



Legislation Text

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL R
(Resolution)

Introduced by: President Rawlings-Blake

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning
Informational Hearing - Board of Liquor Licenses Commissioners for Baltimore City

FOR the purpose of requesting the Chairman of the Board of Liquor Licenses Commissioners to report to the City Council on the issuance of BD 7 Liquor Licenses; the legitimacy of establishments claiming to be tavern operations; the legitimacy of establishments operating with bottle licenses; repeat violators who consistently and knowingly sell to minors; the level of cooperation between Liquor Board inspectors and law enforcement personnel; and the efficacy of current alcoholic beverage statutes, zoning laws, and Board rules and regulations in protecting individuals and communities from the deleterious effects of excessive alcohol consumption.

Recitals

The Board of Liquor License Commissioners for Baltimore City is an agency of the State responsible for regulating the sale, storage, and distribution of retail alcohol sales in the City. The Board administers the statutes, laws, ordinances, and its own Rules and Regulations regarding the operation of alcoholic beverage establishments in Baltimore City.

State law authorizes the Board to issue a number of different types of licenses governing the sale and consumption of beer, wine, and liquor in Baltimore City, in venues including off-sale package goods stores, restaurants, non-profit private clubs, arenas, stadiums, racing establishments, multiple bar facilities, hotels, motels, and taverns. Each class specifies the hours of operation, the days of the week, special holiday hours, and whether or not on-premise consumption of alcoholic beverages is permitted.

Communities across Baltimore City have consistently voiced concerns about the number of establishments that sell liquor in residential neighborhoods. The relationship between a liquor establishment and the surrounding community can become acrimonious, as some residents view these businesses as magnets for any manner of alcohol-fueled disturbances, and the influx of cars into a residential neighborhood leads to parking problems for the people who live there.

In 1968, in reaction to complaints, particularly from inner city communities about the large number of bars in their neighborhoods, the Board imposed a moratorium on new liquor licenses. This action, along with a rule limiting the

distance that a license can be transferred, had the effect of dramatically reducing the number of establishments permitted to sell alcoholic beverages. In 1933, 8000 licenses were issued, in 1968 there were 2,200, and today the Board reports there are a relatively fewer 1,470 licensed establishments.

Although the number of licensed establishments has changed, the number of complaints from neighborhood residents has not. The largest number of complaints concern those establishments operating as Class BD 7 establishments, considered by the Board as tavern operations, a tavern being defined as an establishment where alcoholic beverages are habitually sold for on-premises consumption, at a bar or in a lounge area. A bar is defined as a counter, in whatever configuration, at which stools and/or chairs have been placed, and a lounge is defined as an area on the premises containing tables and chairs or other suitable furniture, from which alcoholic beverages are habitually served for on-premise consumption.

In January 1990, the media widely reported community outrage that 1 in 5 bars were operating an illegal package-goods store, 7 days a week. The bars, operating under a Class BD 7 license, were permitted to sell beer, wine, and liquor over the counter as a secondary feature of the business, but were not permitted to operate a separate store for the primary purpose of selling alcoholic beverages. At the time, the Board estimated that 130 of the 621 holders of BD-7 licenses in the City were operating illegally.

Neighborhood residents today are also voicing concerns regarding the abuse of Class BD-7 licenses. In these instances, the bars are abusing the licenses by claiming to be restaurants or taverns, and they are staying open 7 days a week. In reality, these are cut-rate liquor outlets that sell alcohol for off-premise consumption, have no or only token sitting space, and serve no prepared food, only chips, candy, and other convenience foods. By operating under the Class BD 7 license, they are able to stay open an extra 32-50 hours a week.

Yet other causes for concern are the issuances of bottle licenses. This license allows an establishment to operate as long as it is BYOB (bring your own bottle). However, many establishments apply for this license as a way to avoid applying for a liquor license. We are receiving reports that once the bottle license is issued then the owners of the establishment begins selling and operating like a tavern.

Furthermore, the sale of alcohol to minors has been an exceedingly troubling complaint. Communities have identified those establishments that, almost as policy, knowingly sell to minors. Many times this conduct is undeterred by fines, as it is more lucrative to sell to minors than it is unprofitable to receive the fines.

There are also several issues relating to internal regulations that this Body would like to learn more about. Specifically, when does the Board decide to take on protest of the license on its own initiative? How many violations or incidents have to occur before the Board will take that kind of action? Moreover, what is the Board doing about intimidation from store owners if there is any community protest of the licenses? Lastly, does the Board have any procedures to "pierce the veil" of those who are operating liquor licenses as fronts for those who cannot obtain or who have lost their licenses?

Off-Premises Liquor Stores Targeted to Poor Urban Blacks, a study by the Johns Hopkins Bloomberg School of Public Health, June 2000, found that predominately black, low-income neighborhoods in Baltimore were 8 times more likely to have carry-out liquor stores than white or racially integrated neighborhoods. The data revealed that an intersection of race and income status places low income communities at great risk for alcohol availability through off-premise liquor stores.

How Alcohol Outlets Affect Neighborhood Violence, another study published in 2004, by the Prevention Research Center, reports that a number of studies have found that in and near neighborhoods where there is a high density of

places that sell alcohol, there is a higher rate of violence. When bars, liquor stores, and other businesses that sell alcohol are close together, more assaults and other violent crimes occur.

The saturation of a community with liquor outlets has been shown to be an important component of the social infrastructure that destabilizes communities. It is imperative that government agencies with authority over land-use and/or liquor licenses help fight crime and blight and improve the quality of life by controlling licenses to sell alcohol and the location and proliferation of licenses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Chairman of the Board of Liquor Licenses Commissioners is requested to report to the City Council on the issuance of BD 7 Liquor Licenses; the legitimacy of establishments claiming to be tavern operations; the legitimacy of establishments operating with bottle licenses; repeat violators who consistently and knowingly sell to minors; the level of cooperation between liquor board inspectors and law enforcement personnel; and the efficacy of current alcoholic beverage statutes, zoning laws, and Board rules and regulations in protecting individuals and communities from the deleterious effects of excessive alcohol consumption.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the members of the Board of Liquor Licenses Commissioners for Baltimore City, the organizations listed in the Planning Department Community Association Directory, and the Mayor's Legislative Liaison to the City Council.

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