

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



Revised 2015

BOARD OF LIQUOR LICENCE COMMISSIONERS  
FOR BALTIMORE CITY

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**TO ALL LICENSEES:**

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

All licensees and their employees are responsible to abide by these Rules.

Benjamin Neil, Esq.

Chairman

Douglas Trotter  
Commissioner

Elizabeth Hafey, Esq.  
Commissioner

Harvey Jones  
Alternate Commissioner

Michelle Bailey-Hedgepeth  
Executive Secretary

Thomas R. Akras  
Deputy Executive Secretary

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

**Chapter 1  
General Provisions, Definitions, and License Types**

**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 1.01 Authority

Pursuant to the authority granted by Article 2B of the Annotated Code of Maryland as amended (herein referred to as “Article 2B”), the Board of Liquor License Commissioners for Baltimore City, Maryland, hereby adopts the following Rules and Regulations to enable the Board to effectively discharge the duties imposed upon the Board by Article 2B. In any case of conflict between these Rules and Regulations, these Rules and Regulations are subordinate to Article 2B, as it may be amended from time to time.

**Rule 1.02—Definitions**

**(a) — Affidavit**

~~“Affidavit” means an oath or affirmation sworn or made before an officer or other person authorized to administer and 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 Liquor 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**

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**Commented [AT1]:** 1. John Pica questioned whether or not the phrase “are subordinate to Article 2B” should be in the definition. After much discussion it was agreed that the language should remain in the definition.

**Commented [AT2]:** After much consideration the committee decided to add the statement “as may be amended from time to time” so as to address any future changes in the law.

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

~~(f) — Person~~

~~“Person” means any natural person, or 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, café 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 confectionary store shall be construed to be a restaurant.~~

**Rule 1.02 Organization**

(a) The Board of License Commissioners (“the Board”) consists of three regular members and one ~~alternative~~ **alternate** member, all of which are appointed by the Governor of Maryland. The appointments shall be made with the advice and consent of the Maryland State Senate if it is in session, and if the Maryland State Senate is not in session, by the Governor alone.

(b) The ~~alternative~~ **alternate** member may serve on the Board if any ~~permanent~~ **regular** member of the Board is absent or recused. Each appointee shall be a resident and voter of Baltimore City and be an individual of high character, integrity, and of recognized business capacity. At least one appointee shall be admitted to practice before the Court of Appeals of Maryland.

(c) The term of a member of the Board shall be 2 years and commences on July 1 of the year of ~~appointment~~.

**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.~~

**Rule 1.03 Powers**

**Commented [AT3]:** 1. Stanley Fine raised a concern over the word “alternative” in sections (a) and (b) and the word “permanent” in section (b). Fine suggested the words “alternate” and “regular” be used as replacements. All agreed to the change in language and it was done so preliminarily subject to a final committee vote.

(a) The Board may issue alcoholic beverage licenses authorized under Article 2B within the City of Baltimore.

(b) The Board may suspend, revoke a license, and/or impose a fine for any violation of Article 2B and/or these Rules and Regulations, ~~or for any cause,~~ which in the judgment of the Board, is necessary to promote the peace or safety of the community in which the place of business is situated. ~~The Board may determine that the public welfare and morals would not be impaired and allow the licensee to operate during the suspension period. On the filing of an appeal, the Board may stay its order of suspension until the final determination thereof. If an appeal of the Board's order to revoke a license is made, the order may only be stayed by the court with which the appeal has been filed. For a first offense, generally, the Board may impose of fine of not more than \$500.00, unless that first offense is for selling alcoholic beverages to a person under the age of 21 years of age, in which case the Board may impose a fine of not more than \$1,000.00. For any subsequent offense, the Board may impose a fine of not more than \$3,000.00.~~

(c) The Board has full power and authority to adopt and ~~may promulgate rules and regulations and review them at least once every 5 years to ensure compliance with current policies and practices of the Board and Federal, State, and local law. Rules and Regulations and amend them from time to time.~~

(d) ~~The Board has full power and authority to adopt such reasonable rules and regulations as it may deem necessary to effectively discharge the duties of Article 2B.~~

(e) Upon consent by the licensee, ~~the~~ Board may set reasonable conditions and/or restrictions on the granting of a new license, transfer, and/or renewal of a license when it finds it to be in the best interest of public accommodation, and for the protection of the peace and safety of the community.

#### **Rule 1.04 Licenses are not Property**

As per Art. 2B § 10-501, licenses issued by the Board under the provisions are not property, and do not confer property rights. All licenses are subject to Article 2B, and these Rules and Regulations, and may be restricted, suspended or revoked.

#### **Rule 1.05 Legal Representation**

Any party, applicant, witness, or individual who files a protest or complaint, may be represented by an attorney. Where a notice is to be given under these Rules and Regulations to or by any party, applicant, witness, or individual who files a protest or complaint, the notice shall also be given by or to the person's attorney, so long as the attorney has entered his or her appearance in the matter to be considered by the Board.

#### **Rule 1.06 Definitions**

**Commented [AT4]:** 2. Section (b) – After discussion raised by Stanley Fine, Abraham Hurdle, and Mel Kodenski it was agreed by the committee that “or for any cause” should be deleted. Minda Goldberg and Michelle Wirzberger had an issue as to whether to include the language, “The Board may determine that the public welfare and morals would not be impaired and allow the licensee to operate during the suspension period.” It was agreed that it would be replaced with language directly from Art. 2B 16-101(c). Fine then raised the issue of deleting the .00 from the monetary amounts. All agreed to the changes and the language was preliminarily changed subject to a committee vote.

**Commented [AT5]:** 3. As per Stanley Fine and John Pica, Section (c) and Section (d) should be combined. All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT6]:** a. It was also suggested that the attorneys read the following cases to familiarize themselves with case law that holds that the Board can only place restrictions on the licensee by consent. BLLC v. Fells Point Café, Inc., 344 Md. 120 (1996) and BLLC v. Hollywood Productions, Inc., 344 Md. 16 (1996). All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT7]:** 1. After discussion raised by John Pica, Abraham Hurdle, and Mel Kodenski the regulation was deemed redundant and it was suggested that it be deleted. All agreed in the change and the language was preliminarily changed subject to a committee vote.

(a) Alcohol Awareness Program, as per Art. 2B § 13-101, means a program that: is approved and certified by the Maryland State Comptroller; has been issued an alcohol awareness program permit by the Maryland State Comptroller; includes instruction on how alcohol affects a person's body and behavior; provides education on the dangers of drinking and driving; defines effective methods for serving customers to minimize the chance of intoxication, includes instruction on ceasing service before customers become intoxicated; and instruction on determining if a customer is under 21 years of age.

(b) Alcoholic Beverages means a liquid, or compound, by whatever name called, that contains one-half of one percent or more of alcohol by volume, and is fit for consumption.

(c) 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, under the penalties of perjury.

(d) Attorney means any attorney at law admitted to the Bar of the Court of Appeals of Maryland.

~~(e) Beer means any brewed alcoholic beverage and includes beer, ale, porter and stout. Beer means any brewed alcoholic beverage. Beer includes Beer, Ale, Porter, Stout, Hard Cider; and Alcoholic beverages that contain: 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the beverage's overall alcohol content by volume obtained from falvors and other added nonbeverage ingredients containing alcohol; or more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol.~~

(f) Board means the Board of Liquor License Commissioners of Baltimore City.

(g) Caterer means any beer and wine or beer, wine and liquor licensee who contracts to provide food and alcoholic beverages to sponsors of public or private events held off the a licensed premise.

(h) Club means an association, corporation, or other entity, organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes, and not for profit. Article 2B Section 1-102(a)(4)(I). This definition does not apply to those clubs applying for a beer, wine, and liquor license under Article 2B, Section 7-101(b) and Article 2B 7-101(d).

(i) Comptroller means the Comptroller of the Treasury of the State of Maryland.

(j) Contract Purchaser means a person, corporation, or partnership that purchases the license and/or business from an active licensee for the purposes of selling the license and/or business on the open market. The contract purchaser is only recognized as such once the appropriate documentation has been filed and approved by the ~~agency~~ Board or its designee. At no time can

**Commented [AT8]:** Mel Kodenski raised an issue pertaining to language which would impose penalties for perjury in the affidavit. All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT9]:** The Committee discussed the proposed language for beer and decided that the language should read directly from Art. 2B. All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT10]:** The definition was discussed as it was derived from Art. 2B §6-701.1 and it was agreed that an "a" would be replaced with a "the." All agreed in the change and the language was preliminarily changed subject to a committee vote

the contract purchaser operate the business, but can only hold the license for the purposes of sale subject to the restrictions stipulated in Article 2B.

(k) City means the City of Baltimore, Maryland.

(l) Hotel means ~~an establishment~~ a licensed premise for the accommodation of the public, equipped with not less than one hundred (100) rooms for the accommodation of the public and a dining room with facilities for preparing and serving regular meals for at least 125 persons at one seating and the capital investment in the hotel facility may not be less than \$500,000.

~~(m) Identification. For purposes of purchasing alcoholic beverages, the following five forms of signed and valid identification are acceptable: a State driver's license with a picture, a military identification, a passport, an immigration card, and an identification card issued by a State Motor Vehicle Administration.~~

~~(n) Intoxicated/Inebriated means to be affected by the consumption of alcohol to a sufficient degree that a person's mental and physical functioning are substantially impaired, and the impairment is evident from noticeable signs such as, but not limited to, uncoordinated physical action or physical and or mental dysfunction that should have been obvious to a reasonable person.~~

~~(o) Keg means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container.~~

(p) Licensed Premises means those premises that are specifically identified in the license issued by the Board, and may also include an approved outdoor cafe area, and/or a parking area in which patrons from the licensed premises are allowed to park their vehicles.

(q) License Holder or Licensee means the holder of any license or permit issued under the provisions of Article 2B or any other law of the State of Maryland. ~~The license holder may be either the entity on behalf of whom the license has been issued and/or the individuals whose names appear on the license.~~

(r) Live Entertainment is defined by Section 1-153.2 of the Baltimore City Zoning Code, means any one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged: (1) musical act (including karaoke); (2) theatrical act (including stand-up comedy); (3) play; (4) revue; (5) dance; (6) magic act; (7) disc jockey; or (8) similar activity. Of note the definition of "Live Entertainment" is subject to change depending on any revisions or amendments to the Zoning Code of the City. "Live entertainment" does not include adult entertainment, as defined by the Adult Entertainment rules promulgated by this Board. The definition of

(s) Mixed Drink means a drink that includes as an ingredient of one or more alcoholic beverages combined together or with non-alcoholic beverages and/or food stuffs.

**Commented [AT11]:** The committee was comfortable with most of the language in the regulation. However, it wanted to replace the word "agency" with "Board or its designee." All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT12]:** Abe Hurdle had concerns with the word "establishment" since it was not defined elsewhere in the rule and regulations. He suggested "licensed premise" be used to replace "establishment." All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT13]:** After discussion raised by Stanley Fine, Abraham Hurdle, and Mel Kodenski the regulation was deemed unnecessary and it was suggested that it be deleted. All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT14]:** After discussion raised by Stanley Fine, Abraham Hurdle, and Mel Kodenski the regulation was deemed unnecessary as it would be dealt with via Rule 4.02. It was decided that it should be deleted. All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT15]:** After discussion raised by Stanley Fine, Abraham Hurdle, and Mel Kodenski the regulation was deemed unnecessary and it was suggested that it be deleted. All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT16]:** After discussion between Stanley Fine, Abraham Hurdle, Mel Kodenski, and Minda Goldberg, the committee deemed that the second sentence was unnecessary in the definition because it created some confusion. At the suggestion of Stanley Fine, it was decided that the exact language from Art. 2B should replace the current form. All agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT17]:** a. . There was discussion about the "Live Entertainment" Definition in 1.06(r). After some discussion Minda Goldberg suggested that there be language added to the section to reflect potential changes in Baltimore City Zoning Code.

**Commented [AT18]:** After discussion by the committee it was agreed that the verbatim definition of Live Entertainment from Baltimore City's Zoning Code should be used in this section. All agreed in the change and the language was preliminarily changed subject to a committee vote.

(t) Non-Profit Organization, means an organization that has received designation by the U.S. Treasury Department as a 501(c)(3), 509(a) or 170(b) non-profit organization as shown in a determination letter issued to the organization. The Advanced Ruling Period or the expiration dates must shall be up to date. Churches, church organizations, community groups and schools may also demonstrate their non-profit status by the tax exempt certificate issued by the Comptroller of the State of Maryland. Colleges and Universities, or their representative groups, must shall provide a letter of authorization from the Dean of Student Affairs. a. "Nonprofit organization" means a not for profit corporation, foundation, or other legal entity that is exempt from federal income tax under the Internal Revenue Code.

(u) Patron – A person on the licensed premises with the intention of spending money on the licensed premises.

(v) Pecuniary Interest means a legal or equitable interest in the licensed business entitling the owner thereof to receive a percentage of the profits derived from the sale of alcoholic beverages of the business. It does not include payments made to any employee, manager, mortgagor, landlord, creditor, or other individual who does not otherwise own an interest in the licensed business. The ownership of stock in a either a publicly or privately traded corporation is not considered a pecuniary interest for the purpose of these Rules and Regulations provided that the owner of such stock does not have any substantial degree of control or management of the corporation.

(w) Person means a natural person, an association, a partnership, a corporation, a limited liability company, or any other legal entity.

(x) Renewal means the reissuance of an existing license for the same premise, licensee(s), and type of license.

(y) Restaurant means, generally, ~~an establishment~~ a licensed premise that accommodates the public, and is equipped with a dining room with facilities for preparing and serving regular meals. The daily receipts from the sale of food ~~must shall be and average of~~ at least 40% annually of the total daily receipts of the establishment. "Food" may not include any ingredient or garnish used with or mixed with an alcoholic beverage that is prepared for consumption on the licensed premise. 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/or cold meals to the public. There shall be employed a sufficient number of ~~cooks and wait~~ staff to serve the number of patrons provided for in the dining room. ~~It shall maintain a menu advertising the serving of a variety of meals.~~ There shall be on the premises at all times sufficient food to fill orders from the menu. For the purposes of totaling daily receipts, the term "food" may not include any ingredient or garnish used with or mixed with an alcoholic beverage that is prepared and served for consumption on the licensed premises. As per Article 2B, there are more specific requirements for restaurants depending upon their location in each respective legislative alcoholic beverages district. The Board will defer to Article 2B, ~~s requirements~~ concerning requirements for food to alcohol sales receipts, capital investment minimums, and seating capacity in those specific applications for licensure.

**Commented [AT19]:** Minda Goldberg, Stanley Fine, Abraham Hurdle, Mel Kodenski, and Steve Johnson raised issues about the way that the Non-profits were defined. As such a new definition of non-profits will be drafted for review by the committee by 9/2/2015. Md. HOUSING AND COMMUNITY DEVELOPMENT Code Ann. § 6-401 ; Md. LABOR AND EMPLOYMENT Code Ann. § 8-101 - use "organization" to cover the different entities.

**Commented [AT20]:** After consideration the board deleted "human" to describe person and inserted "natural."

**Commented [AT21]:** Abraham Hurdle's proposed definition of patron added.

**Commented [AT22]:** Abraham Hurdle wanted to apply the "ownership of stock" language to privately held corporations instead of solely publicly held corporations. It was discussed and all agreed in the change and the language was preliminarily changed subject to a committee vote.

**Commented [AT23]:** In accordance with an earlier finding "establishment" was replaced with "a licensed premise."

**Commented [AT24]:** As per Minda Goldberg, the exact language from Art. 2B§1-102(i) was used to defined restaurant.

**Commented [AT25]:** John Pica raised issues as to "wait staff" being used, so it was changed to "staff." Pica also had concerns regarding the menu and variety of meals that could be offered.

**Commented [AT26]:** Mel Kodenski raised an issue as to a former 33% exception to the food sales requirement which had been grandfathered in. As a result the language was changed to accommodate such a position

**Commented [AT27]:** c. Minda Goldberg raised additional issues with the definition of "Restaurant" in 1.06(x). Ms. Goldberg requested that "prior agency precedent and exceptions" be deleted. All agreed in the change and the language was preliminarily changed subject to a committee vote.

~~(zy)~~ Retail Dealer means a person who deals in or sells any alcoholic beverage to any person other than a license holder.

~~(aaz)~~ Secured Party means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under § 2-401, § 2-505, § 2-711(3), § 2A-508(5), § 4-210, or § 5-118 of Md. Commercial Law Code Ann.

(G) Of note, a Secured Party's interests are subject to any and all restrictions as outlined in Article 2B.

**Commented [AT28]:** Committee was comfortable with the language of the regulation, save for a typo in section (g). It was addressed.

~~(bbaa)~~ State means the State of Maryland.

~~(ccbb)~~ Total Daily Receipts generally includes all food and beverages; however it does not include sales of novelty items, income from vending machines, or other receipts not resulting from the sale of food or beverages.

**Commented [AT29]:** Committee was comfortable with the language of the regulation, but the committee wanted language within the definition identifying what was allowable. All agreed in the change and the language was preliminarily changed subject to a committee vote.

~~(ddee)~~ Wine means any fermented beverage, including light wines, and wines with the alcoholic content of which has been fortified by the addition of alcohol, spirits, or other ingredients.

**Commented [AT30]:** Committee was comfortable with the language of the regulation. Committee wanted to check to ensure that language was in line with the Statute. There was one typo.

#### **Rule 1.07 Severability**

If any rule or regulation of these Rules and Regulations is held to be unconstitutional, invalid, or inapplicable to any person or circumstance by the final decision of a court of competent jurisdiction, all other rules or regulations of these Rules and Regulations and their application to all other persons and circumstances shall be separable-severable and shall not be affected by such decision.

**Commented [AT31]:** After consideration the committee deleted the word "separable" and replaced it with "severable."

#### **Rule 1.08 – 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.

**Commented [AT32]:** Appeals was capitalized.

#### **Rule 1.09 Licenses to be issued by the Board**

**Commented [AT33]:** Typo in heading of the section

(a) In general, no new alcoholic beverage licenses shall be issued, - e Except for specific new licenses may be issued pursuant to to new licensees as per the applicable guidelines for each legislative alcoholic beverages district, ward, and precinct as stipulated in Article 2B.

**Commented [AT34]:** After consideration it was decided to shorten the sentence and defer to Article 2B for the purposes of licenses issued by the Board.

(b) 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 provided that it is in accordance with Article 2B.

(c) One Person ~~==One License Rule~~. Except as provided in Article 2B, only one alcoholic beverages license may be held by any one person at any one time.

In general, as per Article 2B, Section 9-102(a), only one alcoholic beverages license may be held by any one person, unless licensee held multiple licenses pre passage of Article 2B Section 9-102 and/or except as provided in Article 2B, Section 9-102(b), which holds that:

1) Persons who own hotels with over 100 rooms can be a named licensee for up to five (5) licenses for similarly situated hotels

2) Persons who own apartment houses with over 150 apartments can be a named licensee for up to three (3) licenses for similarly situated apartment houses.

3) Persons who own restaurants in Baltimore City with a \$500,000 capital investment (does not include the cost of land) and minimum capacity of 125 persons can be named on up to five (5) licenses for similarly situated Class B restaurants.

### Rule 1.10 Ancillary Privileges

#### A) Ancillary Privileges that Require Application and Board Hearing

(i) Live Entertainment: The licensee may provide live entertainment, which is not disallowed or in violation of the Zoning laws, rules, and regulations of the ~~Baltimore Municipal Zoning Administration~~ City, upon making an application and obtaining approval before the Board at a public hearing.

(ii) Outdoor Table or Café Service: The licensee may provide outdoor table or café service, as permitted by the City, which is not disallowed or in violation of the laws, rules, and regulations of the Baltimore Municipal Zoning Administration, upon making an application and obtaining approval before the Board at a public hearing.

iii) Catering Privilege License: The privilege of providing alcoholic beverages along with catered food may be granted by the Board only after the holder files a catering privilege application with the Board. If the Board approves the catering privilege application, a catering privilege license will be issued. The licensee who holds the special off premise sale caterer privilege may contract to provide food and alcoholic beverages for consumption at a catered event. The licensee may exercise the special off-sale caterer privilege only during hours and days that are permitted for the licensee's existing beer and wine or beer, wine and liquor license. A licensee who holds a special off-sale caterer privilege shall have the facilities to prepare and deliver food to the site of the catered event. The Baltimore City Health Department shall approve the food preparation facilities and issue a caterer's license before the Board adds or renews a special off-sale caterer privilege. A special off-sale caterer privilege may be renewed.

**Commented [AT35]:** John Pica suggested changing the name of the title of the subsection to "One Person-One License" instead of the current language. The Committee agreed.

**Commented [AT36]:** With the amendment of Section 1.01 Authority – there is no need for the language "which is subject to future revision and/or amendment." In addition, the section was redrafted to clarify the section.

**Commented [AT37]:**

**Commented [AT38]:** a. . There were some stylistic issues raised concerning Section (A)(i) "Live Entertainment." Specifically, the committee wished to change the language from the Baltimore Municipal Zoning Administration. It was agreed the language would be simplified.

**Commented [AT39]:** Chairman Fine and Minda Goldberg voiced their concern about the BMZA language. It was eliminated thus making the sentence more concise.

**Commented [AT40]:** d. . It was agreed by the Committee that Section (B)(ii) and Section (B)(iii) should be moved to Section(A) "Ancillary Privileges that Require Application and Board Hearing" – as both needed Board Approval.  
e. In addition, Minda Goldberg had concerns with a sentence that seemed redundant and unnecessary in Section (B)(ii) concerning the issuance of the license. The sentence was removed

~~(iv)~~ Special Amusement License: ~~authorizes Board to~~ **The Board may** issue a Special Amusement License to holders of a Class D license, which will allow them to sell alcoholic beverages during approved types of amusement such as singing, dancing, music (other than recorded music or radio programs), floor shows, acrobatic acts, theatricals or moving pictures. An application to the Board ~~must~~**shall** be made and approved before issuance of the license.

**Commented [AT41]:** f. Minda Goldberg raised issue with the language at the beginning of Section (B)(iii) – Special Amusement. It was agreed that the first sentence should start : “The Board may,” instead of “authorizes the Board to”

#### (B) Other Ancillary Privileges

(i) Refillable Container License: a refillable container license entitles the holder to sell draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces. The applicant ~~must~~**shall** complete the application process as dictated by the Board. An applicant who holds a license without an off premise sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds. All sales of draft beer distributed through refillable containers ~~must~~**shall**- end at **midnight**.

**Commented [AT42]:** c. Section(B)(i) – Melvin Kodenski believed that the Refillable Container section did not belong in the rules. Steve Johnson and Michelle Wirzberger disagreed. It was agreed that the section would remain for a vote before the committee. In addition, John Pica stated that in the last sentence the word “shall” should replace the word “shall.” All agreed in the change and the language was preliminarily changed subject to a committee vote.

~~(ii) Catering Privilege License: The privilege of providing alcoholic beverages along with catered food may be granted by the Board only after the holder files a catering privilege application with the Board. If the Board approves the catering privilege application, a catering privilege license will be issued. The licensee who holds the special off premise sale caterer privilege may contract to provide food and alcoholic beverages for consumption at a catered event. The licensee may exercise the special off sale caterer privilege only during hours and days that are permitted for the licensee’s existing beer and wine or beer, wine and liquor license. A licensee who holds a special off sale caterer privilege shall have the facilities to prepare and deliver food to the site of the catered event. The Baltimore City Health Department shall approve the food preparation facilities and issue a caterer’s license before the Board adds or renews a special off sale caterer privilege. A special off sale caterer privilege may be renewed.~~

~~(iii) Special Amusement License: authorizes Board to issue a Special Amusement License to holders of a Class D license, which will allow them to sell alcoholic beverages during approved types of amusement such as singing, dancing, music (other than recorded music or radio programs), floor shows, acrobatic acts, theatricals or moving pictures. An application to the Board ~~must~~**shall** be made and approved before issuance of the license.~~

~~(iv) Temporary License Premise Extension: Generally, a Temporary License Premise Extension (“license” for this subsection only) area for use by the allows a licensee to extend alcoholic beverages service to an area immediately outside the licensed premise and/or an area authorized by the City of Baltimore via an issued permit. License holder of an extension license is defined as the area outside and immediately in front of the licensed premise, not to extend past the boundary lines of the property in which the licensed premise is located. During the use of the extension license, licensees are responsible for maintaining that the sale and consumption of alcoholic beverages from the premises are in a fixed and contained area preventing patrons leaving the defined space or area with an alcoholic beverage.~~

**Commented [AT43]:** g. Section (B)(ii) – Minda Goldberg suggested that the Title of this subsection should be “Temporary License Premise Extension.” In addition, Abraham Hurdle, Minda Goldberg, and Melvin Kodenski found that the section was worded awkwardly. The committee assigned BLLC staff to redraft the first sentences of the section.

(a) A license extension can be issued to all annual license holders, except Class A and Class A-2 licensee holders, which authorizes the license holder to sell, serve, and allow consumption of beer, wine, and/or liquor, if applicable, on the premises of the extension area.

(b) An applicant for a license extension shall obtain all the necessary permits and approvals from the relevant State and local agencies, if applicable, and present them to the Board before applying for a license extension.

(c) To apply for the license extension, licensees ~~must~~ shall write a letter to the Board formally requesting the license extension and explaining to the Board the purposes of the extension, the time, date, and location of the event for which the license extension is to be used, an explanation and/or rendering of the size of the extension area, proof of applicable permits, and payment of the application fee.

(d) ~~Upon review of the request the~~ After a review of the licensee's application, the licensee's temporary license extension past performance, and any documentation protesting the licensee's current application, the Board ~~can administratively approve the license extension application and issue the permit, and shall issue the permit, unless the~~ Board requires more information or payment of fee from the applicant. ~~Requests~~ Applications ~~must~~ shall be submitted at least 140 days before the scheduled event.

#### Rule 1.11 ~~Temporary One Day Special Event Licenses for Non-Profit Clubs/and Other Similar Societies/Associations~~

(a) ~~A special beer/beer~~ A special beer and wine, or beer, wine, and liquor license, or a special wine tasting license may be issued to a bona-fide club, society, or association, under the provisions ~~and restrictions~~ of Article 2B.

(b) ~~To apply for a license under this Rule,~~ applicants ~~must~~ shall submit an application and ~~write and present~~ a letter, on association or club letterhead, to the Board at least ten (10) days before the scheduled event. ~~issuance of the license~~ In the letter, the applicant should explain ~~formally requesting and explaining to the Board the purposes of the event, in which they are holding,~~ the time, date, and location of the event, ~~an explanation of the venue, and the controls that will be put in place to ensure that minors are not served, and that the peace, quiet and general welfare of the community is not disturbed.~~ A submission of a supplemental flyer or invitation ~~presented~~ to the Board detailing all of the aforementioned information will suffice.

(c) The applicant shall obtain all the necessary permits and approvals from the relevant State and local agencies, if applicable, and present them to the Board before application. If a permit or approval is required by any other governmental agency the applicant shall provide copies of said permits or approvals to the Board before the issuance of the license.

(d) The applicant shall also present ~~a determination/501(c)(3) letter~~ documentation from the Internal Revenue Service indicating the applicant's non-profit status. In lieu of the letter, an

**Commented [AT44]:** h. Michelle Wirzberger suggested that there be language added to this section allowing for the community to submit comments to the Board concerning extensions. It was agreed that Michelle Wirzberger would draft this section and submit it to the Committee for review.

**Commented [AT45]:** After consideration of Michelle Wirzberger's comments it was decided to add language allowing for review for past performance and written protest language before the issuance of the license extension. It was also recommended by Melvin Kodenski that requested shall be submitted at least 10 days before the scheduled event.

**Commented [AT46]:** As per Minda Goldberg the title of this section should read "Temporary" Special Event Licenses...All agreed on the committee

**Commented [AT47]:** a. Minda Goldberg suggested that the title of this section be changed to "One Day Special Event Licenses." The Committee agreed to the change.

**Commented [AT48]:** Section(a) – As per the suggestion of Stanley Fine "and restrictions" should be removed from the language of this rule as it not necessary.

**Commented [AT49]:** c. Stanley Fine and Minda Goldberg notes that "write and present" was unnecessary language in Section (b). In addition, the language was unclear as to how applicants apply. The Committee requested BLLC staff to edit the language.

**Commented [AT50]:** d. John Pica suggested new language for the requirement and submission of permits to the Board for one day licenses. It has now been placed in the draft recommendations.

applicant can also present a copy of a current Maryland State Tax Exempt Card. If the applicant is a subsidiary of a parent or umbrella non-profit organization, then the applicant ~~must~~ shall present a letter from the parent or umbrella non-profit organization indicating that the subsidiary is an organization that falls under the ambit of the parent or non-profit organization.

(cd) If the applicant does not have ~~a determination/501(c)(3) letter~~ Internal Revenue Service documentation or a Maryland State Tax Exempt Card then the applicant ~~must~~ shall present certified copies of the articles of incorporation and the by-laws of the society/~~association, which association, which~~ indicates the membership of the society/association. At the time of application the Board may request valid State Identification to confirm the applicant's member status in the society/~~association~~. (This subsection does not apply to the Wine Sampling license).

**Commented [AT51]:** e. . Minda Goldberg and Stanley fine commented on the inconsistent language concerning non-profits in Section (d) and (e) and suggested that BLLC staff draft language to clarify the intent of the regulations.

(f) If an application for a Temporary Special Event License includes an estimated attendee count of over 500, then the Board shall take into consideration the following items, if applicable, before administratively issuing the license: past performance of the applicant, comments or concerns raised by any City agencies, and any documentation or communications protesting the licensee's current application by the public. If upon review of the aforementioned items, the Board decides not to issue the license it shall send correspondence to the applicant informing the applicant of its decision and providing an explanation.

**Commented [AT52]:** . In addition, Michelle Wirzberger suggested that there should be a mechanism for community input concerning festivals that are larger than 500 people. Minda Goldberg agreed. The committee tasked BLLC staff to draft language on providing for community input for these events.

(gg) (1) The Board's administrative staff may review ~~thean~~ applications and conditionally approve it ~~it~~, even if all of the information is not provided on the date of application, provided that such information is ~~submitted provided~~ to the Board in a timely manner. (2) In cases where applicants submit an application for a Temporary Special Event License less than ten (10) days before the scheduled event, the Board's administrative staff may grant a waiver and allow for the application if there is good ~~cause~~.

**Commented [AT53]:** f. . Mel Kodenski and John Pica suggested that language be added to address cases where applicants apply for licenses less than 10 days before an event due to unforeseen circumstances. The committee requested BLLC staff to draft the language.

#### Rule 1.12 ~~Temporary One Day Licenses for Beer, Wine, and/or Liquor Tastings and Beer and/or Wine Festivals~~ Tastings, Samplings, and Festivals

**Commented [AT54]:** As per Minda Goldberg the title of this section should read "Temporary" Special Event Licenses...All agreed on the committee

(a) Beer and Wine Tasting – One Day License: a special beer and wine license issued by the Board that permits on premise consumption of wine and beer for tasting or sampling purposes subject to Article 2B. Upon application and approval the Board may issue this license only to a Class A beer and wine licensee or a Class A beer, wine, and liquor licensee.

**Commented [AT55]:** a. . Minda Goldberg suggested that the title of this section was cluttered and that BLLC Staff should address the issue.

(b) Beer, Wine, and Liquor Tasting – One Day License: a special beer, wine, and liquor license issued by the Board to the holder of a Class A beer, wine, and liquor license to allow for on premise tastings of Beer, Wine, and Liquor. Upon application and approval the Board may authorize the holder to allow the on-premises consumption of beer, wine, and liquor for tasting or sampling subject to Article 2B.

(c) Wine Sampling – One Day License: a special license issued by the Board to a bona-fide non-profit that permits the transportation of wine and the consumption of wine for sampling purposes subject to Article 2B.

**Commented [AT56]:** b. . BLLC staff noticed an oversight as the Wine Sampling License language was not included in this section. BLLC staff added the Wine Sampling language.

(d) Baltimore Wine Festival: a special Baltimore Wine Festival entitles the holder to display and sell at retail wine for consumption on or off the licensed premises on the days and hours designated for a BWF. Upon application and approval the Board may authorize the holder to hold such a Wine Festival subject to Article 2B.

(e) Baltimore Beer Festival: The Board may issue a special Baltimore Beer Festival license for participation in a beer festival to be held on Class B retail licensed premises or on non-licensed premises located in Baltimore City subject to Article 2B. Upon application and approval the Board may authorize the holder to hold such a Beer Festival subject to Article 2B.

(e) Non-Profit Beer Festival: The Board may issue a special Non-Profit Beer Festival license for participation in a beer festival to be issued to a Non-Profit Organization, as defined by §501(c) of the Internal Revenue Code. Upon application and approval the Board may authorize the holder to hold such a Non-Profit Beer Festival subject to Article 2B.

**Commented [AT57]:** c. . BLLC staff made a slight change to the language in Section(e) concerning non-profits so as to make the overall language in the rules and regulations concerning non-profits consistent.

#### Rule 1.13 Special Sunday One-Day Licenses for Class A and D Licensees

(a) Class A – Special Sunday License (Thanksgiving to New Year’s): The Board may issue to the holder of a Class A retail alcoholic beverages licensee a Special Sunday license that allows the holder to ~~may~~ exercise the off-sale license privilege on the Sundays that fall between Thanksgiving Day and New Year’s Day from 1 p.m. and 9 p.m. Upon application and approval the Board may authorize the holder to hold such a Sunday license subject to Article 2B.

(b) Class A – Special Two Additional Sunday Licenses: The Board may issue to the holder of a Class A retail alcoholic beverages licensee a Special Sunday license that allows the holder to ~~may~~ exercise the off-sale license privilege on two additional Sundays during the calendar year subject to the provisions and restrictions of Article 2B. Upon application and approval the Board may authorize the holder to hold such a Sunday license subject to Article 2B.

**Commented [AT58]:** a. . Stanley Fine noticed that the word “to” was missing along with other typographical errors within Sections (a) and (b). BLLC staff was directed to make the changes.

(c) Class D – Supplemental Sunday License: The Board may issue a supplemental license no more than four (4) times during any calendar year to a holder of a Class D beer, wine, and liquor license authorizing the holder to sell alcoholic beverages between the hours of 6 a.m. on Sunday and 1 a.m. the following day subject to the provisions and restrictions of Article 2B. Upon application and approval the Board may authorize the holder to hold such a Sunday license subject to Article 2B.

## Chapter 2 Applications and Hearing Procedures

### Rule 2.01—Application

~~Application for a license, or the transfer or renewal thereof, shall be made upon printed forms obtainable at the office or 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 2.01 – Applicants

~~(a) Applications by Sole Owner: A person who applies for an alcoholic beverage license or transfer of license as a sole owner must shall have resided in Baltimore City for two (2) years immediately preceding the application for the license, and must shall continue to reside in the City for the duration of the alcoholic beverage license.~~

~~(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.~~

~~(bb) 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 must 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 must shall continue to reside in Baltimore City as long as the licensee holds the alcoholic beverage license.~~

~~(ce) Applications by Corporations or Clubs: If an application is made for a corporation, or a club, whether incorporated or unincorporated, the license must 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 must shall be a registered voter and taxpayer of the county or city, or State of Maryland 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 must shall set forth the names and addresses of all officers of the corporation or club, and must 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 must 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.~~

~~(dd) Applications By Limited Liability Companies: If an application is made for a limited liability company, the license must 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 must 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 must 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 must shall make the application An authorized person of a limited~~

**Commented [AT59]:** i. BLLC staff spoke with the Attorney General's office. As per the Office, BLLC staff was informed that the Court of Special Appeals or the Court of Appeals has not ruled on a case involving whether or not a non-citizen can be named as an alcoholic beverage licensee. BLLC was further informed that there are a few Circuit Court judges in the State that have held the view that a non-citizen can be an alcoholic beverages licensee. In addition, BLLC was informed that through either case precedent or statutory amendments the law could change in the near future. Nevertheless, as of today the legislature has not amended the law as it pertains to Baltimore City, which as per Art. 2B § 10-103(b)(1), each applicant shall provide the Board with a "statement that the applicant is a citizen of the United States." Thus, as the law currently stands, Baltimore City requires a U.S. citizen to apply for a license.  
ii. As per the directions of the Chair, in order to keep consistent the requirements of LLC/Corp./LLPs BLLC staff is inserting the language "registered voter" in the sole applicant section.

**Commented [AT60]:** iii. BLLC staff was instructed to remove "county or State of Maryland from Section (b).

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—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 2.02 – 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 ~~must~~shall be made under oath subject to the penalties of perjury and attested to by a Notary Public.

(c) All applications ~~must~~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 Board of Municipal Zoning Appeals of Baltimore City, ~~if the application is for renewal.~~

(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) ~~must~~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—Renewal Applications**

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

**Commented [AT61]:** a. Stanley Fine and Becky Witt discussed concerns about the “completeness of the application” language in regards to Section (d) of this rule and it was decided to add such language.

**Commented [AT62]:** i. BLLC staff was instructed to remove the words “if the application is for renewal” as it was determined to be redundant as Zoning matters are stipulated in the Renewal sections of these rules.

**Commented [AT63]:** b. Stanley Fine suggested that the language in Section (e) be reduced to just use “City” instead of “Board of Municipal Zoning Appeals.” The Committee agreed and the language was changed.

**Commented [AT64]:** c. Minda Goldberg, Abraham Hurdle, and Melvin Kodenski raised issues with the Bulk Transfer Permit language in Section (g). It was agreed to add the language “if applicable” to address their concerns.

Rule 2.03 – Substitute Applications

(a) Any changes in the pertinent information contained in any application filed with the Board ~~must~~ shall be reported to the Board in a timely manner. This includes, ~~for example 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;

**Commented [AT65]:** a. . Stanley Fine suggested deleting “for example” and replacing it with “but is not limited to.” The Committee agreed and the language was changed.

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

**Commented [AT66]:** b. . Melvin Kodenski and John Pica raised some concerns about the accurateness of the fees listed in Section (b). The Committee requested that the BLLC insert the correct amounts and change the language where appropriate.

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(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

**Commented [AT67]:** a. . Rule 2.03(c) – Substitute Applications – Ms. Witt stated that as per the law Art. 2B 10-301(a)(2)(i) an affidavit is required to be submitted explaining the request to substitute a licensee if the BLLC is to consider a substitute application. Such language was added to the draft.

(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% ~~51%~~ of the ownership interest of the licensed premises and the name and information of the transferee; and/or if applicable

**Commented [AT68]:** i. . BLLC staff was instructed to remove the 50.1% by Stanley Fine and replace it with “greater than 50%” in accordance with BLLC policy and Art. 2B.

(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).

**Commented [AT69]:** c. . Melvin Kodenski raised concerns about Section (c)(iii). Specifically he stated that the 51% number is not an accurate description of what a majority ownership is considered. The language was changed to “50%” to more accurately reflect what a majority ownership could be considered.

(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

~~\_\_\_\_\_ (iii) A copy of a receipt or certified copy of the recorded security agreement that has been recorded with the Circuit Court of Baltimore City or State Department of Assessments and Taxation~~

**Commented [AT70]:** d. . After discussion between Stanley Fine and Melvin Kodenski and consideration by the committee it was agreed that Section (d)(iii) would be deleted.

(f) 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 A notarized copy of the signed contract, which must contain the specific terms of the agreement of sale of the license and/or business, between the licensee and the Contract Purchaser applicant; and~~

**Commented [AT71]:** Melvin Kodenski and Stanley Fine raised concerns about what type of documents should be submitted for proof via a contract purchaser. It was agreed that Section (f)(i) should be eliminated and replaced with "a copy of the bill of sale, which includes the identification of specific license to be transferred to the contract purchaser and a statement stipulating that the purpose of the transaction is for the contract purchaser to sell, and not operate, the license."

~~\_\_\_\_\_ (ii) Signed and notarized transfer authorization and bulk transfer affidavits/affidavit of compliance.~~

**Commented [AT72]:** As per the suggestion of Melvin Kodenski bulk transfer affidavits should be replaced with "affidavit of compliance."

(g) 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 executor/administrator- personal representative of the deceased's estate can apply for a certificate of permission, which will allow personal representative the executor or administrator 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:

**Commented [AT73]:** Stanley Fine raised an issue with the terms "executor/administrator" as the terms are not used in Maryland any more. He requested that those terms be replaced with the term "personal representative." All agreed on the changed. In addition he suggested that Section (g)(ii) and Section (h)(ii) of Rule 2.03(h) be removed as both sections were redundant and outdated. All agreed

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

~~\_\_\_\_\_ (ii) A certified copy of the filing of the will with the Register of Wills of the jurisdiction of the deceased; 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 executor or administrator 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 ~~must~~shall include:

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

~~(ii) A certified copy of the filing of the will with the Register of Wills of the jurisdiction of the deceased; and/or~~

~~(iii) 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 ~~must~~shall meet all of the requirements outlined in and are subject to the provisions of Article 2B, Section 10-103.

(i) 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 — 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.~~

#### **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) Applications for renewal of licenses ~~must~~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 late applications 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 **mustshall** 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 **mustshall** 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 due to the City or the State.~~

~~\_\_\_\_\_ (vi) All licensees **mustshall** 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.~~

~~\_\_\_\_\_ (vi) 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.~~

~~\_\_\_\_\_ (vii) 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.~~

~~\_\_\_\_\_ (viii) 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.~~

#### **(b) Protest of Renewals**

~~\_\_\_\_\_ (i) All protests against the issuance or transfer of any license **mustshall** 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.~~

~~\_\_\_\_\_ (ii) A protest against the renewal of a license **mustshall** be filed at least 30 days before the license expires on April 30th. All protests **mustshall** be received by the Board before close of business on March 31st and **mustshall** be signed by not less than ten 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.~~

\_\_\_\_\_ (iii) All protests ~~must~~shall be based on specific complaints as to the operation of the establishment.

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

\_\_\_\_\_ (v) No objection to an affidavit of protest will be accepted by the board after (7) days from the date of the hearing.

## 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) Applications for renewal ~~of licenses must~~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 applications 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 ~~must~~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 ~~must~~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 ~~must~~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

**Commented [AT74]:** Pica suggested some stylistic changes and further suggested that all "must," should be replaced by "shall" in the Rules and Regulations.

**Commented [AT75]:** BLLC staff was instructed to add fees for the purposes of collecting any outstanding fees owed to the BLLC before issuance of a license at renewal time.

**Commented [AT76]:** Section (a)(v) – language was added at the suggestion of John Pica to ensure that a compliance letter from the City was sufficient to show that personal property taxes were paid.

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.

**Commented [AT77]:** ii. After much discussion regarding Zoning matters and renewal, BLLC staff was instructed to insert language concerning zoning within the Renewal rules.

#### (b) Protest of Renewals

~~(i) 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.~~

**Commented [AT78]:** It was agreed that this section of the Rules should be eliminated by the committee as it was redundant.

(i) A protest against the renewal of a license must shall be filed and at least 30 days before the license expires on April 30th. All protests must be received by the Board before close of business on March 31st and must 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.

**Commented [AT79]:** MBH stated that we should include the number in this section as well as the word "ten." The Committee agreed.

**Commented [AT80]:** iii. Section (b)(i) was amended to clean up unnecessary language.

(ii) All protests must 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.

~~(v) No objection to an affidavit of protest will be accepted by the board after (7) days from the date of the hearing.~~

**Commented [AT81]:** This was eliminated because the rule was unworkable given that once a Board decision was made to revoke the license or reject the protest – an objection was moot.

#### **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 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.—~~

## 2.05 Transfer of a License

(a) Holder(s) of a license may transfer ~~51% or more~~ more than 50% of the ownership interest in the licensed premises only if:

**Commented [AT82]:** a. Stanley Fine recommended to change the language in Section(a) to reflect that it occurs when "more than 50%" of the ownership interest changes in a corporation. The committee agreed with Mr. Fine's recommendation and the change was made.

(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) ~~must~~shall file a Transfer Affidavit which ~~must~~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 necessary~~ permits and approvals ~~if any are outlined stipulated~~ by Federal, State, or City ~~and departments or agencies~~, including the Board's own requirements, within ~~180 90~~ days so that the license can be properly issued to the licensee.

**Commented [AT83]:** i. BLLC staff was instructed to amend some of the language in Section (e) to provide clarity on the permits required to be obtained by a transferee.

**Commented [AT84]:** b. Stanley Fine noted that the time period to obtain approvals was 180 and not 90 days after Board approval. The change was noted and made by BLLC staff in the rules.

(f) All transfers under Article 2B ~~mustshall~~ 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 of Hearing**

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

#### 2.06 Notice and Hearings

(a) (New Application/Transfer/~~Substitute Amendments~~)

**Commented [AT85]:** i. Stanley Fine and MBH requested that the word "Substitute" be replaced with "Amendment" in the title of Rule 2.06(a) and 2.06(a)(5). The committee agreed and the changes were made.

(1) Before considering a license application, the Board ~~mustshall~~ 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 ~~mustshall~~ 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 to be heard on either side is allowed to be heard on the date of the hearing; any person may testify~~ even if the applicant is asking for a postponement.

(5) In New Applications/Transfers/~~Substitute 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 ~~B~~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 ~~or~~ 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:

**Commented [AT86]:** i. Stanley Fine and MBH requested that the word "Substitute" be replaced with "Amendment" in the title of Rule 2.06(a) and 2.06(a)(5). The committee agreed and the changes were made.

**Commented [AT87]:** ii. The Committee recommended that the exact language from Art. 2B §10-202(b)(1)(ii) be incorporated into the Rules to inform licensees about the posting requirements. BLLC staff added such information.

**Commented [AT88]:** iii. After a review of Section (b) the committee discovered numerous typos and BLLC Staff was instructed to correct them. They have been corrected.

(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~~ ~~this means that~~ 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 this means that~~ 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).

(56) The Board will maintain an open file policy and ~~the licensee~~ ~~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.

(65) At the hearing the Board ~~will~~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.

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

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

(98) If the Board determines that a violation has occurred, the Board can ~~impose a penalty~~ ~~upheld the Board can impose penalties, depending on the violation, as outlined in Article 2B, Section 16-507.~~

~~(109)~~ 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.

~~(110)~~ 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. ~~If found liable for the violation and a suspension or revocation is issued by the Board, it is left to the Board's discretion to determine when to impose the suspension or revocation.~~ Suspensions of license privileges shall be in consecutive days.

**Commented [AT89]:** iii. After a review of Section (b) the committee discovered numerous typos and a few numbering issues BLLC Staff was instructed to correct them. They have been corrected. Sections (9) and (11) were reworded to provide clarity.

### **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.

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~~(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.

**Commented [AT90]:** i. BLLC Staff was instructed to eliminate the words "In Baltimore City" in Section (1).

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~~(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.

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~~(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:

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~~(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.

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(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.

Commented [AT91]: i. The Committee decided to change the name of the section as the "protests" contained in this section only deal with the Issuance or Transfer of a license. After much discussion, BLLC staff was instructed to rewrite the entire section. In addition, the Committee decided to change the name to "Protests against Issuance or Transfer of a License."

(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 of 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 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~~

~~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 (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 indicted 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 building.~~

~~(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 Liqueur licenses to:~~

~~(i) Tennis and/or racquet clubs~~

~~(4) Class "C" Beer and Wine and class alas "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 2.087 – Membership Clubs (previously 2.09)**

~~(a)~~ 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 2.098 – Multiple Applications**

(a) 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

**Commented [AT92]:** i. The Committee decided to eliminate this section as it was replaced by an appendix which indicates the types of licenses, costs, and associated privileges.

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 – Zoning**

~~(a) An application is not complete unless the applicant has obtained zoning approval or verification of zoning from the Board of Municipal Zoning Appeals of Baltimore City, if the application is for renewal.~~

~~(b) No license shall be issued which will result in a use of premises which the Zoning Code of the City of Baltimore or other statutory land use restriction.~~

~~(c) 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, 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.~~

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Commented [AT93]: ii. Section (b) was revised to indicate that no license should be issued in violation of Zoning Code.

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Commented [AT94]: i. BLLC staff was instructed to eliminate this section as its components were found in other parts of the Rules and Regulations.

### **Rule 2.0910 – Appeals (previously 2.15)**

(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 ~~must~~shall be filed within thirty days of the order of the Board and an appeal fee of \$100.00 ~~must~~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 ~~such transcription~~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.~~

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Commented [AT95]: i. BLLC staff was instructed to change awkward wording in Section (c) of the rule.

Commented [AT96]: i. Abraham Hurdle discussed an issue with licensees paying the fee to obtain a copy of the transcript on appeal, but not having that transcript delivered to the Circuit Court in a timely fashion. The Committee determined that language should be added to detail the process that the Board shall follow in maintaining and delivering transcripts

### **Rule 2.104 – Inspections**

~~(a) In furtherance of its duty under Article 2B, the members of the Board, its employees, the Alcoholic Beverage Inspectors 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.~~

Commented [AT97]: i. The Committee requested that “on official business” be added to the request to perform an official inspection. This language mirrors the language in Rule 3.02 cooperation.

**Rule 2.13—Transferring Obligations**

No application for the transfer of license shall be granted unless all financial obligations or the transferor 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.

**Chapter 3  
Standards of Operation**

**Rule 3.01 – Ownership and Operation**

~~(a)~~ 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**

~~(a)~~ Licensees 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 ~~parsons~~ persons are on official business.

Commented [AT98]: ii. "Parsons" was changed to "persons."

**Rule 3.03 – Records**

~~1. (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, open for inspection at all times by duly authorized representatives of the Board.

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Commented [AT99]: i. Sections (a)-(c) – The Committee suggested that similar language that was drafted in the Rule 2.12 Inspections be added to the all three subsections for consistency.

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~~(b)~~  
~~(a)~~ 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. Such records shall be open for inspection at all times by duly authorized representatives of the Board.

~~(b)~~  
~~(e)~~ ~~(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

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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. Such records shall open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City, and other governmental agencies.

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~~(d)~~ (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 as issued by the Circuit Court of Baltimore City.

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### Rule 3.04 – Keg Registration

(a) Licensees who sell containers of beer for off-premise consumption with a capacity ~~of at~~ least four gallons or more, e.g.i.e., party balls, kegs, etc, ~~must~~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 ~~from~~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 ~~are authorized, but not required~~may, to charge the purchaser a fee to cover administration and processing expenses.

(b) A licensee who violates any provision of ~~the~~this keg regulations, 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 ~~herein~~above.

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Commented [AT100]: i. Section (b) grammatical change from "the" to "this"

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Commented [AT101]: i. Stanley Fine identified so typographical errors in Section(a)(1)-(6). The Committee agreed that those errors should be corrected.  
ii. Minda Goldberg suggested that Section (a)(7) and (a)(8) be changed to Section (b) and Section (c). The Committee agreed that those errors should be corrected.

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### 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 ~~must~~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) 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.~~

~~(ab) All signage, including exterior signage, must shall conform to Zoning laws, rules, and regulations of Baltimore City, Section 11 of the City of Baltimore’s Zoning Code.~~

~~(be) All licensees should have a copy of their license issued by the Board in a framed and/or displayed –in an area that is visible to the general public. Upon request, by an inspector or any other applicable State or City of Baltimore Police Officer, authorized public official the licensee shall present the license.~~

~~(cd) All establishments must 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 licenseeLicensee must shall contact the Board and provide the Board the new hours of operation if they change.~~

### Rule 3.07 – Lightning-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. 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 3.08 – 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 the rules and regulations of the Fire Department of Baltimore City, any other applicable City, State or Federal laws, rules, or regulations.~~

**Commented [AT102]:** i. After much discussion, the Committee agreed to eliminate Section (a) of this rule as it was deemed antiquated and unhelpful.  
ii. Stanley Fine suggested that Section (a) – formerly Section (b) – be clarified just to state that all signage conform to the “Zoning laws of Baltimore City.” BLLC staff made the appropriate changes.  
iii. The Committee discussed Section (b) and changed the language to allow only “authorized public officials” to request to see the official copy of the license on the licensed premises.  
iv. In Section (c), the Committee also agreed that licensees be given 30 days to inform the Board of the new hours of operation of their establishments.

**Commented [AT103]:** i. The Board discussed Rule 3.07 and found it to be antiquated. It was decided that BLLC staff would rewrite a draft of the rule to address exterior and interior lighting.

(b) 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.

(c) ~~Licensees~~ Notification that all employees wash their hands after use of the bathroom shall be ~~have prominently displayed~~ posted in the kitchens and ~~toilet rooms~~ bathrooms used by ~~employees~~ a licensee's employees, placards issued by the Health Department of Baltimore City pertaining to the ~~washing of hands after leaving the toilet.~~

### **Rule 3.08 – Running Water**

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

### **Rule 3.09 – Washing**

~~(a) — Licensees shall thoroughly wash all containers used for dispensing food or drink following each use, except where the per container is used in serving additional portions to the person~~

~~(b) — All containers used in dispensing food or drink, after washing, shall be rinsed with clear running water or immersed in a suitable receptacle containing clear water, and all such containers after cleaning and 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 3.09 – 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, County, City, and local~~ Department of Health ~~Health Department~~ laws, rules, and regulations.

(c) The restrictions enumerated in subsection (a) ~~of this Rule~~ do not apply to Class A or Class A-2 ~~Licensees~~.

**Commented [AT104]:** i. . The Committee discussed the lack of clarity and confusion as to which sanitary regulations licensees in Section (a) were to follow. It was agreed that global language was to be added to cover all applicable laws.  
ii. . The Committee decided to eliminate the words “of the Bureau of Sanitation” from Section (b).  
iii. . Section (c) was revised to make it less awkward as per the guidance of the Committee.

**Commented [AT105]:** i. . Stanley Fine had concerns with the language in Section (b) as it wasn't consistent with other rules concerning State and local laws. It was corrected.  
ii. . The Committee edited Section (c) to simplify the text.

### Rule 3.10 – Communications

(a) Licensees shall provide the Board with ~~an operating and 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 3.13 – Telephone Communications

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

### Rule 3.11 – Delivery of Alcoholic Beverages

(a) Registration Process: All licensees desiring to deliver alcoholic beverages ~~must~~ shall complete ~~the~~ Deliver Registration ~~Form~~ with original signatures and receive a ~~Letter of a~~ Authorization from ~~BLLC~~ the Board before deliveries can be made. ~~during renewal period.~~ Delivery approval will be noted on the license.

### (b) Delivery Protocols and Limitations

(i) All delivery persons ~~must~~ shall be a bona fide employee on the payroll or a licensee. ~~Retail~~ Delivery persons ~~must~~ shall be at least 18 years of age or older.

~~(ii) A licensee may not employ any solicitor or salesman for the purpose of soliciting outside of the licensed place of business or taking orders for the sale of any alcoholic beverages within this State.~~

~~(iii) The sale of alcoholic beverages may not be consummated outside of the licensed place of business.~~

~~(iv)~~ Alcoholic beverages ~~may~~ shall be delivered in a sealed package or container. No mixed drinks ~~may~~ shall be delivered.

~~(iii)~~ The person accepting the delivery of ~~receiving~~ the alcoholic beverages ~~must~~ shall be 21 years of age or older. The delivery person ~~must~~ shall check the identification of the customer, ~~if there is any doubt as to the age of the person.~~ The person ~~must~~ 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~~

**Commented [AT106]:** i. The Committee wanted to ensure that both email addresses and fax numbers were not requirements of licensees to have, so the language was adjusted to reflect this change as some licensees do not have either.  
ii. Section (b) was added requiring the licensee to provide the Board with updated information whenever there is a change to such information.

~~(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 must 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. Each form must be completely filled out. Nothing is to be left blank. (You will need to make a supply of the Delivery Forms for your use.)~~

~~(v) The original Delivery Forms and/or approved electronic records of sales must shall be available upon the inspection of the premises by ~~BLLC~~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.~~

~~(vii) 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.~~

~~(xiv) The privilege of delivering alcoholic beverages shall be withdrawn immediately by the Baltimore City Liquor Board at any time if all restrictions are not adhered to, — this includes failure to maintain proper records of deliveries and sales.~~

### 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.

## Chapter 4 Operations

### Rule 4.01 – Minors

**Commented [AT107]:** i. There were typographical errors identified by the committee throughout this rule. BLLC staff was instructed to correct them. Sections (a)(ii)(ii) were eliminated after discussion.  
ii. Section (a)(iv) was reworded to provide clarity. All instances of the word "BLLC" have been replaced with the word "Board."  
iii. BLLC staff reviewed Baltimore County's delivery rules to provide guidance in the drafting of the on-line delivery service section of these rules. In addition, BLLC staff added some restrictions that were in Baltimore County's rules to this Section.

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**Commented [AT108]:** i. The Committee discussed how the solicitation rule affects on-line sales and delivery of alcoholic beverages by retail licensees. BLLC staff was tasked with drafting a section related to online sales. However, upon review, BLLC staff placed this item in the Delivery section of the Rules as it seemed most appropriate.

**Commented [AT109]:** i. There were typographical errors identified by the committee throughout this rule. BLLC staff was instructed to correct them. Sections (a)(ii)(ii) were eliminated after discussion.  
ii. Section (a)(iv) was reworded to provide clarity. All instances of the word "BLLC" have been replaced with the word "Board."

~~(a) Sales to Minors - No licensee shall sell, furnish, or allow to be furnished by his/her agent or employee 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. A licensee, or any employee or agent of the licensee, shall not sell or furnish any alcoholic beverages at any time to a person under twenty-one (21) years of age for the underage person's own use or for the use of any other person.~~

~~(b) Minor-Employee Employment of a Minor: 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.~~

~~(a) Sales to Minors - 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.~~

- ~~(a) 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 Addict

~~(a) A licensee, his or her agent(s) and/or employee(s) must shall not sell or serve any alcoholic beverage to any intoxicated person, or to any person who appears to be under the influence of alcohol and/or drugs, or who is acting in a disorderly manner.~~

~~(b) A licensee, his or her agent(s) and/or employee(s) must shall not permit any intoxicated person, or any person who appears to be under the influence of alcohol and/or drugs, or who is acting in a disorderly manner, to consume or possess any alcoholic beverage on the licensed premises.~~

~~(c) The licensee, his or her agent(s), and/or employee(s) must shall determine that the person to whom the sale or service is made, or who is consuming or possessing an alcoholic beverage on the licensed premises, is not intoxicated, under the influence of alcohol and/or drugs, or acting in a disorderly manner prior to the sale, service, possession or consumption of any alcoholic beverage.~~

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

**Commented [AT110]:** i. . . After much discussion, the Committee decided that any language pertaining to the rule dealing with Minors should be verbatim from Art. 2B §12-108, which is the statute outlining the restriction. BLLC staff was instructed to insert the proper language.

**Commented [AT111]:** ii. . . Section (b) was renamed "Employment of a Minor."

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#### 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 or 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. This subsection does not apply to a licensee who has been issued a license under Art 2B § 6-201(d)(6)(d-1) or Art. 2B.
- (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.

(e)

#### 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, hors d'oeuvres 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, including, but not limited to an employee, patron, or family member of an employee or agent of the licensee, 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 hours when such sales are prohibited by law

#### Rule 4.06 – Alcoholic Beverage Containers

**Commented [AT112]:** i . . The Committee discussed how the solicitation rule affects on-line sales and delivery of alcoholic beverages by retail licensees. BLLC staff was tasked with drafting a section related to online sales. However, upon review, BLLC staff placed this item in the Delivery section of the Rules as it seemed most appropriate.

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**Commented [AT113]:** i . . As per a direct quote from the law, Stanley Fine advised that the word "Hors d'oeuvres" should be in the rule.

(a) No licensee shall reuse or refill any bottle or other container of alcoholic beverages, unless it is a refillable container as defined and outlined by Article 2B, Section 8-203(e); nor shall any licensee adulterate, dilute, or fortify the contents of any such bottle or container.

~~(a) 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.~~

~~(b)~~

#### **Rule 4.07 – Liquor Quantity**

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

#### **Rule 4.08 – Employee**

~~(a) 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 4.07 – Open Containers and Illegal Possession and Consumption of Alcoholic Beverages – Formerly Rule 4.09**

(a) A licensee, his or her agent(s) and/or employee(s) must shall not permit any person(s) to leave the licensed premises with an alcoholic beverage, unless it is a bottle of wine that has been properly recorked or recapped.

(b) A licensee may permit a patron who has purchased a bottle of wine and who has partially consumed the bottle of wine with the meal, to leave the licensed premises with the partially consumed bottle of wine, if the bottle has been corked or capped by the licensee or an employee of the licensee.

(c) 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.

(d) A licensee and/or his or her agent(s) and/or employee(s) must shall not permit any person in the package sale area and allow a customer to consume or open any alcoholic beverage on the licensed premises.

(e) No licensee shall allow patrons that purchase items for either off or on premise consumption to loiter in front of their establishments and openly consume such alcoholic beverages within the public right of way directly in front of the licensed premise.

**Commented [AT114]:** i. . . After some discussion the Board eliminated some of the language from Section (b) of this rule so as not to create an unfair exception to other licensees.

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**Rule 4.08 – Relations with Wholesalers – Formerly Rule 4.10**

- (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 or a value not in excess of \$150.00 from any brewer or beer wholesaler. If manufactured directly by the beer wholesaler, then the value of the sign cannot exceed or \$50.00.
- (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 4.09 – Drive-In Dispensaries – Formerly Rule 4.11**

~~(a) 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 4.10 – False Statements – Formerly Rule 4.12**

~~(a) No Neither an applicant for a license or, nor a licensee is permitted to make any false statement, material or otherwise, in any original application for an alcoholic beverage license, renewal application, letter or written statement, in testimony before the Board or to any other representative of the Board who may be conducting an official investigation.~~

~~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 4.11 – Discrimination- Formerly 4.14**

~~(a) A licensee, his/her agent(s) and/or employee(s) may not 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, creed, religion, physical or mental handicap, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, gender identity or expression thereof, or personal appearance, except that reasonable dress codes may be utilized where posted notice is given.~~

~~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~~

**Commented [AT115]:** i. The (a) was removed from this Section  
ii. Minor changes in the structure of the sentence.

**Commented [AT116]:** i. The (a) was removed from this Section

privileges offered on said licensee's premises on the grounds of race, color, creed or national origin.

**Rule 4.12 – Gambling – Formerly 4.15**

(a) Except when specifically authorized by law, a licensee, his or her agent(s) and/or employee(s) must shall not allow the licensed premises to be used for the purpose of bookmaking or gambling in any form.

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

**Rule 4.13 – Drugs and Illegal Narcotics – Combination of 4.13 and 4.16**

(a) A licensee, his or her agent(s) and/or employee(s) must shall not permit the licensed premises to be used for the sale, transfer, accommodation for the sale or transfer, or possession of any controlled dangerous substance as defined by the Annotated Code of Maryland.

(b) A licensee, his or her agent(s) and/or employee(s) must shall not use, possess, sell or allow to be used, dispensed, or sold on the licensed premises any type of controlled dangerous substance as defined by the Annotated Code of Maryland. ~~illegal drugs or narcotics.~~

**Commented [AT117]:** i. . BLLC Staff was instructed to insert Controlled Dangerous Substances language for Section (b).

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

**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 4.14 – Live Entertainment without Authorization**

(a) A licensee shall only provide "Live Entertainment" and/or Special Amusement if he/she has obtained ~~complied with obtaining a~~ "Live Entertainment" privilege as directed by ~~Rule 1.11(a) of the rules and regulations of this approval by the City and this Board.~~

(b) Examples of Live Entertainment include: ~~For example, musical acts (including~~ karaoke), theatrical acts (stand-up comedy), plays, revues, dancing, magic acts, disc jockeys (performing with amplified microphones and equipment), or similar activities all constitute Live Entertainment under Baltimore City Zoning Law.

(b) Any licensee found to be providing "Live Entertainment" without complying with ~~Rule 1.10 of the rules and regulations of this Board is in violation and can be charged with~~ providing "Live Entertainment without Authorization" under this subsection.

**Rule 4.15 – Sexual Practices and Obscenity – Formerly 4.17**

(a) No licensee shall permit ~~or suffer~~ his premises to be used for the purpose of any sexual activity, nor shall any licensee ~~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 any unlawful performance, of an obscene act or other performance.~~

~~(b)(c) This rule does not apply to licensees that have a valid Adult Entertainment License issued by this Board.~~

~~(e)(d) This rule does not apply to licensees that have a valid Adult Entertainment License issued by this Board.~~

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

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**Rule 4.16 – Illegal Conduct – Formerly 4.18**

(a) 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.

~~(b) No licensee shall commit, allow, or facilitate an environment where the commission on his premises of any act of violence shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals.~~

**Commented [AT118]:** i . . BLLC staff was instructed to eliminate Section (b) of this rule and combine the two if possible. After review BLLC Staff believes Rule 4.16 is broad enough to encompass acts of violence as the word "any" is used to define "law, statute, or ordinance."

**Rule 4.17 – Storage – Formerly 4.19**

(a) 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.

~~(b) No licensee shall store or keep any alcoholic beverages, on the premises, unless it is six inches removed from the ground.~~

**Rule 4.18 – Alterations – Formerly 4.20**

(a) No license holder shall make any alteration or additions to a licensed premises or change the manner in which alcoholic beverages are dispensed without first obtaining permission from the Board.

~~(b) No licensee shall make installations or alterations on the licensed premises until all the necessary-required permits and approvals have been obtained from the approved, and use permits issued from all of the applicable agencies within the City, of Baltimore, which include the Department of Housing and Community Development of Baltimore City, the Baltimore City Fire Department and Baltimore City Health Department.~~

~~(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.~~

~~(c) All approved plans must be completed within six months of the date of approval by the Board; failure to do so rescinds authorization previously granted.~~

~~(d) In the event a licensee decides to significantly alter the mode of operation and the format of presentation of alcoholic beverages to the public from that contained in the original application approved by the Board at the time of issuance of the license, such change must first be presented to the Board for approval. Changes in the mode of operation would include but not limited to, entertainment, alteration of physical premises, presentation of food, alcoholic beverages, seats, physical environment both inside and outside of the licensed premises.~~

~~(e) The intent of this section is that when a license deviates from the original application, as issued, the changes in the mode of operation must be reviewed so consideration can be given to the testimony presented on the original application by the parties of record so as to have assurances that the best interest of the public is accommodated and the operation of the business to be conducted under the license does not adversely impact or unduly disturb the community and further that it is harmonious to the peace, health, welfare, and safety of the residents of the City.~~

#### **Rule 4.19 – Gifts – Formerly 4.21**

(a) A licensee, his/her agent(s) and/or employee(s) ~~must~~shall not 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 except as provided by the Ethics Law, Article 8 of the Baltimore City Code.

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.

#### **Rule 4.20 – Prohibited Activities by License Type – Replaced Chapter 5**

**Commented [AT119]:** i. . BLLC staff was instructed to eliminate all of the agencies listed in Section (b) and just stipulate to the "City" which would be all encompassing.  
ii. . BLLC staff was instructed to condense the language in Sections (c)-(e) into Section (b).  
iii. . BLLC staff simplified the language to indicated that "required permits and approvals must be obtained from the City" before work is completed.

**(a) Class A and Class A-2: No On-Premise Consumption**

(i) The holders of a Class A and Class A-2 license shall not allow patrons that purchase alcoholic beverages for off-premise consumption to consume those alcoholic beverages on location of the premises at any time during the operation of the business, except where provided for by Article 2B.

**Commented [AT120]:** i. . BLLC Staff was instructed to add language allowing for exceptions as laid out by Article 2B.

**(b) Class B Licensees: ~~Open Kitchen with Food Service~~ Functional Kitchen**

(i) The holders of a Class B license shall have on premises a fully functioning kitchen having complete facilities and utensils for preparing and serving hot and/or cold meals to the public. It shall have a wait staff available to take order and deliver food to customers.

(ii) The premises shall maintain a menu advertising the serving of a variety of meals. There shall be on the premises at all times sufficient food to fill orders from the menu

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~~(iii) For the purposes of this subsection, an Open Kitchen with Food Service is not an establishment where the patron can order food that is prepared and cooked at a location other than the licensed premises and brought to the licensed premises for consumption.~~

~~(iii) Invoices of food purchases must shall be available for presentation to Board inspectors or other law enforcement officials upon request.~~

**Commented [AT121]:** i. . BLLC Staff was instructed to add language allowing for exceptions as laid out by Article 2B.  
ii. . BLLC Staff was instructed to address the confusion created by the terms "Open Kitchen" and "Food Service." Upon review BLLC Staff determined that the Section (b)(iii) was not necessary as the rule itself required the kitchen to be operational. In addition, licensees are instructed to provide inspectors information as to the food invoices so percentage sales concerning food can be reviewed.  
iii. . BLLC Staff also renamed the section "Functional Kitchen"

**(c) Class BD7 Licensees: Open and Operating Tavern at all times**

(i) Definitions: The Board considers all Class BD7 licenses as tavern operations.

(a) A **tavern** is defined as an establishment where alcoholic beverages are habitually sold for on premise consumption. Such alcoholic beverages must shall be served at a bar or in a lounge area, which cannot be separated from the public by any fixed barrier.

(b) 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.

(c) A **package goods** area 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.

(d) While no new separate package goods areas can be constructed, any BD7 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 area

(ii) **Prohibition:** The holders of a Class BD7 license shall grant all patrons access to a fully functioning/open and operating tavern portion of the licensed premises, wherever that

may be on the premises, at any and all times when the packaged goods area is open and operating

(a) A fully functioning/open and operating tavern shall have 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 by a bartender for on premise consumption. There shall be no barriers or partitions separating the patrons of the establishment, who wish to drink on premise, from the bartender who is serving the alcoholic beverages.

**(c) Class C Licensees: May not be Open to the General Public**

(i) Class C establishments are prohibited from granting the general public access to the licensed premises. Class C establishments are open and operating for the purposes of serving their membership. To that end, all Class C licensees must have on site and available for inspection by Board inspectors or other law enforcement personnel, the following:

(a) A daily sign-in sheet documenting when members and their guests visit the club.

(b) A Members log that details membership and dues information for each active member of the club.

**Chapter 5  
Special Class Requirement**

**Rule 5.01—Class A**

(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 BD7

(a) 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-premise consumption. Such alcoholic beverages ~~must~~shall be served at a bar or in a lounge area, which cannot be separated from the public by any fixed barrier. 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.

(b) Both bar area shall be open to the public at all times when the establishment is open for operations. The holder of a Class BD7 Beer, Wine and Liquor license ~~must~~shall operate an on-premise conception establishment with on-premise service at a bar, tables or other suitable furniture. Package goods, if sold, ~~must~~shall be sold over a bar, which cannot be separated from the public by any fixed barrier, 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 1<sup>st</sup>, 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.

(c) The square footage devoted to the sale of package goods ~~must~~shall at all times be subordinate/accessory to the tavern/lounge operation which ~~must~~shall 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~~shall 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~~

Class Type	Description	Annual Cost	Days and Hours of Operation
<b>Package Sales – Class A – Off Premise Sale Only</b>			
Class A	Beer & Wine	\$110.00	Off Sale package goods - no on-premises consumption - 6 days per week, 6:00 a.m. - Midnight. No Sunday sales except Sundays between Thanksgiving Day and New Year's Day upon issuance of a special license for each Sunday.
Class A	Beer, Wine & Liquor	\$858.00	

Class A – 2	Beer, Wine & Liquor	\$858.00	Off Sale package goods - 6 days per week - 9:00 a.m. - Midnight. No Sunday sales except Sundays between Thanksgiving Day and New Year's Day upon issuance of a special license for each Sunday.
<b>Restaurants and Hotel – Class B – On/Off Premise Sale</b>			
Class B	Beer & Wine	\$165.00	7 days per week, 6:00 a.m. - 2:00 a.m.
Class B	Beer, Wine & Liquor	\$1320.00	
Class B	LBHM Hotel/ Motel	\$6500.00	
<b>Taverns, Arenas and Racetracks - Other Class – B- On/Off Premise Sale for BD7; On Premise Sale Only Arena/Racetrack</b>			
Class BD7	Beer, Wine & Liquor	\$1320.00	7 days - 6:00 a.m. to 2:00 a.m. * If in Park Heights Redevelopment Area then hours of sale begin at 9 am. See Art. 2B §8-203*
Class B	Arena License	\$12,000.00	7 days, 6:00 a.m. - 2:00 a.m. Issued to stadiums, arenas and large multiple bar facilities
Class B	Racetracks	\$55.00/per day	7 days, 6:00 a.m. - 2:00 a.m. on dates issued
<b>Clubs and Fraternal Organizations – Class C – On Premise Sale Only</b>			
Class C	Beer & Wine	\$82.50	7 days, 6:00 a.m. - 2:00 a.m.
Class C	Beer, Wine & Liquor	\$550.00	
<b>Taverns and Brew Pubs – Class D – On/Off Premise Sale</b>			
Class D	Beer & Wine	\$165.00	6 days, 6:00 a.m. - 1:00 a.m. **4 Sundays a Year” Supplemental Available for Class D as per Art 2B §11-503.
Class D	Beer, Wine & Liquor	\$825.00	
Class D	Beer (Brewery)	\$150.00	
<b>Other License Types – Casino and Golf Courses – On Premise Sale Only</b>			
Class LM-G	Golf Course	\$600.00	Sales and Consumption allowed at all times that facility is open and operating
Class VLF	Video Lottery Facilities (Casino)	\$15,000.00	
Class MZ	Druid Hill Park Zoo	\$500.00	7 days, 12:00 p.m. – 11p.m.