

August 9, 2011



Draft Alcohol Regulation Policy Recommendation Summary

Introduction

In 2006, on the recommendation of Talbot Partnership, the Talbot County Council retained a national consultant from the Community Anti Drug Coalitions of America (CADCA) to work with the County on the high rates of substance abuse by underage youth in Talbot County. At the suggestion of the consultant, the County Council appointed a Blue Ribbon Commission to review the substance abuse data and to make recommendations for a plan of action to reduce the rate of substance abuse. The Blue Ribbon Commission presented its report to the County Council in September 2007, and in November 2007, the Council established the Blue Ribbon Commission Oversight Committee (BRCOC) to oversee the implementation of the recommendations of the Blue Ribbon Commission Report. Since 2007, the BRCOC has provided regular updates to the County Council and in early 2011 recommended to the Council that the County institute a moratorium on new “off-sale” liquor licenses in Talbot County. The Council subsequently introduced Resolution No. 179, **A RESOLUTION TO ADOPT A MORATORIUM ON ISSUING OF CLASS A, OFF- SALE BEER AND LIGHT WINE LICENSES, AND CLASS E, OFF-SALE BEER, WINE AND LIQUOR LICENSES, BY THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS FOR A PERIOD OF SIX MONTHS PENDING CONSIDERATION AND ADOPTION OF LEGISLATION THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE.** Public hearings were held on March 22, 2011 and April 12, 2011 and Resolution No. 179, *as amended*, was enacted on April 12, 2011.

Following enactment of Resolution No. 179 the Council established a Work Group on the Rewrite of Chapter 11, *Talbot County Code*—Talbot County Alcoholic Beverage Ordinance (Liquor Code). The purpose of the Work Group is to discuss the rewrite of the Talbot County Liquor Code in reference to the moratorium currently in place with regard to Class A and Class E liquor licenses and to make recommendations to the County Council for their consideration of possible changes to the Talbot County Liquor Code.

A summary of the Work Group’s draft recommendations to the County Council is listed below. Prior to submittal of the recommendations to the County Council, public comment on the recommendations will be taken at a Work Session scheduled for Tuesday, August 16, 2011 at 6:30 p.m. in the Wye Oak Room in the Talbot County Community Center, located at 10028 Ocean Gateway, Easton. The Work Session will provide more detail on the alcohol-related issues identified in Talbot County.

Should you wish to comment on the recommendations, please be prepared to state the specific recommendation of which you approve or disapprove and the reason for your position. If you

disapprove of a recommendation, please state what alternative approach you would suggest and why you believe your alternative is more suitable to addressing the issue than the recommendation proposed by the Work Group.

Recommendations

1. State Liquor Code – The Work Group examined the State Alcohol Code to see if it could be adopted as written and then applied to Talbot County. The State Code is a compendium of individual county codes with each county having its own section containing a set of specific provisions applicable to that county. The Work Group determined that the State Code does not provide a uniform model that can readily be adopted for Talbot County’s use.
2. New Definitions
 - a. Alcohol dispensaries are defined as:
Alcohol Dispensary--Retail outlet with its primary product the sale of packaged alcoholic beverages with such beverages occupying seventy-five percent (75%) of public floor space.
 - b. Convenience stores are defined as:
Convenience store—A small-scale retail store less than 8,000 square feet¹ in size, located to easily serve highway and/or neighborhood demand for food and drink for immediate consumption or carry out along with a limited selection of grocery items, as well as over-the-counter medicines, cosmetics, household supplies and limited beer and wine items. Hours of operation generally extend beyond normal retailing hours.
3. Food service – Food shall be served when alcohol is served. Food must be served up until within two (2) hours of terminating alcohol sales. Food service to be defined to include informal meals (sandwiches and bar food); currently such informal meals do not meet Chapter 11’s standard for food service.
4. Qualifications for license holders defined – Licensees may not be felons, have had an alcohol license revoked, or make fraudulent or false statements on their application.
5. Public Accommodation Definition/Underserved Market Test for Off-sale licenses – To determine the existence of a location’s level of public accommodation, the following test shall be performed:

¹ The Wawa and the Shore Stop on U.S. 50 are 6,450 and 6,100 square feet in size as derived from measuring the roof area with the Geographical Information System (GIS).

a. Step 1

- i. For a proposed urban location, a radius of two (2) miles is drawn with the proposed license site at its center.
- ii. For a proposed rural location, a radius of five (5) miles is drawn with the proposed license site at its center.

b. Step 2

- i. An off-sale license may be issued by the Talbot County Board of Liquor License Commissioners if the population of the Census blocks intersected by the applicable radius results in a remainder of 750 persons or more using the following formula:

$$R = P - (750 \times N) \text{ where:}$$

R – Remainder

P – Total population of Census blocks intersected by the radius

N – Number of Class A, E and F licenses contained in the Census blocks intersected by the radius

- c. Step 3 – If R is equal to or greater than 750, then the proposed license may be approved, provided the application meets all other applicable *Talbot County Code* requirements.

6. Prohibition of licenses for certain land use classes – Off-sale licenses will be limited to alcohol dispensaries (defined above), restaurants, gas stations, hotels and convenience stores (defined above). Existing alcohol dispensaries, gas stations, restaurants and hotels with licensees permitting off-sales would be grandfathered. All new off-sale licensees would be required to meet the public accommodation/underserved market test to obtain off-sale privileges.
7. Existing grocery and drug store licenses to be amortized – Licenses would be permitted to continue for two (2) years, after which they would not be renewable.
8. Separation from sensitive uses – New licenses must be at least 500 feet from public and private schools, public parks, and correctional facilities.
9. Server age limits – Sellers and cashiers of alcoholic beverages for off-sales must be at least 21 years old.
10. Qualifications for Restaurants and Hotels Selling Alcohol – Must have at least twenty (20) seats and serve food during alcohol sales. Outdoor seating would count toward this minimum seating requirement. Chapter 11 currently requires at least thirty-five (35) seats to qualify. See # 9 above for the food service requirement.
11. Revise Certain License Requirements for Restaurants and Hotels:
 - a. Separate license for restaurant/hotel off-sales will be established to clarify and separate the on-sale and off-sale function.
 - b. Restaurants and hotel licenses should automatically include a catering endorsement.