

A brief review of the existing restrictions on liquor licenses in Baltimore City may be helpful:

1. Board Rule No. 2.08, adopted December 31, 1968 and amended November 13, 1969, placed a moratorium on the granting of new liquor licenses in Baltimore City, with certain exceptions. In order to obtain a license for a new location, an existing license must be transferred. However, the distance between the existing and proposed locations cannot exceed one mile, unless the transfer is into a location that already possesses a license. The existing license at the proposed location must then be cancelled. The regulation also requires a showing that the transfer is for the public convenience and will not disturb the new area.

There were 2,318 licenses in December of 1968. As of March, 1976, there were 1,856, a reduction of twenty percent in less than eight years.

2. Article 2B, Section 46A provides that a new license may not be granted to a location having a nonconforming use within an area zoned as "residential".

3. Article 2B, Section 46B provides that a license may not be granted if the location of the licensee is within a certain distance of a church or a school, with certain exceptions.

4. With certain exceptions, a new license may not be issued to a location within the area bounded by Twenty-Fifth Street, Center Street, Howard Street, and Guilford Avenue.

5. The Board has further informed me that many locations with existing licenses have been taken for public use by the federal, State, and City governments.

The cumulative effect of these restrictions and limitations in Baltimore City is typical of the puzzle which is known as "Article 2B - Alcoholic Beverages". Although the local board of license commissioners is authorized to regulate the issuance of liquor licenses within its jurisdiction, that power is reduced by the exceptions, limitations, restrictions, provisos, and conditions placed upon the general rule. Each of these may be further limited, depending upon the type of license to be issued, the jurisdiction, the specific area within the jurisdiction, and type of business requesting a license, the proprietors, and other factors.

Although the purpose of the many provisions of Article 2B is quite proper, their application has become extremely complex and progressively limited, producing, in some cases, unfair and probably unintended results.