

Chapter 81

(Senate Bill 384)

AN ACT concerning

**Baltimore City – Alcoholic Beverages – ~~Old Goucher Revitalization District~~
Licenses**

FOR the purpose of exempting an applicant for a certain Class B–D–7 license in a certain Old Goucher Revitalization District in the 43rd alcoholic beverages district in Baltimore City from certain zoning requirements; creating ~~an exception~~ exceptions under which the Board of License Commissioners for Baltimore City may issue certain new Class B–D–7 licenses in certain alcoholic beverages districts under certain circumstances; specifying that, notwithstanding certain other provisions of law, the Board may issue certain licenses to certain establishments that are located in certain areas and meet a certain minimum capital investment requirement; specifying that a certain Class B–D–7 license may be transferred within, ~~but may not be transferred out of,~~ the Old Goucher Revitalization District; specifying that a certain distance restriction for the issuance of new alcoholic beverages licenses within a certain distance of a school or place of worship does not apply to a property in a certain Old Goucher Revitalization District; defining a certain term; making this Act an emergency measure; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 12–102, 12–905, and 12–1605(a)(1)
 Annotated Code of Maryland
 (2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
 Article – Alcoholic Beverages
 Section 12–1407, 12–1603, and 12–1605(a)(2)
 Annotated Code of Maryland
 (2016 Volume and 2016 Supplement)

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.

12–905.

(a) There is a Class B–D–7 beer, wine, and liquor license.

(b) (1) The Board may issue a Class B–D–7 license if the Board determines that the license is reasonably necessary for the convenience of the public.

(2) In making the determination, the Board shall consider the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

(d) The license holder may sell beer, wine, and liquor during the hours and days set out under § 12–2004(c) of this title.

(e) The Board shall adopt regulations to determine the manner of operation of a licensed premises.

(f) The annual license fee is \$1,320.

12–1407.

(a) (1) The Board or the Board’s designee shall examine each application for the issuance or transfer of a license within 45 days of receipt of the application to determine whether the application is complete.

(2) [An] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN** application for the issuance, transfer, or renewal is not complete unless the applicant has:

(i) obtained zoning approval or verification of zoning if the application is for renewal;

(ii) submitted all documents required in the application; and

(iii) paid all fines and fees that are due.

(3) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR RENEWAL OF A CLASS B–D–7 LICENSE THAT MAY BE ISSUED UNDER § ~~12–1603(C)(5)~~ 12–1603(C)(6) OF THIS TITLE IN THE OLD GOUCHER REVITALIZATION DISTRICT UNDER § 12–1603(E) OF THIS TITLE IS COMPLETE WITHOUT AN APPLICANT OBTAINING ZONING APPROVAL OR VERIFICATION OF ZONING.

(b) (1) A license hearing may not be scheduled unless the Board determines that the application is complete.

(2) A complete application with all submitted documents shall be posted online at least 14 days before the hearing date.

(3) The postponement of a hearing shall be posted online not less than 72 hours before the hearing date.

(c) (1) To incorporate a change in the application document after the Board or the Board's designee has determined the application to be complete, the applicant shall submit the change to the Board not later than 15 days before the scheduled hearing.

(2) After the hearing on the application, an applicant may change the application only at a new hearing.

(d) The Board shall impose a fine that it determines for failure to comply with the requirements under this section.

12-1603.

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

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

- (1) the 40th alcoholic beverages district;
- (2) the 41st alcoholic beverages district;
- (3) the 43rd alcoholic beverages district;
- (4) the 44th alcoholic beverages district; and
- (5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

- (i) a 1-day license; or
- (ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and

2. has a minimum seating capacity of 75 individuals;

(2) a Class C beer, wine, and liquor license in the 45th alcoholic beverages district;

(3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district; [and]

(4) a Class C beer, wine, and liquor license in the 200 block of West Saratoga Street in ward 4, precinct 3 of the 40th alcoholic beverages district; ~~AND~~

(5) A CLASS B-D-7 LICENSE IN THE 100 BLOCK OF NORTH AVENUE IN THE 45TH ALCOHOLIC BEVERAGES DISTRICT; AND

~~(5)~~ (6) SUBJECT TO THE REQUIREMENTS UNDER SUBSECTION (E) OF THIS SECTION, FOUR CLASS B-D-7 LICENSES IN THE 43RD ALCOHOLIC BEVERAGES DISTRICT.

(d) One Class B-D-7 license issued for a property surrounded by Morton Street on the west, West Eager Street on the north, North Charles Street on the east, and West Read Street on the south may be transferred to a property surrounded by 21st Street on the north, Morton Street on the west, North Charles Street on the east, and 20th Street on the south.

(E) (1) IN THIS SUBSECTION, “OLD GOUCHER REVITALIZATION DISTRICT” MEANS THE AREA SURROUNDED BY HOWARD STREET ON THE WEST, 25TH STREET ON THE NORTH, ST. PAUL STREET ON THE EAST, AND 22ND STREET ON THE SOUTH.

(2) IF AN ESTABLISHMENT HAS A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING LAND AND ACQUISITION COSTS, OF \$50,000, THE BOARD MAY ISSUE ONE CLASS B-D-7 LICENSE FOR USE IN EACH OF THE FOLLOWING PROPERTIES IN THE OLD GOUCHER REVITALIZATION DISTRICT:

(I) A PROPERTY THAT IS SURROUNDED BY MARYLAND AVENUE ON THE WEST, 24TH STREET ON THE NORTH, MORTON STREET ON THE EAST, AND 22ND STREET ON THE SOUTH;

(II) A PROPERTY THAT IS SURROUNDED BY MORTON STREET ON THE WEST, 23RD STREET ON THE NORTH, CHARLES STREET ON THE EAST, AND 22ND STREET ON THE SOUTH;

(III) A PROPERTY THAT IS SURROUNDED BY MORTON STREET ON THE WEST, WARE STREET ON THE NORTH, CHARLES STREET ON THE EAST, AND 24TH STREET ON THE SOUTH; AND

(IV) A PROPERTY THAT IS SURROUNDED BY MARYLAND AVENUE ON THE WEST, 24TH STREET ON THE NORTH, MORTON STREET ON THE EAST, AND 23RD STREET ON THE SOUTH.

(3) A CLASS B-D-7 LICENSE;

~~(H) THAT MAY BE ISSUED UNDER § 12-1603(C)(5) 12-1603(C)(6) OF THIS TITLE~~ MAY BE TRANSFERRED WITHIN THE OLD GOUCHER REVITALIZATION DISTRICT; ~~AND~~

~~(H) MAY NOT BE TRANSFERRED OUT OF THE OLD GOUCHER REVITALIZATION DISTRICT.~~

12-1605.

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class B beer and wine license outside the 46th legislative district;

(ii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iii) A CLASS B-D-7 LICENSE IN THE OLD GOUCHER REVITALIZATION DISTRICT UNDER § 12-1603(E) OF THIS SUBTITLE;

(IV) a Class C beer and wine license; and

[(iv)] (V) a Class C beer, wine, and liquor license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2017~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2017.