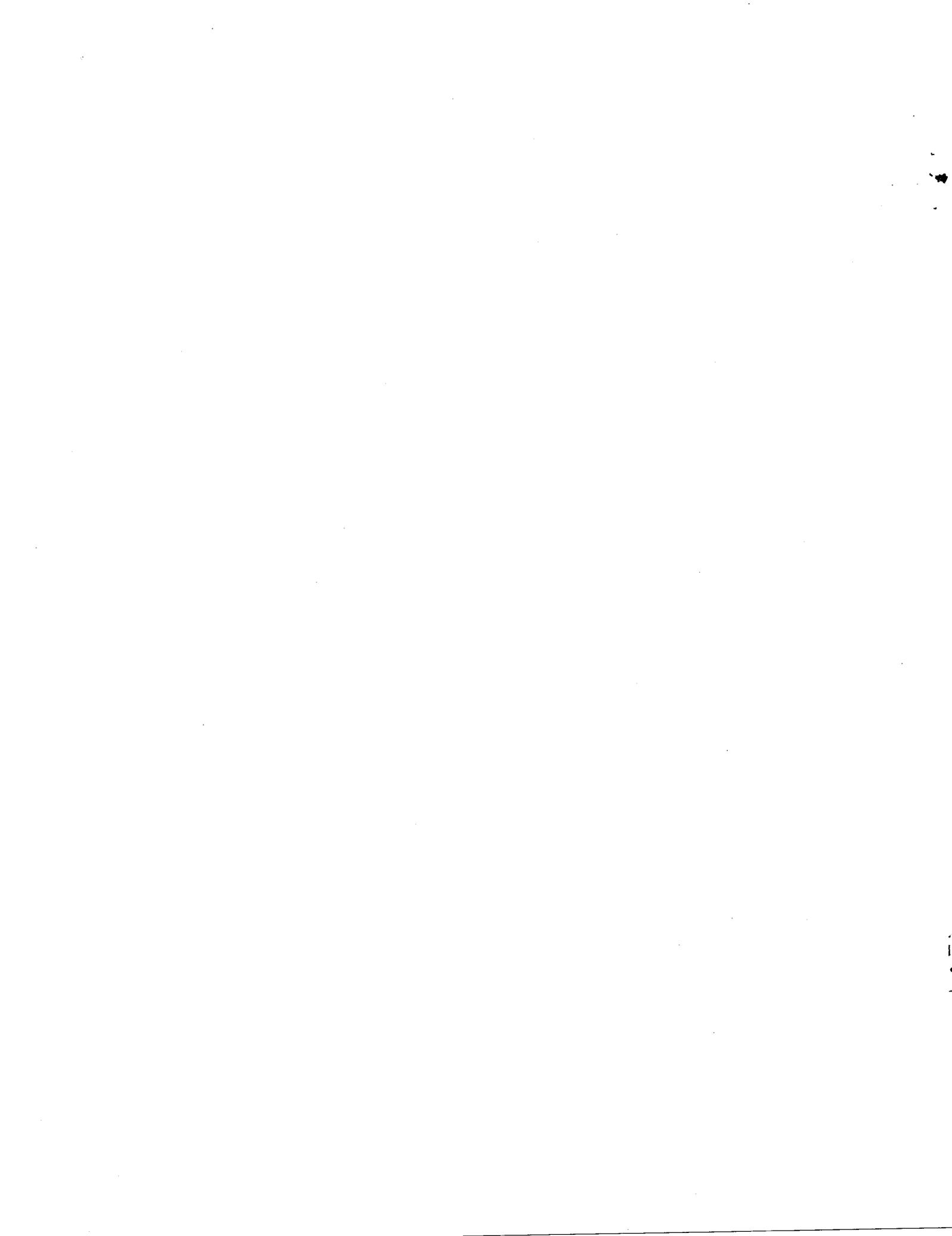


Rules and Regulations
for the
Board of Liquor License
Commissioners
for
Baltimore City



Revised April 1998



**BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY**

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Deputy Director	396-4385
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Commissioners	396-4380
Chief Inspector	396-4381
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TO ALL LICENSEES:

This book is published by the Board of Liquor License Commissioner for Baltimore City to acquaint all licensees, their employees and the public with the Rules and Regulations governing the sale of alcoholic beverages at retail in Baltimore City

**Study these Rules carefully
And make sure that all employees are familiar with them.
All licensees and their employees are responsible for abiding by these Rules.**

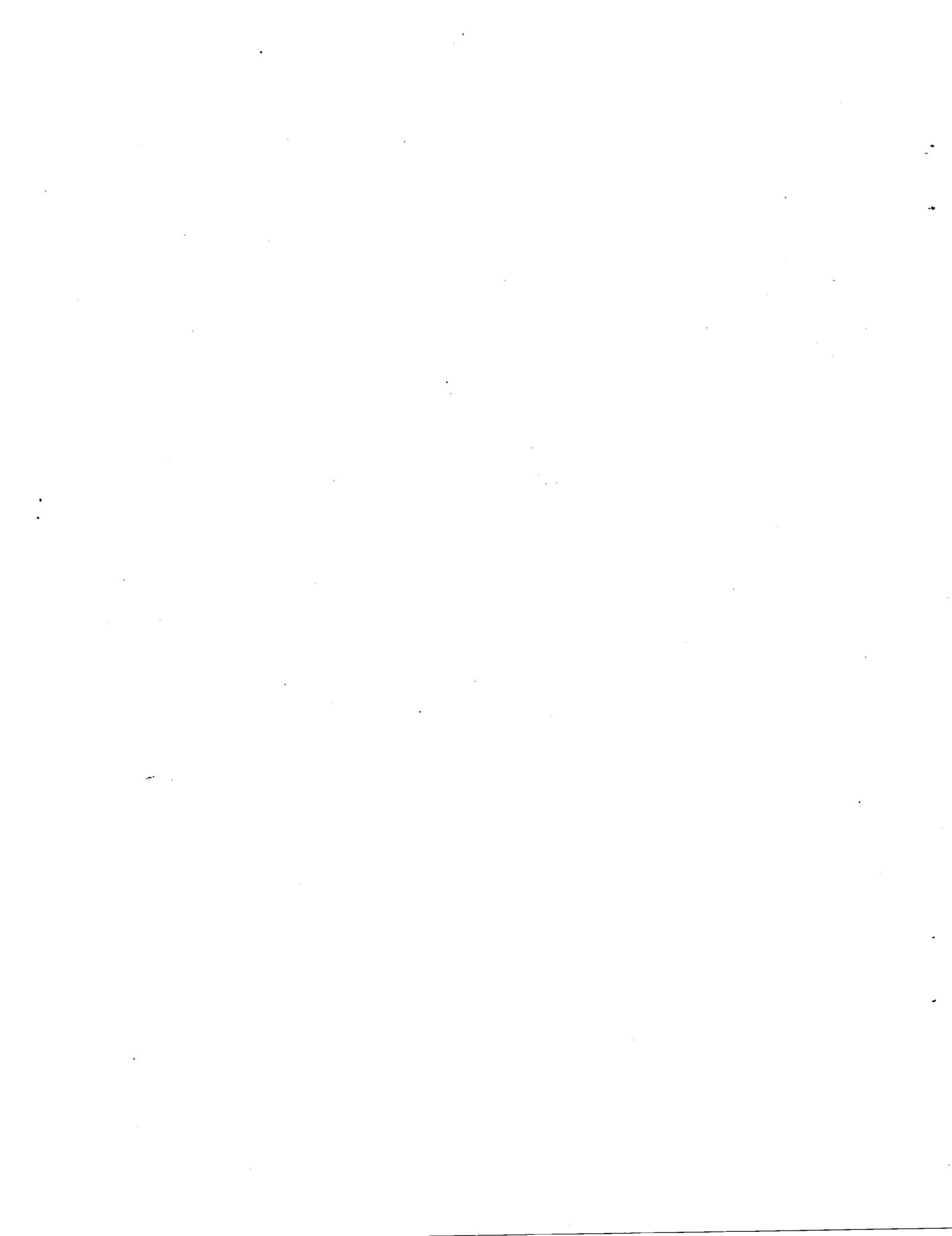
**Stephan W. Fogleman
Chairman**

**Elizabeth C. Smith
Commissioner**

**Harvey E. Jones
Commissioner**

**Samuel T. Daniels, Jr.
Director**

**Jane M. Schroeder
Deputy Director**



**Rules and Regulations
of
The Board of Liquor License Commissioners of Baltimore City**

**Chapter I
General Procedures**

Rule 1.01 - Attorney

Wherein these Rules and Regulations it is provided that a party may act, such act may be performed by his attorney except as otherwise provided. Where any notice is to be given, by or to a party, such notice may be given by or to the attorney for such party.

Rule 1.02 - Definitions

(a) Affidavit

"Affidavit" means an oath or affirmation sworn or made before an officer or other person authorized to administer an oath or take an affirmation that the matters and facts set forth in the paper writing to which it pertains are true to the best of the affiant's knowledge, information and belief.

(b) Attorney

"Attorney" means an attorney at law admitted to the bar of the Court of Appeals of Maryland.

(c) Board

"Board" means the Board of License Commissioners of Baltimore City.

(d) Hotel

"Hotel" means an establishment for the accommodation of the public equipped with not less than fifty (50) bedrooms with adequate bathing and toilet facilities in each room and also containing a restaurant.

(e) Licensee

"Licensee" means any individual, firm or corporation whose name appears on a license issued by the Board, any officer or member of a firm or corporation to which a license is issued by the Board. With regard to any prohibited practice stated in these Rules or Regulations the term "Licensee" shall also include any agent, servant or employee of a licensee as herein defined.

(f) Person

"Person" means any natural person, of either sex, any partnership, joint stock company, unincorporated association or society, municipal or other corporation of any character whatsoever, or other legal entity.

(g) **Restaurant**
"Restaurant" means any lunchroom, cafe or other establishment located in a permanent building with ample space and accommodations wherein hot meals are habitually prepared, sold and served to the public. A restaurant shall be equipped with a public dining room with sufficient tables, chairs, cutlery and glassware to serve meals prepared therein. It shall be equipped with a kitchen having complete facilities and utensils for preparing and serving hot and cold meals to the public. There shall be employed a sufficient number of cooks, waiters and waitresses to serve the number of patrons provided for in the dining room. It shall maintain a menu advertising the serving of a variety of hot meals. There shall be on the premises at all times sufficient food to fill orders from the menu. No drug, grocery, candy or confectionery store shall be construed to be a restaurant.

Rule 1.03 - Time

In computing any period of time prescribed or allowed by these Rules and Regulation, the method of computation of time provided by the Maryland Rules of Procedure promulgated by the Court of Appeals of Maryland, shall govern.

**Chapter 2
 Procedure**

Rule 2.01 - Application

Application for a license, or the transfer or renewal thereof, shall be made upon printed forms obtainable at the office of the Board. The information requested thereon shall be filled in by the applicant or under his personal supervision and shall be typewritten, printed or written in ink or indelible pencil so as to be easily legible.

Rule 2.02 - Application Fee

No application for the issuance of a license or transfer shall be accepted unless made on forms prescribed by the Board and unless an application fee of \$300.00 is paid.

Rule 2.03 - Renewal Applications

All applications for renewal of licenses must be filed with the Board on or before March 31st of each year on forms furnished by the Board.

Rule 2.04 - Partnerships

A license for a partnership shall be issued to all of the partners, as individuals, all of who shall have resided in or been

a taxpayer of Baltimore City for at least two (2) years prior to said issuance. All partners shall continue to reside in or be taxpayers of Baltimore City during the holding of such license.

Rule 2.05 - Corporations

A license for a corporation shall be issued to three of the officers of such corporation as individuals, for the use of the corporation, at least one of whom shall have been a resident or taxpayer of Baltimore City for at least two (2) years prior to said issuance and shall also have been a resident of Maryland for at least two (2) years prior to said issuance and a registered voter. Such officer shall continue to reside or be a taxpayer of Baltimore City and a resident of Maryland during the holding of such license.

Rule 2.06 - Notice of Hearing

At least ten (10) days before any hearing shall be had by the Board upon any charge of violation of 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:

- (a) Name and address of the licensee as same appears on the license
- (b) 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
- (c) Time and place of hearing.

Rule 2.07 - Protests

(a) All protests against the issuance or transfer of any license must be filed either in writing at the office of the Board on or before the time fixed by the notice of hearing or any postponement of such time or in person at the hearing.

(b) Protests by owners of real estate within 200 feet of the proposed licensed premises filed pursuant to Section 10-202(e) of Article 2B of the Annotated Code of Maryland must state the location of said real estate. For the purpose of this rule the word "owner" shall mean the holder or holders of the full legal title as shown by the land records of Baltimore City. All protestants under this subsection must appear in person at the hearing, provided, however, that the Board shall accept in lieu of personal appearance, an affidavit from such protestant or protestants who in the opinion of the Board have good and sufficient reason for failing to appear at said hearing. Such affidavit shall

- (1) state that the protestant is the owner or real or leasehold property situated within two hundred feet of the proposed premises,
- (2) describe said property;
- (3) state that the affiant is opposed to the issuance or transfer before the Board; and
- (4) state the reason or reasons for the affiant's failure to appear at the 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; and
 - (iii) absence from the jurisdiction unless the affiant is located more than 50 miles from Baltimore City or is in the military service.

No protests or withdrawals of protest will be accepted after the close of the hearing. No objection to an affidavit of protest will be accepted by the Board after seven (7) days from the date of the hearing. Note: See Article 2B, Section 10-202(e) and Section 16-301(b) of the Annotated Code of Maryland for Amendments.

(c) Protests against the renewal of any expiring license must be filed by not less than ten (10) residents or real estate owners in close proximity to the licensed premises. Such protests must be in writing and filed with the Board during the month of March before the expiration of the license for which renewal is sought.

Rule 2.08 - Number of Licenses

With the exceptions as indicated in this rule, no new alcoholic beverage licenses shall be issued so long as the number of all licensed premises is more than one (1) for each thousand (1,000), or major fraction thereof, of the residents of Baltimore City. The Board shall accept the population statistics prepared by the Baltimore City Health Department. This rule shall not prevent the renewal of licenses outstanding, nor shall it prohibit the transfer of ownership and/or location of any such license.

(a) Notwithstanding any other provisions of this rule, The Board may issue any of the following types of new licenses:

- (1) **Class "B" Beer and Wine and Class "B" Beer, Wine and Liquor licenses wherein:**
 - (i) There is a minimum capital investment of two hundred thousand dollars (\$200,000) for restaurant facilities which shall not include the cost of land and/or buildings.
 - (ii) Such restaurant must have a minimum table seating capacity of seventy-five (75) persons as approved by the Baltimore City Fire Department. Seating at bars or counters will not be considered as a part of the seventy-five (75) seat requirement.
 - (iii) Any license issued under this exception cannot be converted to any different class of license.
- (2) **Class "D" Beer and Wine licenses to:**
 - (i) Public golf courses or zoos operated by the Department of Recreation and Parks of Baltimore City
 - (ii) Bowling lanes
 - (iii) Tennis and/or racquet clubs
- (3) **Class BD-7 Beer, Wine and Liquor licenses to:**
 - (i) Tennis and/or racquet clubs
- (4) **Class "C" Beer and Wine and Class "C" Beer, Wine and Liquor licenses to:**
 - (i) Bona fide non-profit church, education, labor or national veterans organization which is operated for educational, trade, religious, benevolent, charitable, fraternal, social, recreational, athletic or similar purposes and not for private gain; and
 - (ii) Such bona fide non-profit organization must have been incorporated for at least five years preceding the filing of the application with the Board or organized under bylaws or governing rules of trust; or to
 - (iii) Bona fide non-profit clubs that have been incorporated for at least five years preceding the filing of the application.

(b) This rule shall not prevent the issuance of a new license of any class provided the applicant shall return to the Board for cancellation an existing license of a higher classification outstanding at the proposed location.

(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) Any application filed under this rule shall be filed pursuant to the provisions of Article 2B, Section 10-202(a) of the Annotated Code of Maryland requiring the applicant to prove public need and accommodation.

Rule 2.09 - Membership Clubs

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

Rule 2.10 - Transfers

(a) In transfers of ownership at the same location, the only issue the Board shall consider is the fitness of the applicant to hold an alcoholic beverage license. Provided, however, where the premises have been closed for more than ninety (90) days prior to the date of application for transfer, the Board shall also consider the question of public convenience and accommodation unless such closing was caused by fire, casualty or other Act of God.

(b) 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.

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

Rule 2.11 - 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 2.12 - Zoning

(a) No license shall be issued which will result in a use of premises which violates any zoning or other statutory land use restriction.

(b) No license shall be issued and no license shall be transferred into premises having a Non-Conforming use within an area zoned as Residential. This rule shall not prevent renewal, transfer in ownership, or modification of licenses in such premises nor shall this rule prevent the transfer of a license into such premises in which a license is outstanding.

Rule 2.13 - Transferrer Obligations

No application for the transfer of license shall be granted unless all financial obligations of the transferrer concerning the purchase of alcoholic beverages and local, State and federal taxes pertaining to the licensed establishment have been fully paid or arrangement for their satisfaction has been made.

Rule 2.14 - Penalties

All orders of the Board shall take effect immediately. Suspensions of license privileges shall be in consecutive days.

Rule 2.15 - Appeals

Licenseses 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 must be filed within thirty days of the order of the Board and an appeal fee of \$100.00, to cover the cost of the appeal and copying of the pertinent papers, must be paid the Board at the time of filing such petition and order. The cost of the transcription of testimony shall be borne by the appellant. Orders for such transcription shall be placed with the stenographer within five (5) days after the notation of appeal.

**Chapter 3
Standards of Operations**

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

Licensees shall cooperate with representatives of the Board, members of the Police Department, Health Department, Building Engineer's 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 open for inspection at all times by duly authorized representatives of the Board.

(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 open for inspection at all times by duly authorized representatives of the Board.

(c) Licensees shall keep on their premises records containing the legal names, aliases, addresses, ages, and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City, and other governmental agencies.

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

- (1) Obtain blank keg registration booklets from the Alcohol and Tobacco Tax unit in sufficient quantities needed.
- (2) Require identification to insure the purchaser is at least 21 years of age.
- (3) Complete part A of the registration form and have the purchaser complete and sign part B.

- (4) Affix the completed registration decal on the keg at the time of purchase.
- (5) Remove the registration decal from the keg upon its return from the purchaser and before the keg is returned to the beer wholesaler.
- (6) Retain the completed keg registration booklet on the license premises for at least 30 days.
- (7) Under the law, retailers are authorized, but not required, to charge the purchaser a fee to cover administration and processing expenses.

Rule 3.04 - Signs

Licensees, except holders of Class "C" licenses, shall indicate by a sign or by legible lettering at least two inches in height upon the outside of the licensed premises, the names of all licensees, as said names appear on the license.

Rule 3.05 - Lighting

Licensees shall have every portion of their licensed premises, which is open to the public, illuminated by sufficient natural or artificial lighting to insure clear visibility and to permit patrons to read a menu or newsprint.

Rule 3.06 - Sanitation and Safety

Licensees shall operate their establishments at all times in accordance with the requirements of the Health Department of Baltimore City, the Building Code of Baltimore City, and the rules and regulations of the Fire Department of Baltimore City.

Rule 3.07 - Rest Room Facilities

Licensees shall provide on the licensed premises separate toilet facilities for each sex. All rest rooms shall be entirely enclosed and separate and apart from rooms where food or drink is stored or served. In all rest rooms containing more than one toilet, each toilet shall be installed in a separate enclosure. All rest rooms shall be adequately lighted. All rest rooms shall contain ventilation ducts where an outside window is not present. The equipment of all rest rooms shall consist of the following, which shall be in proper working order at all times:

- (a) Walls consisting of ceramic tile or good conditioned plaster, cinder block or compound or sealed with a good grade sealer and painted with a good grade, high gloss, lead free oil based paint at least four (4) feet in height; and

(b) Floor made of terrazzo, quarry tile flooring, ceramic floor tile (non-skid), vinyl tile, well laid on solid floor with an epoxy compound (non-skid); and

(c) Equipment and services included:

- (1) Properly operating toilets (open seat type) and urinals of porcelain or vitreous earthenware; and
- (2) Porcelain handwashing basin with hot and cold running water; and
- (3) Individual towels and soap.

All rest rooms shall be regularly cleaned. Walls, floors and equipment must be maintained in a clean and sanitary condition at all times. Rest rooms must be cleaned at least once daily with intermittent cleaning as necessary during the time premises are open to the public.

Rule 3.08 - Running Water

Licenses shall provide hot and cold running water at all bar fixtures in all kitchens.

Rule 3.09

shall thoroughly wash all containers used for dispensing following each use, except where the container is used in serving additional portions to the same person.

Containers used in dispensing food or drink, after being washed with clear running water or immersed in a solution containing clear water, and all such containers after rinsing shall be disinfected by one of the following procedures:

(1) The container shall be immersed in water at a temperature of not less than 180 degrees Fahrenheit for not less than one minute; or

- (2) The container shall be immersed in a solution containing at least 100 parts per million of available chlorine for at least one minute or dipped in the aforementioned chlorine solution and allowed to drain on a wire or corrugated metal rack for at least one minute.

Rule 3.10 - Employee Sanitation

Licensees shall have prominently displayed in the kitchens and toilet rooms used by employees placards issued by the Health Department of Baltimore City pertaining to the washing of hands after leaving the toilet.

Rule 3.11 - Refuse

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

Rule 3.12 - Public Welfare

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

Rule 3.13 - Telephone

Licensees shall provide on the license premises telephone equipment, the number or calls signals of which shall be on file with the Board.

**Chapter 4
Prohibited Practices**

Rule 4.01 - Minors

(a) No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age.

(b) No licensee shall deliver alcoholic beverages to any person off the licensed premises unless:

- (1) The licensee prepares a statement of the type and quantity delivered; and
- (2) The person receiving the alcoholic beverages signs his full name and address on such statement in the presence of the deliveryman asserting that : "I hereby certify that I am over 21 years of age"; and
- (3) The licensee retains such statement for at least six (6) months and makes it available for inspection at all times to the Board or its representatives.

Rule 4.02 - Inebriates & Drug Addicts

No licensee shall sell or furnish alcoholic beverages to any person under the influence of alcohol or narcotic drugs or who is disorderly in manner or to any person known to be a habitual drunkard or user of narcotic drugs.

Rule 4.03 - Solicitation

(a) No licensee shall permit or suffer any person, employed in or a frequenter of his establishment to solicit for himself or others the purchase by patrons of any product sold therein, or money with which to buy the same, or with which to play any amusement or entertainment device; nor shall any licensee permit or suffer any person, employed in his establishment to accept such product or money as a gift from a patron, except by way of a bona fide gratuity.

(b) No licensee shall pay, offer to pay, or suffer to be paid by any person any commission, gratuity or fee in money, goods or other consideration for or in connection with the sale of any product or the use of any amusement or entertainment device.

(c) No licensee shall employ any solicitor or salesman for the purpose of soliciting outside of the licensed premises, orders for the sale of alcoholic beverages and no sale shall be consummated outside of the licensed premises.

(d) No licensee shall employ or use any loud speaker or other sound-making or amplifying device which projects the sound outside the licensed premises for the purpose of soliciting orders for the sale of alcoholic beverages.

Rule 4.04 - Free Food and Prizes

(a) No licensee shall offer free food to encourage the sale of alcoholic beverages. Provided, however, that licensees may offer free of charge cheese, crackers, pretzels, nuts and the like in connection with the consumption of alcoholic beverages on the premises.

(b) No alcoholic beverages shall be sold or given away as prizes in connection with the playing of any game or device.

Rule 4.05 - Prohibited hours

(a) No licensee shall permit any person to consume alcoholic beverages on the licensed premises during hours when such sales are prohibited by law.

(b) No alcoholic beverages shall be served, dispensed, furnished or given away in any part of the premises during the hours when such sales are prohibited by law.

Rule 4.06 - Alcoholic Beverage Containers

(a) No licensee shall reuse or refill any bottle or other container of alcoholic beverages; nor shall any licensee adulterate, dilute, or fortify the contents of any such bottle or container.

(b) No licensee shall sell, serve or furnish alcoholic beverages (other than beer or wine) by the bottle for consumption on the premises, except Class "B" licensees serving alcoholic beverages to patrons in rented or leased private rooms.

Rule 4.07 - Liquor Quantity

No licensee shall serve more than two (2) ounces of liquor to one person at one time for consumption on the premises.

Rule 4.08 - Employee

In Baltimore City, a licensee may employ a person 18 years of age or older to sell, serve, deliver, or otherwise deal with alcoholic beverages.

Rule 4.09 - Illegal Possession

No licensee shall possess or permit any person to consume any alcoholic beverages not permitted to be sold under his license at any place on the licensed premises or in the building in which the licensed premises are located.

Rule 4.10 - Relations with Wholesalers

(a) No licensee shall purchase alcoholic beverages except from a duly licensed manufacturer or wholesaler; nor shall any licensee sell to any other licensee any alcoholic beverages; and no licensee shall, at any time, keep or permit to be kept upon the licensed premises, any alcoholic beverages unless purchased in accordance with the Rule.

(b) No licensee shall solicit or accept directly or indirectly any gift of alcoholic beverages, any tie-up advertisement in newspapers or other periodicals, or any gift or rebate of any sort, from a manufacturer, wholesaler, or person engaged in the distribution of alcoholic beverages, except a sign, display or any other of advertisement of a value not in excess of \$50.00 from any brewer or beer wholesaler or \$75.00 from any brandowner for each of its individual brands for use in any one licensee's establishment at any one time.

(c) No licensee shall have any interest in the business of any manufacturer or wholesaler of alcoholic beverages, nor shall any such manufacturer or wholesaler have any interest in the business of any licensee.

Rule 4.11 - Drive-In Dispensaries

No alcoholic beverages may be sold, served or consumed anywhere on the licensed premises of licensees maintaining drive-in or curb-service dispensaries, except inside permanent buildings situated thereon, and provided for such purposes.

Rule 4.12 - False Statements

No licensee shall make any false statement in any application, letter or written or oral statement to the Board or to any of its representatives.

Rule 4.13 - Drugs

No licensee shall use or permit to be used or dispensed on the premises any "mickey finns" or other violent emetics or purges.

Rule 4.14 - Discrimination

No licensee, except the holder of a Class "C" license, shall directly or indirectly refuse, withdraw from or deny to any person the services, accommodations, advantages, facilities and privileges offered on said licensee's premises on the grounds of race, color, creed or national origin.

Rule 4.15 - Gambling

No licensee shall allow his premises to be used for the purpose of gambling in any form.

Rule 4.16 - Narcotic Drugs

No licensee shall allow his premises to be used for the purpose of possession, transfer or use of any narcotic drug.

Rule 4.17 - Sexual Practices and Obscenity

(a) No licensee shall permit or suffer his premises to be used for the purpose of any sexual activity, nor shall any licensee permit or suffer any employee, patron or frequenter to solicit any person for prostitution or other immoral purposes.

(b) No licensee shall permit or suffer any person to appear in any act or other performance with breasts or the lower torso uncovered; nor shall any licensee knowingly permit or suffer his premises to be used for the conduct, exhibition or performance of an obscene act or other performance.

(c) No licensee shall permit or suffer his premises to become a disorderly house.

Rule 4.18 - Illegal Conduct

No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals.

Rule 4.19 - Storage

No licensee shall store or keep any alcoholic beverages, except on the premises covered by the license or at a public or government controlled warehouse having a permit issued under the provisions of Article 2B of the Maryland Code.

Rule 4.20 - Alterations

(a) No licensee shall make any installation or alteration on a licensed premises or change the manner in which alcoholic beverages are dispensed without the prior approval of the Board.

(b) No licensee shall make an installations or alterations on the licensed premises until a permit therefore has been obtained from the Bureau of Buildings of Baltimore City, and until the approval of the Fire Department and Health Department of Baltimore City has been secured, where said approval is required.

Rule 4.21 - Gifts

No licensee shall give or otherwise transfer to any member of the Board or any of its agents or employees, directly or indirectly, any commission, remuneration, or gift whatsoever.

**Chapter 5
Special Class Requirement**

Rule 5.01 - Class A

All Class "A" licensees, whose establishments are open for business on Sundays and during other hours when they are prohibited from selling alcoholic beverages, shall keep their entire stock of such beverages securely locked and inaccessible to the public and their employees during all such hours. This rule shall apply to showcases, window and other displays, storage rooms and other places where alcoholic beverages are kept on the premises.

Rule 5.02 - Class B

(a) No application for a Class "B" license shall be approved unless: (1) a restaurant is being conducted on the proposed premises, or (2) architects' plans for a restaurant, designed in accordance with the Board's requirements, are filed with such application. If a Class "B" license is granted, it shall not be operative until a restaurant is being conducted on the licensed premises.

(b) Holders of Class "B" licenses shall keep in bound book form complete records of food purchases and food sales in their restaurants, as well as records of all purchases and sales of alcoholic beverages. They shall also preserve for a period of six (6) months the original invoices or sales tickets of food and alcoholic beverages so purchased.

Rule 5.03 - Class BD 7

For purposes of this Rule, the Board considers all Class BD7 licenses as tavern operations. A tavern is defined as an establishment where alcoholic beverages are habitually sold for on-premises consumption. Such alcoholic beverages must be served at a bar or in a lounge area. A bar is defined as a counter, in whatever configuration (horseshoe, L-shaped, U-shaped, etc.), at which stools and/or chairs have been placed and from which alcoholic beverages are habitually served for on-premise consumption. A lounge is defined as an area on the premises containing tables and chairs or other suitable furniture wherein alcoholic beverages are habitually served for on-premise consumption.

(a) The holder of a Class BD7 Beer, Wine and Liquor license must operate an on-premise consumption establishment with on-premise service at a bar, tables or other suitable furniture. Package goods, if sold, must be sold over a bar and not in a separate package goods store department, and/or section unless otherwise previously approved pursuant to subsection (2) of this rule. A separate package goods store, department and/or section is defined as an area within the licensed premises which has as its primary activity the sale of package goods and in which no on-premise consumption regularly takes place.

- (1) The Board shall have final authority in determining whether an area is defined as a separate package goods store, department and/or section. Additionally, the Board shall have final authority in determining what is a bar or lounge area.
- (2) Any licensee who has operated under a previously approved separate package goods store, department and/or section may continue the operation of the separate store, department and/or section provided such separate package goods store, department or section does not place the licensee in violation of section (b) of this rule.
- (3) Effective May 1st, 1993, no Class BD7 license will be transferred in ownership unless the subject premise conforms to a tavern/lounge operation as described in this rule.

(b) The square footage devoted to the sale of package goods must at all times be subordinate/accessory to the tavern/lounge operation which must be maintained as described in this rule. Only square footage accessible to the public shall be considered in determining compliance with this section. The Board, in consultation with the Zoning Administrator, City of Baltimore, shall have final authority in determining whether a licensee is in compliance with this section. The bar/lounge area must be operative for business at all times the premises is open to the public.

- (1) A Class BD7 license holder may not dispense groceries, toiletries, household items and the like from the establishment.
- (2) The Board will not permit any new installation of bullet proof partitioning, plexiglass or the like on premises where a Class BD7 license is to be operated.
- (3) After May 1, 1993, any Class BD7 license holder held not in compliance with this rule shall be subject to revocation of the license.

Rule 5.04 - Class C

Class "C" licensee shall be issued only to non-profit private clubs who submit evidence satisfactory to the Board that all of the following conditions exist:

- (a) The applicant is a bona fide non-profit club.
- (b) The club has a sufficient number of members to support its operation with such a license.
- (c) The club was not formed for the purpose of obtaining an alcoholic beverage license
- (d) Non-members or guests will not be admitted unless accompanied by a member. Note: See Rule 2.08 for additional requirements.

Rule 5.05 - Amusement Licenses

(a) Holders of Amusement Licenses shall supply their patrons with a minimum of two live entertainers three nights per week.

(b) Holders of Amusement Licenses shall inform the Board of the types and schedules of entertainment being offered. No change in either the type of entertainment or schedule is permitted without prior written notice to the Board.

INDEX

A.	Rule
Advertisement, gift of any form prohibited.....	4.10(b)
Advertising, tie-up in newspapers or periodicals prohibited.....	4.10(b)
Affidavit:	
Definition of.....	1.02(a)
Under 51½ rule.....	2.07(b)
Age:	
Of employees.....	4.08
Of patrons.....	4.01(a)
Alcoholic Beverages:	
Consumption of, on certain premises.....	4.09
Curb sales.....	4.11
Hawking or peddling of.....	4.03(c)
Possession of by licensees.....	4.09
Purchase of.....	4.10(a)
Record of.....	3.03(a)(b)
Sale of.....	4.10(a)
Alterations to licensed premises.....	4.20(a)
Amusement Licenses:	
Requirement of.....	5.05(a)
Requirement to report change.....	5.05(b)
Appeals.....	2.15
Application:	
Fee on filing of.....	2.02
Form of.....	2.01
Multiple.....	2.11
Renewal.....	2.03
Withdrawal.....	2.11
Attire.....	4.17(b)
Attorney:	
Definition of.....	1.02(b)
Representation by.....	1.01
B.	
BD7 Licenses.....	5.03
Board, definition of.....	1.02(c)
Bookmaking.....	4.15
Bottle Goods:	
Consumption on premises.....	4.06(b)

	Rule
Bottle Goods:	
Records as to sale.....	3.03(b)
Building Code Requirements.....	4.20(b)
C.	
Claw machines, prizes in.....	404(b)
Closing hours.....	4.05
Clubs:	
Membership.....	2.09
Non-profit.....	5.04
Consumption:	
Bottle goods.....	4.06(b)
Illegal.....	4.09
Containers.....	4.06
Cooperation, with inspectors, etc.....	3.02
Corporations.....	2.05
Creditors, satisfaction of.....	2.13
Curb service.....	4.11
D.	
Definitions.....	1.02
Deliveries:	
Age of employees.....	4.08
Procedure for.....	4.01(b)
Denials.....	2.11
Discrimination.....	4.14
Disorderly house.....	4.17(c)
Disorderly persons.....	4.02
Disturbing the peace.....	3.12
Drinking, after closing hours.....	4.05(a)
Drive-In.....	4.11
Drug Addicts, sales to.....	4.02
Drugs:	
On premises.....	4.16
Use of.....	4.13
Drunkard, sales to.....	4.02

E.

Electric wiring.....	4.20(b)
----------------------	---------

Employees:

- Age of.....4.08
- Record of.....3.03(c)
- Sanitation.....3.10
- Entertainers, attire....4.17(b)

F.

False statements.....4.12

Fees:

- Application.....2.02
- Appeal.....2.15
- Fifty-One Percent Rule..2.07(b)
- Fire Department.....3.06
- Requirements.....4.20(b)
- Free drinks, during prohibited hours.....4.05(b)
- Free Food.....4.04

G.

Gambling.....4.15

Gifts:

- Acceptance by licensee.4.10(b)
- Solicitation by licenses.....4.10(b)
- To Board or personnel..4.21

H.

Health Department:

- Placards.....3.10
- Requirements of.....3.06
- 4.20(a)
- Hotel, definition of....1.02(d)

I.

- Illegal conduct.....4.18
- Immoral purposes.....4.17(a)
- Indecent or Obscene Act.4.17(b)
- Inebriates.....4.02
- Inspections, cooperation during.....3.02

K.

Keq Registration.....3.03(d)

L.

Lettering on outside of premises.....3.04

Licensee:

- Cooperation by.....3.02
- Connection with manufacturers and wholesalers.....4.10(c)
- Definition of.....1.02(a)
- Name on outside of premises.....3.04
- Ownership of premises..3.01
- Licenses:**
- BD7.....5.03
- Ratio, to population...2.08
- Restrictions on granting.....2.08
- Suspension of.....2.14
- Transfers in location..2.08
- Transfer in Ownership..2.13
- Lighting.....3.05
- Loud Speakers.....4.03(d)

M.

- Manufacturer's interest in retail establishment...4.10(c)
- Mickey Finns.....4.13
- Minors:**
- Employment of.....4.08
- Sales to.....4.01(a)
- Multiple applications...2.11

N.

- Narcotic drugs.....4.16
- Noises.....3.12
- Notice of hearing.....2.06
- Number of licenses.....2.08

O.

- Orders of Board.....2.14
- Outside Signs.....3.04
- Ownership.....3.01

P.

- Package Goods, sale of..3.03(b)
- Partnership.....2.04
- Patrons:**
- Consumption of alcoholic beverages.....4.09
- Solicitation of.....4.03(a)

Penalties.....2.14
 Person, Definition of...1.02(f)
 Police Department, cooperation
 with.....3.02
 Possession, illegal.....4.09
 Prizes.....4.04(b)
 Prohibited hours.....4.05(a)
 Prostitution.....4.17(a)
 Protests:
 Against renewal.....2.07(c)
 Fifty-one percent rule.2.07(b)
 General.....2.07(a)
 Public welfare.....3.12
 Purchases:
 From wholesalers or
 manufacturers.....4.10(a)
 Records of alcoholic
 beverages.....3.03

Q.

Quantity, consumption on
 premises.....4.06(b)
 4.07

R.

Rebates.....4.10(b)
 Records:
 Of employees.....3.03(c)
 Of purchases.....3.03(a)
 Of sales.....3.03(b)
 Refills.....4.06(a)
 Refuse.....3.11
 Renewal:
 Application.....2.03
 Protest against.....2.07(c)
 Residence:
 Requirement in
 corporation.....2.05
 Requirement in
 partnership.....2.04
 Residential areas.....2.12
 Rest Rooms, standards and
 requirements.....3.07
 Restaurant:
 Definition of.....1.02(g)
 Exception to
 restriction.....2.08
 Records.....5.02(b)
 Requirement for.....5.02(a)

Running water, hot and
 cold.....3.08

S.

Safety.....3.06
 Sales at the curb.....4.11
 Sales to drug addicts...4.02
 Sales to drunkards.....4.02
 Sales off licensed
 premises.....4.03(c)
 Sales to minors.....4.01(a)
 Salesmen.....4.03(c)
 Sanitation:
 Employees.....3.10
 Generally.....3.06
 Rest Rooms.....3.07(c) (3)
 Service, race, color or
 creed.....4.14
 Signs:
 Outside type required..3.04
 Gifts of.....4.10(b)
 Sitters.....4.03(a) (b)
 Six month rule.....2.11
 Solicitation of patrons.4.03(a)
 Solicitors.....4.03(c)
 Storage.....4.19
 Sunday regulations.....5.01
 Suspensions.....2.14

T.

Taxpayer:
 Requirement in
 corporation.....2.05
 Requirement in
 partnership.....2.04
 Taxes, payment of.....2.13
 Telephone.....3.13
 Tied house.....4.10(c)
 Time, Definition of.....1.03
 Toilets.....3.07
 Towels.....3.07(c) (3)
 Transfers:
 In ownership.....2.10(a) b
 2.13
 In location.....2.08
 2.10(c)

