

Rule 4.21 Public Market License – Cross Street 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 §12-1002.1 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 \$3,000,000; 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**

1. 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.

- a. 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.

c. **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.
 - a. 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**

- i. 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