

Article - Alcoholic Beverages

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§8–203.

- (a) The provisions of this section only apply in Baltimore City.
- (b) In this section, “Board” means the Board of License Commissioners of Baltimore City.
- (c)
 - (1) (i) There is a special amusement license.
 - (ii) The Board may issue a license to the holders of Class D beer, wine and liquor licenses who regularly specialize in the entertainment of their patrons by providing approved types of amusement such as singing, dancing, music (other than recorded music or radio programs), floor shows, acrobatic acts, theatricals or moving pictures.
 - (iii) Licensees may sell all alcoholic beverages at the hours provided.
 - (iv) The provisions of § 12–302 of this article do not apply to these licenses.
 - (v) A person under the age of 18 may not be employed in these establishments for the sale of alcoholic beverages.
- (2) The procedure in issuing such licenses shall be prescribed by rule or regulation of the Board and shall conform as near as practicable to the procedure prescribed in § 10–202 of this article. The Board shall determine if the license is reasonably necessary for the convenience of the public.
- (3) The Board may not authorize the issuance of a Class B beer, wine and liquor license for any establishment where patrons are entertained as above set forth unless the Board shall find that the establishment is a restaurant as defined in this article.
- (4) Licenses issued under the authority of this subsection are subject to all the provisions of this article relating to licenses in Baltimore City to the extent that the provisions are not inconsistent with this section.
- (5) All licenses shall be issued by the Clerk of the Circuit Court for Baltimore City upon certification by the Board.
- (6) The annual license fee is \$750. This is in addition to the regular annual fee paid for Class D beer, wine and liquor licenses.
- (d)
 - (1) There is a Class B–D–7 license.

(2) The Board may issue an additional beer, wine and liquor license.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, licensees may sell all alcoholic beverages at retail at the place in the license described, for consumption on the premises and elsewhere, from 6 a.m. to 2 a.m. on the following day, 7 days per week.

(ii) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted in 2006, the hours of sale begin at 9 a.m. each day.

(4) All restaurant licensees having a valid Class B beer, wine and liquor license and all licensees having a valid Class D beer, wine and liquor license with the special amusement license may exchange their present license for a Class B–D–7 license. All special restrictions imposed on the particular Class B or Class D license with special amusement license being exchanged shall remain in effect and apply to the new license until changed by the license commissioners.

(5) A Class B–D–7, beer, wine and liquor license other than as provided in paragraph (4) of this subsection may not be issued until June 1, 1967, at which time the procedure in issuing such licenses other than as set forth in paragraph (4) of this subsection shall be prescribed by regulation of the Board and shall conform as near as practicable to the procedure prescribed in § 10–202 of this article. A license may not be issued by the Board unless the license, in the judgment of the Board, is reasonably necessary for the convenience of the public. In determining what is reasonably necessary for the convenience of the public, the Board shall consider the number of beer, wine and liquor outlets in any given area and the number of days such outlets are open rather than the nature of the beer, wine and liquor licensed outlets.

(6) Licenses issued under the authority of this section are subject to all the provisions of this article relating to licenses in Baltimore City to the extent that those provisions are not inconsistent with this section.

(7) All such licenses shall be issued by the Board of Liquor License Commissioners upon certification of the Board. The annual license fee is \$1,320.

(8) The Board shall adopt regulations to determine the manner of operation of an establishment that is operated under a Class B–D–7 beer, wine and liquor license.

(9) (i) On or before April 22, 1996, the holder of an expiring Class B–D–7 beer, wine and liquor license shall file with the Board a declaration of intent in conjunction with filing an application for license renewal.

(ii) The declaration of intent shall request the Board to:

1. Renew the expiring license effective May 1, 1996 as a Class B–D–7 beer, wine and liquor license pursuant to this section and any regulations adopted by the Board; or

2. Renew the expiring license effective May 1, 1996 as a Class A-2 beer, wine and liquor off-sale package goods license pursuant to § 6-102 of this article.

(iii) A Class A-2 beer, wine and liquor off-sale license substituted under this section may not be converted or substituted for any other class of alcoholic beverages license, including a reversion to a Class B-D-7 beer, wine and liquor license.

(iv) A substitute license provided for under this subsection may not be granted after May 1, 1996.

(e) (1) There is a refillable container permit.

(2) The Board may issue a refillable container permit to a holder of any class of alcoholic beverages license issued by the Board except a Class C license or a Class M-G license.

(3) Subject to paragraph (4) of this subsection, a refillable container permit 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.

(4) To be used as a refillable container under paragraph (3) of this subsection, a container shall meet the standards under § 21-107 of this article.

(5) Before the Board issues a refillable container permit to an applicant:

(i) The applicant shall:

1. Complete the form that the Board provides; and

2. Pay an annual permit fee of:

A. \$500 for an applicant whose alcoholic beverages license does not have an off-sale privilege; or

B. \$50 for an applicant whose alcoholic beverages license has an off-sale privilege; and

(ii) An applicant who holds a license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds.

(6) The term of a refillable container permit issued to a successful applicant is the same as that of the license that the applicant holds.

(7) Receipts collected under a refillable container permit are to be included in the calculation of average daily receipts from the sale of alcoholic beverages under §

1–102(a)(22)(i)3 of this article.

(8) The hours of sale for a refillable container permit:

(i) Begin at the same time as those for the license already held by the person to whom the refillable container permit is issued; and

(ii) End at midnight.

(9) A holder of a refillable container permit may refill only a refillable container that meets the standards under § 21–107 of this article.

(10) The Board shall adopt regulations to carry out this subsection.

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