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RULES AND REGULATIONS

of the

Board of Liquor License Commissioners

for

BALTIMORE CITY
FILED

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c.1 J. LLOYD YOUNG, CLERK
COURT OF APPEALS
OF MARYLAND
TO ALL LICENSEES:

This book is published by the Board of Liquor License Commissioners to acquaint all licensees and their employees with the Rules and Regulations governing the sale of alcoholic beverages at retail in Baltimore City.

Study these Rules carefully and make sure all employees are familiar with them.

DAVID SHAY

Chairman

JOSEPH G. FINNERTY, JR.

Commissioner

ELMER O. HARRIS

Commissioner

JOSEPH VAN COLLOM, JR.

Executive Secretary

ORDERED by the Board of License Commissioners of Baltimore City this 31st day of December, 1968 that, pursuant to the power invested in it by Section 184 (a) of Article 2B of the Maryland Code, the Rules and Regulations a copy of which are attached to this order are hereby approved and adopted by this Board to regulate the sale of alcoholic beverages at retail in Baltimore City and to govern all parties in proceedings before the Board.

BE IT FURTHER ORDERED, that said Rules and Regulations shall take effect January 1, 1969, supersede all prior Rules and Regulations, and be applicable to all proceedings instituted on or after that date.

DAVID SHAY

Chairman

JOSEPH G. FINNERTY, JR.

Commissioner

ELMER O. HARRIS

Commissioner

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RULES AND REGULATIONS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS OF BALTIMORE CITY

Chapter 1.

GENERAL PROVISIONS

Rule 1.01 — ATTORNEY

Wherein these Rules and Regulations it is provided that a party may act, such act may be performed by his attorney except as otherwise provided. Where any notice is to be given, by or to a party, such notice may be given by or to the attorney for such party.

Rule 1.02 — DEFINITIONS

(a) Affidavit

“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.

(b) Attorney

“Attorney” means an attorney at law admitted to the bar of the Court of Appeals of Maryland.

(c) Board

“Board” means the Board of License Commissioners of Baltimore City.

(d) Hotel

“Hotel” means an establishment for the

accommodation of the public equipped with not less than fifty (50) bedrooms with adequate bathing and toilet facilities in each room and also containing a restaurant.

(e) Licensee

"Licensee" means any individual, firm or corporation whose name appears on a license issued by the Board, any officer or member of a firm or corporation to which a license is issued by the Board, who is a citizen of the United States. With regard to any prohibited practice stated in these Rules or Regulations the term "licensee" shall also include any agent, servant or employee of a licensee as herein defined.

(f) Person

"Person" means any natural person, of either sex, any partnership, joint stock company, unincorporated association or society, municipal or other corporation of any character whatsoever, or other legal entity.

(g) Restaurant

"Restaurant" means any lunchroom, cafe or other establishment located in a permanent building with ample space and accommodations wherein hot meals are habitually prepared, sold and served to the public. 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 cold meals to the public. There shall be employed a sufficient number of cooks, waiters and waitresses to serve the number of patrons provided for in the dining room. It shall maintain a menu advertising the serving of a variety of hot meals. There shall be on the premises at all times sufficient food to fill orders

from the menu. No drug, grocery, candy or confectionery store shall be construed to be a restaurant.

Rule 1.03 — TIME

In computing any period of time prescribed or allowed by these Rules and Regulations, the method of computation of time provided by the Maryland Rules of Procedure promulgated by the Court of Appeals of Maryland, shall govern.

Chapter 2. PROCEDURE

Rule 2.01 — APPLICATION

Application for a license, or the transfer or renewal thereof, shall be made upon printed forms obtainable at the office of the Board. The information requested thereon shall be filled in by the applicant or under his personal supervision and shall be typewritten, printed or written in ink or indelible pencil so as to be easily legible.

Rule 2.02 — APPLICATION FEE

No application for the issuance of a license, or transfer, shall be accepted unless made on forms prescribed by the Board, and unless an application fee of Twenty-Five Dollars (\$25.00) is paid.

Rule 2.03 — RENEWAL APPLICATIONS

All applications for renewal of licenses must be filed with the Board on or before March 31st of each year on forms furnished by the Board.

Rule 2.04 — PARTNERSHIPS

A license for a partnership shall be

issued to all of the partners, as individuals, all of whom shall have resided in or been a taxpayer of Baltimore City for at least two (2) years prior to said issuance. All partners shall continue to reside in or be taxpayers of Baltimore City during the holding of such license.

Rule 2.05 — CORPORATIONS

A license for a corporation shall be issued to three of the officers of such corporation, as individuals, for the use of the corporation, at least one of whom shall have been a resident or taxpayer of Baltimore City for at least two (2) years prior to said issuance and shall also have been a resident of Maryland for at least two (2) years prior to said issuance and a registered voter. Such officer shall continue to reside or be a taxpayer of Baltimore City and a resident of Maryland during the holding of such license.

Rule 2.06 — NOTICE OF HEARING

At least ten (10) days before any hearing shall be had by the Board upon any charge of violation of rules, regulations or laws governing the sale of alcoholic beverages, the Board shall cause to be served upon the licensee charged therewith, a summons containing the following information:

- (a) Name and address of the licensee as same appears on the license,
- (b) The rules, regulations or laws which the licensee is charged with having violated, together with the date of such violation if it relates to a specific instance, and
- (c) Time and place of the hearing.

Rule 2.07 — PROTESTS

- (a) All protests against the issuance or transfer of any license must be filed either in writing at the office of the Board on or before the time fixed by the notice of hear-

ing or any postponement of such time or in person at the hearing.

(b) Protests by owners of real estate within 200 feet of the proposed licensed premises, filed pursuant to Section 60(d) of Article 2B of the Annotated Code of Maryland, must state the location of said real estate. For the purpose of this rule the word "owner" shall mean the holder or holders of the full legal title as shown by the land records of Baltimore City. All protestants under this subsection must appear in person at the hearing, provided, however, that the Board shall accept in lieu of personal appearance an affidavit from such protestant or protestants who in the opinion of the Board have good and sufficient reason for failing to appear at said hearing. Such affidavit shall (1) state that the protestant is the owner of real or leasehold property situated within two hundred feet of the proposed premises; (2) describe said property; (3) state that the affiant is opposed to the issuance or transfer before the Board; and (4) state the reason or reasons for the affiant's failure to appear at the hearing. Good and sufficient reason for failing to appear shall not include: (a) illness or other physical disability unless such affidavit is accompanied by a written statement signed by a licensed physician confirming such condition; (b) occupation or employment unless such affidavit is accompanied by a written statement signed by the affiant's employer confirming such fact; and (c) absence from the jurisdiction unless the affiant is located more than 50 miles from Baltimore City or is in the military service. Protests must be accompanied by an abstract of title from the Land Records of Baltimore City substantiating the protestant's ownership of said real or leasehold property. The attorney who made the abstract must also appear and testify that the facts stated there-

in are true to the best of his knowledge and belief. No protests or withdrawals of protest will be accepted after the close of the hearing. No objection to an affidavit of protest will be accepted by the Board after seven (7) days from the date of the hearing.

(c) Protests against the renewal of any expiring license must be filed by not less than ten (10) residents or real estate owners of the precinct in which the licensed premises is located. Such protests must be in writing and filed with the Board during the month of March before the expiration of the license for which renewal is sought.

Rule 2.08—NUMBER OF LICENSES

No license, except Class "C," shall be issued or increased privileges granted so long as the number of all licensed premises, except Class "C," is more than one (1) for each five hundred (500), or major fraction thereof, of the residents of Baltimore City. For the purpose of determining the number of residents, the Board shall accept the population statistics prepared by the Baltimore City Health Department. This rule shall not prevent the renewal of licenses outstanding nor shall it prohibit the transfer of any such license provided that, in the case of a transfer of the location of licensed premises, the distance between the existing and proposed location shall not exceed one (1) aerial mile. Provided, however, this rule shall not prevent the issuance of a new Class "B" beer, wine and liquor license for a restaurant wherein the minimum capital investment is One Hundred Thousand Dollars (\$100,000.00) for restaurant facilities, which shall not include the cost of land and buildings, and has a minimum seating capacity of seventy-five (75) persons. Any license issued under the Class "B" exception to this rule shall not be convertible to any different class of license.

Rule 2.09 — MEMBERSHIP CLUBS

No licensee, except Class "C," shall restrict the use of his premises or any part thereof as a membership club without the prior approval of the Board.

Rule 2.10 — TRANSFERS

(a) In transfers of ownership at the same location, the only issue the Board shall consider is the fitness of the applicant to hold an alcoholic beverage license. Provided, however, where the premises have been closed for more than ninety (90) days prior to the date of application for transfer, the Board shall also consider the question of public convenience and accommodation unless such closing was caused by fire, casualty or other Act of God.

(b) In the transfer of any license, regardless of the period of time that the establishment has been closed, where 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, Internal Revenue Service, Sales Tax Division and the like, the question of public convenience and accommodation shall be determined.

(c) In any transfer in location of a licensed premises, the question of public convenience and accommodation shall be determined.

Rule 2.11 — MULTIPLE APPLICATIONS

In the event an application for a new license, increased privileges, or transfer of location is denied, the applicant shall not be permitted to reapply for the same license, privilege or transfer for a period of six (6) months from the date of such denial. In the event of a withdrawal of such an application prior to decision of the Board this rule shall apply unless the withdrawal occurs more than forty-eight (48) hours prior to the hearing.

Rule 2.12 — ZONING

(a) No license shall be issued which will result in a use of premises which violates any zoning or other statutory land use restriction.

(b) No license shall be issued and no license shall be transferred into premises having a Non Conforming use within an area zoned as Residential. This rule shall not prevent the renewal, transfer in ownership, or modification of licenses in such premises nor shall this rule prevent the transfer of a license into such premises in which a license is outstanding.

Rule 2.13—TRANSFERORS OBLIGATIONS

No application for the transfer of license shall be granted unless all financial obligations of the transferror concerning the purchase of alcoholic beverages and local, State and federal taxes pertaining to the licensed establishment have been fully paid or arrangement for their satisfaction has been made.

Rule 2.14 — PENALTIES

All orders of the Board shall take effect immediately. Suspensions of license privileges shall begin within ten (10) days of the order and shall be in consecutive days.

Rule 2.15 — APPEALS

Licensees desiring to appeal from any order shall file with the Clerk of the Baltimore City Court an order for appeal and a petition requesting an appeal. The order for appeal must be filed within thirty days of the order of the Board and an appeal fee of Twenty-Five Dollars, to cover the cost of the appeal and copying of the pertinent papers, must be paid to the Board at the time of filing such petition and order. The cost of the transcription of testimony shall be borne by the appellant. Orders for such transcription shall be placed with the stenographer within five (5) days after the notation of appeal.

Chapter 3.

STANDARDS OF OPERATION

Rule 3.01 — OWNERSHIP AND OPERATION

Every licensee shall be the actual owner and operator of the business conducted on the licensed premises. The identity of any person, not a licensee, having any financial interest in said business shall be disclosed to the Board in writing.

Rule 3.02 — COOPERATION

Licensees shall cooperate with representatives of the Board, members of the Police Department, Fire Department, Health Department, Buildings Engineer's office, Grand Jury and representatives of other governmental agencies whenever any such persons are on official business.

Rule 3.03 — RECORDS

(a) Licensees shall keep accurate records of all purchases of alcoholic beverages for a period of one year from the date of each purchase. Such records shall include the date of each purchase, the quantity purchased, and the name and address of each seller. Such records shall be open for inspection at all times by duly authorized representatives of the Board.

(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 such sales are in sealed packages or containers for consumption off the licensed premises. Such records shall be open for inspection at all times by duly authorized representatives of the Board.

(c) Licensees shall keep on their premises records containing the legal names, aliases,

addresses, ages and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City and other governmental agencies.

Rule 3.04 — SIGNS

Licensees, except holders of Class "C" licenses, shall indicate by a sign or by legible lettering at least two inches in height upon the outside of the licensed premises, the names of all licensees, as said names appear on the license.

Rule 3.05 — LIGHTING

Licensees shall have every portion of their licensed premises, which is open to the public, illuminated by sufficient natural or artificial lighting to insure clear visibility and to permit patrons to read a menu or newsprint.

Rule 3.06 — SANITATION AND SAFETY

Licensees shall operate their establishments at all times in accordance with the requirements of the Health Department of Baltimore City, the Building Code of Baltimore City and the rules and regulations of Fire Department of Baltimore City.

Rule 3.07—REST ROOM FACILITIES

Licensees shall provide on the licensed premises separate toilet facilities for each sex. All rest rooms shall be entirely enclosed and separate and apart from rooms where food or drink is stored or served. In all rest rooms containing more than one toilet, each toilet shall be installed in a separate enclosure. All rest rooms shall be adequately lighted. All rest

rooms shall contain ventilation ducts where an outside window is not present. The equipment of all rest rooms shall consist of the following, which shall be in proper working order at all times:

(a) Walls consisting of ceramic tile or good conditioned plaster, cinder block or concrete block walls painted with an epoxy compound or sealed with a good grade sealer and painted with good grade, high gloss, lead free oil base paint at least four (4) feet in height; and

(b) Floor made of terrazzo, quarry tile flooring, ceramic floor tile (non-skid), vinyl tile, well laid on solid floor with vinyl type baseboard, or smooth poured concrete painted with an epoxy compound (non-skid); and

(c) Equipment and services including:

(1) Properly operating toilets (open seat type) and urinals of porcelain or vitreous earthenware; and

(2) Porcelain handwashing basin with hot and cold running water; and

(3) Individual towels and soap.

All rest rooms shall be regularly cleaned. Walls, floors and equipment must be maintained in a clean and sanitary condition at all times. Rest rooms must be cleaned at least once daily with intermittent cleaning as necessary during the time the premises are open to the public.

Rule 3.08 — RUNNING WATER

Licensees shall provide hot and cold running water at all bar fixtures and in all kitchens.

Rule 3.09 — WASHING

(a) Licensees shall thoroughly wash all containers used for dispensing food or drink following each use, except where the container is used in serving additional portions to the same person.

(b) All containers used in dispensing food or drink, after washing, shall be

rinsed with clear running water or immersed in a suitable receptacle containing clear water, and all such containers after cleaning and rinsing shall be disinfected by one of the following procedures:

(1) The container shall be immersed in water at a temperature of not less than 180 degrees Fahrenheit for not less than one minute; or

(2) The container shall be immersed in a solution containing at least 100 parts per million of available chlorine for at least one minute or dipped in the aforementioned chlorine solution and allowed to drain on a wire or corrugated metal rack for at least one minute.

Rule 3.10 — EMPLOYEE SANITATION

Licensees shall have prominently displayed in the kitchens and toilet rooms used by employees placards issued by the Health Department of Baltimore City pertaining to the washing of hands after leaving the toilet.

Rule 3.11 — REFUSE

Licensees shall provide containers for the disposition of garbage and refuse material that conform with the requirements of the Bureau of Sanitation of Baltimore City, shall keep such containers covered at all times, and shall remove all refuse material regularly to avoid accumulation.

Rule 3.12 — PUBLIC WELFARE

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

Rule 3.13 — TELEPHONE

Licensees shall provide on the licensed premises telephone equipment, the number or call signals of which shall be on file with the Board.

Chapter 4.

PROHIBITED PRACTICES

Rule 4.01 — MINORS

(a) No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age.

(b) No licensee shall deliver alcoholic beverages to any person off the licensed premises unless:

(1) The licensee prepares a statement of the type and quantity delivered; and

(2) The person receiving the alcoholic beverages signs his full name and address on such statement in the presence of the deliveryman asserting that: "I hereby certify that I am over 21 years of age"; and

(3) The licensee retains such statement for at least six (6) months and makes it available for inspection at all times to the Board or its representatives.

Rule 4.02 — INEBRIATES & DRUG ADDICTS

No licensee shall sell or furnish alcoholic beverages to any person under the influence of alcohol or narcotic drugs or who is disorderly in manner or to any person known to be a habitual drunkard or user of narcotic drugs.

Rule 4.03 — SOLICITATION

(a) No licensee shall permit or suffer any person, employed in or a frequenter of his establishment to solicit for himself or others the purchase by patrons of any product sold therein, or money with which to buy the same, or with which to play any

amusement or entertainment device; nor shall any licensee permit or suffer any person, employed in his establishment to accept such product or money as a gift from a patron, except by way of bona-fide gratuity.

(b) No licensee shall pay, offer to pay, or suffer to be paid by any person any commission, gratuity or fee in money, goods or other consideration for or in connection with the sale of any product or the use of any amusement or entertainment device.

(c) No licensee shall employ any solicitor or salesman for the purpose of soliciting, outside of the licensed premises, orders for the sale of alcoholic beverages and no sale shall be consummated outside of the licensed premises.

(d) No licensee shall employ or use any loud speaker or other sound-making or amplifying device which projects the sound outside the licensed premises for the purpose of soliciting orders for the sale of alcoholic beverages.

Rule 4.04 — FREE FOOD AND PRIZES

(a) No licensee shall offer free food to encourage the sale of alcoholic beverages. Provided, however, that licensees may offer free of charge cheese, crackers, pretzels, nuts and the like in connection with the consumption of alcoholic beverages on the premises.

(b) No alcoholic beverages shall be sold or given away as prizes in connection with the playing of any game or device.

Rule 4.05 — PROHIBITED HOURS

(a) No licensee shall permit any person to consume alcoholic beverages on the licensed premises during hours when such sales are prohibited by law.

(b) No alcoholic beverages shall be

served, dispensed, furnished or given away in any part of the premises during the hours when such sales are prohibited by law.

Rule 4.06 — ALCOHOLIC BEVERAGE CONTAINERS

(a) No licensee shall reuse or refill any bottle or other container of alcoholic beverages; nor shall any licensee adulterate, dilute, or fortify the contents of any such bottle or container.

(b) No licensee shall sell, serve or furnish any alcoholic beverage (other than beer or wine) by the bottle for consumption on the premises, except Class "B" licensees serving alcoholic beverages to patrons in rented or leased private rooms.

Rule 4.07 — LIQUOR QUANTITY

No licensee shall serve more than two (2) ounces of liquor to one person at one time for consumption on the premises.

Rule 4.08 — EMPLOYEES

No person under the age of 18 shall be employed by any licensee in the sale or delivery of alcoholic beverages, and no person under the age of 21 shall be so employed by any holder of a Class "D" Beer, Wine and Liquor License, unless such license has been duly issued a Special Amusement Permit.

Rule 4.09 — ILLEGAL POSSESSION

No licensee shall possess or permit any person to consume any alcoholic beverages not permitted to be sold under his license at any place on the licensed premises or in the building in which the licensed premises are located.

Rule 4.10 — RELATIONS WITH WHOLESALEERS

(a) No licensee shall purchase alcoholic beverages except from a duly licensed manufacturer or wholesaler; nor shall any licensee sell to any other licensee any alcoholic beverage; and no licensee shall, at any time, keep or permit to be kept upon the licensed premises, any alcoholic beverages unless purchased in accordance with the Rule.

(b) No licensee shall solicit or accept directly or indirectly any gift of alcoholic beverages, any tie-up advertisement in newspapers or other periodicals, or any gift or rebate of any sort, from a manufacturer, wholesaler, or person engaged in the distribution of alcoholic beverages, except a sign, display, or any other form of advertisement of a value not in excess of Five Dollars (\$5.00), advertising the products of a particular manufacturer, wholesaler, distiller, brewer, or the like.

(c) No licensee shall have any interest in the business of any manufacturer or wholesaler of alcoholic beverages, nor shall any such manufacturer or wholesaler have any interest in the business of any licensee.

Rule 4.11 — DRIVE-IN DISPENSARIES

No alcoholic beverages may be sold, served or consumed anywhere on the licensed premises of licensees maintaining drive-in or curb-service dispensaries, except inside permanent buildings situated thereon, and provided for such purposes.

Rule 4.12 — FALSE STATEMENTS

No licensee shall make any false statement in any application, letter, or written or oral statement to the Board or to any of its representatives.

Rule 4.13 — DRUGS

No licensee shall use or permit to be used or dispensed on the premises any "mickey finns" or other violent emetics or purges.

Rule 4.14 — DISCRIMINATION

No licensee, except the holder of a Class "C" license, shall, directly or indirectly, refuse, withdraw from, or deny to any person the services, accommodations, advantages, facilities and privileges offered on said licensee's premises on the grounds of race, color, creed or national origin.

Rule 4.15 — GAMBLING

No licensee shall allow his premises to be used for the purpose of gambling in any form.

Rule 4.16 — NARCOTIC DRUGS

No licensee shall allow his premises to be used for the purpose of possession, transfer or use of any narcotic drug.

Rule 4.17 — SEXUAL PRACTICES AND OBSCENITY

(a) No licensee shall permit or suffer his premises to be used for the purpose of any sexual activity, nor shall any licensee permit or suffer any employee, patron or frequenter to solicit any person for prostitution or other immoral purposes.

(b) No licensee shall permit or suffer any person to appear in any act or other performance with breasts or the lower torso uncovered; nor shall any licensee knowingly permit or suffer his premises to be used for the conduct, exhibition or performance of an obscene act or other performance.

(c) No licensee shall permit or suffer his premises to become a disorderly house.

Rule 4.18 — ILLEGAL CONDUCT

No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals.

Rule 4.19 — STORAGE

No licensee shall store or keep any alcoholic beverages, except on the premises covered by the license or at a public or government controlled warehouse having a permit issued under the provisions of Article 2B of the Maryland Code.

Rule 4.20 — ALTERATIONS

(a) No licensee shall make any installation or alteration on a licensed premises or change the manner in which alcoholic beverages are dispensed without the prior approval of the Board.

(b) No licensee shall make any installations or alterations on the licensed premises until a permit therefor has been obtained from the Bureau of Buildings of Baltimore City, and until the approval of the Fire Department and Health Department of Baltimore City has been secured, where said approval is required.

Rule 4.21 — GIFTS

No licensee shall give or otherwise transfer to any member of the Board or any of its agents or employees, directly or indirectly, any commission, remuneration, or gift whatsoever.

Chapter 5.

SPECIAL CLASS REQUIREMENTS

Rule 5.01 — CLASS A

All Class "A" licensees, whose establishments are open for business on Sundays and during other hours when they are prohibited from selling alcoholic beverages, shall keep their entire stock of such beverages securely locked and inaccessible to the public and their employees during all such hours. This rule shall apply to showcases, window and other displays, storage rooms and other places where alcoholic beverages are kept on the premises.

Rule 5.02 — CLASS B

(a) No application for a Class "B" license shall be approved unless: (1) a restaurant is being conducted on the proposed premises, or (2) architects' plans for a restaurant, designed in accordance with the Board's requirements, are filed with such application. If a Class "B" license is granted, it shall not be operative until a restaurant is being conducted on the licensed premises.

(b) Holders of Class "B" licenses shall keep in bound book form complete records of food purchases and food sales in their restaurants, as well as records of all purchases and sales of alcoholic beverages. They shall also preserve for a period of six (6) months the original invoices or sales tickets of food and alcoholic beverages so purchased.

Rule 5.03 — CLASS B-D-7

All Class "B," beer, wine and liquor and Class "D," beer, wine and liquor with special amusement licenses that were in existence on May 1, 1965 may be auto-

matically converted to a B-D-7, license upon application therefor.

Rule 5.04 — CLASS C

Class "C" licenses shall be issued only to non-profit private clubs who submit evidence satisfactory to the Board that all of the following conditions exist.

(a) The applicant is a bona fide non-profit club.

(b) The club has been in operation for at least one (1) year.

(c) The club has a sufficient number of members to support its operation with such a license.

(d) The club was not formed for the purpose of obtaining an alcoholic beverage license.

(e) Non-members or guests will not be admitted unless accompanied by a member.

Rule 5.05 — AMUSEMENT LICENSES

(a) Holders of Amusement Licenses shall supply their patrons with a minimum of two live entertainers three nights per week.

(b) Holders of Amusement Licenses shall inform the Board of the types and schedules of entertainment being offered. No change in either the type of entertainment or schedule is permitted without prior written notice to the Board.

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