

Chapter 2

Applications and Hearing Procedures

Rule 2.01 – Applicants

(a) Application by Sole Applicant: An application by a sole applicant shall include a statement that the applicant has been for two years next preceding the filing of the application a resident and registered voter of the City.

(b) Applications by Partnerships: If an application is made for a partnership, the license shall be issued to all the partners as individuals, all of whom shall have resided in the City of Baltimore for at least two (2) years prior to the application, and shall continue to reside in the City as long as the licensee holds the alcoholic beverage license. If there is only one (1) general partner, the license shall be issued to that partner as an individual, if that individual is a registered voter and has resided in Baltimore City at the time of application, and shall continue to reside in Baltimore City as long as the licensee holds the alcoholic beverage license.

(c) Applications by Corporations or Clubs: If an application is made for a corporation, or a club, whether incorporated or unincorporated, the license shall be applied for by, and be issued to, three (3) of the officers of that corporation or club, as individuals, for the use of the corporation or club, and at least one (1) of the individuals shall be a registered voter and taxpayer of the City when the application is filed and shall also have resided therein in for at least two (2) years prior to the application. The application shall set forth the names and addresses of all officers of the corporation or club, and shall be signed by the president or vice-president as well as by the three (3) officers to whom the license will be issued. In the case of a corporation where there are less than three (3) officers or directors of the corporation, all officers or directors shall make the application as provided in this section. In the event that there are no officers or directors of a closed corporation, at least one (1) stockholder may make the application as provided in this section, if there is an affirmative vote of the stockholders holding a majority of the stock.

(d) Applications By Limited Liability Companies: If an application is made for a limited liability company, the license shall be applied for by, and issued to, three of the authorized persons of that limited liability company, as individuals, and at least one of these authorized persons shall be a registered voter and taxpayer of Baltimore City when the application is filed and shall have also resided in Baltimore City for at least two (2) years before the application and shall continue to reside in the City as long as the licensee holds the alcoholic beverage license. If the limited liability company has less than three authorized persons, then all of the authorized persons shall make the application. An authorized person of a limited liability company who holds an alcoholic beverages license for the use of the limited liability company that was granted on or before June 1, 2012 need not be a registered voter in Baltimore City.

Rule 2.02 – New/Transfer/Amendment Applications

(a) An application for a new license, transfer, extension of the premises, change of officers, change in resident agent, or class change of a license, shall be made to the Liquor Board upon such approved forms prescribed by the Comptroller and issued by the Liquor Board. The information requested therein shall be filled in by the applicants or under the applicants' personal supervision and shall be typewritten and/or printed in black or blue ink so as to be legible.

(b) All applications shall be made under oath subject to the penalties of perjury and attested to by a Notary Public.

(c) All applications shall be fully completed before submission to the Board. A hearing date will not be scheduled until the Board receives a completed application.

(d) The Board will examine each application for the issuance or transfer of a license to determine its completeness within 45 days of receipt of application

(e) The application is not complete unless the applicant has obtained zoning approval or verification of zoning from the City.

(f) The application is not complete unless all required documents outlined in the application have been submitted and all fines and fees that are due to the Board have been paid in full.

(g) Before any new license, transfer of an existing license, extension of the premises of an existing licensed premise, or renewal of an existing license is issued, the licensee(s) shall comply with the requirements of Article 2B of the Annotated Code of Maryland, including obtaining a Bulk Transfer Permit, if applicable, and paying all personal property, retail sales, and withholding taxes, if required; (1) the Rules and Regulations of all State and Baltimore City agencies; and (2) any other conditions or restrictions placed upon the issuance of the license by the Board.

Rule 2.03 – Substitute Applications

(a) Any changes in the pertinent information contained in any application filed with the Board shall be reported to the Board in a timely manner. This includes, but is not limited to, a change of name, a change of telephone number, a change of address, a death of a licensee, a dissolution of a corporation, a election or change of an officer or authorized person who is listed as an applicant or licensee:

(b) Any change on a licensee's application concerning the removal, addition, or substitution of a licensee shall be accompanied by a \$250.00 application fee and a \$200.00 issuance fee.

(c) Substitution of Corporate Officers or Members of a Partnership: Any change concerning a corporate or limited liability company application also requires:

(i) an application for substitution of corporate officers or authorized

persons on the form provided by the Board; and

(ii) an affidavit that gives the substitution of the officer or officers; and an explanation of the substitution; and a statement from the corporation that the ownership has not changed; and

(iii) a signed letter of resignation from the outgoing corporate official(s) or authorized person(s); and/or

(iv) a signed copy of the contract indicating that the holder(s) of a license transfer(s) less than 50% of the ownership interest of the licensed premises and the name and information of the transferee; and/or if applicable

(v) a certified copy of the corporate or limited liability company minutes or resolution indicating the substitution of corporate officer(s) or authorized person(s).

(d) Substitution of a Secured Party: If a Secured Party applies to the Board to substitute its position in place of a licensee in default, a Secured Party's application shall also include:

(i) A copy of the security agreement, such as a copy of the signed contract or lease, between the licensee and the secured party; and

(ii) A copy of the letter of default, which was sent to the licensee indicating that the licensee was in default concerning the terms of the security agreement and stipulating that the secured party would take action to secure his/her interest created by the security agreement; and

(e) Substitution of a Contract Purchaser: If a person, corporation, or partnership submits a substitute application for the purposes of being named a Contract Purchaser applies such application shall include:

(i) A copy of the bill of sale, which includes the identification of transferee, the contract purchaser, the specific license to be transferred, and a statement stipulating that the purpose of the transaction is for the contract purchaser to sell, and not operate, the license ; and

(ii) Signed and notarized transfer authorization and affidavit of compliance.

(f) Substitution in cases of Death of a Licensee for Executor or Administrator of Licensee's Estate: As per Art. 2B §10-506(a), upon the death of a holder of a license, the personal representative of the deceased's estate can apply for a certificate of permission, which will allow personal representative eighteen (18) months from the date of issuance to transfer the license, while the affairs of the estate are disposed. The total fee for the

certificate of permission is one dollar (\$1.00). To be issued the certificate of permission the executor or administrator's application shall include:

(i) A copy of an official death certificate of the deceased licensee;
and/or

(ii) A certified copy of the letters of administration as authorized by the Register of Wills of the jurisdiction of the deceased

(iii) Sufficient proof of identification of the applicant so as to allow the Board to determine that the applicant is the personal representative of the deceased's estate.

(h) Substitution in cases of Death of a Licensee for Surviving Spouse or Partner: As per Art. 2B §10-506(b), upon the death of a holder of a license, the surviving spouse, the surviving partners for the benefit of the partnership, or the senior surviving officer for the benefit of the corporation may apply for the issuance of a license through the substitution application. The license shall be issued only for the remainder of the license year. Such an application shall include:

(i) A copy of an official death certificate of the deceased licensee;
and/or

(ii) A certified copy of the letters of administration as authorized by the Register of Wills of the jurisdiction of the deceased

(iii) Sufficient proof of identification of the applicant so as to allow the Board to determine that the applicant is the surviving spouse, the surviving partners for the benefit of the partnership, or the senior surviving officer for the benefit of the corporation of the deceased.

(i) Any new persons named to the license as a result of a substitution shall meet all of the requirements outlined in and are subject to the provisions of Article 2B, Section 10-103.

(j) The Board's administrative staff may interview and conditionally approve any person who is proposed by the licensee as the new resident applicant on an existing license, subject to final approval by the Board at its next regularly scheduled meeting.

Rule 2.04 – Renewals

License renewals will be handled in accordance with the provisions of Article 2B, Section 10-301, and as described in this section.

(a) Application for Renewal

(i) Application for renewal shall be filed between March 1 and March 31 of each year on forms provided by the Board. The information requested therein shall be filled in by the applicants or under the applicants' personal supervision and shall be typewritten and/or printed in black or blue ink so as to be legible. The Board may receive a late application and may fine the licensee in an amount not to exceed \$50.00 for each day the application is late. The overall late fine amount cannot exceed \$1500.00.

(ii) If an expiring license is subject to any restriction or suspension, the new license will be issued subject to the same restriction or suspension.

(iii) A fee of \$50.00 shall be paid at the time a renewal application is submitted to cover the cost of processing the application.

(iv) Upon the filing of the renewal application the Board will review the application in its entirety and any attached documents to determine whether any other information is needed for the issuance of the license. If no more information is needed then the Board will issue the license upon receipt of payment of all outstanding fees and/or fines.

(v) All licensees shall present to the Board by June 30 of the renewal year a certificate, by the Director of Finance showing that there are no unpaid taxes or fees due to the City or the State. Submission of a compliance letter issued by the City concerning the licensee's tax payment status is sufficient to show that the licensee is in compliance with this rule.

(vi) All licensees shall present to the Board of by June 30 of the renewal year a copy of a valid and active Trader's License issued by the Clerk of the Circuit Court of Baltimore City for the applicable license year.

(vii) The Board will not renew the license of any person who during the license year has been convicted of any offense against the laws of the State or the United States which in the judgment of the Board is of such a nature as to render the licensee unfit or unqualified to obtain a renewal of the license.

(viii) In all cases where a renewal may be denied on the basis of a criminal conviction, the Board will hold a public hearing at which all relevant facts and circumstances of the offense may be inquired into, before the Board renders a decision regarding renewal.

(ix) Any licensee who fails to have the renewed license on the licensed premises by opening of business on May 1st may not operate and furthermore may be charged with a violation.

(x) No license shall be renewed which shall result in a use of the licensed premises which is in violation of the Zoning Code of the City.

(b) Protest of Renewals

(i) A protest against the renewal of a license shall be filed and be received by the Board before close of business on March 31st and shall be signed by not less than ten (10) residents, commercial tenants (who are not holders or applicants for any liquor license), or real estate owners in the immediate vicinity where the licensed place of business is located.

(ii) All protests shall be based on specific complaints as to the operation of the establishment.

(iii) No protests or withdrawals of protest will be accepted after the close of the hearing.

Rule 2.05 Transfer of a License

(a) Holder(s) of a license may transfer more than 50% of the ownership interest in the licensed premises only if:

(1) A completed written alcoholic beverage license transfer application is filed with the Board before the proposed transferee begins operation of the business. With the completed transfer application, the holder(s) shall file a Transfer Affidavit which shall be signed by all current licensees of record.

(2) All state taxes and local taxes owed by the transferor have been paid. No transfer of any license under the jurisdiction of the Board will be issued while there is outstanding any monies owed by the transferor to the City or State; however, where the transferee gives the Board written certification, under oath subject to penalties of perjury, and attested to by a notary public, that he or she assumes the debt of the transferor, the Board may approve the transfer application contingent upon payment of the debt on or before a date that the Board deems appropriate.

(b) In transfers of ownership at the same location, during the hearing the Board shall consider the factors outlined in Article 2B, Section 10-202(a)(2) in making a determination as to whether or not to allow the transfer of the ownership to occur.

(c) A license may be transferred to a location where there is an existing alcoholic beverage license. In such cases, the license presently outstanding at such location may be transferred to new ownership at a new location provided an application is filed with the Board within one hundred eighty (180) days from the date the new license is transferred

to the existing location.

(d) Closings for Greater than 90 days: Where the premises have been closed for more than ninety (90) days prior to the date of application for transfer, the Board shall hold a hearing and consider the question of public convenience and accommodation in determining if the establishment can reopen and operate:

(i) In the transfer of any license, regardless of the period of time that the establishment has been closed, where the transfer came about due to creditors' actions or other financial problems, such as transfers to receivers, trustees, secured parties under the Uniform Commercial Code, sheriffs, constables, Internal Revenue Service, Sales Tax Division and the like, the question of public convenience and accommodation shall be determined.

(ii) In any transfer in location of a licensed premise, the question of public convenience and accommodation shall be determined.

(iii) As per Art. 2B § 10-202(e)(2)(iv), a hearing is not necessitated by the Board where the closing is caused by fire, casualty, or act of God or when the transfer is due to an action of a creditor

(e) Upon receipt of notice of the Board's approval of a transfer of license the licensee shall obtain all the required permits and approvals stipulated by Federal, State, or City departments or agencies, including the Board's own requirements, within 180 days so that the license can be properly issued to the licensee.

(f) All transfers under Article 2B shall be completed within the timeframe stipulated under Article 2B, Section 10-503(d)(4), which the Board shall interpret in conjunction with Article 2B, Section 10-504(d) and any other applicable Federal, State, or local statutes.

Rule 2.06 Notice and Hearings

(a) (New Application/Transfer/Amendments)

(1) Before considering a license application, the Board shall publish a notice of the application twice a week for two (2) consecutive weeks in three (3) newspapers of general circulation in the City of Baltimore.

(2) The notice shall specify the name(s) of the applicant(s), the kind of license applied for, the location of the place of business proposed to be licensed, and the time and place fixed by the Board for a hearing upon the application.

(3) The hearing on the application will not be held less than seven (7) days nor

more than thirty (30) days after the last date of publication.

(4) At the hearing, any person may testify even if the applicant is asking for a postponement.

(5) In New Applications/Transfers/Amendments hearings the Board shall consider the factors outlined in Article 2B, Section 10-202(a)(2) in making a determination as to whether or not to allow the action requested from the Board by the applicant.

(6) The Board, through its designees, shall cause a suitable sign or notice to be posted and to remain posted for a period of at least 10 days in a conspicuous place upon the premises described in the application. The posting shall be done at least 10 days before action upon the application, and the notice also shall specify the loss of license applied for and the time and place fixed by the Board for hearing upon the application.

(b) Violation Notice and Hearing:

(1) Incident/violation reports concerning licensed establishments are generated through various Federal, State, and local agencies, including reports generated by Board inspectors themselves. Each report generated about each licensed establishment will be reviewed administratively by the board staff to determine if there is an allegation of a violation of the rules, regulations, or laws by licensees.

(2) After conducting a preliminary review of the report, the Board staff will prepare charges based on the allegations within the report for the violation of the rules, regulations, or laws governing the sale of alcoholic beverages, which will be served on the licensee and presented to the Board at a public hearing.

(3) At least ten (10) days before any hearing shall be had by the Board upon any charge of a violation of the rules, regulations or laws governing the sale of alcoholic beverages, the Board shall cause to be served upon the licensee charged therewith, a summons containing the following information:

(i) Name and address of the licensee as same appears on the license

(ii) The rules, regulations or laws which the licensee is charged with having violated together with the date of such violation if it relates to a specific instance, and

(iii) Time and place of hearing.

(4) Process for Service: Service upon licensees stemming from violation can be effectuated upon the licensee in numerous ways, which include, but are not limited to:

(i) Personal Service on the licensee – where the licensee is personally served with the charging document.

(ii) Service at the establishment of the licensee - where a representative of the Board has visited the licensed premises and the licensee or his/her agent or representative was served with the charging document

(iii) Service on the attorney or representative of the licensee –where the attorney or representative for the licensee was personally served with the charging document

(iv) Service by certified mail

(a) Service by certified mail will occur after attempts have been made to serve an employee at the licensed premises during business hours. The Board will send via certified mail a copy of the charging document to all licensees of record using the address(es) that have been submitted to the Board by the licensee(s). In addition to using certified mail, the Board will have the property posted with a copy of the charging document. The licensee will be deemed properly served when certified and regular mail has been sent and the establishment has been posted.

(b) If it is known by the Board that the establishment has ceased operations due to fire, casualty, or act of God or an action of a creditor, and it is determined that a violation notice is to be served then the Board will not attempt personal service, but will send via certified and regular mail a copy of the charging document to all licensees of record using the address(es) that have been submitted to the Board by the licensee(s).

(5) The Board will maintain an open file policy and public, licensee, or his/her representative will have access to all of the materials that will be used to support the claims alleged against the licensee before the date of the hearing.

(6) At the hearing the Board shall hear testimony and may admit evidence to support the allegations for which the licensee has been charged. The licensee will have an opportunity to cross examine and challenge any of the witnesses who testify in support of the allegations. The licensee will then have the opportunity to present his/her own defense to the allegations and/or present witnesses and testimony.

(7) The Board shall make all final decisions as to what comes into evidence for the purposes of proving or disproving the allegations against the licensee.

(8) The Board shall find through a preponderance of the evidence that a violation was committed by the licensee to uphold the licensee of the violation.

(9) If the Board determines that a violation has occurred, the Board can impose a penalty as outlined in Article 2B, Section 16-507.

(10) Records of any violation of the alcoholic beverages laws of this State and/or rules and regulations of this Board shall be retained for consideration in connection with a subsequent violation in a manner for which the Board sees fit.

(11) The Board shall have discretion to determine when to impose the suspension or revocation, if the licensee is convicted of the violation and a suspension or revocation is imposed by the Board. Suspensions of license privileges shall be in consecutive days.

Rule 2.07 – Protests Against the Issuance or Transfer of a License.

(1) **50% Rule** - If it appears that more than 50 percent in numbers of the owners of real or leasehold property situated within 200 feet of the place of business for which application is made are opposed to the granting of the license, or if more than 50 percent of those owners and tenants in combination of real or leasehold property located within 200 feet of the place of business for which an application for a license is made are opposed to the granting of the license, then the application may not be approved, and the license applied for shall be refused.

(2) **Broader Scope Exception** – This rule does apply to an application for a license transfer when the license to be transferred is of a broader scope or more permissive class than the license presently issued for the same premises.

(3) **Definitions for Rule 2.07:** a) **“Owners of real or leasehold Property”** includes holders of leasehold improvements upon ground rents, the City of Baltimore and the State of Maryland but excludes the owner of the subject premises. B) **“Tenant”** is a person who rents a single-family dwelling and is residing there for at least one year immediately preceding the hearing of the Board.

(4) **Instructions to Private Protestants – Owners and Renters:** Should any owner of the dwelling participate as a protestant or proponent of the application, then the owner(s) and the tenant of the dwelling shall each have one-half vote. In case of property rented jointly, if one tenant appears in person at the hearing as a protestant, the other tenant's protest may be recorded by an affidavit. Such affidavit shall include:

(1) A statement that the protestant is the owner or real or leasehold property situated within two hundred feet of the proposed premises.

(2) Description of the said property;

(3) Statement that the affiant is opposed to the issuance or transfer before the Board; and

(4) Statement that the reason or reasons for the affiant's failure to appear at a hearing. Good and sufficient reason for failing to appear shall not include:

(I) Illness or other physical disability unless such affidavit is accompanied by a written statement signed by a licensed physician confirming such condition;

(II) Occupation or employment unless such affidavit is accompanied by a written statement signed by the affiant's employer confirming such fact;

(III) Absence from the jurisdiction unless the affiant is located more than 50 miles from Baltimore City or is in the military service

(5) Instructions to Owners of Public Property - The City of Baltimore and the State of Maryland each shall be included as an owner of real or leasehold property when it owns title to a building, and it may protest through an authorized representative of the Mayor and City Council. If the City of Baltimore or the State of Maryland owns more than one building within 200 feet of the place of business for which application is made, then only the building of each which is closest to the place of business for which application is made may be the basis for making protest under this rule.

Rule 2.08 – Membership Clubs (previously 2.09)

No licensee, except Class "C", may restrict the use of the premises or any part thereof as a membership club without the prior approval of the Board.

Rule 2.09 – Multiple Applications

In the event an application for a new license, increased privileges, or transfer of a location is denied, the applicant shall not be permitted to reapply for the same license, privilege or transfer for a period of six (6) months from the date of such denial. In the event of a withdrawal of such an application prior to decision of the Board this rule shall apply unless the withdrawal occurs more than forty-eight (48) hours prior to the hearing.

Rule 2.09 – Appeals

(a) Licensees desiring to appeal from any order shall file with the Clerk of the Circuit Court for Baltimore City an order for appeal and a petition requesting an appeal. The order for appeal shall be filed within thirty days of the order of the Board and an appeal fee of \$100.00 shall be paid the Board at the time of filing such petition and order.

(b) The cost of the transcription of testimony (“transcript”) shall be borne by the appellant. Orders for the transcript shall be placed with the stenographer within five (5) days after the notation of appeal.

(c) Upon receipt of the transcript, the Board's designee, in a timely fashion, shall make four (4) copies of the transcript and delivered in the following manner: one (1) copy to be filed with the Circuit Court under the corresponding case number, one (1) copy to be delivered to the Board's appellate counsel, one (1) copy to be delivered to licensee or his/her attorney or representative that requested the transcript; and one (1) copy to be maintained by the Board for its file.

Rule 2.10 – Inspections

In furtherance of its duty under Article 2B, the members of the Board, its employees, and all other law enforcement officials, while on official business, shall be permitted to inspect all licensed premises on any day and at any time despite posted hours of operation, without a search warrant. No licensee or his agent shall refuse to admit any such official to enter upon the licensed premises and inspect said premises.

Chapter 3 Standards of Operation

Rule 3.01 – Ownership and Operation

Every licensee shall be the actual owner and operator of the business conducted on the licensed premises. The identity of any person, not a licensee, having any financial interest in said business shall be disclosed to the Board in writing.

Rule 3.02 - Cooperation

Licenses and their agents and employees shall cooperate with representatives of the Board, agent or employee of the Police Department, Health Department, Fire Department, Building Engineers office, Grand Jury and representatives of other governmental agencies whenever any such persons are on official business.

Rule 3.03 – Records

(a) Licensee shall keep accurate records of all purchases of alcoholic beverages for a period of one year from the date of each purchase. Such records shall include the date of each purchase, the quantity purchased, and the name and address of each seller. Such records shall be kept on premises and available for inspection by members of the Board, its employees, and all other law enforcement officials.

(b) Licensees, whose licenses authorize consumption on the licensed premises, shall keep accurate records of all sales of alcoholic beverages so that a determination may be made of what portion or percentage of such sales are in sealed packages or containers for consumption off the licensed premises. Such records shall be kept on premises and available for inspection by members of the Board, its employees, and all other law enforcement officials.

(c) Licensees shall keep on their premises records containing the legal names, aliases, addresses, ages, and the last four digits of the respective Social Security Numbers of all persons employed by them. Such records shall be kept on premises and available for inspection by members of the Board, its employees, and all other law enforcement officials.

(d) Licensees shall have applied, or have proof of application, for (i) a certificate issued by the Director of Finance of Baltimore City showing that there are no unpaid taxes on the merchandise, fixtures and stock of the applicant due to the City of Baltimore and State of Maryland; and (ii) a Trader's License to be issued by the Circuit Court of Baltimore City.

Rule 3.04 – Keg Registration

(a) Licensees who sell containers of beer for off-premise consumption with a capacity of least four gallons or more, e.g., party balls, kegs, etc, shall comply with the following conditions pursuant to State Law:

- (1) The licensee provides to the purchaser a keg registration form approved and distributed by the State Comptroller that is designed to be affixed to the keg and that indicates the name and address of the licensed establishment and a registration number.
- (2) The purchaser provides valid identification and completes and signs a registration form with the following information:
 - a. The purchaser's name and address as shown on the identification produced
 - b. The date of birth of the purchaser
 - c. The date of the purchase
- (3) Affix the completed registration decal on the keg at the title of purchase.
- (4) Remove the registration decal from the keg upon its return by the purchaser and before the keg is returned to the beer wholesaler.
- (5) Retain the completed keg registration booklet on the license premises for at least 30 days.
- (6) Under the law, retailers may, charge the purchaser a fee to cover administration and processing expenses.

(b) A licensee who violates any provision of this keg registration rule is subject to a fine not to exceed \$100.00 or a suspension or revocation of the alcoholic beverages license or both fine and suspension or revocation.

(c) The existence of a completed registration form signed by the purchaser shall create a presumption that the Licensee has complied with the requirements of the regulations as set forth hereinabove.

Rule 3.05 – Alcohol Awareness Certification

(a) All licensees or an employee of the licensee shall complete a retail alcoholic training course by an approved alcohol awareness program as appointed by the Maryland State Comptroller. The certification shall be renewed every four (4) years.

(b) A copy of the Alcohol Awareness Certification shall be on the premises of the licensed establishment and be made available to an inspector or any other applicable State or City of Baltimore Police Officer upon request.

Rule 3.06 – Signs and Hours of Operations

(a) All signage, including exterior signage, shall conform to Zoning laws, rules, and regulations of Baltimore City.

(b) All licensees should have a copy of their license issued by the Board in a framed and displayed in an area that is visible to the general public. Upon request, by an authorized public official the licensee shall present the license.

(c) All establishments shall post their days and hours of operation on a window or door, in full view. Within thirty (30) days of changing their hours of operation, the licensee shall contact the Board and provide the Board the new hours of operation if they change.

Rule 3.07 – Lighting

(a) Exterior Lighting – All licensees shall provide sufficient exterior lighting to clearly and distinctly illuminate the entries and exits of their establishment. In accordance with the laws of Baltimore City, no licensee shall utilize a strobe light to illuminate their establishment.

(b) Interior Lighting – Licensees shall provide interior lighting so as to sufficiently illuminate all commercial areas utilized by the public.

Rule 3.08 – Sanitation and Safety

(a) Licensees shall operate their establishments at all times in accordance with the sanitation requirements of the Department of Housing and Community Development, Baltimore City Police Department, and any other applicable City, State or Federal laws, rules, or regulations.

(b) Licensees shall provide containers for the disposition of garbage and refuse material that conform with the requirements of Baltimore City, shall keep such containers covered at all times, and shall remove all refuse material regularly to avoid accumulation.

(c) Notification that all employees wash their hands after use of the bathroom shall be prominently posted in the kitchens and bathrooms used by a licensee's employees.

Rule 3.09 – Rest Room Facilities and Health Regulations

- (a) Licensees shall provide on the licensed premises adequate, sanitary and fully functioning restroom facilities for all patrons.
- (b) Licensees shall be in compliance with all applicable State and City Health Department laws, rules, and regulations.
- (c) The restrictions enumerated in subsection (a) do not apply to Class A or Class A-2 Licensees.

Rule 3.10 – Communications

- (a) Licensees shall provide the Board with a functional telephone number, email address (if applicable) and fax number (if applicable) which the Board will use to maintain communications with the licensee.
- (b) Within thirty (30) days of changing their phone number, email address, or fax number, the licensee shall contact the Board and provide it with the updated information.

Rule 3.11 – Delivery of Alcoholic Beverages

(a) Registration Process: All licensees desiring to deliver alcoholic beverages shall complete a Deliver Registration Form with original signatures and receive a letter of authorization from the Board before deliveries can be made.. Delivery approval will be noted on the license.

(b) Delivery Protocols and Limitations

- (i) All delivery persons shall be a bona fide employee on the payroll or a licensee. Retail delivery persons shall be at least 18 years of age or older.
- (ii) Alcoholic beverages shall be delivered in a sealed package or container. No mixed drinks shall be delivered.
- (iii) The person accepting the delivery of the alcoholic beverages shall be 21 years of age or older. The delivery person shall check the identification of the customer. The person shall sign and acknowledge that they are 21 years of age or older. The delivery person shall refuse to deliver alcoholic beverages under this rule:

- (a) When the intended recipient is under twenty one (21) years of age; and/or

- (b) When the intended recipient refuses to sign the form required under this rule, or refuses to provide the person making the delivery with a valid driver's license or other valid government issued proof of identity with proof of age; and/or

(c) When the intended recipient appears to be intoxicated.

(iv) Each delivery shall be acknowledged by the customer through the completion of a delivery form which shall be provided to the customer upon delivery of the alcoholic beverages..

(v) The original Delivery Forms and/or approved electronic records of sales shall be available upon the inspection of the premises by the Board's Inspectors.

(vi) **On-Line Delivery Service** – Licensees that provide delivery service upon request by customers via electronic communications, or any other similar mode of electronic contact (e.g. smartphone application, on-line purchase, etc.), shall deliver those alcoholic beverages in accordance with Section(b)(i)-(v) of this Rule.

(viii) Deliveries cannot be made to another licensed establishment.

(viii) Deliveries can only be made within Baltimore City limits.

(ix) Class A, Wine/Beer licensees can deliver beer and wine.

(x) Class A, Beer, Wine and Liquor licenses can deliver any type of alcoholic beverages.

(xi) Class B/D, Beer Only licensees can deliver beer only.

(xii) Class B/D, Beer and Wine licensees can deliver beer and wine.

(xiii) Classes B, D and BD7, Beer, Wine and Liquor licensees can deliver any type of alcoholic beverages.

(xivi) The privilege of delivering alcoholic beverages shall be withdrawn immediately by the Board at any time if all restrictions are not adhered to.

Rule 3.12 – Public Welfare

(a) Licensees shall operate their establishments in such a manner as to avoid disturbing' the peace, safety, health, quiet, and general welfare of the community.