

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



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**BOARD OF LIQUOR LICENSE 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. These Rules and Regulations shall be effective and made applicable as to all matters filed by and with the Board of Liquor License Commissioners for Baltimore City after ADOPTION DATE

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

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

Rule 1.01 – Definitions

(a) “Alcohol Awareness Program”, as stated in Alcoholic Beverages Article § 4-505, 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 the age of 21 years.

(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) “Agent” means someone authorized to speak on behalf of an owner or a licensee and may receive official correspondence from the Board and interact in an official capacity with inspectors of the Board. No person may act as an agent unless they are an employee of the establishment, unless meet the definition of agent under MD Code, Estates and Trusts, § 17-101.

(e) “Applicant” means any individual applying for a license with the local licensing board.

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

(g) “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 flavors and other added non beverage 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 non beverage ingredients containing alcohol.

(h) “Board”, as stated in Alcoholic Beverages Article §12-101 means the Board of Liquor License Commissioners for Baltimore City.

(i) “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 licensed premises.

(j) “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. This definition does not apply to those clubs applying for a beer, wine, and liquor license under Alcoholic Beverages Article §12-1301.

(k) “Comptroller” means the Comptroller of the Treasury of the State of Maryland.

(l) “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 Board or its designee. At no time can the contract purchaser operate the business, but can only hold the license for the purposes of sale subject to the restrictions stipulated in Alcoholic Beverages Article.

(m) “City”, as stated in Alcoholic Beverage Article §12-101 means the City of Baltimore, Maryland.

(n) “Hotel” means a licensed premise for the accommodation of the public, equipped with not less than 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.

(o) “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.

(p) “License Holder” or “Licensee” means the holder of any license or permit issued under the provisions of the Alcoholic Beverages Article or any other law of the State of Maryland.

(q) “Live Entertainment” means that meets the definition of “Entertainment: Live” under Art. 32, § 1-306(c)(1) of the Baltimore City Code. “Live entertainment” does not include adult entertainment, as per Art. 32, § 1-306(c)(2) of the Baltimore City Code, and adult entertainment is governed by the Adult Entertainment rules promulgated by this Board.

(r) “Manager” is someone who is an employee of the licensed premises and is listed in the employee records. Any person who qualifies as a manager and identifies themselves as such to the Board or its inspectors is presumed to be an agent when receiving communications from the Board and when speaking to inspectors of the Board.

(s) “Mixed drink” or “Cocktail” means a drink that is prepared on the premises that includes an ingredient of one or more alcoholic beverages combined with non-alcoholic beverages and/or food.

(t) “Non-profit 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) “Off-Premises” or “Off-sale” means the sale of alcoholic beverages that may only be consumed off the licensed premises.

(v) “On-Premises” or “On-sale” means the sale of alcoholic beverages that may only be consumed on the licensed premises.

(w) “Operator” means a person who has a financial interest in and/or is exercising dominion and control of a licensed premises.

(x) “Operating Agreement” is an agreement that is filed with the Board on a form the Board provides that describes the terms of a relationship between an Operator and the Licensee(s) of a licensed premises.

(y) “Outdoor Table Service or Café Service” means the delivery of an alcoholic beverage from the interior of a licensed premises to a permitted, authorized outdoor table by an employee of the licensee.

(z) “Party of Record” means a person that appears, testifies, and is subject to cross-examination at a public hearing on a matter heard before the Board.

(aa) “Patron” means any customer, client, or other invitee on the premises of an establishment.

(bb) “Pecuniary Interest” means a legal or equitable interest in the licensed business entitling the owner to receive a percentage of the profits derived from the sale of alcoholic beverages of the business. “Pecuniary Interest” 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 either a publicly or privately traded entity 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 entity.

(cc) “Person” means: (i) an individual; (ii) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or (iii) a partnership, firm, association, corporation, or other entity of any kind. Person does not include, unless otherwise expressly provided, a governmental unit.

(dd) “Renewal” means the reissuance of an existing license for the same premises, licensee(s), or type of license.

(ee) “Restaurant” means, generally, 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 shall be at least 40% 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 staff to serve the number of patrons provided for in the dining room. There shall be on the premises at all times sufficient food to fill orders from the menu. As per the Alcoholic Beverages Article, there are more specific requirements for restaurants depending upon their location in each respective legislative alcoholic beverages district. The Board will defer to the Alcoholic Beverages Article concerning requirements for food to alcohol sales receipts, capital investment minimums, and seating capacity in those specific applications for licensure.

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

(1) 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;

(2) A person that holds an agricultural lien;

(3) A consignor;

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

(5) 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

(6) 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.

(7) Of note, a Secured Party’s interests are subject to any and all restrictions as outlined in the Alcoholic Beverages Article.

(gg) “State” means the State of Maryland.

(hh) “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.

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

(BLLC Rule 1.02 1988)(BLLC Rule 1.02 in 1998)(BLLC Rule 1.01 in 2015)(See Alc. Bev.Art.§4-505)(See Alc. Bev.Art.§12-1904)(See Alc. Bev.Art.§1-101) (See Alc. Bev.Art.§12-101) (See Alc. Bev.Art.§12-1201)(See Alc. Bev.Art.§12-1301) (See Alc. Bev.Art.§4-1203) See Alc. Bev.Art.§4-302) (See Alc. Bev.Art.§4-1107) See Alc. Bev.Art.§12-1406) See Alc. Bev.Art.§12-1801)(See Alc. Bev.Art.§12-104)

Rule 1.02 – Authority

Pursuant to the authority granted by the Alcoholic Beverages Article of the Annotated Code of Maryland as amended, 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 the Alcoholic Beverages Article. In case of conflict between the Alcoholic Beverages Article, these Rules and Regulations, and any other provision of Maryland State Law, the Alcoholic Beverages Article or its equivalent prevails.

(BLLC Rule 1.02 in 2015)

Rule 1.03 – Organization

(a) The Board consists of three regular members and one substitute member. The mayor shall appoint two regular members to the board and the President of the City Council shall appoint one regular member and one substitute member. 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 Mayor or City Council alone.

(b) The alternate member may serve on the Board if any 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 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.

(BLLC Rule 1.03 in 2015) (See Alc. Bev. Art. §12-202)

Rule 1.04 – Powers

(a) In lieu of suspending or revoking a license for any cause for which license suspension or revocation is not required, the Board may impose a fine not exceeding \$20,000 for each case, if:

- (1) The Board determines that the public welfare and morals would not be impaired by allowing the license holder to operate during the suspension period; and
- (2) The payment of the fine will achieve the desired disciplinary purposes

(b) Fines collected under this subsection shall be paid into the general fund of the county.

(c)

(1) When imposing a fine on a license holder or suspending or revoking a license, the Board shall adopt a written resolution containing:

- (i) A statement of the facts and findings forming the basis of the decision; and
- (ii) The vote of each member of the board on the decision; and

- (iii) Information as to the procedures for appealing the decision
- (2) A copy of the resolution shall be mailed or hand delivered to the license holder
- (3) The Board shall adopt regulations to carry out this section.

(BLLC Rule 1.04 in 2015) (See Alc. Bev. Art. §4-604)(See Alc. Bev. Art. §4-904) (See Alc. Bev. Art. §12-2802) (See Alc. Bev. Art. §12-210)

Rule 1.05 – Legal Representation

- (a) A party, applicant, witness, or individual who files a protest or complaint may be represented by an attorney.
- (b) If a notice is to be given under these Rules and Regulations to or by a person who files a protest or complaint, the notice shall also be given to or by the person's attorney, so long as the attorney has entered his or her appearance in the matter to be considered by the Board.
- (c) No person may be represented at any proceeding before the Board unless the representative is an active member of the State Bar of Maryland.
- (d) If an attorney who enters an appearance for an applicant of protestant, the attorney shall be presumed to be that applicant's representative, by the board, until the attorney notifies the board, in writing, of his withdrawal.

(See Maryland Rules, Rule 2-131) (BLLC Rule 1.05 in 2015)

Rule 1.06 – 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 are severable and remain unaffected by the decision.

(BLLC Rule 1.06 in 2015)

Rule 1.07 – Time

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

(BLLC Rule 1.03 in 1988) (BLLC Rule 1.03 in 1998) (BLLC Rule 1.07 in 2015)

Rule 1.08 – Licenses to be issued by the Board

(a) No new alcoholic beverage licenses shall be issued, except for licenses allowed under the Alcoholic Beverages Article.

(b) This rule does not prevent the renewal of a license or prohibit the transfer of ownership and/or location of a license, provided that the renewal or transfer is in accordance with the Alcoholic Beverages Article.

(c) Except as provided in the Alcoholic Beverages Article, only one alcoholic beverages license may be held by any one person at any one time.

(BLLC Rule 2.08 in 1988) (BLLC 2.08 in 1998)(BLLC Rule 1.08 in 2015) (See Alc. Bev. Art. §§12-1603,1604) (See also Alc. Bev. Art. §4-203)

Rule 1.09 – Ancillary Privileges

(a) Ancillary Privileges that Require Application and Board Hearing

(i) **Live Entertainment:** The licensee may provide live entertainment if the entertainment is not disallowed or in violation of the Zoning laws, rules, and regulations of the City, and the licensee submits an application to the Board and obtains approval from 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, upon making an application to and obtaining approval from 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- 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 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.

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

issuance of the license.

(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 shall complete the application process as specified 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 shall end at midnight.

(ii) **Temporary License Premise Extension:** A Temporary License Premise Extension allows a licensee to extend alcoholic beverages service to an area immediately outside the licensed premise and/or an area authorized by the City under an issued permit. Licensees are responsible for ensuring that the sale and consumption of alcoholic beverages from the premises are in a fixed area preventing patrons from leaving the area with an alcoholic beverage.

(I) A license extension may be issued to all annual license holders, except Class A, Class A-2, and Class A-7, licensees. The extension 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.

(II) To be issued a license extension, an applicant shall submit an application to the Board at least 10 days before the event for which the extension is sought.

(1) The application shall contain or be submitted with a letter specifying:

(i) The purposes of the extension;

(ii) The time, date, and location of the event for which the license extension is to be used; and

(iii) The size of the extension area;

(iv) Proof of all needed permits and approvals from State and local agencies; and

(v) Payment of the application fee.

(III) After a review of the licensee's application, the licensee's temporary license extension past performance and any documentation protesting the application, the Board may issue the permit, unless the Board requires more information or an additional payment from the applicant.

(BLLC Rule 1.09 in 2015) (BLLC Rule 5.05 in 1998)(BLLC Rule 5.05 in 1988) (See Alc. Bev. Art. §12-1201) (See Alc. Bev. Art. §12-1103) (See Alc. Bev. Art. §12-1101) (See Alc. Bev. Art. §12-1102) (See Alc. Bev. Art. §12-1201) (See Alc. Bev. Art. §12-1313)

Rule 1.10 – Temporary Special Event Licenses for Non-Profit Clubs/Societies/Associations

(a) A special beer and wine, or beer, wine, and liquor license, license may be issued to a bona-fide club, society, or association, under the Alcoholic Beverages Article.

(b) To apply for a license under this Rule, applicants shall submit an application and a

(c) letter, on association or club letterhead, to the Board at least 10 days before the scheduled event. In the letter, the applicant should explain to the Board the purposes of the event, the time, date, and location of the event, and the controls that will be put in place to ensure that people under 21 are not served. Submission of a flyer or invitation to the Board detailing all of the needed information will suffice.

(d) If a permit or approval is required by any other governmental agency, the applicant shall provide copies of the permit or approval to the Board before the issuance of the license.

(e) The applicant shall also present documentation from the Internal Revenue Service indicating the applicant's non-profit status. In lieu of the letter, an applicant may 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 or has a contractual agreement to fiscally sponsor an eligible organization under this Rule the applicant shall present a letter from the organization stating that relationship.

(f) If the applicant does not have Internal Revenue Service documentation or a Maryland State Tax Exempt Card, the applicant shall present certified copies of the articles of incorporation and the by-laws of the society/association that indicate the membership of the society/association. At the time of application the Board may request State Identification to confirm the applicant's member status in the society/association. This subsection does not apply to the wine sampling license.

(g) If an application for a temporary special event license includes an estimated attendee count of over 500, the Board shall take into consideration, before 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 application by the public. If upon review of these items, the Board decides not to issue the license, the Board shall inform the applicant in writing of its decision and the reasons for its decision.

(h) The Board's administrative staff may review an application and conditionally approve it, even if all of the information is not provided on the date of application, provided that such information is submitted to the Board in a timely manner.

(i) If an applicant submits an application for a Temporary Special Event License less than 10 days before the scheduled event, the Board's administrative staff may waive the time requirement if there is good cause and consider the application.

(BLLC Rule 1.10 in 2015)

Rule 1.11 – Temporary Licenses for Tastings, Samplings, and Festivals

(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 the Alcoholic Beverages Article. 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.

(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 the Alcoholic Beverages Article.

(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 the Alcoholic Beverages Article.

(d) **Baltimore Wine Festival:** a special Baltimore Wine Festival license 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.

(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 the City, subject to Alcoholic Beverages Article §12-1304.

(f) **Non-Profit Beer Festival:** The Board may issue a special Non-Profit Beer Festival permit or participation in a beer festival to be issued to a Non-Profit Organization, as defined by the Internal Revenue Code.

(BLLC Rule 1.11 in 2015) (See Alc. Bev. Art. §12-1307) (See Alc. Bev. Art. §12-1308) (See Alc. Bev. Art. §12-1306) (See Alc. Bev. Art. §12-1304) (See Alc. Bev. Art. §12-1305) (See Alc. Bev. Art. §2-131)

Rule 1.12 – 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 alcoholic beverages license a Special Sunday license that allows the holder, subject to the Alcoholic Beverages Article, to 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.

(b) **Class A – Special Two Additional Sunday Licenses:** The Board may issue to the holder of a Class A alcoholic beverages license a Special Sunday license that allows the holder to exercise the off-sale license privilege on two additional Sundays during the calendar year subject to the Alcoholic Beverages Article.

(c) **Class D – Supplemental Sunday License:** The Board may issue a supplemental license no more than (4 times during a calendar year to a holder of a Class D beer, wine, and liquor license. The license authorizes the holder to sell alcoholic beverages from 6 a.m. on Sunday to 1 a.m. the following day, subject to the Alcoholic Beverages Article §12-2004(f)(3)(i).

(BLLC Rule 1.12 in 2015) (See Alc. Bev. Art. §12-2003) (See also Alc. Bev. Art. §12-2004)

Chapter 2 Applications and Hearing Procedures

Rule 2.01 – Applicants

(a) **Sole Applicant:** An application by a sole applicant shall include a statement that the applicant has been a resident of the City at the time of the filing of the application.

Partnership: 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 at the time of filing the application. The individuals shall continue to reside in the City as long as they hold the license. If there is only one general partner, the license shall be issued to that partner as an individual, who shall be a registered voter and a resident of the Baltimore City at the time of application. The partner shall continue to reside in the City as long as the partner holds the license.

Corporation or Club: An application for a corporation or a club shall be made by, and the license issued to, three of the officers of that corporation or club, as individuals, for the use of the corporation or club. At least one of the individuals shall be a registered voter and taxpayer of the City when the application is filed and shall have resided there at the time of filing the application. . The application shall list the names and addresses of all officers of the corporation or club, and shall be signed by the president or vice-president as well as by the three officers to whom the license is to be issued. If a corporation has fewer than three officers or directors, all of the officers or directors shall make the application. If there are no officers or directors of a closed corporation, at least one stockholder may make the application, provided that the stockholders holding a majority of the stock vote affirmatively.

(b) **Limited Liability Companies:** An application for a limited liability company shall be made by, and the license issued to, three of the authorized persons of that limited liability company, as individuals. At least one of the authorized persons shall be a registered voter and taxpayer of the City when the application is filed and shall have resided in the City at the time of filing the application. The authorized person shall continue to reside in the City as long as the authorized person holds the alcoholic beverage license. If the limited liability company has fewer than three authorized persons, then all of the authorized persons shall make the application. An authorized person of a limited liability company who holds an alcoholic beverages license for the use of the limited liability company that was granted on or before June 1, 2012 need not be a registered voter in the City.

(BLLC Rule 2.04 in 1988) (BLLC Rule 2.05 in 1998) (BLLC Rule 2.04 in 1998) (BLLC Rule 2.05 in 1998) (BLLC Rule 2.01 in 2015) (See Alc. Bev. Art. §4-103) (See also Alc. Bev. Art. §12-1401) (See Alc. Bev. Art. §4-104) (See Alc. Bev. Art. §4-105) (See Alc. Bev. Art. §12-1402)

Rule 2.02 – New/Transfer/Amendment Applications

(a) **Application:** An application for a new license, license transfer, extension of the premises, change of officers, change in resident agent, or class change of a license, shall be made to the Board on a form required by the Comptroller and issued by the Board. The application shall be completed by the applicant or under the applicant's personal supervision and shall be typewritten and/or printed in black or blue ink so as to be legible.

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

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

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

(iv) The application is not complete unless:

(A) The applicant has obtained zoning approval or verification of zoning from the City; and

(B) All required documents outlined in the application have been submitted; and

(C) All fines and fees that are due to the Board have been paid.

(b) Criteria used by Board to Approve an Application: Before approving an application and issuing a license, the Board shall consider:

(i) The public need and desire for the license;

(ii) The number and location of existing licensees and the potential effect on existing licensees of the license applied for;

(iii) The potential commonality or uniqueness of the services and products to be offered by the applicant's business;

(iv) The impact on the general health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking, or convenience; and

(v) Any other necessary factors as determined by the board.

(c) Criteria used by the Board to Disapprove an Application: The application shall be disapproved and the license for which application is made shall be refused if the Board determines that:

(i) The granting of the license is not necessary for the accommodation of the public;

(ii) The applicant is not a fit person to receive the license for which application is made;

(iii) The applicant has made a material false statement in his application;

- (iv) The applicant has practiced fraud in connection with the application;
- (v) The operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located; or
- (vi) There are other reasons, in the discretion of the Board, why the license should not be issued.

(d) **Other factors for Board Determination:** The Board shall also consider any other applicable factors as required in Alcoholic Beverages Article before making a determination to approve and issue or disapprove an application.

(e) **Compliance Requirements for Licensees:** 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 shall comply with the requirements of:

- (i) Alcoholic Beverage Article, including obtaining a bulk transfer permit, if applicable, and paying all personal property, retail sales, and withholding taxes, if required;
- (ii) The Rules and Regulations of all State and Baltimore City agencies; and
- (iii) Any other conditions or restrictions placed upon the issuance of the license by the Board.

(BLLC Rule 2.01 in 1988) (BLLC Rule 2.01 in 1998) (BLLC Rule 2.02 in 2015) (See Alc. Bev. Art. §4-108) (See Alc. Bev. Art. §12-1407) (See Alc. Bev. Art. §4-210)

Rule 2.03 – Substitute Applications

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

(b) **Fees:** Any change on a licensee's application concerning the removal, addition, or substitution of a licensee shall be accompanied by a \$250 application fee and a \$200 issuance fee.

(c) **Substitution of Corporate Officers, Authorized Persons of a Partnership or LLC:** Any change concerning a corporate or limited liability company application requires:

- (i) An application for substitution of corporate officers or authorized persons on the form provided by the Board; and

(ii) An affidavit from an authorized person that provides an explanation of the substitution; and a statement from the entity that more than 50% of the ownership has not changed; and

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

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

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

(d) **Substitution of a Secured Party:** If a secured party applies to the Board to substitute its position in place of a licensee in default, the application shall 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 that 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 the secured party's interest created by the security agreement; and

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

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

(ii) Signed and notarized transfer authorization and affidavit of compliance by the previous owner.

(f) **Substitution in cases of Death of a Licensee for Personal Representative of Licensee's Estate:** As governed by Alcoholic Beverages Article §§12-2301 and 4-803, upon the death of a holder of a license, the personal representative of the deceased's estate may apply for a certificate of permission, which will allow the personal representative 18 months after the issuance of the license to transfer the license while the affairs of the estate are disposed. The fee for the certificate of permission is \$1. The personal representative's application shall include:

- (i) A copy of an official death certificate of the deceased licensee; and
- (ii) A certified copy of the letters of administration authorized by the Register of Wills of the jurisdiction of the deceased; and
- (iii) Evidence of the identification of the applicant to allow the Board to determine that the applicant is the personal representative of the deceased's estate.

(g) Substitution in cases of Death of a Licensee for Surviving Spouse or

Partner: As governed by Alcoholic Beverages Article §12-2302, 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. The application shall include:

- (i) A copy of an official death certificate of the deceased licensee; and
- (ii) A certified copy of the letters of administration as authorized by the Register of Wills of the jurisdiction of the deceased; and
- (iii) Evidence of the identification of the applicant 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.

(h) A new person named to the license as a result of a substitution shall meet the requirements in Alcoholic Beverage Article 12-1403.

(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. The conditional approval of the staff is subject to final approval by the Board at its next regularly scheduled meeting.

(BLLC Rule 2.03 in 2015) (See Alc. Bev. Art. §12-1707) (See Alc. Bev. Art. §4-306) (See Alc. Bev. Art. §4-302) (See Alc. Bev. Art. §4-803) (See Alc. Bev. Art. §12-2302) (See Alc. Bev. Art. §12-1403) (See Alc. Bev. Art. §12-501)

Rule 2.04 – Renewals

(a) Application for Renewal

(i) Application for renewal shall be filed between March 1 and March 31 of each year on forms provided by the Board. The information requested shall be filled in by the applicants or under the applicants' personal supervision and shall be typewritten and/or printed in black or blue ink so as to be legible. The Board may receive a late application and may fine the licensee in an amount not to exceed \$50 for each day the application is late. The overall late fine amount may not exceed \$1500.

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

(iii) A processing fee of \$50 shall be paid at the time a renewal application is submitted.

(iv) When a renewal application is filed, the Board will review the application in its entirety and any attached documents to determine whether any other information is needed. If the Board determines no more information is needed, the Board will issue the license upon receipt of payment of all outstanding fees and/or fines.

(v) All licensees shall present to the Board by June 30 of the renewal year a certificate issued by the Director of Finance or a compliance letter issued by the City, showing that there are no unpaid taxes or fees due to the City or the State.

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

(vii) The Board may not renew the license of a person who during the license year has been convicted of a State or federal offense that the Board determines to be of a nature that renders the licensee unfit or unqualified to obtain a renewal.

(viii) Before a renewal may be denied because of a criminal conviction, the Board shall hold a public hearing at which all relevant facts and circumstances of the conviction are presented.

(ix) A licensee who does not have the renewed license on the licensed premises by opening of business on May 1st may not operate the business and may be charged with a violation of this Rule.

(x) A license renewal may not be granted for the use of the licensed premises in violation of the Zoning Code of the City.

(b) Protest of Renewals

(i) A protest against the renewal of a license shall be filed in a period starting March 1 and ending March 31 of the license year. The protest shall be received by the Board no later than before the close of business on March 31. It shall be signed by not fewer than ten residents, commercial tenants (who are not holders of or applicants for a liquor license), or real estate owners in the immediate vicinity of the licensed place of business.

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

(iii) The board may not consider zoning issues.

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

(v) When determining whether a license should be renewed and, if so, whether any condition should be attached, the board may consider the performance of the license holder for the 4-year period immediately before the date of the renewal application.

(BLLC Rule 2.03 in 1988) (BLLC Rule 2.03 in 1998) (BLLC Rule 2.04 in 2015) (See Alc. Bev. Art. §12-1802) (See Alc. Bev. Art. §12-1804.1) (See Alc. Bev. Art. §12-1805) (See also Alc. Bev. Art. §12-1808) (See Alc. Bev. Art. §4-408) (See Alc. Bev. Art. §12-2103) (See Alc. Bev. Art. §4-407) (See Alc. Bev. Art. §1-405) (See Alc. Bev. Art. §4-406)

Rule 2.05 – Transfer of a License

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

(i) A completed written alcoholic beverage license transfer application is filed with the Board before the proposed transferee begins operation of the business;

(ii) The holder or holders file a transfer affidavit signed by all current licensees of record; and

(iii) All state taxes and local taxes owed by the transferor are paid.

(b)(1) Except as provided in paragraph (2) of this subsection, the Board may not authorize the transfer of a license if money is owed by the transferor to the City or State.

(2) If the transferee gives the Board written certification, under oath subject to penalties of perjury, and attested to by a notary public, that transferee 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.

(c) During the hearing on a transfer of ownership at the same location, the Board shall consider the factors outlined in Alcoholic Beverages Article §4-210 before determining whether to allow the transfer to occur.

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

(e) (1) If the premises have been closed for more than 90 days prior to the date of application for transfer, the Board shall hold a hearing and consider public convenience and accommodation in determining if the establishment may reopen.

(2) The Board shall consider public convenience and accommodation in determining if an establishment may reopen regardless of the time that an establishment has been closed, if 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, the Internal Revenue Service, or the Maryland Sales Tax Division.

(3) The Board shall consider public convenience and accommodation in determining whether a license transfer in location may be approved.

(4) As per Alcoholic Beverages Article §12-1702, the Board need not hold a hearing if the closing is caused by fire, casualty, or act of God or when the transfer is due to an action of a creditor.

(5) In the case that the board determines extenuating circumstances exist, the board may waive the requirement of a public hearing.

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

(g) All transfers under the Alcohol Beverage Article shall be completed within the time stipulated under Alcoholic Beverages Article §12-1705, which the Board shall interpret in conjunction with Alcoholic Beverages Article §4-705 and any other applicable federal, State, or local statute.

(BLLC Rule 2.10 in 1988) (BLLC Rule 2.10 in 1998) (BLLC Rule 2.05 in 2015) (See Alc. Bev. Art. §4-302) (See Alc. Art. Bev. 12-1701) (See Alc. Bev. Art. §12-1710) (See Alc. Bev. Art. §12-1705) (See Alc. Bev. Art. 12-2202) (See Alc. Bev. Art. §12-2203)

Rule 2.06 –Notice and Hearings

(a) New Application/Transfer/Amendments:

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

(ii) The notice shall specify the name of each applicant, 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.

(iii) The hearing on the application will not be held less than 7 days nor more than 30 days after the last date of publication.

(iv) The Board shall cause a suitable sign or notice to be posted and to remain posted for a period of at least 10 days before the hearing in a conspicuous place upon the premises described in the application. The notice shall specify the class of license applied for and the time and place fixed by the Board for hearing.

(v) At the hearing, any person may testify, even if the applicant asks for a postponement.

(vi) At the hearing the Board shall consider the factors listed in Alcoholic Beverages Article § 4-210 in determining whether to approve the action requested.

(b) Violation Notice and Hearing:

(i) Incident/violation reports concerning licensed establishments are generated through various federal, State, and local officials, including Board inspectors. Each report shall be reviewed by the Board staff to determine whether further action by the Board is warranted.

(ii) After conducting a preliminary review of the report, the Board staff may prepare charges alleging the violation of alcoholic beverages rules, regulations, or laws, which would be the subject of a public hearing held by the Board. The charges shall be served on the licensee and presented to the Board at a public hearing.

(iii) At least 10 days before a hearing on a charge against a license holder of an alcoholic beverages rule, regulation or law violation, the Board shall cause to be served upon the license holder a summons containing:

(1) The name and address of the licensee as same appears on the license; and

(2) The rule, regulation or law that the licensee is charged with having violated and the date of the violation if it relates to a specific instance; and

(3) The time and place of the hearing.

(iv) Service upon licensees may be made in numerous ways, including:

(1) Personal Service on the licensee;

(2) Service at the establishment of the licensee;

(3) Service on the attorney or representative of the licensee; and

(4) Service by certified mail.

(v) (1) Service by certified mail may occur after three (3) 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 licensed premises posted with a copy of the charging document. The licensee will be deemed served when certified and one (1) regular mailing has been sent and the establishment has been posted.

(2) If it is known by the Board that the establishment has ceased operations due to fire, casualty, act of God, or an action of a creditor; and it is determined that a violation notice is to be served, then the Board may not attempt personal service. Instead, the Board shall 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).

(vi) The Board will maintain an open file policy. Before the hearing, the public, licensee, or representative of the licensee shall have access to all of the materials that will be used to support the claims alleged against the licensee.

(vii) At the hearing the Board shall hear testimony and may admit evidence to support the allegations with 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 a defense to the allegations and present witnesses and testimony.

(viii) The Board shall decide what may be allowed into evidence at the hearing.

(ix) The Board shall decide through a preponderance of the evidence whether a licensee has committed a violation.

(x) If the Board decides that a violation has occurred, the Board may impose a penalty as stated in Alcoholic Beverages Article § 12-2802.

(xi) Records of any violation of the alcoholic beverage's laws or rules and regulations of the Board shall be retained for consideration in connection with a subsequent violation in a manner for which the Board sees fit.

(xii) The Board may determine when to suspend or revoke a license, if the licensee is convicted of the violation and a suspension or revocation is imposed by the Board. Suspensions of license privileges shall be in consecutive days.

(BLLC Rule 2.06 in 1988) (BLLC Rule 2.06 in 1998)(BLLC Rule 2.06 in 2015)(See Alc. Bev. Art. §12-1506) (See Alc. Bev. Art. §4-208) (See Alc. Bev. Art. §4-209) (See Alc. Bev. Art. § 4-603)

Rule 2.07 – Submission of Materials to the Board in Preparation for Public Hearings

(a) **Evidentiary Documents:** A party should submit any document, photo, video or any other evidentiary item for consideration by the Board not less than 48 hours before the public hearing. Any item submitted afterward will be considered and afforded the evidentiary weight that the Board determines is appropriate.

(b) **Postponement Requests:** A request by a party to postpone a case to be heard before the Board shall be in writing and be received by the Board not less than 48 hours before the date of the public hearing. A request submitted afterward shall be reviewed by the Executive Secretary and the Chairman to determine if there is good cause to allow for the postponement.

(BLLC Rule 2.07 in 2015) (Implied authority, see, e.g., Thornton Mellon LLC v. Frederick Cnty. Sheriff, 479 Md. 474, 2021) (See Town of La Plata v. Faison-Rosewick LLC, 434 Md. 496, 2013) (See also Riverwalk Apartments LLC v. Twigg, 396 Md. 527, 2007)

Rule 2.08 – Protests against the Issuance or Transfer of a License

(a) **Definitions:** (i) **“Owners of real or leasehold Property”** includes holders of leasehold improvements upon ground rents, the City and the State but excludes the owner of the subject premises. (ii) **“Tenant”** is a person who rents a single-family dwelling and has resided there for at least 1 year immediately preceding the hearing of the Board.

(b) **50% Rule** - An application for a license may not be approved if:

(i) It appears that more than 50 percent of the owners of real or leasehold property within 200 feet of the place of business for which the application is made oppose the granting of a license; or

(ii) More than 50 percent of those owners and tenants in combination of real or leasehold property within 200 feet of the place of business for which the application is made oppose the granting of the license.

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

(d) **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:

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

(ii) A description of the property; and

(iii) A statement that the affiant is opposed to the issuance or transfer before the Board; and

(iv) A statement of the reason or reasons for the affiant’s failure to appear at a hearing. Good and sufficient reason for failing to appear may not include:

(1) Illness or other physical disability, unless the affidavit is accompanied by a written statement signed by a licensed physician confirming the illness or disability; and/or

(2) Occupation or employment, unless the affidavit is accompanied by a written statement signed by the affiant’s employer; and/or

(3) Absence from the jurisdiction, unless the affiant is located more than 50 miles from the City or is in military service.

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

(BLLC Rule 2.07 in 1988) (BLLC Rule 2.07 in 1998) (BLLC Rule 2.07 in 2015) (See Alc. Bev. Art. §12-1508) (See Alc. Bev. Art. §12-1509)

Rule 2.09 – Membership Clubs

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

(BLLC Rule 2.09 in 1998) (BLLC Rule 2.09 in 2015)

Rule 2.10 – Multiple Applications

If an application for a new license, extension, or transfer of a location is denied, the applicant may not reapply for the same license, privilege or transfer for a period of six (6) months after the denial. If an application is withdrawn before the Board makes a decision, this rule shall apply, unless the withdrawal occurs more than forty eight (48) hours prior to the hearing.

(BLLC Rule 2.11 in 1988)(BLLC Rule 2.11 in 1998)(BLLC Rule 2.10 in 2015)(See Alc. Bev. Art. §12-1507)

Rule 2.11 – Motion for Reconsideration

(a) A licensee or a party of record desiring to request a motion for reconsideration of a decision of the Board shall file the motion within 15 days after the date the decision was issued. The motion is to be addressed to the Chairperson.

(b) The request shall state the reason why the decision should be reconsidered, such as that the decision was a product of fraud, surprise, mistake, or inadvertence, or that some new or different factual situation exists that justifies a different conclusion.

(c) If a licensee or party of record files a petition for judicial review on a matter while that matter is under reconsideration by the Board as per this rule, the Board shall lose jurisdiction to review the moving party's Motion for Reconsideration and the motion shall be considered moot.

(BLLC Rule 2.11 in 2015)

Rule 2.12 – Appeals

(a) Any licensee or party of record desiring to petition for judicial review of an order shall file with the Clerk of the Circuit Court for the City a petition for judicial review. The petition shall be filed within 30 days of the order of the Board. A fee of \$100 shall be paid to the Board at the time of filing.

(b) The cost of the transcription of testimony shall be borne by the appellant. Orders for the transcript shall be placed with the stenographer within 5 days after the notation of the petition for judicial review.

(c) The appellant shall pay for the transcript within 90 days of placing the order for the transcript.

(d) Upon receipt of the transcript, the Board’s designee, in a timely fashion, shall make four (4) copies of the transcript and deliver the items in the following manner: one copy to be filed with the Circuit Court under the corresponding case number, one copy to be delivered to the Board’s appellate counsel, one copy to be delivered to the licensee or the licensee’s attorney or representative that requested the transcript; and one copy to be maintained by the Board.

(BLLC Rule 2.15 in 1988) (BLLC Rule 2.15 in 1998) (BLLC Rule 2.12 in 2015) (See Alc. Bev. Art. §4-908) (See also implied authority, e.g., Laukenmann v. Laukenmann, 17 Md. App. 107, 1972)

Rule 2.13 – Inspections

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

(BLLC Rule 2.13 in 2015) (See Alc. Art. Bev. §6-202)

Rule 2.14 – Request to reopen after being closed for more than 3 consecutive months

(a) **Procedure:** Before a licensed premise in the City that has been closed for at least 3 consecutive months may be the reopened, the affected licensee shall submit to the Board a “Request to Reopen” that includes the following:

- (i) A request for a hearing and approval to reopen; and
- (ii) The approximate date when the establishment closed; and
- (iii) A check or money order made payable to the “Director of Finance” for \$100.00 to cover the costs of the hearing.

(b) **Required Documents to be submitted after Board approval:** Upon being approved to reopen by the Board, the applicant shall submit up to date copies of the following documents and/or information to the Board's Administrative Staff before the license to reopen is issued:

- (i) Trader's License; and
- (ii) City Health Permit (if applicable); and
- (iii) City Use and Occupancy Permit; (if applicable) and
- (iv) Sales Tax License; and
- (v) Verification that the corporation that owns the license is active and in good standing with the State Department of Assessment and Taxation

(BLLC Rule 2.14 in 2015) (See Alc. Art. Bev. §12-2203)

Rule 2.15 – Transfer Hardship Requests and Hardship Requests

(a) **(1) Procedure:** In accordance with Alcoholic Beverage Article, before a licensed premise in the City that has been closed for up to 180 days may be the reopened, the affected licensee shall submit to the Board a "Hardship Extension Request" that includes the following:

- (i) A request for a hardship extension is filed with the Board within the 180 day period; and
- (ii) The approximate date when the establishment closed and/or last date of operation; and
- (iii) A brief description of the undue hardship that led to the closure of the establishment for 180 days; and
- (iv) A check or money order made payable to the "Director of Finance" for \$100 to cover the costs of the hearing.

(2) Procedure: In accordance with Alcoholic Beverage Article, if a transfer that has been approved by the board has not been completed in less than 180 days prior, then the affected licensees or applicant shall submit to a board a "hardship extension request."

- (i) A request for a hardship extension is filed with the Board within the 180 day period; and
- (ii) The approximate date when the establishment closed and/or last date of operation; and
- (iii) A brief description of the undue hardship that led to the closure of the establishment for 180 days; and

- (iv) A check or money order made payable to the “Director of Finance” for \$100 to cover the costs of the hearing.

(b) Criteria that Board may consider: Upon review the Board may consider the following criteria when making the determination to grant the hardship extension:

- (i) The nature of the undue hardship as it exists;
- (ii) The testimony and/or evidence submitted on the record of any of the witnesses on behalf of the affected licensee, including the licensee as to why the undue hardship extension should be granted; or
- (iii) Any other reason that the Board deems fit and appropriate.

(BLLC Rule 2.15 in 2015) (See Alc. Bev. Art. §12-2202)

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, other than the licensee, having any financial interest in and/or exercising dominion and control over a licensed premises shall be disclosed to the Board in writing.
- (b) All licensees shall file an operating agreement for any and all operators who have not been disclosed to and approved by the Board on a previous application.
- (c) No operating agreement shall be valid unless it is accompanied by an application filed under Rule 2.02, Rule 2.03, or Rule 2.04, when required.

(BLLC Rule 3.01 in 1988) (BLLC Rule 3.01 in 1998) (BLLC Rule 3.01 in 2003) (BLLC Rule 3.01 in 2015)

Rule 3.02 - Cooperation

Licensees and their agents and employees shall cooperate with representatives of the Board, the Police Department, Health Department, Fire Department, Building Engineers office, and any grand jury, and representatives of other governmental agencies who are on official business.

(BLLC Rule 3.02 in 1988) (BLLC Rule 3.02 in 1998) (BLLC Rule 3.02 in 2003) (BLLC Rule 3.02 in 2015) (See Alc. Bev. Art. §12-1401) (See Alc. Bev. Art. §12-1404) (See Alc. Bev. Art. §4-109)

Rule 3.03 – Records

(a) Licensee shall keep accurate records of all purchases of alcoholic beverages for 1 year after the date of each purchase. The records shall include the date of each purchase, the quantity purchased, and the name and address of each seller. The records shall be kept on the licensed premises and be made available for inspection by members of the Board, its employees, and all other law enforcement officials.

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

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

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

(BLLC Rule 3.03 in 1988) (BLLC Rule 3.03 in 1998) (BLLC Rule 3.03 in 2003) (BLLC Rule 3.03 in 2015) (See Alc. Bev. Art. §1-408)

Rule 3.04 – Keg Registration

(a) The sale of containers of beer for off-premise consumption with a capacity of least four gallons or more, e.g., party balls and kegs, may be made if the following requirements are met:

- (1) The licensee shall provide 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 shall provide valid identification and complete and sign a registration form with the following information:
 - (i) The purchaser's name and address as shown on the identification produced;
 - (ii) The date of birth of the purchaser; and
 - (iii) The date of the purchase.
- (3) The licensee shall affix the completed registration decal on the keg at the title of purchase.
- (4) The licensee shall remove the registration decal from the keg upon its return by the purchaser and before the keg is returned to the beer wholesaler.
- (5) The licensee shall retain the completed keg registration booklet on the license premises for at least 30 days.

(b) The licensee may charge the purchaser a fee to cover administration and processing expenses.

(c) A licensee who violates this rule is subject to a fine not to exceed \$100 or a suspension or revocation of the licensee's license or both a fine and suspension or revocation.

(d) A completed registration form signed by the purchaser creates a presumption that the licensee has complied with this Rule.

(BLLC Rule 3.04 in 2015) (See Alc. Bev. Art., § 5-303)

Rule 3.05 – Alcohol Awareness Certification

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

(b) A copy of the alcohol awareness certification shall be on the licensed premises and be made available on request to a Board inspector or any other applicable State or City law enforcement officer while on official business.

(BLLC Rule 3.05 in 2015) (See Alc. Bev. Art. §4-505)

Rule 3.06 – Signs and Hours of Operations

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

(b) A licensee shall have a copy of the licensee's license in a frame and/or displayed in a conspicuous area that is visible to the public. The licensee shall present the license on request to an authorized public official.

(c) A licensed establishment shall post its days and hours of operation on a window or door, in a conspicuous area that is visible to the public. A licensee who changes hours of operation shall provide the Board with the new hours within 30 days after making the change.

(d) If a licensee anticipates on being closed for operation on a specific day and time, a sign must be posted explaining why operations are closed during the hours of operation posted under (c) or period of time.

(BLLC Rule 3.04 in 1988) (BLLC Rule 3.04 in 1998) (BLLC Rule 3.04 in 2003) (BLLC Rule 3.06 in 2015) (See Alc. Bev. Art. §4-508) (See Alc. Bev. Art. §12-103)

Rule 3.07 – Lighting

(a) **Exterior Lighting:** A licensee shall provide sufficient exterior lighting to clearly and distinctly illuminate the entries and exits of their establishment. In accordance with the laws of the City, a licensee may not use a strobe light to illuminate the licensee's establishment.

(b) **Interior Lighting:** A licensee shall provide interior lighting to sufficiently illuminate all commercial areas used by the public.

(BLLC Rule 3.05 in 1988) (BLLC Rule 3.05 in 1998) (BLLC Rule 3.05 in 2003) (BLLC Rule 3.07 in 2015)

Rule 3.08 – Sanitation and Safety

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

(b) Licensees shall: (1) Provide containers for the disposition of garbage and refuse that meet the requirements of Baltimore City; (2) Keep the containers covered at all times; and (3) Remove all refuse regularly.

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

(BLLC Rule 3.06 in 1988) (BLLC Rule 3.06 in 1998) (BLLC Rule 3.06 in 2003) (BLLC Rule 3.08 in 2015)

Rule 3.09 – Rest Room Facilities and Health Regulations

(a) Licensees, except Class A, Class A-2, and Class A-7, licensees, shall provide on the licensed premises adequate, sanitary and fully functioning restroom facilities for all patrons.

(b) Licensees shall comply with all applicable State and City Health Department laws, rules, and regulations.

(BLLC Rule 3.07 in 1988) (BLLC Rule 3.07 in 1998) (BLLC Rule 3.07 in 2003) (BLLC Rule 3.09 in 2015)

Rule 3.10 – Communications

(a) Licensees shall provide the Board with one functional telephone number and one primary email address.

(b) Within 30 days after changing a phone number, a licensee shall provide the Board with the updated information.

(BLLC Rule 3.10 in 2015)

Rule 3.11 – Delivery of Alcoholic Beverages

(a) Registration

(b) **Process:** All licensees desiring to deliver alcoholic beverages shall complete a delivery registration form with original signatures of the licensees and receive a letter of authorization from the Board before deliveries may be made. Delivery approval will be noted on the licensees' licenses.

(c) Delivery Protocols and Limitations:

(i) Each delivery person shall be an employee of the licensee. A retail delivery person shall be at least 18 years of age.

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

(iii) To complete delivery of a shipment, the delivery person shall require from the intended recipient at the address listed on the shipping label:

(1) The signature of the intended recipient who is at least 21 years old; and

(2) A government-issued photographic identification showing that the intended recipient is at least 21 years old.

(iv) A delivery person shall refuse delivery if the intended recipient:

(1) Is under 21 years old;

(2) Refuses to sign the form required under subparagraph (v) of this paragraph, or

(3) Appears to be intoxicated.

(v) Each delivery shall be acknowledged by the intended recipient through the completion of a delivery form, a copy of which shall be provided to the intended recipient.

(vi) The original delivery forms and/or approved electronic records of sales shall be made available to the Board's inspectors on inspection of the licensee's premises.

(vii) On-Line Delivery Service – Licensees that provide delivery service upon request by customers through any mode of electronic contact (e.g. smartphone application, or internet on-line purchase, etc.), shall deliver those alcoholic beverages in accordance with this section.

(viii) Deliveries may not be made to another licensed establishment.

(ix) Deliveries may be made only within the City.

(x) Class A Wine and Beer licensees may deliver beer and wine.

(xi) Class A Beer, Wine and Liquor licensees may deliver any type of alcoholic beverage.

(xii) Class B/D, (beer only) licensees may deliver beer only.

(xiii) Class B/D, beer and wine licensees may deliver beer and wine.

(xiv) Classes B, D, and BD7, beer, wine and liquor licensees may deliver any type of alcoholic beverage.

(xvi) The privilege of delivering alcoholic beverages may be withdrawn immediately by the Board if a restriction is not followed.

(BLLC Rule 3.11 in 2015) (See Alc. Bev. Art. §12-901) (See Alc. Bev. Art. §12-1903) (See Alc. Bev. Art. §4-507)

Rule 3.12 – General Welfare

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

(BLLC Rule 3.12 in 1988) (BLLC Rule 3.12 in 1998) (BLLC Rule 3.12 in 2003) (BLLC Rule 3.12 in 2015) (See also, Grace v. Board of Liquor License Commissioners for Baltimore City, Md. Ct. Spec. App. 2018, unreported)

Rule 3.13 – Bottle Service

(a) **Definition:** “Bottle Service” means the sale of a bottle(s) of a non-brewed Alcoholic Beverage, not to exceed 750 ml, to a party of three or more individuals for the purpose on premise consumption at the licensed premises.

(b) **Limitations to Bottle Service:** A licensee may offer Bottle Service a patron if:

(i) The license issued to the premises allows for on premise consumption;

(ii) The licensee provides such service only to patrons who are seated at a reserved table, dedicated bar, or other cordoned-off area designated for Bottle Service;

(iii) If applicable, the licensee provides sufficient mixers – such as juices, tonics, sodas, etc. – ice, and glasses for the patrons to utilize in consumption of such beverages for each separate bottle purchase;

(iv) The licensee assigns a staff member to mix the non-brewed Alcoholic Beverages for the patrons receiving Bottle Service upon request; and

(v) The licensee assigns personnel to the area designated for Bottle Service to maintain proper control of the area

(c) **Prohibitions on Drinking from the Bottle:** Patrons who purchase Bottle Service may not be allowed to drink directly from the bottle.

(d) **Patrons Cannot Take Bottle from Premises:** Licensees that provide Bottle Service shall prohibit any patron from leaving the premises with the purchased bottle(s) of non-brewed Alcoholic Beverage(s).

(e) **Licensees May Store Patron Purchased Bottles:** Licensee may offer to store the non-brewed Alcoholic Beverage(s) that were purchased via Bottle Service on their premise for the purpose of on premises consumption by the patron on the premises on a future date

(f) **Licensee to be held Accountable:** The licensee does not abdicate responsibility to ensure that operations conform to Alcoholic Beverage Article and BLLC Rules and Regulations just because the licensed premises allows patrons to serve themselves. The licensee shall be held responsible for any violations of Alcoholic Beverages Article and/or BLLC Rules and Regulations caused by patrons that purchase Bottle Service.

(BLLC Rule 3.13 in 2015)

Chapter 4 Operations

Rule 4.01 – Minors

(a) **Sales to Minors:** A licensee or any employee or agent of the licensee may not sell any alcoholic beverages at any time to a person under 21 years of age for the underage person's own use or for the use of any other person.

(b) **Furnishing Minors:** A licensee or any employee or agent of the licensee may not furnish any alcoholic beverages at any time to a person under 21 years of age for the underage person's own use or for the use of any other person

(c) **Employment of a Minor:** A licensee may employ a person 18 years of age or older to sell, serve, deliver, or otherwise deal with alcoholic beverages.

(d) Under this rule, no persons under the age of 18 years of age is permitted to do any of the items listed under Alcoholic Beverages Article §12-903(2).

(BLLC Rule 4.01 in 1988) (BLLC Rule 4.01 in 1998) (BLLC Rule 4.01 in 2003) (BLLC Rule 4.01 in 2015) (BLLC Rule 4.08 in 1988)(BLLC Rule 4.08 in 1998) (See Alc. Bev. Art. §6-304) (See also Alc. Bev Art. §12-1903)

Rule 4.02 – Inebriates & Drug Addict

(a) A licensee or an agent or employee of the licensee may not sell or serve any alcoholic beverage to an intoxicated person, a person who appears to be under the influence of alcohol or drugs, or a person who acts in a disorderly manner.

(b) A licensee or an agent or employee of the licensee may not permit an intoxicated person, a person who appears to be under the influence of alcohol or drugs, or a person who acts in a disorderly manner, to consume or possess an alcoholic beverage on the licensed premises.

(c) The licensee, his or her agent(s), and/or employee(s) 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.

(BLLC Rule 4.02 in 1988) (BLLC Rule 4.02 in 1998)(BLLC Rule 4.02 in 2003) (BLLC Rule 4.02 in 2015) (See Alc. Bev Art. §6-307) (See also Alc. Bev Art. §12-2703) (See Alc. Bev Art. §12-2601) (See Alc. Bev Art. §6-207)

Rule 4.03 – Solicitation

(a) A licensee may not permit an employee, agent, or a patron of the licensee's establishment to solicit for himself or others the purchase or use of any product or entertainment device within the licensed premises.

(b) A licensee may not pay or offer to pay a commission, gratuity or fee in money, goods or other consideration for or in connection with the sale of a product or the use of any amusement or entertainment device

(c) A licensee may not employ a solicitor, salesman, or frequenter to solicit, outside of the licensed premises, orders for the sale of alcoholic beverages. A sale may not be consummated outside of the licensed premises.

(d) A licensee may not employ or use a loud speaker or other sound-making or amplifying device that projects the sound outside the licensed premises to solicit orders for alcoholic beverages.

*(BLLC Rule 4.03 in 1988) (BLLC Rule 4.03 in 1998) (BLLC Rule 4.03 in 2003) (BLLC Rule 4.03 in 2015)
(See Alc. Bev. Art. §4-503)*

Rule 4.04 – Free Food and Prizes

(a) Except as provided in paragraph (i) of this subsection, a licensee may not offer free food to encourage the sale of alcoholic beverages.

(i) Licensees may offer free cheese, hors d'oeuvres, crackers, pretzels, nuts and the like in connection with the consumption of alcoholic beverages on the premises.

(b) Alcoholic beverages may not be sold or given away as prizes in connection with the playing of a game or device.

*(BLLC Rule 4.04 in 1988) (BLLC Rule 4.04 in 1998) (BLLC Rule 4.04 in 2003) (BLLC Rule 4.04 in 2015)
(See Alc. Bev. Art. §6-310)*

Rule 4.05 – Prohibited hours

(a) A licensee may not permit a person, including an employee, patron, and family member of an employee or agent of the licensee, to consume alcoholic beverages on the licensed premises during hours when alcoholic beverages sales are prohibited by law.

(b) Alcoholic beverages may not be served, dispensed, furnished or given away in any part of the premises during hours when alcoholic beverages sales are prohibited by law.

(c) Proof that a licensee displayed or offered alcoholic beverages for sale during hours when alcoholic beverages sales are prohibited by law is prima facie evidence that the

licensee sold alcoholic beverages

(d) Unpermitted Display: if a licensed establishment has been posted with a “Cease and Desist by the Board, all alcohol must be off of the shelves and not visible to the public.

(BLLC Rule 4.05 in 1988) (BLLC Rule 4.05 in 1998) (BLLC Rule 4.05 in 2003) (BLLC Rule 4.05 in 2015)
(See Alc. Bev. Art. §12-2001) (See Alc. Bev. Art. §12-2601) (See Alc. Bev. Art. §6-207)

Rule 4.06 – Alcoholic Beverage Containers

(a) A licensee may not reuse or refill a bottle or other container of alcoholic beverages, unless it is a refillable container under Alcoholic Beverages Article §12-1102. A licensee may not adulterate, dilute, or fortify the contents of a refillable container.

(b) Except where permitted by Rule 3.13, licensee may not sell, serve or furnish alcoholic beverages, other than beer or wine, by the bottle for consumption on the premises.

(BLLC Rule 4.06 in 1988) (BLLC Rule 4.06 in 1998) (BLLC Rule 4.06 in 2003) (BLLC Rule 4.06 in 2015)
(See Alc. Bev. Art. §12-1102) (See Alc. Bev. Art. §12-1104)(See Alc. Bev. Art. §12-1105)

Rule 4.07 – Open Containers and Illegal Possession and Consumption of Alcoholic Beverages

(a) A licensee or an agent or employee of the licensee may not permit a person to leave the licensed premises with an alcoholic beverage, unless it is wine in a bottle 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) A licensee may not permit a person to consume alcoholic beverages not permitted to be sold at any place on the licensed premises or in the building in which the licensed premises are located.

(d) A licensee or an agent or employee of the licensee may not permit a person in the package sale area and may not allow a customer to consume or open any alcoholic beverage in the package sale area of the licensed premises.

(e) A licensee may not allow patrons that purchase items for off or on premises consumption to loiter in front of the establishment and openly consume alcoholic beverages within the public right of way directly in front of the licensed premises.

(BLLC Rule 4.09 in 1988) (BLLC Rule 4.09 in 1998) (BLLC Rule 4.09 in 2003) (BLLC Rule 4.07 in 2015)

Rule 4.08 – Relations with Wholesalers

(a) A licensee may not purchase alcoholic beverages except from a licensed manufacturer or wholesaler. A licensee may not sell to any other licensee alcoholic beverages. A licensee may not keep or permit to be kept upon the licensed premises any alcoholic beverages unless purchased in accordance with this section.

(b) (1) Except as provided in paragraph (2) of this subsection, a licensee may not solicit or accept directly or indirectly a gift of alcoholic beverages, a tie-up advertisement in newspapers or other periodicals, or a gift or rebate of any sort, from a manufacturer, wholesaler, or person engaged in the distribution of alcoholic beverages; (2) A sign, display or any other form of advertisement or a thing of value not in excess of \$150.00 may be solicited or accepted from a brewer or beer wholesaler. If manufactured directly by the beer wholesaler, then the value of the sign cannot exceed \$50.00.

(c) A licensee may not have an interest in the business of any manufacturer or wholesaler of alcoholic beverages. A manufacturer or wholesaler may not have an interest in the business of any licensee.

(BLLC Rule 4.10 in 1988) (BLLC Rule 4.10 in 1998) (BLLC Rule 4.10 in 2003) (BLLC Rule 4.08 in 2015) (See Alc. Bev. Art. §6-311)(See also Alc. Bev. Art. §2-315)

Rule 4.09 – Drive-In Dispensaries

Alcoholic beverages may not be sold, served or consumed anywhere on the licensed premises of licensees maintaining drive-in or curb-service dispensaries, except inside permanent buildings situated on the premises and provided for such purposes.

(BLLC Rule 4.11 in 1988) (BLLC Rule 4.11 in 1998) (BLLC Rule 4.11 in 2003) (BLLC Rule 4.09 in 2015)

Rule 4.10 – False Statement

An applicant for a license or a licensee may not make a false statement, material or otherwise, in an 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 conducting an official investigation.

(BLLC Rule 4.12 in 1988) (BLLC Rule 4.12 in 1998) (BLLC Rule 4.12 in 2003) (BLLC Rule 4.10 in 2015) (See Alc. Bev. Art. §4-210)(See Alc. Bev. Art. §6-330)

Rule 4.11 – Discrimination

A licensee, or an agent or employee of the licensee may not directly or indirectly refuse, withdraw from, or deny the services, accommodations, advantages, facilities, and privileges offered on the said licensee's premises because 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 a reasonable dress code may be utilized if notice of the dress code is posted on the premises.

(BLLC Rule 4.14 in 1988) (BLLC Rule 4.14 in 1998) (BLLC Rule 4.14 in 2003) (BLLC Rule 4.11 in 2015)

Rule 4.12 – Gambling

Except when specifically authorized by law, a licensee or agent or employee of the licensee may not allow the licensed premises to be used for bookmaking or gambling in any form.

(BLLC Rule 4.15 in 1988) (BLLC Rule 4.15 in 2003) (BLLC Rule 4.12 in 2015)

Rule 4.13 – Drugs and Illegal Narcotics

(a) A licensee or an agent or employee of the licensee may not permit the licensed premises to be used for the sale or 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 or an agent or employee of the licensee may 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.

(BLLC Rule 4.16 in 1988) (BLLC Rule 4.16 in 2003) (BLLC Rule 4.13 in 2015)

Rule 4.14 – Live Entertainment without Authorization

(a) A licensee shall only provide “live entertainment” or special amusement if he/she has obtained “Live Entertainment” approval by the City and this Board.

(b) Examples of live entertainment include: musical acts (including karaoke), theatrical acts (stand-up comedy), plays, revues, dance, magic acts, disc jockeys (performing with amplified microphones and equipment), and similar activities. “Live Entertainment” is subject to change depending on any revisions or amendments to the Zoning Code of the City.

(BLLC Rule 4.14 in 2015) (See Zoning Code, Balt. City. Code Art. 32, § 1-306(c))

Rule 4.15 – Sexual Practices and Obscenity

(a) A licensee may not permit the licensed premises to be used for any sexual activity. A licensee, any employee, patron or frequenter may not solicit any person for

prostitution or other immoral purposes.

(b) A licensee may not permit a person to appear in an act or other performance with breasts or the lower torso uncovered. A licensee may not knowingly permit the licensed premises to be used for the conduct, exhibition, or any unlawful performance.

(c) Section (b) of this rule does not apply to licensees that have a valid adult entertainment license issued by this Board.

(BLLC Rule 4.17 in 1988) (BLLC Rule 4.17 in 2003) (BLLC Rule 4.15 in 2015) (See Alc. Bev. Art., § 4-605)

Rule 4.16 – Illegal Conduct

A licensee may not commit or allow the commission on the licensed premises of an act that is contrary to any federal, State or local statute, law or ordinance or that is against the public peace, safety, health, welfare, quiet, or morals.

(BLLC Rule 4.18 in 1988) (BLLC Rule 4.18 in 2003) (BLLC Rule 4.16 in 2015)

Rule 4.17 – Storage

(a) A licensee may not store or keep alcoholic beverages, except on the premises covered by the license or at a public or government controlled warehouse having a permit issued under Alcoholic Beverage Article of the Maryland Code.

(b) A licensee may not store or keep alcoholic beverages, on the premises, unless is the alcoholic beverages are at least 6 inches above the ground.

(c) A licensee who has an outdoor table or café service ancillary privilege may not store or keep any alcoholic beverages outside the license premises, but may only have an employee deliver the alcoholic beverage to the table

(BLLC Rule 4.19 in 1998) (BLLC Rule 4.19 in 2003) (BLLC Rule 4.17 in 2015) (See Alc. Bev. Art. §4-502)

Rule 4.18 – Alterations

(a) A license holder may not make an alteration or addition to licensed premises or change the manner in which alcoholic beverages are dispensed without obtaining permission from the Board.

(b) A licensee may not make installations or alterations on the licensed premises without obtaining the required permits and approvals from the City.

(BLLC Rule 4.20 in 1998) (BLLC Rule 4.20 in 2003) (BLLC Rule 4.18 in 2015)

Rule 4.19 – Gifts

A licensee or an agent or employee of the licensee may not give or otherwise transfer directly or indirectly to a member of the Board or an agent or employee of the Board, a commission, remuneration, or gift except as provided by the Ethics Law of Baltimore City.

(BLLC Rule 4.21 in 1998) (BLLC Rule 4.21 in 2003) (BLLC Rule 4.19 in 2015) (See Alc. Bev. Art. §12-2705)

Rule 4.20 – Prohibited Activities by License Type

(a) Class A, Class A-2, and Class A-7: No On-Premise Consumption:

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 the Alcoholic Beverages Articles.

(b) Class B Licensees: Functional Kitchen: The holders of a Class B license shall have on premises:

(i) A fully functioning kitchen having complete facilities and utensils for preparing and serving hot and/or cold meals to the public. It shall have wait staff available to take orders and deliver food to customers; and

(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; and

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

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

(i) **Definitions:** In this rule, the following words have the meanings indicated:

(1) “Bar” means a counter, regardless of configuration at which stools or chairs have been placed and from which alcoholic beverages are habitually served for on premises consumption.

(2) “Package goods area” means an area: (1) within the licensed premises that has as its primary activity the sale of package goods; and (2) in which on premises consumption does not regularly take place.

(3) “Tavern” means an establishment where alcoholic beverages are habitually served for on premises consumption at a bar or in a lounge area that may not be separated from the public by a fixed barrier.

(4) “Tavern operations” includes all Class BD7 licenses and all Class D BWL licenses.

(a) Although a new separate package goods area may not be constructed, a Class BD7 or Class D licensee who has operated under a previously approved separate package goods store, department or section may continue operations.

(b) A Class BD7 or Class D license may not be transferred in ownership unless the subject premises conform to a tavern as defined in this rule.

(ii) **Prohibition:** The holder of a Class BD7 or Class D license shall grant all patrons access to a fully operating tavern portion of the licensed premises, wherever that may be on the premises, whenever the packaged goods area is open and operating.

(1) A fully operating tavern shall have a counter regardless of configuration, at which stools or chairs have been placed and from which alcoholic beverages are habitually served by a bartender for on premises consumption. There may be no barrier or partition separating the patrons of the establishment who wish to drink on premises from the bartender.

(d) Class C Licensees: May not be Open to the General Public: Class C establishments are prohibited from granting the general public access to the licensed premises. Class C establishment are open and operating for the purposes of serving their membership. To that end, all Class C licensees shall have on site and available for inspection by Board inspectors or other law enforcement personnel, the following:

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

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

(BLLC Rule 5.01 in 1988) (BLLC Rule 5.02 in 1998) (BLLC Rule 5.03 in 1988) (BLLC Rule 5.04 in 1988) (BLLC Rule 4.20 in 2015)

Rule 4.21 Public Market License – Cross Street and Lexington Market – Operations and Vendor Conduct

(a) Definitions

- a. For the purposes of Rule 4.21, the following terms have the following meanings:
 - i. “Board” is defined as the Board of Liquor License Commissioners for Baltimore City and its employees.
 - ii. “Live Entertainment” is defined in Rule 1.01(p) of these Rules and Regulations
 - iii. “Outdoor Table Service” is defined as an outdoor seating area that adjoins a licensed premise that is used by patrons to consume food or drinks.

(b) Public Market License

- a. As per the Alcoholic Beverages Article there is a Public Market License

(c) Authority of the Board

- a. The Board may issue the Public Market License only to an operator of an enclosed public market that:
 - i. Has a capital investment of at least \$5,000,000; and
 - ii. Is located in an area surrounded by Charles Street on the West, East Cross Street on the North, Light Street on the East, and East Cross Street on the South, in Ward 23, Precinct 1 of the 46th Alcoholic Beverages District
- b. Ownership and Transferability of License
 - i. Ownership of this license is transferable only to the Baltimore Public Markets Corporation.

(d) Scope of License and Fees

a. Authority

- i. The Public Market License authorizes the License Holder to sell for on or off premises consumption:
 1. Beer;
 2. Wine; and
 3. Liquor, when served as an ingredient in mixed drinks that may be purchased for at least \$5.00 each.

b. Hours of Operation

- i. The hours of sale of alcoholic beverages for on-premises consumption are:
 1. From 11:30 AM to 10:00 PM Monday through Thursday;

2. From 11:30 AM to 11:30 PM on Friday;
3. From 9:00 AM to 11:30 PM on Saturday; and
4. From 9:00 AM to 9:00 PM on Sunday.

c. The Annual License Fee is:

- i. \$6,500 per year; or
- ii. \$2,500 if the applicant for the license obtains and extinguishes one Class A, Class B, Class D, or Class B-D-7 license issued for use in Ward 23, Precinct 1 of the 46th Alcoholic Beverages District.

1. Standard of Proof

a. To apply for the reduction in the annual fee, the License Holder shall submit to the Board the following

- i. Proof of purchase of acquisition of a Class A, Class B, Class D, or Class B-D-7 license issued for use in Ward 23, Precinct 1 of the 46th Alcoholic Beverages District; and
 1. Examples include a Sales Contract or Secured Creditor taking of an applicable license.
- ii. Board verification that the license was in fact acquired, is applicable, was a valid license at the time of acquisition, and has been extinguished.

iii. Live Entertainment and Outdoor Table Service

In addition to the annual license fee, the License Holder shall pay annually:

- a.** \$500 if the License Holder provides live entertainment; and
- b.** \$200 if the License Holder provides outdoor table service.

(e) Floor Spacing Requirements

a. Public Market License Premises

- i. The Public Market License is separate from the premises for which a Class D (7 day) Beer and Wine license has been issued.

b. 20% Rule

- i. Subject to subsection (b) of this section, the License Holder may designate vendors within the public market to sell alcoholic beverages that are allowed under the scope of this license in leasable market space covering not more than 20% of the total square footage of floor space of the licensed premises.

c. Individual Vendor Limits

- i. An individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space.

d. Evidence to be provided of Floor Space Requirements

i. Issuance of License

1. Before the Board issues the Public Market License to the operator of the enclosed public market, the proposed holder shall:

- a. Submit a floor plan that enumerates the trade names and number of vendors within the enclosed public market; and
- b. Provide a list of the trade names and number of vendors serving alcoholic beverages within the enclosed public market; and
- c. Provide a detailed floor plan citing the location of each vendor within the enclosed public market; and
- d. Provide a written description of the numerical square footage allocated to each vendor; and
- e. Provide a written affidavit that leasable market space for the sale of alcoholic beverages does not cover more than 20% of the total square footage of floor space of the licensed premises; and
- f. Provide a valid use and occupancy permit issued by the Department of Housing and Community Development of Baltimore City.

ii. **Annual renewal of the License**

1. In addition to the renewal application to be filed in accordance with the Alcoholic Beverages Article, and prior to the renewal of the Public Market License to the operator of the enclosed public market, the Public Market License Holder shall:

- a. Submit a floor plan that enumerates the trade names and number of vendors within the enclosed public market; and
- b. Provide a detailed floor plan citing the location of each vendor within the enclosed public market; and
- c. Provide a written description of the numerical square footage allocated to each vendor; and
- d. Provide a written affidavit that leasable market space for the sale of alcoholic beverages does not cover more than 20% of the total square footage of floor space of the licensed premises.

2. Food Sales Requirements

- a. **Food Form Submission** – Accompanying the renewal application to be submitted to the Board each year, the Public Market License Holder shall file a form provided by the Board that indicates that the monthly receipts from the sale of non- alcoholic beverage items

shall be at least 65% of the total monthly receipts of the Public Market's licensed premises.

- b. Non-Alcoholic Items** – The only non-alcoholic beverage items that may be counted in this calculation are items sold in the public market that are not provided as part of an off-premises catering service.
- c. Affidavit of Certified Public Accountant** – The statement of monthly receipts shall be accompanied by an affidavit of a licensed certified public account that verifies that the Public Market License holder met the 65% food sales requirement.

(f) Requirements and Conduct of Vendors

a. Applications for Vendors

- i. Each vendor shall provide to the Board all information as listed on the Vendor Application as provided by the Board.

1. Additional Items to be submitted with Vendor Application

- a.** Valid Traders License
- b.** Valid Health Permit
- c.** Proof of Good Standing with SDAT
- d.** Valid Alcohol Awareness Certification

2. Criminal Background Check

- a.** All individuals who apply with the Board as vendors of the Public Market License Holder, authorized to sell alcoholic beverages, shall apply to the Central Repository for a State and National Criminal History records check.
 - i. The Board shall verify that the criminal histories of the vendors comply with the requirements of the Alcoholic Beverages Article before placing the named vendor on the license.

- ii. Renewal Submission

- 1. Prior to the renewal of the Public Market License to the operator of the enclosed public market, the Public Market License Holder shall submit the following items as relates to each vendor of the Public Market License:
 - a.** Valid Traders License
 - b.** Valid Health Permit
 - c.** Proof of Good Standing with SDAT
 - d.** Valid Alcohol Awareness Certification

b. Addition or Removal of Vendors

i. Addition of Vendors

1. If there is a request of the Public Market License Holder to add a vendor, then the following shall be submitted to the Board before the vendor is added to the License:
 - a. Completed Vendor Application
 - b. Valid Traders License
 - c. Valid Health Permit
 - d. Proof of Good Standing with SDAT
 - e. Valid Alcohol Awareness Certification
 - f. Criminal Background Form
2. Approval of New Vendor
 - a. Upon review of the request, and confirmation that the vendor's submissions are in compliance with the law, Board staff shall add the vendor to the License and produce a new amended copy of the Public Market License to the License Holder.

ii. Removal of Vendors

1. To remove a vendor, the Public Market License Holder shall submit a letter to the Board requesting that a specific vendor or vendors be removed from the Public Market License and the original copy of their license.
- c. Upon review of the request, the Board shall remove the vendor from the License and produce a new amended copy of the Public Market License.
- Scope of Vendors Authority to Sell Alcoholic Beverages
- i. A vendor authorized to sell alcoholic beverages, or an individual who is designated by the vendor and employed in a supervisory capacity, is required to be:
 1. Certified by an approved alcohol awareness program; and
 2. Present when alcoholic beverages are consumed.

The purpose of this rule is to ensure that alcoholic beverages that are purchased from a vendor or the License Holder for on premise consumption are consumed solely on the licensed premises and not transported off premise.

ii. Restriction on Participating or Advertising a Pub Crawl or Pub Tour

1. Vendors shall not participate in or publicize, in or outside the enclosed public market, for a pub crawl or pub tour.

2. Open Bar Prohibited

- a. Except for an event closed to the public, including a rehearsal dinner, wedding reception, corporate function, or retirement party, a license holder or vendor may not allow an open bar to be operated by a vendor.

d. Compliance with laws and BLLC Rules and Regulations

- iii. All vendors of the Public Market License shall be in compliance with Federal, State, and local laws in addition to the Alcoholic Beverage Rules and Regulations of the Board.

1. Violations

- a. Any violations that are issued by the Board for violating this subsection will be charged accordingly and the Public Market License Holder and applicable vendor(s) shall be brought before the Board at a public hearing as per the Alcoholic Beverages Article.

(g) Requirements and Conduct of License Holders

a. License holders within enclosed Public Market

- i. Each license holder that is not a Public Market License Holder, nor a vendor of the Public Market License Holder, shall be in compliance with Federal, State, and local laws in addition to the Alcoholic Beverage Rules and Regulations of the Board.

1. Violations

- a. Any violations issued by the Board for violating this subsection will be charged accordingly and brought before the Board at a public hearing as per the Alcoholic Beverages Article.

- i. Any license holder charged with a violation of the Federal, State, and local laws in addition to the Alcoholic Beverage Rules and Regulations shall be charged separate and apart from the Public Market License Holder and vendors of the Public Market License Holder.

b. Renewal Submission

- i. All license holders within the enclosed public market shall file a renewal application in accordance with the Alcoholic Beverages Article as applicable to their respective Class of license.

c. Restriction on Participating or Advertising a Pub Crawl or Pub Tour

- i. All license holders within the enclosed public market shall not participate in or publicize, in or outside the enclosed public market, for a pub crawl or pub tour.

1. Open Bar Prohibited

- a. Except for an event closed to the public, including a rehearsal dinner, wedding reception, corporate function, or retirement party, a license holder or vendor may not allow an open bar to be operated by a vendor.

d. Hours of Operation

- i. All license holders within the enclosed public market that are not the Public Market License Holder, nor a vendor of the Public Market License Holder, shall operate in accordance with the hours of operation as provided by their respective Class of license.

(h) Holding of Events that Are Closed to the Public

a. Compliance with laws and Board Rules and Regulations

- i. The Public Market License Holder, vendors of Public Market License Holder, and license holders that are unrelated to the Public Market License Holder within the enclosed public market shall hold events that are closed to the public in compliance with Federal, State, and local laws in addition to the Alcoholic Beverage Rules and Regulations of the Board.

1. Violations

- a. Any violations issued by inspectors to the Public Market License Holder, vendors of Public Market License Holder, and license holders that are unrelated to the Public Market License Holder within the enclosed public market, for violating this subsection will be charged accordingly and the Public Market License Holder, applicable vendor(s), and/or a license holder shall be brought before the Board at a public hearing as per the Alcoholic Beverages Article.

(i) Maintaining of Common Seating Area

a. Compliance with Department of Housing and Community Development and Fire Department standards

- i. The Public Market License Holder, vendors of Public Market License Holder, and license holders that are unrelated to the Public Market License Holder within the enclosed public market shall comply with any seating capacity standards as adopted by the Department of Housing and Community Development of Baltimore City and the Fire Department of Baltimore City.
- ii. Use and Occupancy Permit
 - 1. At all times, the Public Market License Holder or a license holder that is unrelated to the Public Market License Holder, or his or her designee, shall have a copy of the Use and Occupancy Permit issued by the Public Market License Holder

(See Alc. Bev. Art. §12-1002.1(i))

Rule 4.22 – Baltimore City Related Event Permit – Application and Permit Issuance Process

(a) Definitions

- a. For the purposes of Rule 4.22, the following terms have the following meanings:
 - i. “Application” means an application for a Baltimore City Related Event Permit.

- ii. “Board” is defined as the Board of Liquor License Commissioners for Baltimore City and its employees.
- iii. “CIAA Basketball Tournament” means the annual basketball tournament of the Central Intercollegiate Athletic Association.
- iv. “DOT” means Department of Transportation for the City of Baltimore.
- v. “License Holder” means a license holder who is participating on behalf of a Related Event Promoter.
- vi. “Reasonably Anticipate(d),” for the purposes of determining population size of a Related Event, means that the applicant is on notice of a credible probability that at least 75 individuals will be in attendance at a Related Event.
- vii. “Related Event” means an event in which:
 - 1. A License Holder participates in a coordinated promotion with a third-party promoter to sell or provide alcoholic beverages during a specified time; and at least 75 individuals are Reasonably Anticipated to participate.
 - 2. A “Related Event” includes an event for which tickets are sold to the public, including a concert, an entertainment event, a happy hour, or a party.
 - 3. A “Related Event” does not include:
 - a. An event, which is scheduled on a regular basis throughout the calendar year and whose intent and purpose is completely unrelated to the CIAA tournament’s presence in Baltimore City.
- viii. “Related Event Promoter” means an individual, for profit organization, or a non-profit organization that promotes a social event related to the CIAA Basketball Tournament around the same time and location as the CIAA Basketball Tournament.
- ix. “Related Event Promoter’s Permit” means a permit that is issued by the Board, which allows a License Holder or a Related Event Promoter to publicize, sell tickets for, organize, operate, produce, or stage a Related Event as defined by these Rules and Regulations.
- x. “Security Personnel” means an employee of a license holder who provides on premises security services or an individual who is a Maryland State Police certified security guard employed by a Maryland State Police certified security agency.
- xi. “State Caterer’s License or SCAT License” is defined by Alcoholic Beverages Article §2-501 through §2-506 of the Maryland State Code.
- xii. “Written Consent from a Designee of Visit Baltimore” means a written or electronic communication issued by a representative from Visit Baltimore identifying a license holder or related event promoter who is eligible to make Application for a Related Event Promoter’s Permit.

- xiii. “Visit Baltimore” means the official 501(c)(6)/non-profit group that is the destination marketing organization for the City of Baltimore.

(b) Related Event Promoter’s Permit

- a. As per Alcoholic Beverages Article §12-1102.2 (b) there is a Related Event Promoter’s Permit.

(c) Authority of the Board

- a. The Board may issue a Related Event Promoter’s Permit, which authorizes:
 - i. a License Holder or a Related Event Promoter to publicize, sell tickets for, organize, operate, produce, stage, and conduct a Related Event as defined by these Rules and Regulations.

(d) General Application Guidelines

- a. **Related Event Promoter Permit Applications Due no later than 90 Days before Event**
 - i. The Board is authorized to grant a Related Event Promoter’s Permit, only to applicants who submit an Application to the Board, as provided under these rules and regulations, due no later than 90 days before the date of the Related Event.
- b. **One Event = One Application**
 - i. A separate Application shall be submitted to the Board for each Related Event held by either the License Holder, Related Event Promoter, or SCAT License Holder.
 - 1. No Exceptions for Multiple Events at Same location, Same Day
 - a. Multiple events held at the same location on the same day will require a separate Application for each event.
- c. **Baltimore City Residency Not Required**
 - i. An individual who applies for and is issued the permit is not required to be a resident or a registered voter in Baltimore City.
- d. **14 Day Review and Notification Process**
 - i. Within 14 days after receiving an Application, the Board shall grant or deny the permit or request more information from the applicant.
- e. **Permit Alteration Restrictions**
 - i. A permit may not be altered within 30 days before the Related Event is scheduled to take place.
- f. **Time Limitations on Related Event Promoter’s Permit**
 - i. The permit for each Related Event may be in effect for the time stated on the special event permit issued by DOT.
- g. **Special Event Permit**
 - i. If a special event permit is needed, application shall be made pursuant to DOT’s special event permits rules and regulations.

(e) Application Requirements

a. License Holder Application

i. Completed Application that is Signed and Notarized

1. The Application shall be signed and notarized by the License Holder.

ii. DOT Permit Receipt or DOT Letter Required to be submitted with Application

1. Under 300 Participants

a. Request to Close Streets – DOT Special Event Application

- i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event requires the closure of a street, then the applicant shall make application with DOT for a special event permit.
 1. The Board shall not accept an Application from an applicant in these circumstances, unless the applicant submits a receipt for his or her special event permit application to the Board with their Related Event Permit Application.

b. No Request to Close Streets

- i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event does not require the closure of a street, then no special event permit is required for the filing of a Related Event Promoter's Permit.

2. 300 Participants or above

- a. If the proposed number of attendees/ticket purchasers to the event is 300 or more, then the applicant is required to have DOT review their request to determine whether or not the issuance of DOT special event permit is required to hold the event.
- b. If DOT determines that a special event permit is not required, then DOT shall provide a letter to the applicant indicating that no special event permit is required for the Related Event.
- c. The License Holder applicant shall submit a copy of this letter with his or her Application to the Board.
- d. **Special Event Permit Needed – DOT Receipt**
 - i. If upon review, DOT determines that a special event permit is required for the Related Event, then the

License Holder applicant shall submit a special event permit application to DOT.

- ii. The License Holder applicant shall submit a receipt for his or her special event permit application to the Board with their Related Event Permit Application

iii. Written Consent from Visit Baltimore

1. The License Holder applicant shall submit a copy of the written consent from a designee of Visit Baltimore identifying the applicant as one that is eligible to make application for a Related Event Promoter's Permit.
 - a. The Board will verify with Visit Baltimore the authenticity of the consent.

iv. Flyer for the Event

1. The License Holder applicant shall provide a copy of a flyer advertising, promoting, or publicizing the event.

v. Proof of Good Standing

1. The Board shall verify that the legal entity that owns the license (corporation, limited liability company, etc.) where the Related Event is conducted is in good standing with the Maryland State Department of Assessments and Taxation.

vi. Security Plan

1. The License Holder applicant shall provide the Board with a security plan that contains the following information:
 - a. Map of the Area,
 - b. Number of Security Personnel overseeing the event,
 - c. A plan to ensure that individuals purchasing and consuming alcoholic beverages are 21 and older,
 - d. A plan to ensure alcoholic beverages purchased at the Related Event are not transported off-premise; and
 - e. The Board's Alcoholic Beverage Rules and Regulations.

vii. Outdoor Event

1. If this is an outdoor event and License Holders are serving alcoholic beverages in temporary space that is authorized by DOT, then license holders shall pay the additional \$200 per day for an outdoor extension.

b. License Holder and Related Event Promoter Joint Application

i. Letter from License Holder

1. To make application for a Related Event Promoter's Permit in conjunction with a License Holder, a Related Event Promoter shall obtain and submit to the Board a letter on the license holder's letterhead, which is signed by the license holder, authorizing the third party promoter to make application for the Related Event Promoter's Permit.

ii. Completed Application that is Signed and Notarized

1. The Application shall be signed and notarized by the license holder, whose location is being utilized for the event.

iii. DOT Permit Receipt or DOT Letter Required to be submitted with Application

1. Under 300 Participants

a. Request to Close Streets – DOT Special Event Application

- i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event requires the closure of a street, then the applicant shall make application with DOT for a special event permit.

1. The Board shall not accept an Application from an applicant in these circumstances, unless the applicant submits a receipt for his or her special event permit application to the Board with their Related Event Permit application.

b. No Request to Close Streets

- i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event does not require the closure of a street, then no special event permit is required for the filing of a Related Event Promoter's Permit.

2. 300 Participants or above

- a. If the proposed number of attendees/ticket purchasers to the event is 300 or more, then the applicant is required to have DOT review their request to determine whether or not the issuance of DOT special event permit is required to hold the event.

- b. If DOT determines that a special event permit is not required, then DOT shall provide a letter to the applicant indicating that no special event permit is required for the Related Event.

- c. The applicant shall submit a copy of this letter with his or her Application to the Board.

d. Special Event Permit Needed – DOT Receipt

- i. If upon review, DOT determines that a special event permit is required for the Related Event, then the applicant shall submit a special event permit application to DOT.

- ii. The applicant shall submit a receipt for his or her special event permit application to the Board with their Related Event permit application.

iv. Written Consent from Visit Baltimore

- 1. The Related Event Promoter applicant shall submit a copy of the written consent from a designee of Visit Baltimore identifying the Related Event Promoter as one that is eligible to make application for a Related Event Promoter's Permit.
 - a. The Board will verify with Visit Baltimore the authenticity of the consent.

v. Flyer for the Event

- 1. The applicant shall provide a copy of a flyer advertising, promoting, or publicizing the event.

vi. Proof of Good Standing

- 1. The Board shall verify that the legal entity that owns the license (corporation, limited liability company, etc.) where the Related Event is conducted is in good standing with the Maryland State Department of Assessments and Taxation.

vii. Security Plan

- 1. The applicant shall provide the Board with a security plan that contains the following information:
 - a. Map of the Area,
 - b. Number of Security Personnel overseeing the event,
 - c. A plan to ensure that individuals purchasing and consuming alcoholic beverages are 21 and older,
 - d. A plan to ensure alcoholic beverages purchased at the Related Event are not transported off-premise; and
 - e. The Board's Alcoholic Beverage Rules and Regulations.

viii. Outdoor Event

- 1. If this is an outdoor event and alcoholic beverages will be served by the License Holder in temporary space that is authorized by DOT, then the applicant shall pay the additional \$200.00 per day for an outdoor extension.

c. One Day License Holders and Related Event Promoter Joint Application

i. Letter from One Day License Holder

- 1. To make application for a Related Event Promoter's Permit in conjunction with a Class C one-day (non-profit) License Holder, a Related Event Promoter shall obtain and submit to the Board a letter on the license holder's letterhead, which is signed by the Class C one-day (non-profit) License Holder, authorizing the third party promoter to make application for the Related Event Promoter's Permit.

ii. Copy of One Day License Issued

1. The applicant shall provide the Board with a copy of the Class C one-day license issued.
2. The Class C one-day license shall authorize its holder to provide alcoholic beverages on a date and time contemporaneous with the Application for the Related Event Promoter's Permit.

iii. Completed Application that is Signed and Notarized

1. The Application shall be signed and notarized by the Class C one-day (non-profit) License Holder, whose location is being utilized for the event.

iv. DOT Permit Receipt or DOT Letter Required to be submitted with Application

1. Under 300 Participants

- a. Request to Close Streets – DOT special event application
 - i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event requires the closure of a street, then the applicant shall make application with DOT for a special event permit.
 1. The Board shall not accept an Application from an applicant in these circumstances, unless the applicant submits a receipt for his or her special event permit application to the Board with their Related Event permit application.
- b. No Request to Close Streets
 - i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event does not require the closure of a street, then no special event permit is required for the filing of a Related Event Promoter's Permit.

2. 300 Participants or above

- a. If the proposed number of attendees/ticket purchasers to the event is 300 or more, then the applicant is required to have DOT review their request to determine whether or not the issuance of DOT special event permit is required to hold the event.
- b. If DOT determines that a special event permit is not required, then DOT shall provide a letter to the applicant indicating that no special event permit is required for the Related Event.
- c. The applicant shall submit a copy of this letter with his or her Application to the Board.

d. Special Event Permit Needed – DOT Receipt

- i.** If upon review, DOT determines that a special event permit is required for the Related Event, then the applicant shall submit a special event permit application to DOT.
- ii.** The applicant shall submit a receipt for his or her special event permit application to the Board with their Related Event permit application.

v. Written Consent from Visit Baltimore

- 1.** The Related Event Promoter applicant shall submit a copy of the written consent from a designee of Visit Baltimore identifying the Related Event Promoter as one that is eligible to make application for a Related Event Promoter’s Permit.

- a.** The Board will verify with Visit Baltimore the authenticity of the consent.

vi. Flyer for the Event

- 1.** The applicant shall provide a copy of a flyer advertising, promoting, or publicizing the event.

vii. Proof of Good Standing

- 1.** The Board shall verify that the legal entity that owns the license (corporation, limited liability company, etc.) of the non-profit organization that holds the one-day Class C license is in good standing with the Maryland State Department of Assessments and Taxation.

viii. Security Plan

- 1.** The applicant shall provide the Board with a security plan that contains the following information:
 - a.** Map of the area,
 - b.** Number of Security Personnel overseeing the event,
 - c.** A plan to ensure that individuals purchasing and consuming alcoholic beverages are 21 and older,
 - d.** A plan to ensure alcoholic beverages purchased at the Related Event are not transported off-premise; and
 - e.** The Board’s Alcoholic Beverage Rules and Regulations.

d. SCAT License Holders and Related Event Promoter Joint Application

i. Letter from SCAT License Holder

- 1.** To make application for a Related Event Promoter’s Permit in conjunction with a SCAT license holder, a Related Event Promoter shall obtain and submit to the Board a letter on the license holder’s letterhead, which is signed by the SCAT license holder, authorizing the third party promoter to make application for the Related Event Promoter’s Permit.

ii. Copy of SCAT License

1. The applicant shall provide the Board with a copy of the SCAT license holder's license to ensure its validity.

a. The Board may verify the authenticity of the SCAT license holder with the Comptroller's Office of the State of Maryland.

iii. Completed Application that is Signed and Notarized

1. The Application shall be signed and notarized by the SCAT license holder, whose location is being utilized for the event.

iv. DOT Permit Receipt or DOT Letter Required to be submitted with Application

1. Under 300 Participants

a. Request to Close Streets – DOT special event application

i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event requires the closure of a street, then the applicant shall make application with DOT for a special event permit.

1. The Board shall not accept an Application from an applicant in these circumstances, unless the applicant submits a receipt for his or her special event permit application to the Board with their Related Event permit application.

b. **No Request to Close Streets**

i. If the proposed number of attendees/ticket purchasers to the event is less than 300 and the applicant's event does not require the closure of a street, then no special event permit is required for the filing of a Related Event Promoter's Permit.

2. 300 Participants or above

a. If the proposed number of attendees/ticket purchasers to the event is 300 or more, then the applicant is required to have DOT review their request to determine whether or not the issuance of DOT special event permit is required to hold the event.

b. If DOT determines that a special event permit is not required, then DOT shall provide a letter to the applicant indicating that no special event permit is required for the Related Event.

c. The applicant shall submit a copy of this letter with his or her Application to the Board.

d. Special Event Permit Needed – DOT Receipt

- b. \$1500, if 300 or more individuals are Reasonably Anticipated to participate.

b. Director of Finance

- 3. All payments made to the Board will be made out to the “Director of Finance” for the City of Baltimore.

c. Cancellations and Refunds

i. Cancellations

1. Written Request and Original Copy of License

- a. A Related Event Permit holder shall request in writing, no later than 14 calendar days before the date of the Related Event, a cancellation of their Related Event Permit.

- i. The following information shall be provided in the cancellation letter:

- 1. Name of Requester,
- 2. Name, date, and location of the event,
- 3. Reason for the cancellation; and
- 4. Name and address of individual or corporation to whom the check should be made payable.

b. Original Copy of Related Event Permit

- i. Accompanying the letter, the Related Event Permit holder shall include the original copy of the Related Event Permit with his or her cancellation request.

ii. Refunds

- 1. Upon receipt, valid and complete requests for cancellation will be processed by the Board. Any payment made payable to the individual or corporation requesting the cancellation shall be made by the Department of Finance for the City of Baltimore.

(g) Issuance of Related Event Promoter’s Permit and Display

a. Issuance of Related Event Promoter’s Permit

- i. Upon completion of the Application to the satisfaction of the Board, submission of all documents, and payment of the required fees as stated in these Rules and Regulations, the Board shall issue a Related Event Promoter’s Permit to the applicant.

b. Display on the Premises

- i. The holder of a Related Event Promoter’s Permit shall conspicuously display a copy of the permit on the premises where the Related Event is conducted on the date and time of the Related Event.

1. Presentation

- a. Upon request by a Board Inspector or law enforcement officer, the holder of the Related Event Promoter’s Permit shall present said permit to the Board Inspector or law enforcement officer.

(h) Enforcement

a. Board Inspection Division

- i.** The Inspection division of the Board shall enforce the provisions of Alc. Bev. Art. §12-1102.2 and these Rules and Regulations.

- 1. Board Jurisdiction is NOT Exclusive**

- a.** Rules and Regulations do not preclude state and local law enforcement officers and State Comptroller's Office from enforcing the provisions of Alcoholic Beverages Article §12-1102.2 and these Rules and Regulations.

b. Health and Safety Standards

- i. Health Standards**

- 1.** Enforcement efforts shall ensure that holders of Related Event Promoter's Permits are in compliance with standards set forth by the Department of Health for the City of Baltimore.

- ii. Public Safety Standards**

- 1.** Enforcement efforts shall ensure that holders of a Related Event Permit do not engage in activity that would constitute a violation of the Board's Alcoholic Beverage Rules and Regulations, which Related Event Permit Holders shall be responsible for complying with to the extent allowable under law.

c. Penalties

- i. License Holders**

- 1.** For the offense of publicizing, selling tickets for, organizing, operating, producing, facilitating, or staging a Related Event with the knowledge or a reason to know that a Related Event Promoter's Permit Required under Alcoholic Beverages Article §12-1102.2 has not been obtained, the Board shall impose a fine of not less than \$1,000 and not more than \$3,000 or suspend the license or both.

- ii. Promoters and License Holders**

- 1.** A person who violates Alcoholic Beverages Article §12-1102.2 or these Rules and Regulations may not be granted a Related Event Promoter's Permit for at least one (1) year.

- iii. SCAT License Holders**

- 1.** For the offense by the holder of a SCAT license of participating in a CIAA Basketball Tournament Related Event without first obtaining a Class C One Day License required by Alcoholic Beverages Article the Comptroller shall impose a fine of not less than \$1,000 and not more than \$3,000 or suspend the license or both.

(i) Public Notice

a. Notification of all Related Event Promoter’s Permits via Board’s website

- i. The Board shall maintain a link on its website (lb.baltimorecity.gov) that provides a list of the Related Event Promoter’s Permits issued by the agency.

1. Updated on a Weekly Basis

- a. The Board shall update the information concerning Related Event Promoter’s Permits on its website on a weekly basis to ensure information concerning Related Events is current.

(See Alc. Bev. Art. §12-1102.2) (See also Alc. Bev. Art. §12-205) (Alc. Bev. Art. §12-1002.1)

Rule 4.23 – Digital Camera Surveillance System – Class A, Class A-2, Class A-7 Beer, Wine, and Liquor Licensed Establishments

(a) Definitions

- a. For the purposes of Rule 4.23, the following terms have the following meanings:
 - i. “Board” is defined as the Board of Liquor License Commissioners for Baltimore City and its employees.
 - ii. “Cash Register” is a machine used in places of business for regulating money transactions with customers. It typically has a till for cash, and it totals, displays, and records the amount of each sale.
 - iii. “Class A Beer, Wine, and Liquor License” is defined under
 - iv. “Class A-2 Beer, Wine and Liquor License” is defined under
 - v. “Class A-7 Beer, Wine, and Liquor License” is defined under
 - vi. “Cloud” is defined as a cloud computing model in which digital records are stored on remote servers accessed from the internet, or "cloud."
 - vii. “Conspicuous” is defined as easily seen or noticed; readily visible or observable.
 - viii. “Criminal Investigation” – is defined as an inquiry by the Baltimore Police Department into any alleged criminal activity.
 - ix. “Digital Surveillance System” is defined a system that provides continuous, 24-hour monitoring through High-Definition Cameras without audio recording capacity on the interior and exterior of the licensed premises.
 - x. “High-Definition Cameras” are defined as video cameras that record and produce digital footage that must meet or exceed the resolution of 1080 pixels (High Definition aka H.D. of Full High Definition aka F.H.D) which comes as a display resolution of 1920 x 1080 pixels.
 - xi. “Licensed Premises” for the purposes of this Regulation means not only the portions of the premises that are licensed to sell, distribute, and store alcoholic beverages, but the interior and exterior of the physical

- building or structure where the establishment is located.
- xii. “Police Department” is defined as the Baltimore City Police Department.
 - xiii. “Digital Records” is defined as any and all video footage recorded by the Digital Surveillance System required to be installed by a license holder under this regulation.
 - xiv. “Temporary Waiver” is defined as a waiver issued to a license holder who purchased and installed a non-compliant surveillance system prior to October 1, 2020.
 - xv. “Till” is defined as the drawer of the cash register where the money is kept.

(b) Authority of the Board

- a. As per Alcoholic Beverages Article 12-1804.2, the Board is authorized to ensure that a Class A, Class A-2, Class A-7 Beer, Wine, and Liquor license holder shall maintain and operate a Digital Surveillance System on its licensed premises in accordance with this regulation.

(c) Digital Surveillance System Requirements

a. Location of Digital Surveillance System

- i. The High Definition Cameras must be placed in such a way that:
 - 1. The exterior of each entry way into the licensed premises is monitored; and
 - 2. The interior of each entry way into the licensed premises is monitored; and
 - 3. The cash register or till is monitored

b. Appropriate Signage and Public Notification

- i. Appropriate Signage
 - 1. A license holder required to install a Digital Surveillance System under this regulation, shall create a sign that states the following:

“24-Hour Digital Surveillance System in Operation”

This Licensed Establishment is subject to 24-Hour Video Surveillance Monitoring on the Exterior and Interior of the Establishment

- 2. Size of Sign and Font (See Exhibit #1 for example)
 - a. The sign must:
 - Be at least 8.5 x 11 inches in size
 - Contain the text required under BLLR Regulation 4.23 (c)(b)(i)(1) in English and Spanish
 - b. The license holder required to post a sign under this

regulation may meet the requirements of this subsection by creating its own signs, using a font size of not less than 48 points for title of the sign and a font size of not less than 36 points for the body text.

- ii. Notification and Posting
 1. A license holder required to install a Digital Surveillance System under this regulation, and create the appropriate signage under this regulation shall post the sign in a conspicuous location on both the interior and exterior on the licensed premises.

c. Preservation of Records

- i. Preservation Requirement for License Holder
 1. Digital Records produced by the Digital Surveillance System shall be retained by the license holder for not less than 14 days, but not more than 30 days.
 2. Digital Records shall be maintained on the licensed premises or via the cloud using a service provider.
 3. Digital Records must be maintained in accordance with standard video footage storage requirements
 - a. Examples of standard video footage storage formats, include, but are not limited to, MPEG-4 or higher, H.264, or HEVC/H.265.

(d) Compliance

a. Registration, Verification, and Renewal

- i. Registration
 1. A license holder required to install a Digital Surveillance System under this regulation shall register its Digital Surveillance System with the Police Department through its Citiwatch Program which can be accessed via the internet at: www.citiwatch.baltimorecity.gov
- ii. Verification
 1. The Board will verify that a license holder required to install a Digital Surveillance System under this regulation, has in fact installed and continuously operates such a Digital Surveillance System whenever an Inspector of the Board conducts a routine or compliance inspection of the licensed establishment, as per BLLC Standard Operating Procedure 3.03 (Routine Inspection Protocol) and 3.04 (Compliance Inspection Protocol)
- iii. Renewal
 1. Beginning January 1, 2021, a license holder required to install a Digital Surveillance System under this regulation shall along with and in addition to filing its application for renewal, which

is due by March 31, of each license year, file a separate affidavit verifying its compliance with these regulations (See Exhibit 2)

b. Requests for Footage by Police Department

- i. Police May Request Digital Records from License Holders
 - 1. The Police Department may request either verbally or in writing Digital Records from a license holder required to install a Digital Surveillance System under this regulation only in connection with a Criminal Investigation.
 - a. **Inadmissibility Clause** – Unless otherwise determined by a Court of competent jurisdiction, Digital Records obtained by the Police Department, from a license holder required to install a Digital Surveillance System under this regulation, in violation of this regulation are inadmissible in a criminal proceeding

ii. Provision of Video Footage to Police Department

- 1. Digital Records provided to the Police Department by a license holder required to install a Digital Surveillance System under this regulation, shall be made accessible to Police Department via the internet (video cloud service provider), placement of local footage unto digital media such as a USB Drive, external or removable hard drive, or via DVD/Blu-ray.

c. Waivers

- i. Authority
 - 1. The Board may issue a Temporary waiver to a license holder, required to install a Digital Surveillance System under this regulation, who purchased and installed a non-compliant surveillance system prior to October 1, 2020.
- ii. Temporary Waiver
 - 1. If after January 1, 2021, the Board determines that a license holder, required to install a Digital Surveillance System under this regulation, who purchased and installed a non-compliant surveillance system prior to October 1, 2020, the Board may then:
 - a. Grant a temporary waiver to the license holder, only until and not to exceed past, January 1, 2022 in order to come into compliance with this regulation.
- iii. Temporary Waiver Request
 - 1. To qualify for a Temporary Waiver Request under these Regulations, the license holder must make the request in writing, directed to the Board, and the request must contain the following:
 - a. Address of Location

- b. Class of License
 - c. Corporate Name of Establishment
 - d. Trade Name of Establish
 - e. Date of Request
 - f. Request for a Temporary Waiver, to include
 - Details of current Digital Surveillance System Installed
 - Plans to install a Digital Surveillance System that is compliant and verifiable with these Regulations by January 1, 2022
- iv. Review and Approval of Waiver
- 1. Review of Waiver
 - a. Upon receipt of the Temporary Waiver Request, the Board or his or her designee will review to determine the following:
 - Whether the request was made on behalf of a location that has been issued a valid alcoholic beverages license; and
 - Whether or not the licensee has provided sufficient information concerning the current Digital Surveillance System installed; and
 - Plans to install a Digital Surveillance System that is compliant and verifiable with these Regulations by January 1, 2022
 - 2. Approval of Wavier
 - a. If all criteria listed in the “Review and Waiver” subsection above are deemed sufficient by the Board or his or her designee, then the Board may approve the Temporary Waiver Request of the license holder only until and not to exceed past January 1, 2022
 - 3. Copies of Request and Approval
 - a. Copies of the license holder’s request and approval or disapproval will be placed in the license holder’s file.

d. Penalties

- i. Board has Authority to Issue Penalties for Violation of this Regulation
 - 1. In conjunction with Alc. Bev. Art. 4-604 and 12-2802 the Board is authorized to fine, suspend, and/or revoke the license of a license holder required to install a Digital Surveillance System under this regulation, after being found in violation of this regulation.

(See Alc. Bev. Art. §12-901) (See also Alc. Bev. Art. §12-902) (See Alc. Bev. Art. §12-902.1) (See also Alc. Bev. Art. §12-1804.2)