

- (i) Ward 1, precincts 2 and 3;
- (ii) Ward 2 in its entirety;
- (iii) Ward 3, precinct 3; and
- (iv) Ward 26, precincts 3 and 10.

(2) This subsection does not apply to an application for a new license or a transfer from within the areas described in paragraph (1) of this subsection if the new license or transfer is for:

- (i) A hotel;
- (ii) An establishment located in a planned unit development if the application for the planned unit development was filed or approved before December 31, 1995;
- (iii) An establishment located in an area governed by the Inner Harbor East Urban Renewal Plan; or
- (iv) An establishment:

- 1. That has a seating capacity of less than 150 persons at any one time; or
- 2. In which the average daily receipts from the sale of food are at least 51% of the total daily receipts of the establishment.

(f) (1) Except as provided in paragraph (2) of this subsection, a license of any class for the sale of alcoholic beverages may not be transferred into, or transferred to a different location within, the 3rd and 4th precincts of the 16th ward of the 39th alcoholic beverages district located in Baltimore City.

(2) This subsection does not apply to:

- (i) Class C licenses;
- (ii) Class B (on-sale) hotel and restaurant licenses;
- (iii) Class A (off-sale) licenses;
- (iv) A licensed premises, if the land on which the licensed premises exists is taken by right of eminent domain; or
- (v) A holder of any class of license whose licensed premises are destroyed by an act of God if:

1. The premises are declared by the Baltimore City Alcoholic Beverages Board of License Commissioners to be unusable for purposes of the license; and

2. The holder has not been cited for any license violation within a 2-year period prior to the date the Board declares the licensed premises unusable.