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BOARD OF LIQUOR LICENSE COMMISSIONERS

FOR BALTIMORE CITY

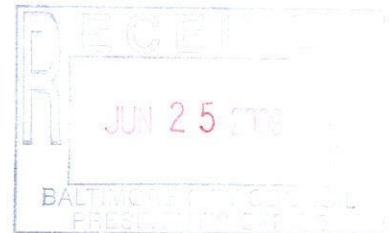
6TH FLOOR, 231 E. BALTIMORE STREET

BALTIMORE, MARYLAND 21202-3258

(410) 396-4377

June 17, 2009

Ms. Stephanie Rawlings-Blake
City Council President
100 N. Holliday Street Suite 400
Baltimore Maryland 21202



Re: Response to Council Resolution 08-0072R

Honorable Madam President,

Responding to Council's pending resolution, the Board is submitting the following information for your clarity and assistance. The number of currently issued licenses [paid for] is approximately 1329, out of approximately 1400 potential licenses. Given the economy, we are uncertain how many of the unpaid licenses will reactivate.

In the matter of transfers, this nomenclature is applied to all license transactions from L.L.C. or Corporate name modification where all equity and partners remain the same, through the complete change of ownership and location.

§ 10-202 (e) (2) (i) On receipt of an application for a new license, a transfer of a license, a change in the class of the license, a request for live entertainment on the licensed premises, or an extension of the licensed premises, the Board of License Commissioners for Baltimore City shall advertise and post notice of the application or request in accordance with this paragraph.

Generally distance is a factor and measurements are taken when there is a transfer to a new location or there is a credible complaint. Measurements are not required for an existing location no matter the distance from a church or school. All initial measurements are taken by inspectors unless there is a high probability that the distance is less than that which is legally permissible. When the distance is crucial, exact measurements are procured through Bill Beatty of the Property Location Section of the Department of Public Works. An existing location that is currently less than 300 feet from a church or school is capable of remaining even when the ownership and business entity changes.

Comments

§ 9-204.3. Baltimore City - Premises near churches or schools.

- (a) *Restrictions.*- In Baltimore City, no new license, or removal of an existing license, shall be granted to sell alcoholic beverages in any building located within 300 feet of the nearest point of the buildings of a church or school, but the license of any person now holding a license for any building located within such distance of the building grounds of a church or school may be renewed or extended for the same building.
- (b) *Exemptions.*- The restrictions regarding distance do not apply to the following licenses, which may be issued within the 300 feet limitation:

- (1) Except in the 46th Legislative District, Class B beer and wine;
- (2) Except in the 46th Legislative District, Class B beer, wine and liquor;
- (3) Class C beer and wine; and
- (4) Class C beer, wine and liquor.

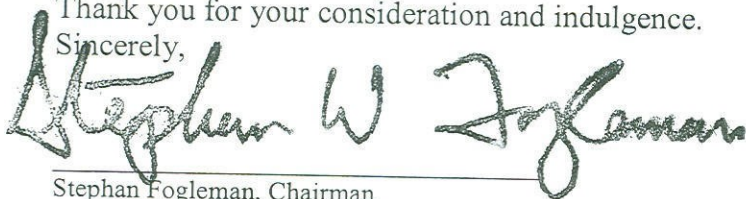
(c) *Waiver.*- Except in the 46th Legislative District, the governing body of any church in writing may waive the restrictions of this section regarding licenses not specified in subsection (b) with respect to cafes or restaurants located within 250 feet of a theater having a capacity of not less than 300 seats, which theater is operated by a nonprofit theater association.

The subsections cited above are from Article 2B of The Annotated Code of Maryland.

The Board of Liquor License Commissioners for Baltimore City has taken great care in enforcing and ensuring adherence to the law regarding legal distance between churches, schools and proposed locations for liquor establishments. During the 2008 legislative session, we successfully supported 9-204.3 [version above]. This law's passage accomplished greater uniformity of permissible distance throughout the entire City.

Thank you for your consideration and indulgence.

Sincerely,

A handwritten signature in cursive script that reads "Stephan W. Fogleman". The signature is written in dark ink and is positioned above a horizontal line.

Stephan Fogleman, Chairman