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## **Guidelines for Addressing Nuisance Bars, Taverns & Restaurants**

Establishments that have been issued licenses for the sale of alcoholic beverages must conduct their businesses in compliance with applicable laws and regulations. One such regulation is that “Licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety, health, quiet and general welfare of the community”.<sup>1</sup> From time to time, some establishments fail to meet this requirement giving rise to sanitation and noise issues or more serious matters, such as drug trafficking and violent crimes. When this occurs, it is important that the adjacent neighbors promptly take action to address the problem.

**Direct Communication.** The first step to be taken is to communicate the complaint directly to the operator of the establishment. Often, this action will quickly and easily solve the problem. But, in case it doesn’t, a contemporaneous record should be kept of (i) the nature of the problem, (ii) the date & time when contact was made with the operator, (iii) the name of the person at the establishment to whom the complaint was directed, and (iv) how the operator agreed to address the problem.

**Calls to 311 or 911.** In conjunction with attempts to communicate with the owner, some problems should also be relayed to either 311 or 911 depending on the severity of the problem. For crimes in progress, residents should call 911. For all other problems, including sanitation issues and loitering, call 311 or issue a complaint on the web at [www.baltimorecity.gov](http://www.baltimorecity.gov). Once again, it is imperative that a contemporaneous record be kept of all calls regarding the problem establishment, including the date and time of call, the nature of the problem, the tracking number and the result of call. **Most important:** The exact address of the problem establishment should be given - otherwise it will not show on the record when pulling a search to use in a hearing or otherwise.

**Action by CCA.** If the adjacent neighbors do not have an existing relationship with the operator or would rather not confront him/her directly, or if direct contact does not resolve the problem, they should contact the Canton Community Association (“CCA”) by an email addressed to President, Vice President or Chairman of CCA’s Economic Development Committee at [info@cantoncommunity.org](mailto:info@cantoncommunity.org). CCA will then send a letter to the establishment and follow-up with the adjacent neighbors in attempting to resolve the problem. Where appropriate, CCA will enlist the support of our City Councilman or a member of our delegation to the State Legislature.

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<sup>1</sup> Rule 3.12, Rules & Regulations for the Board of Liquor License Commissioners for Baltimore City.

**Contacting the Liquor Board.** Once attempts to reconcile amicably have failed, a complaint should be filed with the Liquor Board. The Liquor Board has discontinued the 24-hour complaint line in favor of participating in the 311 system, but you can still call the general information line during regular business hours at: (410) 396-4377. Again, if such a call is made, a contemporaneous record should be kept of the date and time of call, the name of the Board representative who took the call, the nature of the problem complained of and the result of call. In the alternative, or additionally, a letter can be sent to the Liquor Board at 231 E. Baltimore Street, 6th Floor, Baltimore, MD 21202, containing the complaint. The Liquor Board maintains files on each licensed establishment in the City; and the request can be made that the letter of complaint be placed in the establishment's file.

**Petition to Stop Nuisance Conditions.** When other attempts to work with the establishment operator have failed and the adjacent neighbors have gathered a compelling amount of evidence of problems emanating from the establishment that are “disturbing the peace, safety, health, quiet and general welfare of the community”, the adjacent community may consider requesting the assistance of CCA in filing a petition for a Liquor Board hearing under the State Alcoholic Beverages laws.<sup>2</sup>

The initial factor to be considered is that the problems complained of have to be truly serious in nature. The establishment is a business upon which both the operators and the employees are dependent for their livelihoods; and, with this in mind, the Liquor Board cannot be expected to take any action that is not clearly warranted. Next, the adjacent neighbors must have good records of all efforts to resolve the problem amicably with the operator and of all calls made to 311 and, if applicable, 911 and complaints made to the Liquor Board. Finally, members of the adjacent neighborhood must be prepared to testify at the hearing and such testimony must be of their own personal knowledge – not hearsay, i.e. not what they have learned from others.

A Nuisance Petition may be filed at any time during the year and must include the following information: the name and address of the establishment in question; the nature and number of complaints against the establishment; and the signatures and addresses of at least 10 residents (18 years or older) in the immediate vicinity of the establishment. Once the signatures are collected, the petition should be sent to the Liquor Board. The Liquor Board may set a date for a compliance hearing, at which time the community will be able to present its complaints to the Board.

At the time of the hearing, it is imperative that the complaints are substantiated by compelling evidence including, but not limited to: photographs, video, logs of nuisance activity; logs of calls to 311, 911 and other city agencies; calls for service or other testimony information from the Police Department; testimony of residents living in the immediate vicinity of the establishment and copies of all correspondence between the community and the operator of the establishment.

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<sup>2</sup> §§ 10-401 and 10-403, Article 2B, Annotated Code of Maryland.

NOTE: There is no system by which 911 calls are automatically transmitted from the Police Department to the Liquor Board in the way that 311 calls are handled. So the community will have to request the 911 call logs from the Police Department Community Liaison, which may take several days, and then submit them to the Liquor Board at least 2 days before the hearing.

**Protest of Renewal.** Liquor licenses are subject to annual renewal. Licensees must file a renewal form with the Liquor Board during the month of March each year. If the community wishes to protest the renewal, Liquor Board Rules require that a protest of renewal letter must be signed by at least 10 residents or real estate owners in close proximity to the licensed premises.<sup>3</sup> The licensee's attorney will typically try to argue that your signatures are not valid. So, to ensure that your protest is not dismissed due to insufficiency, you should always plan to have at least 20 signatures. You should also continue collecting signatures up until the hearing. The more residents who have signed the petition, the better.

A protest of renewal must be filed with the Liquor Board before March 31st. When a community protests the renewal of a license, the Board schedules a hearing in April at which the community can present its reasons for protesting. Reasons for protesting license renewal may be similar to those cited in a Nuisance Petition and must be supported by evidence. In this situation, the burden of proof lies with the community. Therefore, residents must have substantial compelling evidence, just as described above in the case of a hearing on a Nuisance Petition.

Note: The only options open to the Board in this process are to renew or not to renew. Fines and suspensions are not available remedies as they would be in response to a Nuisance Petition. So, the evidence supporting non-renewal must be substantial.

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<sup>3</sup> Rule 2.07, Rules & Regulations for the Board of Liquor License Commissioners for Baltimore City.