

**Chapter 11**

**ALCOHOLIC BEVERAGES**

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GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

**§ 11-1 Title**

20 This chapter shall be known and may be cited as  
21 the "Talbot County Alcoholic Beverages  
22 Ordinance."

23 **§ 11-1.1 Definitions**

24 **A.** Alcohol dispensary -- a commercial  
25 enterprise licensed or seeking a license to  
26 engage primarily in the retail sale of  
27 packaged alcoholic beverages with such  
28 beverages occupying at least seventy five  
29 percent (75%) of the sales area.

30 **B.** Café -- a limited food service facility not to  
31 exceed 20 seats located in a marina that  
32 regularly prepares and serves full meals,  
33 which may include a sandwich menu.

34 **C.** Convenience store -- a small-scale retail  
35 store less than 8,000 square feet located to  
36 serve highway or neighborhood demand for  
37 light food service, sandwiches, or snack  
38 foods for immediate consumption or carry  
39 out, having a limited selection of grocery  
40 items, over-the-counter medicines,  
41 cosmetics, and household supplies, licensed  
42 or seeking a license to offer limited beer  
43 and light wine items occupying not more  
44 than twenty-five percent (25%) of the sales  
45 area. Convenience stores do not include  
46 locations that dispense petroleum products  
47 for motor vehicles.

48 **D.** Hotel -- a lodging place offering overnight  
49 sleeping accommodations with at least  
50 twenty-five (25) bedrooms having a food  
51 service facility that regularly prepares and  
52 serves meals on the premises where  
53 alcoholic beverages are to be sold.

54 **E.** Restaurant -- a food service facility with  
55 capacity to seat at least twenty (20) persons,  
56 counting any outdoor seating, regularly  
57 serving at least two meals per day, which  
58 may include a sandwich menu, that  
59 maintains a kitchen staffed for serving food  
60 that opens within one hour after the facility  
61 opens and remains in continuous operation

62 until at least two hours before alcoholic  
63 beverages are no longer served.

64 **F.** Supermarket -- a retail grocery or food store  
65 that contains a sales area of not less than  
66 16,900 square feet in which at least 80% of  
67 the sales area is devoted to the retail sale of  
68 food and food related products.

69 **G.** Theater, nonprofit -- a qualified business  
70 organization operating as a nonprofit or  
71 charitable organization under Maryland  
72 law, or that has been determined to be an  
73 exempt organization pursuant to Section  
74 501 (c) (3) of the Internal Revenue Code  
75 that is (1) housed within a building; (2) has  
76 a minimum seating capacity of 100 persons;  
77 and, (3) regularly presents live enter-  
78 tainment as part of its schedule.

79 **§ 11-2 Purpose**

80 The County Council declares that the purpose of  
81 this chapter is to regulate the retail sale of  
82 alcoholic beverages within Talbot County,  
83 pursuant to the authority granted in § 18-101 of  
84 Article 2B of the Annotated Code of Maryland.  
85 The regulations, provisions, restrictions and  
86 penalties contained in this chapter are for the  
87 protection, health, welfare and safety of the  
88 citizens of Talbot County.

89 **§ 11-3 Administration by Board of Liquor  
90 License Commissioners**

91 This chapter shall be administered and enforced  
92 by the Talbot County Board of Liquor License  
93 Commissioners (the "Board"). The Board may  
94 adopt such written rules and regulations as it  
95 deems necessary to carry out the provisions of this  
96 chapter, subject to the approval of the County  
97 Council. Chapter 60, Ethics, Talbot County Code,  
98 shall apply to members of the Board.

99 **§ 11-4 Beer and light wine licenses**

100 **A. Beer and light wine license, Class A (off-  
101 sale) alcohol dispensaries, supermarkets,  
102 and convenience stores**

103 (1) General provisions. A Class A beer and  
104 light wine license shall be issued only to  
105 alcohol dispensaries, supermarkets, and con-  
106 venience stores, and shall authorize the holder  
107 thereof to keep for sale and sell beer and light

108 wine, at retail, in any quantity to any con-  
109 sumers, at the place described in the license, in  
110 a sealed package or container, which package  
111 or container may not be opened nor its  
112 contents consumed on the premises where  
113 sold. Notwithstanding the limitation on the  
114 issuance of a Class A license to alcohol  
115 dispensaries, supermarkets, and convenience  
116 stores set forth above, any holder of a Class A  
117 license, lawfully issued and validly existing on  
118 the effective date of this ordinance shall be  
119 entitled to renew the same at the existing  
120 location provided that all such applications for  
121 renewal otherwise comply with all then-  
122 existing ordinance, laws, and regulations, as  
123 amended from time to time.

124 (2) Hours. The hours during which the  
125 privileges conferred by a Class A license may  
126 be exercised shall be from 6:00 a.m. to 12:00  
127 midnight, except on Sunday the hours shall be  
128 from 8:00 a.m. to 12:00 midnight.

129 (3) Light wine and beer tasting, alcohol  
130 dispensaries. Other provisions of this chapter  
131 to the contrary notwithstanding, the holder of a  
132 valid Class A license issued to an alcohol  
133 dispensary shall be authorized to serve not  
134 more than one ounce from no more than three  
135 bottles or containers of beer or light wine to  
136 any one person for sampling or tasting  
137 purposes. Once opened, any bottles or  
138 containers of beer or light wine to be sampled  
139 shall be accurately and specifically marked for  
140 sampling or tasting purposes only or shall be  
141 discarded and shall not be offered for sale. The  
142 contents of any bottle or container opened for  
143 sampling or tasting purposes shall not be  
144 mixed with any other bottle or container. Any  
145 beer or light wine sampling or tasting  
146 authorized by this section shall be permitted  
147 on the licensed premises only.

148 (4) Class A licenses for any supermarket shall  
149 require that the alcoholic beverages be kept  
150 and offered for sale exclusively in an enclosed  
151 area separated from the main sales area by  
152 permanent walls or partitions at least 8 feet  
153 high.

154 (5) Notwithstanding the requirement for a  
155 separate sales area for alcoholic beverages set  
156 forth in paragraph (4) above, any supermarket  
157 holding a Class A license lawfully issued and  
158 validly existing on the effective date of this  
159 ordinance shall be entitled to renew the same

160 at the existing location without compliance  
161 therewith. Existing Class A licenses that are  
162 exempt from such requirement under this  
163 provision may be transferred to a new owner  
164 or location subject to the requirements of  
165 paragraph (4) at any new location and  
166 compliance with all of then-existing ordi-  
167 nances, laws, and regulations, as amended  
168 from time to time, but without regard to  
169 compliance with the market-test in § 11-8 D.

170 **B. Beer and light wine license, Class B (on-**  
171 **sale), hotels and restaurants**

172 (1) General provisions. A Class B beer and  
173 light wine license shall authorize the holder  
174 thereof to keep for sale and sell beer and light  
175 wine, at retail, at any hotel or restaurant, at the  
176 place described in the license, for consumption  
177 on the premises.

178 (2) From and after the effective date of this  
179 ordinance the application for issuance or  
180 renewal of a Class B license shall also include  
181 all information required to obtain a caterer's  
182 endorsement in accordance with § 11-6A.  
183 Subject to all requirements otherwise  
184 applicable to a caterer's endorsement, all Class  
185 B licenses issued or renewed after this  
186 ordinance becomes law shall include a  
187 caterer's endorsement as part of their issuance  
188 or renewal, unless the applicant affirmatively  
189 declines the same.

190 (3) Hours. The hours during which the  
191 privileges conferred by a Class B license may  
192 be exercised shall be from 6:00 a.m. to 2:00  
193 a.m. on the following day, except on Sunday  
194 the hours shall be from 10:00 a.m. to 2:00 a.m.  
195 on the following day.

196 **C. Beer and light wine license, Class B-R**  
197 **(off-sale), hotels and restaurants**

198 (1) General provisions. A Class B-R beer  
199 and light wine license shall be issued only to  
200 hotels and restaurants and shall authorize the  
201 holder thereof to keep for sale and sell beer  
202 and light wine, at retail, at the place described  
203 in the license, in a sealed package or container,  
204 which package or container may not be opened  
205 nor its contents consumed on the premises  
206 where sold.

207 (2) Any holder of a Class F license, lawfully  
208 issued and validly existing on the effective

209 date of this ordinance shall be entitled to  
 210 obtain a Class B-R license through the renewal  
 211 process at the existing location provided that  
 212 all such applications otherwise comply with all  
 213 then-existing ordinance, laws, and regulations,  
 214 as amended from time to time. Provided  
 215 further, that all such holders shall be entitled to  
 216 a B-R license without regard to the market-test  
 217 set forth in § 11-8 D.

218 (3) Hours. The hours during which the  
 219 privileges conferred by a Class B-R license  
 220 may be exercised shall be from 6:00 a.m. to  
 221 2:00 a.m. on the following day, except on  
 222 Sunday the hours shall be from 10:00 a.m. to  
 223 2:00 a.m. on the following day.

224 **D. Beer and light wine license, Class C (on-**  
 225 **sale), clubs**

226 (1) General provisions. A Class C beer and  
 227 light wine license shall authorize the holder  
 228 thereof to keep for sale and sell beer and light  
 229 wine, at retail, to bona fide members and their  
 230 guests at any club, at the place described in the  
 231 license, for consumption on the premises only.  
 232 [Amended 12-14-1999 by Bill No. 742; 4-24-  
 233 2001 by Bill No. 811]

234 (2) Hours. The hours during which the  
 235 privileges conferred by a Class C license may  
 236 be exercised shall be from 6:00 a.m. to 12:00  
 237 midnight, except on Sunday the hours shall be  
 238 from 10:00 a.m. to 12:00 midnight.

239 **E. Beer and light wine license, Class D (on-**  
 240 **and off-sale), marinas**

241 (1) General provisions. A Class D beer and  
 242 light wine license shall authorize the holder  
 243 thereof to keep for sale and sell beer and light  
 244 wine, at retail, at any marina, at the place  
 245 described in the license, for consumption on  
 246 the premises and elsewhere. All sales and  
 247 consumption of alcoholic beverages on the  
 248 premises shall occur in a café regularly  
 249 preparing and serving full meals, which may  
 250 include a sandwich menu.

251 (2) Hours. The hours during which the  
 252 privileges conferred by a Class D license may  
 253 be exercised shall be from 6:00 a.m. to 12:00  
 254 midnight, except on Sunday the hours shall be  
 255 from 8:00 a.m. to 12:00 midnight.

256

257 **§ 11-5 Beer, wine and liquor licenses**

258 **A. Beer, wine and liquor license, Class E**  
 259 **(off-sale) alcohol dispensaries**

260 (1) General provisions. A Class E beer, wine  
 261 and liquor license shall be issued only to an  
 262 alcohol dispensary, and shall authorize the  
 263 holder thereof to keep for sale and sell all  
 264 alcoholic beverages, at retail, in any quantity  
 265 to any consumers, at the place described in the  
 266 license, in a sealed package or container,  
 267 which package or container shall not be  
 268 opened nor its contents consumed on the  
 269 premises where sold.

270 (2) Hours. The hours during which the  
 271 privileges conferred by a Class E license may  
 272 be exercised shall be from 6:00 a.m. to 12:00  
 273 midnight, except on Sunday the hours shall be  
 274 from 8:00 a.m. to 12:00 midnight.

275 (3) Wine and beer tasting, alcohol dispen-  
 276 saries. Other provisions of this chapter to the  
 277 contrary notwithstanding, the holder of a valid  
 278 Class E license that is also an alcohol  
 279 dispensary shall be authorized to serve not  
 280 more than one ounce from no more than three  
 281 bottles or containers of wine or beer to any one  
 282 person for sampling or tasting purposes. Once  
 283 opened, any bottles or containers of wine or  
 284 beer to be sampled shall be accurately and  
 285 specifically marked for sampling or tasting  
 286 purposes only or shall be discarded and shall  
 287 not be offered for sale. The contents of any  
 288 bottle or container opened for sampling or  
 289 tasting purposes shall not be mixed with any  
 290 other bottle or container. Any wine or beer  
 291 sampling or tasting authorized by this section  
 292 shall be permitted on the licensed premises  
 293 only.

294 (4) Notwithstanding the limitation on issuance  
 295 of Class E licenses to alcohol dispensaries in  
 296 paragraph (1) above, any holder of a Class E  
 297 license, except for any pharmacy, that was  
 298 lawfully issued and validly existing on the  
 299 effective date of this ordinance shall be  
 300 entitled to renew the same at the existing  
 301 location provided that all such applications for  
 302 renewal otherwise comply with all then-  
 303 existing ordinances, laws, and regulations, as  
 304 amended from time to time. Any such Class E  
 305 license held by or for the benefit of any  
 306 pharmacy shall be entitled to renew the same  
 307 at the existing location provided: all alcoholic

308 beverages shall be offered for sale exclusively  
309 within an enclosed area not exceeding 25% of  
310 the sales area, separated from the main sales  
311 area by permanent walls or partitions at least 8  
312 feet high, and all such sales shall be processed  
313 through a separate cashier within and dedi-  
314 cated to that area, and that all such  
315 applications for renewal otherwise comply  
316 with all then-existing ordinances, laws, and  
317 regulations, as amended from time to time.

318 (5) Notwithstanding the limitations and  
319 restrictions upon the issuance of new off-sale  
320 licenses set forth in § 11-8 D, any holder of a  
321 Class E license that was lawfully issued and  
322 validly existing on the effective date of this  
323 ordinance shall be entitled to renewal of such  
324 license as set forth in paragraph (4), above,  
325 without regard to compliance with the market-  
326 test in § 11-8 D.

327 **B. Beer, wine and liquor license, Class F (on**  
328 **and off-sale), hotels and restaurants**

329 (1) General provisions. A Class F beer, wine  
330 and liquor license shall authorize the holder  
331 thereof to keep for sale and sell all alcoholic  
332 beverages, at retail, at any hotel or restaurant  
333 qualified under Subsection B(2) hereof. All  
334 sales shall be for consumption on the premises  
335 only, at the place described in the license.  
336 Wine and beer may be sold for consumption  
337 on the premises and elsewhere.

338 (a) No new Class F licenses shall issue after  
339 the effective date of this ordinance. Upon  
340 expiration of an existing Class F license, all  
341 licensees holding a Class F license lawfully  
342 issued and validly existing on the effective  
343 date of this ordinance shall be entitled to apply  
344 for and obtain both a Class B-R license and a  
345 Class F-A license for the premises described in  
346 the Class F license provided that all such  
347 applications for renewal otherwise comply  
348 with all then-existing ordinances, laws, and  
349 regulations, as amended from time to time. (b)  
350 Upon the expiration of an existing Class F  
351 license, any renewal application for the place  
352 described in the existing license shall also  
353 include all information required to obtain a  
354 caterer's endorsement in accordance with §  
355 11-6A. Subject to all requirements otherwise  
356 applicable to a caterer's endorsement, all  
357 licensees holding an existing Class F license  
358 that was lawfully issued and validly existing  
359 on the effective date of this ordinance shall be

360 entitled to a caterer's endorsement as part of  
361 their renewal, unless the applicant affirma-  
362 tively declines the same.

363 (2) Requirements for license. A Class F  
364 license shall not be issued until all  
365 requirements for licensing have been met and  
366 the place described in the license is  
367 demonstrated to be:

368 (a) A hotel having 25 or more bedrooms and  
369 regularly preparing and serving food on the  
370 premises where alcoholic beverages are to be  
371 sold;

372 (b) A restaurant which seats at least 20  
373 persons, maintains a kitchen staffed for  
374 serving food and provides a menu for at least  
375 two meals per day on a regular basis, which  
376 may include a sandwich menu; or

377 (c) A restaurant which seats at least 20  
378 persons and maintains a kitchen staffed for  
379 serving food, which is open within one hour  
380 after the restaurant opens and is in continuous  
381 operation serving a full menu until at least two  
382 hours before the restaurant closes.

383 (3) Hours. The hours during which the  
384 privileges conferred by a Class F license may  
385 be exercised shall be from 6:00 a.m. to 2:00  
386 a.m. on the following day, except on Sunday  
387 the hours shall be from 10:00 a.m. to 2:00 a.m.  
388 on the following day.

389 (4) This section, § 11-5 B, including without  
390 limitation the Class F license classification,  
391 and each paragraph and sub-paragraph, shall  
392 be repealed and of no further force or effect  
393 upon the later of: (1) the expiration of all  
394 existing Class F licenses; and, (2) the issuance  
395 of Class B-R and Class F-A licenses to  
396 existing Class F licensees entitled to receive  
397 the same for the place described in the existing  
398 Class F license; and, (3) compliance with the  
399 requirements of Paragraph (1) (b), above,  
400 regarding issuance of caterer's endorsements;  
401 or, (4) expiration of the right to renew, without  
402 renewal, for existing Class F licenses such that  
403 the transition from Class F to Class B-R and  
404 Class F-A has been completed or waived for  
405 all existing Class F licensees.

406 **C. Beer, wine and liquor license, Class F-A**  
 407 **(on-sale), hotels and restaurants**

408 (1) General provisions. A Class F-A beer,  
 409 wine and liquor license shall be issued only to  
 410 a hotel or restaurant and shall authorize the  
 411 holder thereof to keep for sale and sell all  
 412 alcoholic beverages, at retail, for consumption  
 413 on the premises only, at the place described in  
 414 the license.

415 (a) The application for issuance or renewal of  
 416 a Class F-A license shall include all  
 417 information required to obtain a caterer's  
 418 endorsement in accordance with § 11-6A.  
 419 Subject to all requirements otherwise  
 420 applicable to a caterer's endorsement, all Class  
 421 F-A licenses issued or renewed after the  
 422 effective date of this ordinance shall include a  
 423 caterer's endorsement as part of their issuance  
 424 or renewal, unless the applicant affirmatively  
 425 declines the same.

426 (2) Requirements for license. A Class F-A  
 427 license shall not be issued until all  
 428 requirements for licensing have been met.

429 (3) Hours. The hours during which the  
 430 privileges conferred by a Class F-A license  
 431 may be exercised shall be from 6:00 a.m. to  
 432 2:00 a.m. on the following day, except on  
 433 Sunday the hours shall be from 10:00 a.m. to  
 434 2:00 a.m. on the following day.

435 **D. Beer, wine and liquor license, Class G**  
 436 **(on-sale), clubs**

437 (1) General provisions. A Class G beer, wine  
 438 and liquor license shall authorize the holder  
 439 thereof to keep for sale and sell all alcoholic  
 440 beverages, at retail, at any club qualified under  
 441 Subsection D(2) hereof, at the place described  
 442 in the license, for consumption on the premises  
 443 only.

444 (2) Requirements for license. A Class G  
 445 license shall be issued only to a club which is  
 446 not operated for profit and which has had 50 or  
 447 more bona fide members paying dues of not  
 448 less than \$10 per annum per member for five  
 449 consecutive years immediately preceding the  
 450 year for which the license is to be issued. A  
 451 Class G license may be issued to a club  
 452 composed exclusively of members who served  
 453 in the Armed Forces of the United States,  
 454 which is affiliated with a national organization

455 and had 50 or more bona fide members paying  
 456 whatever dues were required by its national  
 457 organization in the year immediately  
 458 preceding the year for which the license is to  
 459 be issued.

460 (3) Hours. The hours during which the  
 461 privileges conferred by a Class G license may  
 462 be exercised shall be from 6:00 a.m. to 2:00  
 463 a.m. on the following day, except on Sunday  
 464 the hours shall be from 10:30 a.m. to 2:00 a.m.  
 465 on the following day.

466 **E. Beer, wine and liquor license, Class GC**  
 467 **(on-sale), golf courses**

468 (1) General provisions. A Class GC beer,  
 469 wine and liquor license shall authorize the  
 470 holder thereof to keep for sale and sell all  
 471 alcoholic beverages, at retail, at any golf  
 472 course qualified under Subsection E(2) hereof,  
 473 at the place described in the license, for  
 474 consumption on the premises only.

475 (2) Requirements for license. A Class GC  
 476 license shall be issued only to a golf course  
 477 which is open to the public and has a golf  
 478 course with a minimum of 18 holes. A licensee  
 479 may sell beer, wine and liquor for  
 480 consumption only on the land and in the  
 481 buildings, including the clubhouse, used for  
 482 golfing purposes. A patron need not be seated  
 483 to be served.

484 (3) Hours. The hours during which the  
 485 privileges conferred by a Class GC license  
 486 may be exercised shall be from 7:00 a.m. to  
 487 10:00 p.m. each day.

488 **F. Beer, wine and liquor license, Class B-F**  
 489 **(on-sale) banquet facility**

490 (1) General provisions. A Class B-F beer,  
 491 wine and liquor license shall authorize the  
 492 holder thereof to keep for sale and sell all  
 493 alcoholic beverages, at retail, at any banquet  
 494 facility qualified under Subsection F(2) hereof,  
 495 at the place described in the license, for  
 496 consumption on the premises only.

497 (2) Requirements for license. The Class B-F  
 498 license shall not be issued until all  
 499 requirements for licensing have been met and  
 500 the place described in the license is  
 501 demonstrated to be a banquet facility that:

502 (a) Accommodates the public for banquets,  
503 parties, meetings, and similar functions; and

504 (b) Contains a dining room with adequate  
505 facilities for preparing and serving full-course  
506 meals for at least 100 persons at one seating.

507 (3) The Class B-F beer, light wine and liquor  
508 license authorizes the holder to keep for sale,  
509 and sell at retail, beer, light wine, and liquor  
510 for on-premises consumption only, provided  
511 that:

512 (a) The beer, light wine, and liquor are only  
513 sold during the function;

514 (b) The licensee may not sell alcoholic  
515 beverages for off-premises consumption;

516 (c) The licensee may not permit alcoholic  
517 beverages to be carried off the premises; and

518 (d) Food is furnished at the function where  
519 the alcoholic beverages are provided.

520 (4) The application for issuance or renewal of  
521 a Class B-F license shall include all infor-  
522 mation required to obtain a caterers endorse-  
523 ment in accordance with § 11-6A. Subject to  
524 all requirements otherwise applicable to a  
525 caterer's endorsement, all Class B-F licenses  
526 issued or renewed after the effective date of  
527 this ordinance shall include a caterer's  
528 endorsement as part of their issuance or  
529 renewal, unless the applicant affirmatively  
530 declines the same.

531 (5) Hours. The hours during which the  
532 privileges conferred by a Class B-F license  
533 may be exercised shall be from 12:00 noon to  
534 2:00 a.m. the following day, except on Sunday  
535 the hours shall be from 12:00 noon to 12:00  
536 midnight.

537 **G. Beer, wine and liquor license, Class B-T**  
538 **(on-sale), certain nonprofit theaters**

539 (1) General provisions. A Class B-T beer,  
540 wine, and liquor license shall be issued only to  
541 nonprofit theaters and shall authorize the  
542 holder thereof to keep for sale and sell beer,  
543 wine, and liquor at retail, at the place  
544 described in the license, for consumption on  
545 the premises only.

546 (2) Requirements for license. A Class B-T  
547 license shall not be issued until all  
548 requirements for licensing have been met.

549 (3) Eligibility to purchase temporary license.  
550 Other provisions of this chapter to the contrary  
551 notwithstanding, a holder of a Class B-T  
552 license shall not by virtue thereof be  
553 prohibited from purchasing a special beer,  
554 wine and liquor license, nor shall any bona  
555 fide club, society, association or church be  
556 precluded from obtaining a special license for  
557 use on the theater premises, provided that the  
558 holder of the Class B-T license for the  
559 premises consents to the use of the special  
560 license.

561 (4) Hours. The hours during which the  
562 privileges conferred by a Class B-T license  
563 may be exercised shall be from 12:00 noon to  
564 12:00 midnight each day; provided, however,  
565 that the sale and consumption of beer and light  
566 wine shall be restricted to a period of time  
567 beginning two hours before any scheduled  
568 entertainment and concluding one hour after  
569 said entertainment.

570 **§ 11-6 Endorsements**

571 **A. Caterer's endorsement**

572 (1) Caterer defined. In this section "caterer"  
573 means a Class B, Class B-F, B-R, or Class F-A  
574 license holder who contracts to provide food  
575 and alcoholic beverages to sponsors of public  
576 or private events held at specific locations  
577 within Talbot County off the licensed  
578 premises.

579 (2) General provisions. A caterer's  
580 endorsement shall be issued only to holders of  
581 a Class B, Class B-F, B-R, or a Class F-A  
582 license. The endorsement shall authorize the  
583 holder thereof to sell the alcoholic beverages  
584 permitted for the class of license at locations  
585 within Talbot County for which no other  
586 license has been issued. Other provisions of  
587 this chapter to the contrary notwithstanding,  
588 the holder of a Class B, Class B-F, Class B-R  
589 or Class F-A license shall not be prohibited  
590 from simultaneously holding a caterer's  
591 endorsement, if otherwise approved. The  
592 Board shall be authorized to issue a caterer's  
593 endorsement to holders of a Class B, Class B-  
594 F, Class B-R, or Class F-A license who meet  
595 the requirements for issuance of the caterer's

596 endorsement and who are otherwise entitled to  
597 renewal of their license.

598 (3) Hours. The hours during which the  
599 privileges conferred by a caterer's  
600 endorsement may be exercised shall be the  
601 same as the hours permitted for the class of  
602 license.

603 (4) Requirement to provide food. The holder  
604 of a caterer's endorsement shall provide food  
605 as well as alcoholic beverages at catered  
606 events.

607 (5) Location.

608 (a) The holder of a caterer's endorsement  
609 shall not provide alcoholic beverages at the  
610 same location for more than five  
611 consecutive days or more than a total of 15  
612 days in any calendar year without first  
613 obtaining the written permission of the  
614 Board.

615 (b) The holder of a caterer's endorsement  
616 shall not provide alcoholic beverages at any  
617 location which is owned or leased by the  
618 license holder or in which the license  
619 holder has any financial interest. This  
620 subsection shall not be construed as  
621 prohibiting catering alcoholic beverages at  
622 any legitimate club or fraternal  
623 organization to which the license holder  
624 belongs or at the holder's residence.

625 **B. Special festival endorsement**

626 (1) Special festival defined. In this section  
627 "special festival" means a special event held  
628 on an irregularly scheduled basis for the  
629 purpose of promoting wines or beers produced  
630 by one or more wineries, vintners or  
631 microbreweries.

632 (2) General provisions. A special festival  
633 endorsement shall be issued only to holders of  
634 Class A, B, E, or F licenses. The endorsement  
635 shall authorize the holder thereof to sell or  
636 serve beer or wine by the glass to patrons on  
637 the site of the special festival during the  
638 specified hours of the event and to sell at  
639 retail, in any quantity, to patrons of the event,  
640 wines or beer offered for tasting at the event,  
641 in sealed packages or containers, which  
642 packages or containers shall not be opened nor  
643 the contents thereof consumed on the site of

644 the festival. Other provisions of this chapter to  
645 the contrary notwithstanding, the holder of a  
646 Class A, B, E or F license shall not be  
647 prohibited from simultaneously holding a  
648 special festival endorsement, if otherwise  
649 approved. The Board shall be authorized to  
650 utilize an abbreviated procedure for the  
651 issuance of a special festival endorsement to  
652 holders of a Class A, B, E or F license who are  
653 in good standing at the time of the application.

654 (3) Hours. The hours during which the  
655 privileges conferred by a special festival  
656 endorsement may be exercised shall be the  
657 same as the hours permitted for the class of  
658 license.

659 (4) Limits on number of endorsements. A  
660 special festival endorsement shall not be  
661 issued for more than two consecutive days,  
662 and no more than four endorsements shall be  
663 issued to a license holder in any calendar year.

664 **§ 11-7 Special and temporary licenses**

665 **A. Special beer and light wine license, Class**  
666 **H (on-sale), seven days**

667 (1) General provisions. A Class H special  
668 beer and light wine license shall entitle the  
669 holder thereof to keep for sale and sell beer  
670 and light wine, at retail, at the place described  
671 in the license, in conjunction with any bona  
672 fide entertainment conducted by a club,  
673 society, association or church, for consump-  
674 tion on the premises only, for a period not  
675 exceeding seven consecutive days from the  
676 effective date of the license. The Board shall  
677 be authorized to utilize an abbreviated  
678 procedure for the issuance of a Class H  
679 license.

680 (2) Hours. The hours during which the  
681 privileges conferred by a Class H license may  
682 be exercised shall be from 10:30 a.m. to 12:00  
683 midnight each day; provided, however, that the  
684 sale and consumption of beer and light wine  
685 shall be restricted to a period of time  
686 beginning two hours before the scheduled  
687 entertainment and concluding one hour after  
688 said entertainment.

689 **B. Special beer, wine and liquor license,**  
690 **Class J (on-sale), seven days**

691 (1) General provisions. A Class J special  
692 beer, wine and liquor license shall entitle the  
693 holder thereof to keep for sale and sell all  
694 alcoholic beverages, at retail, at the place  
695 described in the license, in conjunction with  
696 any bona fide entertainment conducted by a  
697 club, society, association or church, for  
698 consumption on the premises only, for a period  
699 not exceeding seven consecutive days from the  
700 effective date of the license. The Board shall  
701 be authorized to utilize an abbreviated  
702 procedure for the issuance of a Class J license.

703 (2) Hours. The hours during which the  
704 privileges conferred by a Class J license may  
705 be exercised shall be from 10:30 a.m. to 12:00  
706 midnight each day; provided, however, that the  
707 sale and consumption of beer, wine and liquor  
708 shall be restricted to a period of time  
709 beginning two hours before the scheduled  
710 entertainment and concluding one hour after  
711 said entertainment.

712 **C. Disposal-of-stock license (10 days)**

713 A disposal-of-stock license of any class shall  
714 entitle the holder thereof to exercise the  
715 privileges of the class of license for a period  
716 not exceeding 10 consecutive days, for the  
717 purpose of disposing of the license holder's  
718 stock of alcoholic beverages, in cases where a  
719 license has been revoked, canceled, suspended  
720 or renewal denied. A disposal-of-stock license  
721 shall authorize the sale of the license holder's  
722 stock at retail or to one or more holders of  
723 wholesale licenses, and such holders of  
724 wholesale licenses are hereby authorized to  
725 purchase such stock. The holder of a disposal-  
726 of-stock license is not authorized to purchase  
727 alcoholic beverages for the purpose of resale  
728 under this license.

729 **D. Temporary removal license**

730 A temporary removal license of any class shall  
731 entitle the holder thereof to temporarily move  
732 the licensed premises from one location to  
733 another, when the relocation is necessitated by  
734 fire or other catastrophe. The privileges of a  
735 temporary removal license may be exercised  
736 while the originally licensed premises are  
737 being restored, for a period to be established  
738 by the Board, but not to exceed six months. No

739 fee shall be charged for a temporary removal  
740 license, provided that any renewal fees which  
741 are due during the continuance of the license  
742 are paid on time. The Board shall be required  
743 to approve, as in the case of the original  
744 application, the new location to which the  
745 license holder temporarily relocates.

746 **§ 11-8 General provisions on issue of licenses**

747 **A. License requirements for corporation,**  
748 **limited liability company, partnership, club**  
749 **or association**

750 (1) A license application made for a  
751 corporation, limited liability company,  
752 partnership, club or other association (whether  
753 incorporated or unincorporated) shall also be  
754 applied for by and shall be issued to two or  
755 more individuals who are authorized to act for  
756 the entity and who are officers, directors,  
757 stockholders or employees of the corporation;  
758 members or employees of the limited liability  
759 company; partners of the partnership; or  
760 officers, directors or members of the club or  
761 association. If an entity has a sole owner, only  
762 that individual shall be required to apply for  
763 and be issued a license. The individual license  
764 holders shall be residents of Talbot County or  
765 a contiguous county. The application shall also  
766 set forth the names and addresses of all of the  
767 directors and officers of a corporation, club or  
768 association, all of the members of a limited  
769 liability company, or all of the partners of a  
770 partnership and shall be signed by the  
771 appropriate officers of the entity, as well as by  
772 the two or more individuals to whom the  
773 license shall be issued for the use of the entity.  
774 Every application for a license shall disclose  
775 the name, all trade names and all addresses of  
776 the corporation, limited liability company,  
777 partnership, club or association, as well as the  
778 name and business and home address of the  
779 individual applicants.

780 (2) The individual license holders and the  
781 corporation, limited liability company, partner-  
782 ship, club or association shall assume all  
783 responsibilities, individually, jointly and  
784 severally, and shall be subject to all of the  
785 penalties, conditions and restrictions imposed  
786 upon license holders under the provisions of  
787 this chapter.

788	<b>B. No more than two licenses for same person</b>	836	within one (1) year after the effective date	
789		837	of this ordinance.	
790	No more than two licenses provided by this chapter, except by way of renewal, shall be issued to any individual or to any person for the use of any corporation, limited liability company, partnership, club or association.	838	(2) Except for Class A licenses for supermarkets, off-sale licenses are subject to the following requirements. The Board shall limit and restrict the number of new off-sale licenses as set forth in this section.	
791		839		
792		840		
793		841		
794		842		
795	<b>C. Zoning restrictions</b>	843	(a) The Board may issue a new off-sale license if the total population within the service area equals or exceeds 750 persons for all existing off-sale licenses and the newly proposed license.	
796	No license provided by this chapter shall be issued or utilized in a manner which will result in a violation of any zoning ordinance or other statutory land use restriction of the County or the incorporated municipality in which the place of business proposed to be licensed is located. No new license shall be issued for any use not specifically provided in this chapter. To the extent of any inconsistency between the definitions of use in this chapter and any land-use ordinance, the definitions that are more restrictive or stringent shall prevail.	844		
797		845		
798		846		
799		847		
800		848	(b) The service area shall be determined as follows:	
801		849		
802			850	i. For a proposed urban location, the service area shall include all census blocks within a radius of two (2) miles from the site of the proposed new license;
803			851	
804			852	
805			853	
806	854			
807				
808	<b>D. Restriction upon off-sale licenses, market-test, grandfathering</b>		855	ii. For a proposed rural location, the service area shall include all census blocks within a radius of five (5) miles from the site of the proposed new license.
809			856	
810	(1) New off-sale licenses shall be issued only to alcohol dispensaries, supermarkets, restaurants, cafes, hotels, and convenience stores.	857		
811		858		
812		859		
813		860		
814		861		
815	(a) Notwithstanding the limitation in Paragraph D. (1) on issuance of new off-sale licenses, any holder of an off-sale license, except for any pharmacy, that was lawfully issued and validly existing on the effective date of this ordinance shall be entitled to renew the same at the existing location provided that all such applications for renewal otherwise comply with all then-existing ordinances, laws, and regulations, as amended from time to time. Pharmacies shall be governed by the provisions in § 11-5 A. (4) and (5).	862	(3) All census blocks in Talbot County from the most recent decennial census within, intersected by, or touching the service area shall be used to determine the total population within the service area.	
816		863		
817		864		
818		865	(4) For purposes of this section, an urban location is a proposed site within a municipality and a rural location is a proposed site outside a municipality.	
819		866		
820		867		
821		868		
822				
823		869	(5) The formula for determining whether a new off sale license may be issued is:	
824		870		
825		871	$R = P - (750 \times N)$ where:	
826				
827	(b) Notwithstanding the limitation in Paragraph D. (1) on issuance of new off-sale licenses, a gas station for which a Class A off-sale beer and light wine license had been issued, but which is no longer in full force and effect on the effective date of this ordinance due to voluntary non-renewal, may re-apply for a new Class A license for the same location at any time	872	R -- Remainder (must be equal to or greater than 750 for new off-sale license).	
828		873		
829		874	P -- Total population within service area.	
830		875		
831		876	N -- Total number of existing off-sale licenses, (Class A, B-R, D, E, , and F) within the service area, excluding the proposed new off-	
832		877		
833		878		
834		879		
835				

880	sale license and excluding existing	928	H. A statement that none of the individual
881	Class A licenses for supermarkets.	929	applicants have ever been convicted of a
882		930	felony or of a misdemeanor involving moral
883	(6) New off-sale licenses shall be at least	931	turpitude and a further statement as to
884	500 feet from public or private schools,	932	whether any of them have ever been
885	public parks, and correctional facilities.	933	adjudged guilty of violating the laws
886	Licensees holding off-sale licenses lawfully	934	governing the sale of alcoholic beverages,
887	issued and validly existing on the effective	935	controlled dangerous substances, or
888	date of this ordinance shall be permitted to	936	gambling in the State of Maryland, any other
889	renew and maintain such licenses at existing	937	state, or of the United States or any foreign
890	locations provided that all such applications	938	country. The Board shall have the authority
891	for renewal otherwise comply with all then-	939	to obtain criminal records on any applicant
892	existing ordinances, laws, and regulations, as	940	for an alcoholic beverage license prior to the
893	amended from time to time.	941	issuance of the license and the applicant, as
894		942	part of the application, shall provide
895	(7) In addition to the requirements of this	943	whatever consents, authorizations, or
896	section, an applicant for a new off-sale	944	releases of information are necessary for this
897	license must meet all other applicable criteria.	945	purpose.
898			
899	<b>§ 11-9 License application filing requirements</b>	946	I. A statement that each individual applicant has
900	Every application for a new license shall be	947	a pecuniary interest in, employment
901	made to the Board and shall be accompanied by	948	relationship with, or is authorized to act on
902	the specified application and license fees. The	949	behalf of the entity seeking the license,
903	application shall contain the following:	950	including the nature of each applicant's
		951	relationship to any entity having an interest in
		952	the business.
904	A. The class of license desired.		
		953	J. A statement that none of the individual
905	B. The name and residence of each individual	954	applicants have had a license for the sale of
906	applicant and how long each has resided at	955	alcoholic beverages revoked.
907	the stated address and the name and address		
908	of any entity on behalf of which the	956	K. A statement identifying any other premises
909	individual applicants seek a license.	957	or entity holding a liquor license in which any
		958	of the individual applicants or the entity they
910	C. A statement that each individual applicant is	959	represent have an interest and identifying any
911	a resident of Talbot County or a contiguous	960	other license issued pursuant to this chapter
912	County.	961	from which any of the individual applicants
		962	or the entity receives any revenue directly or
913	D. A statement that each individual applicant is	963	indirectly.
914	a citizen of the United States, including the		
915	place of birth of each applicant and, if a	964	L. A statement as to whether any of the
916	naturalized citizen, when and where	965	individual applicants or the entity have ever
917	naturalized.	966	had a license for the sale of alcoholic
		967	beverages and, if so, in what state and at what
918	E. A statement that each individual applicant is	968	location.
919	not less than 21 years of age.		
		969	M. A statement that no manufacturer, brewer,
920	F. The particular place for which the license is	970	distiller or wholesaler of alcoholic beverages
921	desired, designating the street name and	971	has any financial interest, directly or
922	number, and also a description of the portion	972	indirectly, in the premises or business of the
923	of the building in which the business will be	973	applicant and that the applicant will not
924	conducted.	974	thereafter convey or grant to any such
		975	manufacturer, brewer, distiller or wholesaler
925	G. The name of the owner of the premises	976	any such interest, except as otherwise
926	upon which the business sought to be	977	permitted in this chapter, and that the
927	licensed is to be carried on.	978	applicant, at the time of making the

979	application, has no indebtedness or other	1033	retail dealer in alcoholic beverages. The
980	financial obligations and will not thereafter	1034	requirements of this section do not apply to
981	incur any such indebtedness or other financial	1035	applications for special or temporary (Class H
982	obligations, directly or indirectly, to any	1036	and Class J) licenses.
983	manufacturer, brewer, distiller or wholesaler		
984	of alcoholic beverages other than for the	1037	P. Proof of a valid food service facility permit
985	purchase of alcoholic beverages.	1038	from the Talbot County Health Department
		1039	must be shown for those classes of licenses
986	N. A statement, duly executed and	1040	(Class F and Class F-A) which require the
987	acknowledged by the owner of the premises	1041	servicing of food as a condition of the license
988	upon which the business is to be conducted,	1042	or where the applicant is engaged in a
989	assenting to the granting of the license	1043	business which requires such a permit.
990	applied for and authorizing the Comptroller		
991	of the State of Maryland, his duly authorized	1044	Q. Proof of compliance with the current
992	deputies, inspectors and clerks, the Talbot	1045	provisions of the State Fire Prevention Code
993	County Board of Liquor License	1046	from the Office of the State Fire Marshal.
994	Commissioners, its duly authorized agents		
995	and employees, any Talbot County Alcoholic	1047	<b>§ 11-10 Procedure for issuance of licenses</b>
996	Beverages Inspector, deputy, or assistant, any		
997	peace officer of Talbot County and any peace	1048	<b>A. General provisions</b>
998	officer of any incorporated municipality in		
999	which the business is to be conducted to	1049	(1) Published notice. Before the Board shall
1000	inspect and search, without warrant, the	1050	approve any new license, the Board shall cause
1001	premises upon which the business is to be	1051	a notice of such application to be published
1002	conducted, and any and all parts of the	1052	once a week for two successive weeks in a
1003	building in which the business is to be	1053	newspaper of general circulation in Talbot
1004	conducted, at any and all hours. The	1054	County. The notice shall specify the names of
1005	statement shall contain an acknowledgment	1055	the individual applicants and any entity they
1006	that any evidence discovered during any	1056	represent, the type of license applied for and
1007	lawful inspection of licensed buildings or	1057	the location of the place of business proposed
1008	premises shall be admissible in any	1058	to be licensed as well as the date, time and
1009	prosecution for violation of this Chapter, and	1059	location fixed by the Board for a hearing upon
1010	shall be admissible in any hearing for	1060	the application. The hearing shall be not less
1011	revocation, suspension, or restriction of the	1061	than seven days nor more than 30 days after
1012	license of the person, firm, corporation or	1062	the last publication.
1013	association who has obtained a license to sell		
1014	alcoholic beverages in such building or	1063	(2) Posting of property.
1015	premises.		
		1064	(a) Whenever a hearing upon a license
1016	O. A certificate signed by at least 10 citizens,	1065	application is scheduled, the place of business
1017	who shall be owners of real estate and	1066	proposed to be licensed shall be posted at least
1018	registered voters of the precinct in which the	1067	15 days prior to the hearing date by the
1019	business is to be conducted, setting forth the	1068	erection of a sign to be furnished by the Board.
1020	length of time each has been acquainted with	1069	Such sign shall be erected by the person(s)
1021	the applicant or, in the case of a corporation,	1070	making application, within ten feet of
1022	with the individuals making the application.	1071	whatever boundary line of the property abuts
1023	The certificate must state that the signers	1072	the most traveled public road and, if no public
1024	thereof have examined the application and	1073	road abuts thereon, then facing in such a
1025	have good reason to believe that all the	1074	manner as most readily may be seen by the
1026	statements contained in the application are	1075	public, as designated by the Board. The
1027	true, that they are of the opinion that the	1076	bottom of the sign shall not be less than three
1028	applicant is a suitable person to obtain the	1077	feet from the ground. The sign furnished by
1029	license, and that they are familiar with the	1078	the Board shall not be less than two feet high
1030	premises upon which the proposed business is	1079	and two feet wide, and shall bear the words:
1031	to be conducted and believe the premises are	1080	NOTICE - APPLICATION HAS BEEN
1032	suitable for the conduct of the business of a	1081	MADE FOR A LIQUOR LICENSE AT THIS

1082 LOCATION. Talbot County Board of Liquor  
 1083 License Commissioners (410) 770-8019.

1084 (b) At the hearing, it shall be the duty of the  
 1085 applicant to prove by affidavit that he has fully  
 1086 complied with this provision and has contin-  
 1087 uously maintained the sign in compliance with  
 1088 this provision up to the time of the hearing.  
 1089 Any sign required to be posted by this pro-  
 1090 vision shall be maintained in a visible location  
 1091 and free from obstruction until after the public  
 1092 hearing is held, and such sign shall be re-  
 1093 moved within five days after the public  
 1094 hearing.

1095 (3) Notice to local jurisdiction and adjacent  
 1096 property owners. Whenever a hearing upon a  
 1097 license application is scheduled, the Board  
 1098 shall give at least 15 days' notice of the time  
 1099 and place of such hearing to be mailed by  
 1100 regular United States mail, first class postage  
 1101 prepaid, to the applicant, to the governing  
 1102 body of the local jurisdiction in which the  
 1103 place of business proposed to be licensed is  
 1104 located, and to the owners of all property  
 1105 contiguous to the place of business proposed  
 1106 to be licensed and of all properties opposite  
 1107 said property measured at right angles to any  
 1108 intervening road or street. It shall be the  
 1109 responsibility of the applicant to furnish the  
 1110 Board with a complete, accurate and up-to-  
 1111 date list of all such property owners. The  
 1112 notice shall be directed to the address to which  
 1113 the real estate tax bill on the property is sent.  
 1114 The notice shall contain the same information  
 1115 as the published notice required in Subsection  
 1116 A(1) hereof. For purposes of this section the  
 1117 term "contiguous property owner" is to include  
 1118 owners of property within 1,000 feet of the  
 1119 subject property, whose line of sight to the  
 1120 subject property is entirely over water. Failure  
 1121 of a person to receive the notice prescribed in  
 1122 this section shall not impair the validity of the  
 1123 hearing.

1124 (4) Hearing. At the time fixed by the notice  
 1125 for a hearing upon an application or upon the  
 1126 continuance of any such hearing, the  
 1127 individual applicants and representatives of the  
 1128 entity seeking a license shall have the first  
 1129 opportunity to be heard by the Board and to  
 1130 present evidence to the Board; provided,  
 1131 however, that the Board may stipulate that  
 1132 after the expiration of a reasonable  
 1133 predetermined amount of time the applicant's  
 1134 presentation may be interrupted to permit

1135 opponents an opportunity to be heard.  
 1136 Thereafter, any interested person in attendance  
 1137 shall be heard by the Board on either side of  
 1138 the question. The applicant shall have the final  
 1139 opportunity to address the Board at the  
 1140 conclusion of all testimony or evidence. The  
 1141 Board shall make an adequate record of its  
 1142 proceedings so as to permit judicial review.  
 1143 The costs of reproduction of the record shall  
 1144 be borne by the person seeking the copy.

1145 (5) Findings.

1146 (a) If the Board determines that the granting  
 1147 of the license is not necessary for the  
 1148 accommodation of the public, or that the  
 1149 applicants are not fit persons to receive the  
 1150 license applied for, or have made a material  
 1151 false statement in the application, or have  
 1152 practiced fraud in connection with said  
 1153 application, or that the operation of the  
 1154 business, if the license is granted, will unduly  
 1155 disturb the peace of the residents of the  
 1156 neighborhood in which the place of business is  
 1157 to be located, or the applicant for an off-sale  
 1158 license does not satisfy the requirements of §  
 1159 11-8 D, or that there are other substantial  
 1160 reasons in the discretion of the Board why the  
 1161 license should not be issued, then the  
 1162 application shall be disapproved and the  
 1163 license applied for shall be refused. If no such  
 1164 findings are made by the Board, then the  
 1165 Board shall approve the application and issue  
 1166 the license upon the applicant's payment of the  
 1167 required fee.

1168 (b) Within 30 days of the conclusion of the  
 1169 hearing, the Board shall issue a written  
 1170 decision setting forth its factual  
 1171 determinations, its decision concerning the  
 1172 license in question, and the basis for its  
 1173 decision.

1174 (c) Any person aggrieved by the decision of  
 1175 the Board who appeared at the hearing before  
 1176 the Board shall have 30 days after the issuance  
 1177 of the Board's decision to appeal the decision  
 1178 to the Circuit Court for Talbot County.

1179 **B. License and application fees**

1180 The license and application fees applicable to  
 1181 each class of license shall be established by the  
 1182 County Council of Talbot County in the  
 1183 Annual Budget and Appropriation Ordinance.  
 1184 All fees collected under this chapter shall be

1185 remitted to the Talbot County Finance Office.  
 1186 The salaries of the Board, together with the  
 1187 necessary office, clerical and investigational  
 1188 expenses of the Board, shall be paid by the  
 1189 County Council, as approved in the Annual  
 1190 Budget and Appropriation Ordinance adopted  
 1191 by the County Council. The balance of all fee  
 1192 revenue collected under this chapter, which is  
 1193 not expended on the approved salaries and  
 1194 expenses of the Board, shall be devoted to the  
 1195 general purposes of the County as approved by  
 1196 the County Council.

1197 **C. Refund of license fees**

1198 No holder of any class of license shall be  
 1199 entitled to a refund of the unused portion of  
 1200 the fee paid for a license upon surrender  
 1201 thereof, except:

1202 (1) In the event of receivership or  
 1203 bankruptcy of the business if a transfer is not  
 1204 requested, and in such case the refund shall be  
 1205 made for the benefit of the creditors of the  
 1206 license holder;

1207 (2) In the event of the death of the license  
 1208 holder, and in such case the refund shall be  
 1209 made for the benefit of the estate of the  
 1210 deceased license holder;

1211 (3) In the event that the license holder has  
 1212 volunteered for or been called into the Armed  
 1213 Forces of the United States;

1214 (4) In the event that a license holder of one  
 1215 class surrenders the license and obtains a  
 1216 license of another class carrying a higher fee,  
 1217 in which case, the refund shall be deducted  
 1218 from the amount of the fee to be paid for the  
 1219 newly obtained license; or

1220 (5) In the event that the licensed premises  
 1221 are taken by the federal government, the state  
 1222 or any city or municipality for public use.

1223 **D. License forms; date of issue and**  
 1224 **expiration**

1225 Only licenses authorized under the provisions  
 1226 of this chapter may be issued by the Board.  
 1227 Every license issued shall be upon forms  
 1228 prescribed by the Board. Each license shall be  
 1229 dated as of the date of issue and shall expire on  
 1230 the April 30 next after its issuance, except

1231 temporary licenses and special licenses, which  
 1232 shall expire as otherwise provided.

1233 **E. Pro-rata license fees**

1234 The fee for every license issued for a period of  
 1235 less than one year (except temporary or special  
 1236 licenses) shall be subject to the annual fee if  
 1237 issued during the first three months of the  
 1238 license year; 3/4 of the annual fee if issued  
 1239 during the second quarter of the license year;  
 1240 1/2 of the annual fee if issued during the third  
 1241 quarter of the license year; and 1/4 of the  
 1242 annual license fee if issued during the fourth  
 1243 quarter of the license year.

1244 **F. Successive applications**

1245 If a license is refused, no application for the  
 1246 same license shall be considered from the  
 1247 same applicant for the same premises for a  
 1248 period of one year.

1249 **§ 11-11 General procedures for renewal of**  
 1250 **licenses**

1251 **A. Application for renewal**

1252 The holder or holders of any expiring license  
 1253 other than special licenses issued under the  
 1254 provisions of this chapter shall, not less than  
 1255 30 nor more than 90 days before the first day  
 1256 of May of each year, file a written  
 1257 application, duly verified by oath, for the  
 1258 renewal of the license with the Board. The  
 1259 renewal application shall state either that the  
 1260 facts in the original application are  
 1261 unchanged or shall clearly and completely  
 1262 identify all such changes, based on which the  
 1263 Board may, in its discretion, treat the renewal  
 1264 application as a new application. The renewal  
 1265 application shall be accompanied by a  
 1266 statement, signed by the owner of the  
 1267 premises, consenting to the renewal of the  
 1268 license and to search and seizure as in the  
 1269 case of the original application. A statement  
 1270 of consent shall not be required if the owner  
 1271 has previously signed such a statement in  
 1272 connection with an original application or  
 1273 previous renewal application giving consent  
 1274 for the term of the owner's lease with the  
 1275 applicant. Upon the filing of the renewal  
 1276 application and the payment of the prescribed  
 1277 annual fee, the holder or holders of an  
 1278 expiring license shall be entitled to a new  
 1279 license for another year without the filing of

1280 further statements or the furnishing of any  
 1281 further information, unless such information  
 1282 is specifically requested by the Board.  
 1283 Renewal licenses shall be administratively  
 1284 approved without a hearing before the Board,  
 1285 unless a protest signed by not less than 10  
 1286 residents or property owners in the County  
 1287 election district in which the licensed place of  
 1288 business is located has been filed against the  
 1289 granting of a renewal license at least 30 days  
 1290 before the expiration of the license for which  
 1291 renewal is sought. The Board may, upon its  
 1292 own initiative, after notice to the applicant,  
 1293 treat a renewal application as an original  
 1294 application. In the event of a protest or in the  
 1295 event that the Board determines, in the  
 1296 exercise of its discretion, to treat a renewal  
 1297 application as an original application, then  
 1298 the application shall be heard and determined  
 1299 as in the case of an original application. In  
 1300 such cases, the Board may consider evidence  
 1301 concerning the impact of the licensed  
 1302 establishment upon the peace and repose of  
 1303 the community. A factual finding, based upon  
 1304 clear and convincing evidence that the  
 1305 licensed establishment has significantly and  
 1306 regularly intruded upon the peace and repose  
 1307 of the neighboring property owners so as to  
 1308 have a deleterious impact upon the public  
 1309 health, safety and welfare, shall be a  
 1310 sufficient basis for denial of the renewal  
 1311 application or the limitation of the hours of  
 1312 operation of the license holder by the Board.

1313 B. At the time of renewal of either a Class C or  
 1314 a Class G license, the individuals listed as  
 1315 holding the license on behalf of a club may,  
 1316 at the discretion of the Board, be deleted, or  
 1317 the names of additional individuals may be  
 1318 added to or substituted for any or all of the  
 1319 original license holders without the necessity  
 1320 of filing a formal application for transfer;  
 1321 provided, however, that the proposed license  
 1322 holders are otherwise qualified, and further  
 1323 provided that the President or Chief  
 1324 Executive Officer of the club shall certify that  
 1325 the individuals are authorized to act on behalf  
 1326 of the club. When a renewal application  
 1327 contains a request to add, delete or substitute  
 1328 individual license holders, the Board may  
 1329 approve the application, or require the filing  
 1330 of an application for transfer as provided in  
 1331 § 11-12C hereof.

1332 C. The procedural rules for a renewal hearing  
 1333 shall follow those set forth in § 11-10A

1334 hereof. Any person aggrieved by the decision  
 1335 of the Board who appeared at the renewal  
 1336 hearing before the Board shall have 30 days  
 1337 after the issuance of the Board's decision to  
 1338 appeal the decision to the Circuit Court for  
 1339 Talbot County.

1340 **§ 11-12 Rights and duties of license holders**

1341 **A. License not property**

1342 Licenses issued under the provisions of this  
 1343 chapter shall not be regarded as property or as  
 1344 conferring any property rights. All such  
 1345 licenses shall be subject to suspension,  
 1346 restriction or revocation and to all rules and  
 1347 regulations that may be adopted as herein  
 1348 provided.

1349 **B. Duplicates for lost licenses**

1350 Whenever a license issued under the  
 1351 provisions of this chapter has been lost or  
 1352 destroyed, the official issuing such licenses  
 1353 shall have the power, upon application under  
 1354 oath and upon payment of a fee of \$10, to  
 1355 issue another license, upon which shall be  
 1356 endorsed the word "duplicate" in addition to  
 1357 all of the information which appeared upon the  
 1358 original license.

1359 **C. Transfer of licenses**

(1) General procedure.

1360 Any holder of a license under the provisions of  
 1361 this chapter, including a receiver or trustee for  
 1362 the benefit of creditors, may, in the discretion  
 1363 of the Board, be permitted to transfer his place  
 1364 of business to some other location and/or  
 1365 transfer his stock-in-trade to another person,  
 1366 provided that an application for such transfer  
 1367 and/or sale shall be made and approved by the  
 1368 Board, and that a bulk transfer permit is  
 1369 obtained where the stock of alcoholic  
 1370 beverages is to be transferred, whether by sale,  
 1371 gift, inheritance, assignment or otherwise and  
 1372 irrespective of whether or not consideration is  
 1373 paid. Except as provided in Subsection C(2)  
 1374 hereof or in § 11-11, the new location and/or  
 1375 assignee shall be approved as in the case of an  
 1376 original application for a license. Such transfer  
 1377 and/or assignment, when made, shall be  
 1378 reflected in the issuance of a new license or  
 1379 endorsed upon the original license by the  
 1380 official issuing the same upon payment of a

1381 fee of \$10, in addition to the application fee,  
1382 which shall be paid at the time of the filing of  
1383 the application for transfer and/or sale. This  
1384 section shall permit the transfer of class of  
1385 license, location and the assignment of license  
1386 in the same application.

(2) Addition, deletion or substitution of  
license holders.

1387 When the entity which owns the business and  
1388 the location of the business for which a license  
1389 has been issued are to remain the same, no  
1390 more than two, but less than all, of the persons  
1391 listed on the license may be deleted and other  
1392 persons may be substituted therefor by the  
1393 submission of an application for review by the  
1394 Board. The Board may provide a special  
1395 application form for this purpose, which shall  
1396 solicit all of the information relating to the  
1397 new applicant which would be required of an  
1398 original applicant, require the approval of the  
1399 owners of the premises, require the certificate  
1400 provided in § 11-8A, and require the consent  
1401 of all license holders and of the persons whose  
1402 names are to be added to the license.  
1403 Additional persons may be added to those  
1404 persons already listed on the license, and  
1405 persons listed on the license may be deleted  
1406 therefrom, in the manner provided herein,  
1407 provided that the minimum number of persons  
1408 required for said license shall be maintained.  
1409 The Board may, in its discretion, either  
1410 administratively approve said application, or  
1411 cause notice of the application to be published  
1412 and a hearing to be conducted as in the case of  
1413 an original application.

1414 **D. License holder vacating premises**

1415 On the 10th day after the holder of any license  
1416 issued under the provisions of this chapter  
1417 shall have vacated or been evicted from the  
1418 premises for which said license was issued,  
1419 said license shall expire unless an application  
1420 for a transfer thereof to another location or  
1421 assignment to another person has been  
1422 approved or is then pending; provided,  
1423 however, that the official authorized to issue  
1424 licenses may, in his discretion, postpone such  
1425 expiration for an additional period, not  
1426 exceeding 20 days in any case, to avoid any  
1427 undue hardship.

1428 **E. Display of licenses**

1429 Every person receiving a license under the  
1430 provisions of this chapter shall frame the  
1431 license under glass and place the framed  
1432 license so that it shall at all times be  
1433 conspicuous and easily read in the place of  
1434 business.

1435 **F. Availability of ordinance**

1436 Every license holder shall keep a copy of this  
1437 chapter in an area in the licensed premises  
1438 where it is easily accessible for reference when  
1439 necessary. It is the responsibility of the license  
1440 holder to ensure that all employees or agents  
1441 of the license holder are advised of the  
1442 provisions of this chapter. The Board shall  
1443 provide to each license holder on an annual  
1444 basis either a complete copy of the current  
1445 version of this chapter, or at their election, a  
1446 copy of only those sections that have been  
1447 amended during the previous year. [Amended  
1448 4-13-1999 by Bill No. 704]

1449 **G. Death of license holder**

1450 (1) Upon the death of an individual license  
1451 holder, the license shall expire upon the close  
1452 of the 90th day following the date of death  
1453 except as herein otherwise provided. In cases  
1454 where the deceased is the proprietor of the  
1455 licensed premises, upon application to the  
1456 Board and upon the payment of a fee of \$10  
1457 made by the personal representatives of the  
1458 deceased license holder, a certificate of  
1459 permission may be granted for the  
1460 continuation of the business in the name of the  
1461 personal representatives for the benefit of the  
1462 estate of the deceased for a period not  
1463 exceeding the balance of the current license  
1464 year, or the closing of the estate, whichever  
1465 occurs first. In the event the estate has not  
1466 been closed upon the expiration of the license  
1467 year, the personal representatives may apply  
1468 for renewal of the license, and upon payment  
1469 of the required annual license fee, a renewal  
1470 license may be granted; provided, however,  
1471 that no application for a renewal license  
1472 hereunder may be made more than 18 months  
1473 after the death of the license holder. Such  
1474 certificates of permission and renewal licenses  
1475 will be subject to the right of protest,  
1476 revocation, suspension, and restriction as in  
1477 other cases, and during the continuation  
1478 period, the license holder and the personal

1479 representative of the deceased shall be subject  
 1480 to all of the provisions of this chapter. The  
 1481 personal representatives to which a certificate  
 1482 has been granted may assign or transfer the  
 1483 license for the benefit of the estate, and upon  
 1484 the approval of the application for the transfer  
 1485 or assignment, the license shall be considered  
 1486 reinstated upon the payment of the balance of  
 1487 the license fee which is due until the expiration  
 1488 of the license year.

1489 (2) If the licensed premises are operated for  
 1490 the benefit of a corporation, limited liability  
 1491 company or partnership, another individual  
 1492 license holder may be substituted for the  
 1493 deceased upon the filing of an application as  
 1494 provided for herein, and the premises may  
 1495 continue to sell alcoholic beverages pending  
 1496 approval of the new license holder.

1497 (3) An application for substitution of another  
 1498 license holder for the deceased license holder  
 1499 shall be made within 90 days of the date of  
 1500 death. Upon the filing of such an application,  
 1501 and until a decision is made and issued as  
 1502 provided herein, the license shall continue in  
 1503 full force and effect, subject to all other  
 1504 provisions of this chapter.

1505 **H. Hours of operation**

1506 The hours during which the privileges conferred  
 1507 by a license may be exercised shall be defined  
 1508 as either Eastern standard or daylight saving  
 1509 time, whichever is in effect on the date in  
 1510 question.

1511 **§ 11-13 Restrictions upon license holders**

1512 **A. General provisions**

1513 License holders are required to comply with  
 1514 all applicable provisions of this chapter and  
 1515 with all provisions of state law applicable to  
 1516 Talbot County by virtue of § 11-20 of this  
 1517 chapter, Article 2B, § 18-101, Annotated Code  
 1518 of Maryland, or Article 25, § 3(ee), Annotated  
 1519 Code of Maryland. Violation of any such pro-  
 1520 vision is a misdemeanor, and in addition to  
 1521 any criminal penalty, may result in adminis-  
 1522 trative sanctions including revocation or sus-  
 1523 pension of any license issued pursuant to this  
 1524 chapter or the imposition of a fine, or any  
 1525 combination thereof.

1526 **B. Service by minors restricted**

1527 (1) No license holder shall allow a person to  
 1528 act in the capacity of a bartender who is not at  
 1529 least 21 years of age. For the purposes of this  
 1530 section, a "bartender" is any person who mixes  
 1531 or pours drinks for consumption on the  
 1532 licensed premises.

1533 (2) No license holder shall allow a person to  
 1534 act in the capacity of waiter or waitress who is  
 1535 required to take orders for alcoholic beverages  
 1536 unless said waiter or waitress is at least 18  
 1537 years of age.

1538 (3) No license holder of a beer and light  
 1539 wine license shall allow a person to act in the  
 1540 capacity of a sales clerk authorized to sell or  
 1541 offer for sale beer or light wine at retail who is  
 1542 not at least 18 years of age.

1543 (4) No license holder of a beer, wine and  
 1544 liquor license shall allow a person to act in the  
 1545 capacity of a sales clerk authorized to sell or  
 1546 offer for sale beer, wine or liquor at retail who  
 1547 is not at least 21 years of age.

1548 **C. Sales to minors and intoxicated persons**  
 1549 **prohibited**

1550 (1) No license holder under the provisions of  
 1551 this chapter or any of the license holder's  
 1552 employees or agents shall sell or furnish any  
 1553 alcoholic beverages at any time to any person  
 1554 except in conformance with the age limitations  
 1555 as established from time to time by the State of  
 1556 Maryland.

1557 (2) No license holder or any of the license  
 1558 holder's employees or agents shall sell or  
 1559 furnish any alcoholic beverages to any person  
 1560 who at the time of such sale or delivery is  
 1561 visibly under the influence of any alcoholic  
 1562 beverage.

1563 (3) A violation of this section by an  
 1564 employee or agent of a license holder shall be  
 1565 deemed a violation by the license holder, who  
 1566 shall be responsible for all alcoholic beverage  
 1567 sales in or upon the licensed premises.

1568 **D. Noise regulations**

1569 The Board may regulate the time and noise  
 1570 level of the playing of mechanical music

1571	boxes, live music, and sound-making devices	1617	(b) 2nd offense, \$200.00 to \$500.00
1572	that are used on licensed premises where the	1618	fine;
1573	sound disturbs the peace, tranquility, safety,	1619	(c) 3rd offense, 2-5 day suspension;
1574	and health of the surrounding neighborhood.	1620	and,
1575	<b>E. Slot machine restriction</b>	1621	(d) 4th or subsequent offense, 10-30 day
1576	The Board shall be prohibited from issuing a	1622	suspension.
1577	license under the provisions of this chapter to	1623	<b>§ 11-14 Revocation and suspension of licenses</b>
1578	any entity at any place at which one or more	1624	<b>A. General provisions</b>
1579	slot machines are located, maintained, or	1625	(1) Any license issued under the provisions
1580	operated, unless the entity is a fraternal,	1626	of this chapter may be revoked or suspended
1581	religious or veterans nonprofit organization	1627	by the Board for any cause which in the
1582	with a license to operate the slot machine(s)	1628	judgment of the Board is necessary to promote
1583	issued by the Sheriff of Talbot County.	1629	the peace or safety of the community in which
1584	<b>F. Alcohol Awareness Training</b>	1630	the place of business is situated. A license may
1585	All employees involved in the sale of alcoholic	1631	be revoked or suspended, and/or a fine
1586	beverages shall successfully complete training	1632	imposed by the Board based upon, but not
1587	in an Alcohol Awareness Program within one	1633	limited to, any of the following findings:
1588	hundred eighty (180) days of the date of hire.	1634	(a) Conviction of the license holder for
1589	The Liquor Inspector may grant an extension	1635	violation of any of the provisions of this
1590	not to exceed sixty (60) days for Licensees	1636	chapter or of applicable state law regulating
1591	with less than three (3) employees whose	1637	the retail sale of alcoholic beverages.
1592	businesses would suffer undue hardship, due	1638	(b) Any finding of fact in a criminal
1593	to circumstances beyond the Licensee's	1639	proceeding that would be sufficient to sustain
1594	reasonable control. Any request for a waiver	1640	a judgment or verdict of guilt for any violation
1595	must be submitted in writing within thirty (30)	1641	of this chapter or applicable state law
1596	days and contain all grounds in support of the	1642	regulating the retail sale of alcoholic
1597	request.	1643	beverages, regardless of whether that finding
1598		1644	is stricken and probation before judgment is
1599	(1) For purposes of this section, "Approved	1645	granted.
1600	Alcohol Awareness Program," has the	1646	(c) Failure or refusal of any license holder to
1601	meaning and is subject to the	1647	comply with any provisions of this chapter or
1602	requirements and time limitations set	1648	any applicable state law, or any rule or
1603	forth in Article 2B § 13-101, Md. Ann.	1649	regulation that may be adopted pursuant to this
1604	Code, as amended from time to time.	1650	chapter.
1605	(2) Nothing in this section relieves the	1651	(d) The making of any material false
1606	licensee from compliance with any other	1652	statement in any application for a license.
1607	applicable State requirements regarding	1653	(e) A conviction of one or more of the
1608	alcohol awareness training.	1654	clerks, agents, or employees of a license
1609	(3) This section may not be construed to	1655	holder for the violation of any of the
1610	create or enlarge any civil cause of action	1656	provisions of this chapter or applicable state
1611	or criminal proceeding against a licensee.	1657	law on the licensed premises.
1612	(4) Penalties. The Board shall impose the	1658	(f) A finding by the Board that one or more
1613	following penalties on any licensee who	1659	of the clerks, agents, or employees of a license
1614	violates this section within any seven (7)	1660	holder violated any of the provisions of this
1615	year period:		
1616	(a) 1st offense, \$50.00 fine;		

1661 chapter or of applicable state law on the  
 1662 licensed premises.

1663 (g) Three or more violations of any  
 1664 provision of Chapter 159, Article I, Talbot  
 1665 County Code, Smoking. For purposes of this  
 1666 subsection, the Board may not amend, modify,  
 1667 or decline to impose the requisite suspension  
 1668 upon any licensee for the period designated in  
 1669 § 159-9C(2) following a determination that the  
 1670 requisite violations have occurred. [Added 2-  
 1671 3-2004 by Bill No. 934]

1672 (2) For purposes of this section a conviction  
 1673 is deemed to have occurred whenever a person  
 1674 accused of a crime pleads guilty or nolo  
 1675 contendere or is found guilty of an offense.

1676 (3) The following shall each be prima facie  
 1677 evidence of a violation:

1678 (a) A sale or delivery of an alcoholic  
 1679 beverage by a license holder before or after the  
 1680 hours during which the privileges conferred by  
 1681 the applicable license may be exercised.

1682 (b) An open container holding more than a  
 1683 trace of an alcoholic beverage, prior to or more  
 1684 than 30 minutes after the hours during which  
 1685 the privileges conferred by the applicable  
 1686 license may be exercised.

1687 (c) Live entertainment or playing of  
 1688 electronic entertainment other than during the  
 1689 hours in which the privileges conferred by the  
 1690 applicable license may be exercised.

1691 (d) Presence of person(s) on the premises  
 1692 prior to or more than 30 minutes after the  
 1693 hours during which the privileges conferred by  
 1694 the applicable license may be exercised, other  
 1695 than by those listed below:

1696 [1] The owner, license holder or their agents  
 1697 or employees actually engaged in cleaning or  
 1698 preparing for the next day's operation.

1699 [2] Entertainers actually engaged in  
 1700 preparing for opening or closing down after a  
 1701 performance.

1702 [3] Delivery personnel actually making  
 1703 deliveries.

1704 (e) The sale, delivery or furnishing of an  
 1705 alcoholic beverage by a license holder, clerk,  
 1706 agent or employee of a license holder to a  
 1707 minor on the licensed premises.

1708 **B. Procedure for revocation or suspension**

1709 (1) The Board may, on its own initiative, or  
 1710 upon complaints by local citizens, or upon a  
 1711 complaint by the State's Attorney, any peace  
 1712 officer, or the County Health Officer, revoke  
 1713 or suspend any license issued under the  
 1714 provisions of this chapter or impose a  
 1715 monetary fine upon any license holder, or  
 1716 both. Such action shall not be taken until the  
 1717 Board has conducted a hearing upon the  
 1718 complaint, notice of which shall be mailed or  
 1719 delivered to the license holder at least 10 days  
 1720 before the hearing. Revocation or suspension  
 1721 hearings shall be conducted pursuant to § 11-  
 1722 10A of this chapter, except that the notification  
 1723 provisions thereof shall not apply. In addition,  
 1724 in a hearing under this section, the person or  
 1725 entity making the complaint to the Board shall  
 1726 be the first to present evidence to the Board;  
 1727 the license holder shall then present its  
 1728 evidence, to be followed by any further  
 1729 evidence to be presented by the complainant.  
 1730 The Board may permanently revoke or  
 1731 suspend a license for any period, or impose a  
 1732 fine, at its discretion, upon a finding that any  
 1733 provision of this chapter or any applicable  
 1734 state law has been violated, or upon a finding  
 1735 based upon clear and convincing evidence that  
 1736 the continued licensing of the premises in  
 1737 question constitutes a danger to the public  
 1738 health, safety, or welfare.

1739 (2) Within 30 days of the hearing, the Board  
 1740 shall issue its decision, setting forth its  
 1741 findings, determination of any violations, and  
 1742 imposition of any penalty, sanction or fine. If  
 1743 no decision is issued by the Board within 30  
 1744 days of the hearing, a finding of "no violation"  
 1745 shall result.

1746 **§ 11-15 Violations and penalties**

1747 A. Any person or license holder violating the  
 1748 provisions of this chapter shall be guilty of a  
 1749 misdemeanor and, upon conviction thereof,  
 1750 shall be subject to a fine of not more than  
 1751 \$1,000 or to imprisonment for not more than  
 1752 six months, or to both such fine and  
 1753 imprisonment; provided, however, that if  
 1754 applicable state law provides a greater

1755 penalty, the penalty provided by state law  
1756 shall prevail.

1757 B. Anyone charged with selling or furnishing  
1758 alcoholic beverages to a person not of legal  
1759 age in violation of § 11-13C shall be found  
1760 not guilty of said violation if such person  
1761 establishes to the satisfaction of the jury, or  
1762 the court sitting as a jury, that he used due  
1763 caution to establish that such person was of  
1764 legal age to purchase or be supplied alcoholic  
1765 beverages. The granting of probation before  
1766 judgment to a license holder or employee or  
1767 agent of a license holder for any alleged  
1768 violation of this chapter or applicable state  
1769 law does not bar the Board from proceeding  
1770 against the license holder for the violation.

1771 C. In lieu of suspending or revoking an  
1772 alcoholic beverages license pursuant to the  
1773 terms of this chapter, the Board may hold any  
1774 suspension in abeyance and impose a fine for  
1775 any violation of this chapter subject to the  
1776 following conditions:

1777 (1) The Board determines that the public  
1778 welfare and safety will not be impaired by  
1779 allowing the license holder to operate during  
1780 the suspension period and that payment of the  
1781 fine will achieve the desired disciplinary  
1782 purposes.

1783 (2) The fine assessed by the Board under this  
1784 subsection shall not exceed \$1,000 for each  
1785 violation.

1786 (3) All moneys collected under this  
1787 subsection shall be deposited into the general  
1788 funds of Talbot County.

1789 (4) The Board shall have promulgated such  
1790 rules and regulations as it deems necessary to  
1791 carry out the purposes of this subsection  
1792 including any conditions to be imposed on the  
1793 license holder as a condition of holding any  
1794 such suspension in abeyance.

1795 **§ 11-16 Bottle club restrictions; drive-through**  
1796 **sales**

1797 A. It shall be unlawful in Talbot County for any  
1798 bottle club to sell, serve, give, dispense, keep  
1799 or allow to be consumed on its premises, or  
1800 on premises under its control or possession,  
1801 any alcoholic beverages, setups or other  
1802 component parts of mixed alcoholic drinks.

1803 As used in this subsection, the term "bottle  
1804 club" shall mean any club which serves, sells,  
1805 gives, or dispenses alcoholic beverages to its  
1806 members or guests, or which keeps for its  
1807 members or guests any alcoholic beverages,  
1808 or which allows to be consumed on its  
1809 premises any alcoholic beverages, by its  
1810 members or guests, which beverages have  
1811 been reserved or purchased by the members  
1812 or guests; or any club at which patrons are  
1813 served, given, or allowed to consume  
1814 alcoholic beverages after legal closing hours  
1815 from any supplies that the patrons have  
1816 previously purchased or reserved; or any club  
1817 that sells, dispenses, serves, keeps, or allows  
1818 to be consumed any setups or other  
1819 component parts of mixed alcoholic drinks to  
1820 its members or guests.

1821 B. Drive-through sales prohibited. A licensee  
1822 shall not sell, offer to sell, or dispense  
1823 alcoholic beverages for off-premises  
1824 consumption through a facility commonly  
1825 known as a "walk-up" or "drive-through"  
1826 window. [Added 4-13-1999 by Bill No. 705]

1827 **§ 11-17 Enforcement**

1828 **A. Notification requirements**

1829 To aid in the enforcement of this chapter, it  
1830 shall be the responsibility of all law  
1831 enforcement personnel, including members of  
1832 the Maryland State Police, the Talbot County  
1833 Sheriff's Department, the Talbot County  
1834 State's Attorney's Office, the Natural  
1835 Resources Police, and each of the municipal  
1836 police departments in Talbot County, to notify  
1837 the Board of any violation citations issued to  
1838 any license holder under the provisions of this  
1839 chapter, within 48 hours of the issuance of the  
1840 citation. The Board shall notify law  
1841 enforcement personnel, including members of  
1842 the Maryland State Police, the Talbot County  
1843 Sheriff's Department, the Talbot County  
1844 State's Attorney's Office, the Natural  
1845 Resources Police, and the appropriate mun-  
1846 icipal police department, of any license issued  
1847 under the provisions of this chapter which is  
1848 revoked or suspended, or of any fines which  
1849 are imposed for a violation of this chapter.

1850 **B. Chemical test report**

1851 For the purpose of establishing that physical  
1852 evidence in a criminal proceeding or

1853	administrative hearing under the provisions of	1905	other person indicated on or about the date
1854	this chapter contains or constitutes alcohol or	1906	stated is prima facie evidence that the person
1855	an alcoholic beverage, a report signed by the	1907	had custody and made the delivery as stated,
1856	chemist or analyst who performed the test or	1908	without the necessity of a personal appearance
1857	tests as to its nature is prima facie evidence	1909	in court by the person signing the statement.
1858	that the material delivered to him was properly	1910	The statement shall contain a sufficient
1859	tested under procedures approved by the	1911	description of the material or its container so
1860	Department of Health and Mental Hygiene,	1912	as to distinguish it as the particular item in
1861	that those procedures are legally reliable, that	1913	question and shall state that the material was
1862	the material was delivered to him by the	1914	delivered in essentially the same condition as
1863	officer or person stated in the report, and that	1915	received.
1864	the material was or contained alcohol, without		
1865	the necessity of the chemist or analyst	1916	(4) Nothing in this section precludes the
1866	personally appearing in court, or at any	1917	right of any party to introduce any evidence
1867	hearing, provided the report identifies the	1918	supporting or contradicting the evidence
1868	chemist or analyst as an individual certified by	1919	contained in or the presumption raised by the
1869	the Department of Health and Mental Hygiene,	1920	statement.
1870	the Maryland State Police Department, the		
1871	Baltimore City Police Department, or any	1921	<b>D. Presence of chemist or analyst at criminal</b>
1872	County police department employing analysts	1922	<b>proceeding</b>
1873	of controlled dangerous substances or alcohol,		
1874	as qualified under standards approved by the	1923	(1) In a criminal proceeding under the
1875	Department of Health and Mental Hygiene to	1924	provisions of this chapter, the prosecution
1876	analyze those substances, states that he made	1925	shall, upon written demand of a defendant
1877	an analysis of the substance under approved	1926	filed in the proceedings at least five days prior
1878	procedures and also states that the substance,	1927	to a trial in the proceeding, require the
1879	in his opinion, is or contains alcohol. Nothing	1928	presence of the chemist, analyst, or any person
1880	in this section precludes the right of any party	1929	in the chain of custody as a prosecution
1881	to introduce any evidence supporting or	1930	witness.
1882	contradicting the evidence contained in or the		
1883	presumptions raised by the report.	1931	(2) The provisions of § 11-17B and C
		1932	concerning prima facie evidence do not apply
1884	<b>C. Chain of custody</b>	1933	to the testimony of that witness. The
		1934	provisions of §§ 11-17 B and C are applicable
1885	(1) In this section, "chain of custody" means	1935	in a criminal proceeding only when a copy of
1886	the seizing officer; the packaging officer, if the	1936	the report or statement to be introduced is
1887	packaging officer is not also the seizing	1937	mailed, delivered, or made available to counsel
1888	officer; and the chemist or person who actually	1938	for the defendant or to the defendant
1889	touched the substance and not merely the outer	1939	personally when the defendant is not
1890	sealed package in which the substance was	1940	represented by counsel, at least 10 days prior
1891	placed by the law enforcement agency before	1941	to the introduction of the report or statement at
1892	or during the analysis of the substance.	1942	trial.
1893	(2) "Chain of custody" does not include a	1943	(3) Nothing contained in this section shall
1894	person who handled the substance in any form	1944	prevent the defendant from summoning a
1895	after analysis of the substance.	1945	witness mentioned in this section as a witness
		1946	for the defense.
1896	(3) For the purpose of establishing, in a	1947	(4) At an administrative proceeding, the
1897	criminal proceeding or an administrative	1948	reports described in Subsections B and C
1898	hearing under the provisions of this chapter,	1949	above shall be prima facie evidence without
1899	the chain of physical custody or control of	1950	the presence of the chemist, analyst, or any
1900	evidence consisting of or containing a	1951	person in the chain of custody. Nothing in this
1901	substance tested or analyzed to determine	1952	section prevents the license holder or any other
1902	whether it is or contains alcohol, a statement	1953	party from summoning the chemist, analysts or
1903	signed by each successive person in the chain	1954	any other person in the chain of custody.
1904	of custody that the person delivered it to the		

1955	E. Physical evidence. For the purpose of	2001	(4) Before a person qualifies as an inspector,
1956	establishing that physical evidence in a	2002	the person shall:
1957	criminal proceeding or an administrative		
1958	hearing under the provisions of this chapter	2003	i. Make an oath to faithfully perform the
1959	contains or constitutes alcohol, a sealed	2004	duties entrusted to him as an alcoholic
1960	container in its original unopened condition	2005	beverages inspector pursuant to this
1961	which has a label which states that it contains	2006	Chapter, as provided in Article I, § 9
1962	alcohol or is an alcoholic beverage is prima	2007	of the Constitution of Maryland; and,
1963	facie evidence that the contents of the		
1964	container are or include alcohol or an alcoholic	2008	ii. Furnish bond in the penalty sum of
1965	beverage.	2009	\$10,000 to the Board and the County
		2010	Council jointly, conditioned "that the
1966	<b>§ 11-17-1.1 Alcoholic beverages inspector</b>	2011	inspector shall well and faithfully
		2012	execute the office of Talbot County
1967	<b>A. Appointment</b>	2013	alcoholic beverages inspector in all
		2014	things appertaining thereto". The cost
1968	The County Manager, with the approval of the	2015	of the bond shall be paid by the
1969	Council, shall appoint an alcoholic beverages	2016	county.
1970	inspector and such deputies or assistants as the		
1971	Council may authorize from time to time. The	2017	<b>§ 11-17-1.2 Prohibited activities</b>
1972	inspector, his deputies and assistants, shall be		
1973	known as the "Talbot County alcoholic	2018	An inspector may not, during the entire term
1974	beverages inspector" or "inspector." After	2019	of his appointment:
1975	appointment, an inspector shall serve at-will,		
1976	and may be discharged by the County	2020	(1) Solicit or receive directly or indirectly
1977	Manager at any time with or without cause.	2021	any commission, remuneration or gift
		2022	whatsoever from any:
1978	(1) The budget for alcoholic beverages		
1979	inspections and Code enforcement shall	2023	(i) Person or corporation engaged in the
1980	be set by the Council in the Annual	2024	manufacture, distribution, or sale of
1981	Budget and Appropriation Ordinance.	2025	beer, wine, or other alcoholic
		2026	beverages;
1982	(2) The inspector shall report to the		
1983	Department of Administrative Services.	2027	(ii) Agent or employee of that person or
		2028	corporation; or
1984	<b>B. Qualifications</b>		
		2029	(iii) Licensee licensed under the
1985	(1) An inspector shall not have been	2030	provisions of this Chapter or the
1986	convicted of a felony or a crime of moral	2031	alcoholic beverage laws of the State of
1987	turpitude.	2032	Maryland.
1988	(2) A person may not qualify nor continue	2033	(2) Engage in any occupation, business, or
1989	service as an inspector if the inspector or	2034	profession in any way connected or
1990	the inspector's immediate family has any	2035	associated with the manufacture,
1991	personal or financial interest, either	2036	distribution, or sale of alcoholic
1992	directly or indirectly, in any license,	2037	beverages; and us
1993	licensee, or in any premises licensed		
1994	under the provisions of this Chapter, or	2038	(3) Transact any business of any kind
1995	in any business wholly or partially	2039	whatsoever beyond their official duties
1996	devoted to the manufacture, distribution,	2040	with any licensee, or in connection with
1997	or sale of alcoholic beverages.	2041	the operation of any establishment
		2042	licensed for the manufacture,
1998	(3) An inspector may not, during the entire	2043	distribution, or sale of alcoholic
1999	term of his appointment, hold any other	2044	beverages.
2000	public office, federal, State or local.		

2045	(4) Have any interest, direct or indirect,	2089	(8) Report all violations of the alcoholic
2046	either proprietary or by means of any	2090	beverages laws to the Board and to the
2047	loan, mortgage or lien, or in any other	2091	local jurisdiction in which the licenses
2048	manner, in or on any premises where	2092	premises are located; and,
2049	alcoholic beverages are manufactured,		
2050	distributed, or sold;	2093	(9) Give monthly written reports to the
		2094	Department of Administrative Services
2051	(5) Have any interest, direct or indirect, in	2095	covering all:
2052	any business wholly or partially devoted		
2053	to the manufacture, distribution, or sale	2096	(i) Inspection activities;
2054	of alcoholic beverages; or		
		2097	(ii) Complaints; and,
2055	(6) Own any stock in any corporation which		
2056	has any interest, proprietary or otherwise,	2098	(iii) Violations, either observed or
2057	direct or indirect, in any premises where	2099	reported
2058	alcoholic beverages are manufactured,		
2059	distributed, or sold or in any business	2100	(10) Promote alcohol education and
2060	wholly or partially devoted to the	2101	awareness training; and,
2061	manufacture, distribution, or sale of		
2062	alcoholic beverages.	2102	(11) Such other duties regarding admin-
		2103	istration and enforcement of Chapter 11,
2063	<b>§ 11-17-1.3 Powers</b>	2104	Talbot County Code, <i>Alcoholic</i>
		2105	<i>Beverages</i> , as the County Manager may
2064	For the purpose administration and	2106	prescribe from time to time.
2065	enforcement of the alcoholic beverages laws		
2066	before the Board, the inspector shall have the	2107	<b>§ 11-17-1.4 Commission, Profit, or</b>
2067	power to:	2108	<b>Remuneration Prohibited</b>
2068	(1) Enforce all alcoholic beverages laws;	2109	No person or corporation engaged in the
		2110	manufacture, distribution, or sale of beer,
2069	(2) Investigate all complaints and violations	2111	wine, or other alcoholic beverages, nor any
2070	of the alcoholic beverages laws;	2112	licensee licensed under the provisions of this
		2113	Chapter, including any agent or employee of
2071	(3) Investigate all applicants for an alcoholic	2114	that person, corporation, or licensee, either
2072	beverages license or transfer of license;	2115	directly or indirectly, may offer to pay any
		2116	commission, profit, or remuneration, or make
2073	(4) Serve summonses and subpoenas,	2117	any gift to any commissioner, alcoholic
2074	conduct inspections, and investigate	2118	beverages inspector, or employee of the
2075	violations of this Chapter;	2119	Board or to anyone on behalf of that
		2120	commissioner, inspector, or employee of the
2076	(5) Issue civil citations as provided in § 10-	2121	Board, nor may any commissioner or
2077	119 of the Criminal Law Article, Md.	2122	employee of the Board solicit or receive,
2078	Ann. Code, upon probable cause to	2123	directly or indirectly, any such commission,
2079	believe that the person charged is	2124	profit, remuneration, or gift whatsoever.
2080	committing or has committed a Code	2125	Upon a finding of a violation of this section
2081	violation;	2126	by a licensee, the license shall be revoked.
		2127	Upon a finding of a violation of this section
2082	(6) Initiate administrative proceedings	2128	by any other person on behalf of or
2083	before the Board to revoke, suspend, or	2129	concerning any license or licensee, the
2084	restrict a license;	2130	license shall be revoked unless the Board
		2131	shall find that said action was unauthorized,
2085	(7) Visit and inspect at unannounced times	2132	in which case the license shall be suspended
2086	every licensed premises in the county as	2133	for a period of not less than 30 days nor more
2087	directed by the Department of	2134	than one year.
2088	Administrative Services;		

2135 **§ 11-17-1.5 Inspections; beverages as evidence**

2136 The Alcoholic Beverages Inspector, and his  
 2137 duly authorized deputies or assistants, any  
 2138 peace officer of the county, and any peace  
 2139 officer of the town in which the premises are  
 2140 located, or any of them, shall be fully  
 2141 authorized to inspect and search, without  
 2142 warrant, at all hours, any building and  
 2143 premises in which any alcoholic beverages  
 2144 are authorized to be kept, transported,  
 2145 manufactured, or sold under a license or  
 2146 permit issued under the provisions of this  
 2147 Chapter, and any evidence discovered during  
 2148 any such inspections shall be admissible in  
 2149 any prosecution for the violation of the  
 2150 provisions of this Chapter, and in any hearing  
 2151 for revocation, suspension, or restriction of  
 2152 the alcoholic beverage license or permit. Any  
 2153 alcoholic beverages taken as evidence shall  
 2154 be returned to the license or permit holder if  
 2155 he be adjudged not guilty; otherwise they  
 2156 shall be sold to license holders, turned over to  
 2157 State institutions for medicinal use, or  
 2158 destroyed. Receipts from such sales shall be  
 2159 credited to the general fund of the County.

2160 **§ 11-18 Appeals**

2161 **A. General provisions**

2162 (1) Appeals from decisions of the Board  
 2163 shall be to the Circuit Court for Talbot County,  
 2164 in accordance with the Maryland Rules of  
 2165 Procedure applicable to administrative  
 2166 appeals.

2167 (2) The decision approving, suspending,  
 2168 revoking, restricting, or refusing to approve,  
 2169 suspend, revoke or restrict any license or  
 2170 licensee shall be subject to appeal in the  
 2171 manner provided in this section.

2172 **B. Who may appeal**

2173 A licensee, a license applicant, or a group of  
 2174 not less than 10 persons who reside in Talbot  
 2175 County may appeal a final decision of the  
 2176 Board to the Circuit Court if the licensee,  
 2177 license applicant, or the group is aggrieved by  
 2178 the decision and has appeared at the hearing of  
 2179 the Board either:

2180 (1) In person or by representative; or

2181 (2) By the submission of a written document  
 2182 that was introduced at the hearing.

2183 **C. Court costs**

2184 The Clerk of the Circuit Court, before  
 2185 docketing an appeal, shall first collect, from  
 2186 the person or persons so appealing, all court  
 2187 costs and a statement from the Board that the  
 2188 costs for getting records and transcripts of  
 2189 proceedings of the hearing before the Board  
 2190 have been paid. Costs may not be assessed  
 2191 against the Board.

2192 **D. Scope of appeal**

2193 (1) Upon the hearing of such appeal, the  
 2194 action of the Board shall be presumed by the  
 2195 court to be proper and to best serve the public  
 2196 interest. The burden of proof shall be upon the  
 2197 petitioner to show that the decision  
 2198 complained of was against the public interest  
 2199 and that the Board's discretion in rendering its  
 2200 decision was not honestly and fairly exercised,  
 2201 or that such decision was arbitrary, or procured  
 2202 by fraud, or unsupported by any substantial  
 2203 evidence, or was unreasonable, or that such  
 2204 decision was beyond the powers of the Board  
 2205 and was illegal. The case shall be heard by the  
 2206 court without the intervention of a jury. If in  
 2207 the opinion of the court it is impracticable to  
 2208 determine the question presented to the court,  
 2209 in the case on appeal, without the hearing of  
 2210 additional evidence, or if in the opinion of the  
 2211 court any qualified litigant has been deprived  
 2212 of the opportunity to offer evidence, or if the  
 2213 interests of justice otherwise require that  
 2214 further evidence should be taken, the court  
 2215 may hear such additional testimony to such  
 2216 extent and in such manner as may be necessary  
 2217 or may remand the case to the Board for that  
 2218 purpose.

2219 (2) In such actions of appeal the Board may  
 2220 be represented by its attorney.

2221 (3) The Board's decision shall be affirmed,  
 2222 modified, reversed, or remanded to the Board.  
 2223 Costs shall be awarded as in other civil cases.

2224 **E. Further appeals**

2225 Further appeals shall be governed by the  
 2226 provisions of Article 2B, § 16-101, Annotated  
 2227 Code of Maryland.

2228 **§ 11-19 Supplemental municipal regulation**

2229 Municipalities within Talbot County may  
2230 restrict the retail sale of alcoholic beverages  
2231 within their respective jurisdictions through  
2232 adoption of local zoning ordinances.  
2233 Enforcement of any ordinance so enacted shall  
2234 be the responsibility of the municipality.

2235 **§ 11-20 Conflict with other regulations**

2236 Any law enacted by the Talbot County  
2237 Council pursuant to the grant of express  
2238 powers in Article 25, § 3(ee), or Article 2B,  
2239 § 18-101, Annotated Code of Maryland, shall  
2240 prevail over any provision of the Code of  
2241 Public General Laws of Maryland regulating  
2242 the retail sale of alcoholic beverages.  
2243 However, unless and until the Talbot County  
2244 Council enacts a law which is contrary to a  
2245 provision of the Code of Public General Laws  
2246 regulating the retail sale of alcoholic bev-  
2247 erages, the provisions of the Code of Public  
2248 General Laws shall remain in effect.

EFFECTIVE DATE: This bill shall take effect for all new licenses and licensees 60 days after enactment. For all existing licenses and licensees, this bill shall become effective only in connection with, upon, and following any renewal of the existing license(s).

2249 I:\COUNTY ATTORNEY\LIQUOR BOARD \  
2250 ORDINANCE\ORDINANCE - REWRITE\BILL 1300 AS  
2251 ENACTED AND ENROLLED - UPDATING BILL  
2252 1212.DOCX