

SENATE BILL 1046

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By: **Senator McCray**

Introduced and read first time: February 20, 2020

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 24, 2020

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2020

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Class B–D–7 Licenses**

3 FOR the purpose of authorizing the Board of License Commissioners for Baltimore City, on
4 or before a certain date, to issue a Class B–D–7 license for premises located in a
5 certain area if the license applicant enters into a memorandum of understanding
6 with a certain community organization; authorizing the Board to make issuance or
7 renewal of a certain license conditional on the substantial compliance of applicants
8 entered into a certain memorandum of understanding; and generally relating to
9 alcoholic beverages licenses in Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 12–102
13 Annotated Code of Maryland
14 (2016 Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 12–1406 and 12–1603
18 Annotated Code of Maryland
19 (2016 Volume and 2019 Supplement)

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

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.



Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–1406.

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

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

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

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

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

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

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

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

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

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

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

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

1 ordered by the Maryland Court of Appeals on June 21, 2002.

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

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

9 (c) The Board may issue:

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

12 (i) a 1-day license; or

13 (ii) a Class B beer, wine, and liquor license to a restaurant that:

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

16 2. has a minimum seating capacity of 75 individuals;

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

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

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

23 (5) a Class B-D-7 license in the unit block of West North Avenue in the
24 45th alcoholic beverages district;

25 (6) two Class B-D-7 licenses in the 2100 block of North Charles Street in
26 the 43rd alcoholic beverages district;

27 (7) two Class B-D-7 licenses in the 2100 block of Maryland Avenue in the
28 43rd alcoholic beverages district; [and]

(8) subject to the requirements under subsection (e) of this section, four Class B–D–7 licenses in the 43rd alcoholic beverages district; AND

(9) ON OR BEFORE JULY 1, 2022, IF THE LICENSE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE CHARLES NORTH COMMUNITY ORGANIZATION, A CLASS B–D–7 LICENSE FOR A PROPERTY SURROUNDED BY EAST LAFAYETTE AVENUE ON THE SOUTH, NORTH CHARLES STREET ON THE WEST, EAST TRENTON STREET ON THE NORTH, AND NORTH LOVEGROVE STREET ON THE EAST.

(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, Hargrove Street on the east, and 21st 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, Lovegrove 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 that may be issued under (c)(6) or (7) of this section may be transferred within the Old Goucher Revitalization District.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.