinct 8, if the restaurant has  
10 a minimum capital investment of \$700,000, a seating capacity exceeding 150 persons,  
11 and average daily receipts from the sale of food that are at least [65%] **60%** of the  
12 total daily receipts of the restaurant;

13                    (ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1,  
14 if the restaurant has a minimum capital investment of \$700,000, a seating capacity  
15 that exceeds 75 persons, average daily receipts for the sale of food that are at least  
16 [65%] **60%** of the total daily receipts of the restaurant, and no sales for off–premises  
17 consumption;

18                    (3) The Board may not issue an alcoholic beverages license or transfer  
19 a license into:

20                    (I) [ward] **WARD 1, precincts 4 and 5[,];**

21                    (II) [ward] **WARD 23, precinct 1[, or];**

22                    (III) [ward] **WARD 24, precinct 5; OR**

23                    (IV) **WARD 25, PRECINCTS 7 THROUGH 16, INCLUSIVE.**

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