

Chapter 11

ALCOHOLIC BEVERAGES

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 (1) Enforce all alcoholic beverages laws; 23

 (2) Investigate all complaints and violations of the alcoholic beverages laws; 23

 (3) Investigate all applicants for an alcoholic beverages license or transfer of license;23

 (4) Serve summonses and subpoenas, conduct inspections, and investigate violations of this Chapter; 23

 (5) Issue civil citations as provided in § 10-119 of the Criminal Law Article, Md. Ann. Code, upon probable cause to believe that the person charged is committing or has committed a Code violation; 23

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1 § 11-1 Title

2 This chapter shall be known and may be cited as
3 the "Talbot County Alcoholic Beverages
4 Ordinance."

5 § 11-1.1 Definitions

6 A. Alcohol dispensary - A commercial
7 enterprise licensed or seeking a license to engage
8 primarily in the retail sale of packaged alcoholic
9 beverages with such beverages occupying at least
10 seventy five percent (75%) of the sales area.

11 B. Alcohol dispensary bistro -- A
12 commercial enterprise and limited food service
13 facility licensed or seeking a license to engage in
14 both the sale of packaged alcoholic beverages for
15 consumption off-premises and craft beer and wine
16 for consumption on-premises at the same location
17 with light food service and seating for no more
18 than forty (40) people. An alcohol dispensary
19 bistro shall not include pharmacies, chain or
20 franchise supermarkets, and establishments that
21 sell, or are affiliated with the sale of gasoline and
22 other petroleum-based products to motorists.

23 C. Café - A limited food service facility not
24 to exceed 20 seats located in a marina that
25 regularly prepares and serves full meals, which
26 may include a sandwich menu.

27 D. Chain or franchise supermarket -- A retail
28 grocery or food store doing business at multiple
29 locations under a common name regardless of the
30 form or system of ownership.

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

43 F. Craft beer -- Beer produced by
44 independently-owned breweries in small batches.

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

51 H. Restaurant -- a food service facility with
52 capacity to seat at least twenty (20) persons,
53 counting any outdoor seating, regularly serving at
54 least two meals per day, which may include a
55 sandwich menu, that maintains a kitchen staffed
56 for serving food that opens within one hour after
57 the facility opens and remains in continuous
58 operation until at least two hours before alcoholic
59 beverages are no longer served.

60 I. Supermarket -- a retail grocery or food
61 store that contains a sales area of not less than
62 16,900 square feet in which at least 80% of the
63 sales area is devoted to the retail sale of food and
64 food related products.

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

74 § 11-2 Purpose

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

84 § 11-3 Administration by Board of Liquor
85 License Commissioners

86 This chapter shall be administered and enforced
87 by the Talbot County Board of Liquor License
88 Commissioners (the "Board"). The Board may
89 adopt such written rules and regulations as it
90 deems necessary to carry out the provisions of this

91 chapter, subject to the approval of the County
92 Council. Chapter 60, Ethics, Talbot County Code,
93 shall apply to members of the Board.

94 **§ 11-4 Beer and light wine licenses**

95 **A. Beer and light wine license, Class A (off-**
96 **sale) alcohol dispensaries, supermarkets,**
97 **and convenience stores**

98 (1) General provisions. A Class A beer and
99 light wine license shall be issued only to
100 alcohol dispensaries, supermarkets, and con-
101 venience stores, and shall authorize the holder
102 thereof to keep for sale and sell beer and light
103 wine, at retail, in any quantity to any con-
104 sumers, at the place described in the license, in
105 a sealed package or container, which package
106 or container may not be opened nor its
107 contents consumed on the premises where
108 sold. Notwithstanding the limitation on the
109 issuance of a Class A license to alcohol
110 dispensaries, supermarkets, and convenience
111 stores set forth above, any holder of a Class A
112 license, lawfully issued and validly existing on
113 the effective date of this ordinance shall be
114 entitled to renew the same at the existing
115 location provided that all such applications for
116 renewal otherwise comply with all then-
117 existing ordinance, laws, and regulations, as
118 amended from time to time.

119 (2) Hours. The hours during which the
120 privileges conferred by a Class A license may
121 be exercised shall be from 6:00 a.m. to 12:00
122 midnight, except on Sunday the hours shall be
123 from 8:00 a.m. to 12:00 midnight.

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

141 authorized by this section shall be permitted
142 on the licensed premises only.

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

149 (5) Notwithstanding the requirement for a
150 separate sales area for alcoholic beverages set
151 forth in paragraph (4) above, any supermarket
152 holding a Class A license lawfully issued and
153 validly existing on the effective date of this
154 ordinance shall be entitled to renew the same
155 at the existing location without compliance
156 therewith. Existing Class A licenses that are
157 exempt from such requirement under this
158 provision may be transferred to a new owner
159 or location subject to the requirements of
160 paragraph (4) at any new location and
161 compliance with all of then-existing ordi-
162 nances, laws, and regulations, as amended
163 from time to time, but without regard to
164 compliance with the market-test in § 11-8 D.

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

167 (1) General provisions. A Class B beer and
168 light wine license shall authorize the holder
169 thereof to keep for sale and sell beer and light
170 wine, at retail, at any hotel or restaurant, at the
171 place described in the license, for consumption
172 on the premises.

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

185 (3) Hours. The hours during which the
186 privileges conferred by a Class B license may
187 be exercised shall be from 6:00 a.m. to 2:00
188 a.m. on the following day, except on Sunday
189 the hours shall be from 10:00 a.m. to 2:00 a.m.
190 on the following day.

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

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

202 (2) Any holder of a Class F license, lawfully
 203 issued and validly existing on the effective
 204 date of this ordinance shall be entitled to
 205 obtain a Class B-R license through the renewal
 206 process at the existing location provided that
 207 all such applications otherwise comply with all
 208 then-existing ordinance, laws, and regulations,
 209 as amended from time to time. Provided
 210 further, that all such holders shall be entitled to
 211 a B-R license without regard to the market-test
 212 set forth in § 11-8 D.

213 (3) Hours. The hours during which the
 214 privileges conferred by a Class B-R license
 215 may be exercised shall be from 6:00 a.m. to
 216 2:00 a.m. on the following day, except on
 217 Sunday the hours shall be from 10:00 a.m. to
 218 2:00 a.m. on the following day.

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

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

229 (2) Hours. The hours during which the
 230 privileges conferred by a Class C license may
 231 be exercised shall be from 6:00 a.m. to 12:00
 232 midnight, except on Sunday the hours shall be
 233 from 10:00 a.m. to 12:00 midnight.

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

236 (1) General provisions. A Class D beer and
 237 light wine license shall authorize the holder
 238 thereof to keep for sale and sell beer and light

239 wine, at retail, at any marina, at the place
 240 described in the license, for consumption on
 241 the premises and elsewhere. All sales and
 242 consumption of alcoholic beverages on the
 243 premises shall occur in a café regularly
 244 preparing and serving full meals, which may
 245 include a sandwich menu.

246 (2) Hours. The hours during which the
 247 privileges conferred by a Class D license may
 248 be exercised shall be from 6:00 a.m. to 12:00
 249 midnight, except on Sunday the hours shall be
 250 from 8:00 a.m. to 12:00 midnight.

251 **§ 11-5 Beer, wine and liquor licenses**

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

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

264 (2) Hours. The hours during which the
 265 privileges conferred by a Class E license may
 266 be exercised shall be from 6:00 a.m. to 12:00
 267 midnight, except on Sunday the hours shall be
 268 from 8:00 a.m. to 12:00 midnight.

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

288 (4) Notwithstanding the limitation on issuance
289 of Class E licenses to alcohol dispensaries in
290 paragraph (1) above, any holder of a Class E
291 license, except for any pharmacy, that was
292 lawfully issued and validly existing on the
293 effective date of this ordinance shall be
294 entitled to renew the same at the existing
295 location provided that all such applications for
296 renewal otherwise comply with all then-
297 existing ordinances, laws, and regulations, as
298 amended from time to time. Any such Class E
299 license held by or for the benefit of any
300 pharmacy shall be entitled to renew the same
301 at the existing location provided: all alcoholic
302 beverages shall be offered for sale exclusively
303 within an enclosed area not exceeding 25% of
304 the sales area, separated from the main sales
305 area by permanent walls or partitions at least 8
306 feet high, and all such sales shall be processed
307 through a separate cashier within and dedi-
308 cated to that area, and that all such
309 applications for renewal otherwise comply
310 with all then-existing ordinances, laws, and
311 regulations, as amended from time to time.

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

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

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

332 (a) No new Class F licenses shall issue after
333 the effective date of this ordinance. Upon
334 expiration of an existing Class F license, all
335 licensees holding a Class F license lawfully
336 issued and validly existing on the effective
337 date of this ordinance shall be entitled to apply
338 for and obtain both a Class B-R license and a
339 Class F-A license for the premises described in

340 the Class F license provided that all such
341 applications for renewal otherwise comply
342 with all then-existing ordinances, laws, and
343 regulations, as amended from time to time. (b)
344 Upon the expiration of an existing Class F
345 license, any renewal application for the place
346 described in the existing license shall also
347 include all information required to obtain a
348 caterer's endorsement in accordance with §
349 11-6A. Subject to all requirements otherwise
350 applicable to a caterer's endorsement, all
351 licensees holding an existing Class F license
352 that was lawfully issued and validly existing
353 on the effective date of this ordinance shall be
354 entitled to a caterer's endorsement as part of
355 their renewal, unless the applicant affirma-
356 tively declines the same.

357 (2) Requirements for license. A Class F
358 license shall not be issued until all
359 requirements for licensing have been met and
360 the place described in the license is
361 demonstrated to be:

362 (a) A hotel having 25 or more bedrooms and
363 regularly preparing and serving food on the
364 premises where alcoholic beverages are to be
365 sold;

366 (b) A restaurant which seats at least 20
367 persons, maintains a kitchen staffed for
368 serving food and provides a menu for at least
369 two meals per day on a regular basis, which
370 may include a sandwich menu; or

371 (c) A restaurant which seats at least 20
372 persons and maintains a kitchen staffed for
373 serving food, which is open within one hour
374 after the restaurant opens and is in continuous
375 operation serving a full menu until at least two
376 hours before the restaurant closes.

377 (3) Hours. The hours during which the
378 privileges conferred by a Class F license may
379 be exercised shall be from 6:00 a.m. to 2:00
380 a.m. on the following day, except on Sunday
381 the hours shall be from 10:00 a.m. to 2:00 a.m.
382 on the following day.

383 (4) This section, § 11-5 B, including without
384 limitation the Class F license classification,
385 and each paragraph and sub-paragraph, shall
386 be repealed and of no further force or effect
387 upon the later of: (1) the expiration of all
388 existing Class F licenses; and, (2) the issuance
389 of Class B-R and Class F-A licenses to

390 existing Class F licensees entitled to receive
 391 the same for the place described in the existing
 392 Class F license; and, (3) compliance with the
 393 requirements of Paragraph (1) (b), above,
 394 regarding issuance of caterer's endorsements;
 395 or, (4) expiration of the right to renew, without
 396 renewal, for existing Class F licenses such that
 397 the transition from Class F to Class B-R and
 398 Class F-A has been completed or waived for
 399 all existing Class F licensees.

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

402 (1) General provisions. A Class F-A beer,
 403 wine and liquor license shall be issued only to
 404 a hotel or restaurant and shall authorize the
 405 holder thereof to keep for sale and sell all
 406 alcoholic beverages, at retail, for consumption
 407 on the premises only, at the place described in
 408 the license.

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

420 (2) Requirements for license. A Class F-A
 421 license shall not be issued until all
 422 requirements for licensing have been met.

423 (3) Hours. The hours during which the
 424 privileges conferred by a Class F-A license
 425 may be exercised shall be from 6:00 a.m. to
 426 2:00 a.m. on the following day, except on
 427 Sunday the hours shall be from 10:00 a.m. to
 428 2:00 a.m. on the following day.

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

431 (1) General provisions. A Class G beer, wine
 432 and liquor license shall authorize the holder
 433 thereof to keep for sale and sell all alcoholic
 434 beverages, at retail, at any club qualified under
 435 Subsection D(2) hereof, at the place described
 436 in the license, for consumption on the premises
 437 only.

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

454 (3) Hours. The hours during which the
 455 privileges conferred by a Class G license may
 456 be exercised shall be from 6:00 a.m. to 2:00
 457 a.m. on the following day, except on Sunday
 458 the hours shall be from 10:30 a.m. to 2:00 a.m.
 459 on the following day.

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

462 (1) General provisions. A Class GC beer,
 463 wine and liquor license shall authorize the
 464 holder thereof to keep for sale and sell all
 465 alcoholic beverages, at retail, at any golf
 466 course qualified under Subsection E(2) hereof,
 467 at the place described in the license, for
 468 consumption on the premises only.

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

478 (3) Hours. The hours during which the
 479 privileges conferred by a Class GC license
 480 may be exercised shall be from 7:00 a.m. to
 481 10:00 p.m. each day.

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

484 (1) General provisions. A Class B-F beer,
 485 wine and liquor license shall authorize the
 486 holder thereof to keep for sale and sell all

487 alcoholic beverages, at retail, at any banquet
488 facility qualified under Subsection F(2) hereof,
489 at the place described in the license, for
490 consumption on the premises only.

491 (2) Requirements for license. The Class B-F
492 license shall not be issued until all
493 requirements for licensing have been met and
494 the place described in the license is
495 demonstrated to be a banquet facility that:

496 (a) Accommodates the public for banquets,
497 parties, meetings, and similar functions; and

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

501 (3) The Class B-F beer, light wine and liquor
502 license authorizes the holder to keep for sale,
503 and sell at retail, beer, light wine, and liquor
504 for on-premises consumption only, provided
505 that:

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

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

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

512 (d) Food is furnished at the function where
513 the alcoholic beverages are provided.

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

525 (5) Hours. The hours during which the
526 privileges conferred by a Class B-F license
527 may be exercised shall be from 12:00 noon to
528 2:00 a.m. the following day, except on Sunday
529 the hours shall be from 12:00 noon to 12:00
530 midnight.

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

533 (1) General provisions. A Class B-T beer,
534 wine, and liquor license shall be issued only to
535 nonprofit theaters and shall authorize the
536 holder thereof to keep for sale and sell beer,
537 wine, and liquor at retail, at the place
538 described in the license, for consumption on
539 the premises only.

540 (2) Requirements for license. A Class B-T
541 license shall not be issued until all
542 requirements for licensing have been met.

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

555 (4) Hours. The hours during which the
556 privileges conferred by a Class B-T license
557 may be exercised shall be from 12:00 noon to
558 12:00 midnight each day; provided, however,
559 that the sale and consumption of beer and light
560 wine shall be restricted to a period of time
561 beginning two hours before any scheduled
562 entertainment and concluding one hour after
563 said entertainment.

564 **H. Beer, wine and liquor license, Class I (on-**
565 **and off-sale), alcohol dispensary bistros.**

566 (1) General provisions. A Class I beer, wine
567 and liquor license shall be issued only to an
568 alcohol dispensary bistro and shall authorize
569 the holder thereof to keep and sell alcoholic
570 beverages at the place described in the license,
571 for consumption on- and off-premises as
572 provided herein:

573 (a) On-sale. The holder of a Class I license
574 shall be authorized to keep for sale and sell
575 craft beer and wine at retail for consumption
576 on-premises. Alcoholic beverages other than
577 craft beer and wine shall not be sold or served
578 for consumption on-premises.

579 (b) Off-sale. The holder of a Class I license
580 shall be authorized to keep for sale and sell, at
581 retail, beer, wine, and liquor in a sealed
582 package or container for consumption off-
583 premises, which package or container shall not
584 be opened nor its contents consumed on the
585 premises where sold, except for craft beer and
586 wine, which may be sold or served by the
587 license holder for consumption on-premises in
588 accordance with § 11-5 H.(1)(a), above.

589 (2) Food service. The holder of a Class I
590 license shall offer food to patrons consisting of
591 hors d'oeuvres, appetizers, small savory dishes,
592 such as cheeses, breads, and cured meats, cold
593 sandwiches, and desserts, which shall be available
594 at all times craft beer and wine is sold or served
595 for consumption on-premises.

596 (3) Bistro area. In this section, "bistro area"
597 means the area of the licensed premises dedicated
598 to the sale or service of craft beer and wine for
599 consumption on-premises. "Bistro area" includes,
600 without limitation, seating areas, service areas,
601 and kitchen and food preparation areas. The
602 bistro area shall be specifically designated and
603 clearly marked. On-premises consumption of
604 craft beer and wine and food service may only
605 occur in the bistro area. Nothing in this section
606 shall preclude the license holder from placing
607 racks or displays containing sealed packages or
608 containers of craft beer and wine in the bistro
609 area. Liquor and beer other than craft beer shall
610 not be kept or displayed in the bistro area.

611 (4) Wine and beer tasting. Notwithstanding
612 other provisions of this section or this Chapter to
613 the contrary, the holder of a Class I license shall
614 be authorized to serve not more than one ounce
615 from no more than three bottles or containers of
616 wine or beer to any one person for sampling or
617 tasting purposes. Once opened, any bottles or
618 containers of wine or beer to be sampled shall be
619 accurately and specifically marked for sampling
620 or tasting purposes only or shall be discarded and
621 shall not be offered for sale. The contents of any
622 bottle or container opened for sampling or tasting
623 purposes shall not be mixed with any other bottle
624 or container. Any wine or beer sampling or
625 tasting authorized by this section shall be
626 permitted on the licensed premises only.

627 (5) Hours. The hours during which the
628 privileges conferred by a Class I license may be
629 exercised are as follows:

630 (a) On-sale. The bistro area, as defined in §
631 11-5 H.(3) above, may be open daily from 11:00
632 a.m. to 11:00 p.m., provided, however, that the
633 bistro area may only be open when the off-sale
634 portion of the business is also open.

635 (b) Off-sale. The off-sale portion of the
636 business may be open from 6:00 a.m. to 12:00
637 midnight, except on Sunday the hours shall be
638 from 8:00 a.m. to 12:00 midnight.

639 (6) Interim Fee. In accordance with § 11-10
640 B. of this Chapter, the County Council of Talbot
641 County shall establish the fee for a Class I license
642 in the Annual Budget and Appropriations
643 Ordinance. Until such time as the County Council
644 has done so, the fee for a Class I license shall be
645 \$2,500. Once the County Council has established
646 a Class I license fee in the budget, this § 11-5
647 H.(6) shall automatically be of no further force or
648 effect.

649 **§ 11-6 Endorsements**

650 **A. Caterer's endorsement**

651 (1) Caterer defined. In this section "caterer"
652 means a Class B, Class B-F, B-R, or Class F-A
653 license holder who contracts to provide food and
654 alcoholic beverages to sponsors of public or
655 private events held at specific locations within
656 Talbot County off the licensed premises.

657 (2) General provisions. A caterer's
658 endorsement shall be issued only to holders of a
659 Class B, Class B-F, B-R, or a Class F-A license.
660 The endorsement shall authorize the holder
661 thereof to sell the alcoholic beverages permitted
662 for the class of license at locations within Talbot
663 County for which no other license has been
664 issued. Other provisions of this chapter to the
665 contrary notwithstanding, the holder of a Class B,
666 Class B-F, Class B-R or Class F-A license shall
667 not be prohibited from simultaneously holding a
668 caterer's endorsement, if otherwise approved. The
669 Board shall be authorized to issue a caterer's
670 endorsement to holders of a Class B, Class B-F,
671 Class B-R, or Class F-A license who meet the
672 requirements for issuance of the caterer's
673 endorsement and who are otherwise entitled to
674 renewal of their license.

675 (3) Hours. The hours during which the
676 privileges conferred by a caterer's endorsement
677 may be exercised shall be the same as the hours
678 permitted for the class of license.

679 (4) Requirement to provide food. The holder
680 of a caterer's endorsement shall provide food as
681 well as alcoholic beverages at catered events.

682 (5) Location.

683 (a) The holder of a caterer's endorsement
684 shall not provide alcoholic beverages at the
685 same location for more than five
686 consecutive days or more than a total of 15
687 days in any calendar year without first
688 obtaining the written permission of the
689 Board.

690 (b) The holder of a caterer's endorsement
691 shall not provide alcoholic beverages at any
692 location which is owned or leased by the
693 license holder or in which the license
694 holder has any financial interest. This
695 subsection shall not be construed as
696 prohibiting catering alcoholic beverages at
697 any legitimate club or fraternal
698 organization to which the license holder
699 belongs or at the holder's residence.

700 **B. Special festival endorsement**

701 (1) Special festival defined. In this section
702 "special festival" means a special event held
703 on an irregularly scheduled basis for the
704 purpose of promoting wines or beers produced
705 by one or more wineries, vintners or
706 microbreweries.

707 (2) General provisions. A special festival
708 endorsement shall be issued only to holders of
709 Class A, B, E, or F licenses. The endorsement
710 shall authorize the holder thereof to sell or
711 serve beer or wine by the glass to patrons on
712 the site of the special festival during the
713 specified hours of the event and to sell at
714 retail, in any quantity, to patrons of the event,
715 wines or beer offered for tasting at the event,
716 in sealed packages or containers, which
717 packages or containers shall not be opened nor
718 the contents thereof consumed on the site of
719 the festival. Other provisions of this chapter to
720 the contrary notwithstanding, the holder of a
721 Class A, B, E or F license shall not be
722 prohibited from simultaneously holding a
723 special festival endorsement, if otherwise
724 approved. The Board shall be authorized to
725 utilize an abbreviated procedure for the
726 issuance of a special festival endorsement to
727 holders of a Class A, B, E or F license who are
728 in good standing at the time of the application.

729 (3) Hours. The hours during which the
730 privileges conferred by a special festival
731 endorsement may be exercised shall be the
732 same as the hours permitted for the class of
733 license.

734 (4) Limits on number of endorsements. A
735 special festival endorsement shall not be
736 issued for more than two consecutive days,
737 and no more than four endorsements shall be
738 issued to a license holder in any calendar year.

739 **§ 11-7 Special and temporary licenses**

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

742 (1) General provisions. A Class H special
743 beer and light wine license shall entitle the
744 holder thereof to keep for sale and sell beer
745 and light wine, at retail, at the place described
746 in the license, in conjunction with any bona
747 fide entertainment conducted by a club,
748 society, association or church, for consump-
749 tion on the premises only, for a period not
750 exceeding seven consecutive days from the
751 effective date of the license. The Board shall
752 be authorized to utilize an abbreviated
753 procedure for the issuance of a Class H
754 license.

755 (2) Hours. The hours during which the
756 privileges conferred by a Class H license may
757 be exercised shall be from 10:30 a.m. to 12:00
758 midnight each day; provided, however, that the
759 sale and consumption of beer and light wine
760 shall be restricted to a period of time
761 beginning two hours before the scheduled
762 entertainment and concluding one hour after
763 said entertainment.

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

766 (1) General provisions. A Class J special
767 beer, wine and liquor license shall entitle the
768 holder thereof to keep for sale and sell all
769 alcoholic beverages, at retail, at the place
770 described in the license, in conjunction with
771 any bona fide entertainment conducted by a
772 club, society, association or church, for
773 consumption on the premises only, for a period
774 not exceeding seven consecutive days from the
775 effective date of the license. The Board shall
776 be authorized to utilize an abbreviated
777 procedure for the issuance of a Class J license.

778 (2) Hours. The hours during which the
779 privileges conferred by a Class J license may
780 be exercised shall be from 10:30 a.m. to 12:00
781 midnight each day; provided, however, that the
782 sale and consumption of beer, wine and liquor
783 shall be restricted to a period of time
784 beginning two hours before the scheduled
785 entertainment and concluding one hour after
786 said entertainment.

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

788 A disposal-of-stock license of any class shall
789 entitle the holder thereof to exercise the
790 privileges of the class of license for a period
791 not exceeding 10 consecutive days, for the
792 purpose of disposing of the license holder's
793 stock of alcoholic beverages, in cases where a
794 license has been revoked, canceled, suspended
795 or renewal denied. A disposal-of-stock license
796 shall authorize the sale of the license holder's
797 stock at retail or to one or more holders of
798 wholesale licenses, and such holders of
799 wholesale licenses are hereby authorized to
800 purchase such stock. The holder of a disposal-
801 of-stock license is not authorized to purchase
802 alcoholic beverages for the purpose of resale
803 under this license.

804 **D. Temporary removal license**

805 A temporary removal license of any class shall
806 entitle the holder thereof to temporarily move
807 the licensed premises from one location to
808 another, when the relocation is necessitated by
809 fire or other catastrophe. The privileges of a
810 temporary removal license may be exercised
811 while the originally licensed premises are
812 being restored, for a period to be established
813 by the Board, but not to exceed six months. No
814 fee shall be charged for a temporary removal
815 license, provided that any renewal fees which
816 are due during the continuance of the license
817 are paid on time. The Board shall be required
818 to approve, as in the case of the original
819 application, the new location to which the
820 license holder temporarily relocates.

821 **§ 11-8 General provisions on issue of licenses**

822 **A. License requirements for corporation,
823 limited liability company, partnership, club
824 or association**

825 (1) A license application made for a
826 corporation, limited liability company,

827 partnership, club or other association (whether
828 incorporated or unincorporated) shall also be
829 applied for by and shall be issued to two or
830 more individuals who are authorized to act for
831 the entity and who are officers, directors,
832 stockholders or employees of the corporation;
833 members or employees of the limited liability
834 company; partners of the partnership; or
835 officers, directors or members of the club or
836 association. If an entity has a sole owner, only
837 that individual shall be required to apply for
838 and be issued a license. The individual license
839 holders shall be residents of Talbot County or
840 a contiguous county. The application shall also
841 set forth the names and addresses of all of the
842 directors and officers of a corporation, club or
843 association, all of the members of a limited
844 liability company, or all of the partners of a
845 partnership and shall be signed by the
846 appropriate officers of the entity, as well as by
847 the two or more individuals to whom the
848 license shall be issued for the use of the entity.
849 Every application for a license shall disclose
850 the name, all trade names and all addresses of
851 the corporation, limited liability company,
852 partnership, club or association, as well as the
853 name and business and home address of the
854 individual applicants.

855 (2) The individual license holders and the
856 corporation, limited liability company, partner-
857 ship, club or association shall assume all
858 responsibilities, individually, jointly and
859 severally, and shall be subject to all of the
860 penalties, conditions and restrictions imposed
861 upon license holders under the provisions of
862 this chapter.

863 **B. No more than two licenses for same person**

864 No more than two licenses provided by this
865 chapter, except by way of renewal, shall be
866 issued to any individual or to any person for
867 the use of any corporation, limited liability
868 company, partnership, club or association.

869 **C. Zoning restrictions**

870 No license provided by this chapter shall be
871 issued or utilized in a manner which will result
872 in a violation of any zoning ordinance or other
873 statutory land use restriction of the County or
874 the incorporated municipality in which the
875 place of business proposed to be licensed is
876 located. No new license shall be issued for any
877 use not specifically provided in this chapter.

878	To the extent of any inconsistency between the	927	i. For a proposed urban location, the
879	definitions of use in this chapter and any land-	928	service area shall include all census
880	use ordinance, the definitions that are more	929	blocks within a radius of two (2)
881	restrictive or stringent shall prevail.	930	miles from the site of the proposed
		931	new license;
882	D. Restriction upon off-sale licenses,		
883	market-test, grandfathering	932	ii. For a proposed rural location, the
		933	service area shall include all census
884	(1) New off-sale licenses shall be issued	934	blocks within a radius of five (5)
885	only to alcohol dispensaries, alcohol	935	miles from the site of the proposed
886	dispensary bistros, supermarkets, restaurants,	936	new license.
887	cafes, hotels, and convenience stores.		
		937	(3) All census blocks in Talbot County from
888	(a) Notwithstanding the limitation in Para-	938	the most recent decennial census within,
889	graph D. (1) on issuance of new off-sale	939	intersected by, or touching the service area
890	licenses, any holder of an off-sale license,	940	shall be used to determine the total
891	except for any pharmacy, that was	941	population within the service area.
892	lawfully issued and validly existing on the		
893	effective date of this ordinance shall be	942	(4) For purposes of this section, an urban
894	entitled to renew the same at the existing	943	location is a proposed site within a
895	location provided that all such appli-	944	municipality and a rural location is a
896	cations for renewal otherwise comply with	945	proposed site outside a municipality.
897	all then-existing ordinances, laws, and		
898	regulations, as amended from time to	946	(5) The formula for determining whether a
899	time. Pharmacies shall be governed by the	947	new off sale license may be issued is:
900	provisions in § 11-5 A. (4) and (5).		
		948	$R = P - (750 \times N)$ where:
901	(b) Notwithstanding the limitation in Para-		
902	graph D. (1) on issuance of new off-sale	949	R -- Remainder (must be equal to or
903	licenses, a gas station for which a Class A	950	greater than 750 for new off-sale
904	off-sale beer and light wine license had	951	license).
905	been issued, but which is no longer in full	952	P -- Total population within service area.
906	force and effect on the effective date of	953	N -- Total number of existing off-sale
907	this ordinance due to voluntary non-	954	licenses, (Class A, B-R, D, E, , and
908	renewal, may re-apply for a new Class A	955	F) within the service area,
909	license for the same location at any time	956	excluding the proposed new off-
910	within one (1) year after the effective date	957	sale license and excluding existing
911	of this ordinance.	958	Class A licenses for supermarkets.
		959	
912	(2) Except for Class A licenses for super-	960	(6) New off-sale licenses shall be at least
913	markets and Class I licenses for alcohol	961	500 feet from public or private schools,
914	dispensary bistros issued to the holder of a	962	public parks, and correctional facilities.
915	Class E license to replace the Class E license,	963	Licensees holding off-sale licenses lawfully
916	off-sale licenses are subject to the following	964	issued and validly existing on the effective
917	requirements. The Board shall limit and	965	date of this ordinance shall be permitted to
918	restrict the number of new off-sale licenses as	966	renew and maintain such licenses at existing
919	set forth in this section.	967	locations provided that all such applications
		968	for renewal otherwise comply with all then-
920	(a) The Board may issue a new off-sale	969	existing ordinances, laws, and regulations, as
921	license if the total population within the	970	amended from time to time.
922	service area equals or exceeds 750	971	
923	persons for all existing off-sale licenses	972	(7) In addition to the requirements of this
924	and the newly proposed license.	973	section, an applicant for a new off-sale
		974	license must meet all other applicable criteria.
925	(b) The service area shall be determined as		
926	follows:		

975	§ 11-9 License application filing requirements	1020	releases of information are necessary for this purpose.
		1021	
976	Every application for a new license shall be	1022	I. A statement that each individual applicant has
977	made to the Board and shall be accompanied by	1023	a pecuniary interest in, employment
978	the specified application and license fees. The	1024	relationship with, or is authorized to act on
979	application shall contain the following:	1025	behalf of the entity seeking the license,
		1026	including the nature of each applicant's
980	A. The class of license desired.	1027	relationship to any entity having an interest in
		1028	the business.
981	B. The name and residence of each individual	1029	J. A statement that none of the individual
982	applicant and how long each has resided at	1030	applicants have had a license for the sale of
983	the stated address and the name and address	1031	alcoholic beverages revoked.
984	of any entity on behalf of which the		
985	individual applicants seek a license.		
		1032	K. A statement identifying any other premises
986	C. A statement that each individual applicant is	1033	or entity holding a liquor license in which any
987	a resident of Talbot County or a contiguous	1034	of the individual applicants or the entity they
988	County.	1035	represent have an interest and identifying any
		1036	other license issued pursuant to this chapter
989	D. A statement that each individual applicant is	1037	from which any of the individual applicants
990	a citizen of the United States, including the	1038	or the entity receives any revenue directly or
991	place of birth of each applicant and, if a	1039	indirectly.
992	naturalized citizen, when and where		
993	naturalized.	1040	L. A statement as to whether any of the
		1041	individual applicants or the entity have ever
994	E. A statement that each individual applicant is	1042	had a license for the sale of alcoholic
995	not less than 21 years of age.	1043	beverages and, if so, in what state and at what
		1044	location.
996	F. The particular place for which the license is	1045	M. A statement that no manufacturer, brewer,
997	desired, designating the street name and	1046	distiller or wholesaler of alcoholic beverages
998	number, and also a description of the portion	1047	has any financial interest, directly or
999	of the building in which the business will be	1048	indirectly, in the premises or business of the
1000	conducted.	1049	applicant and that the applicant will not
		1050	thereafter convey or grant to any such
1001	G. The name of the owner of the premises	1051	manufacturer, brewer, distiller or wholesaler
1002	upon which the business sought to be	1052	any such interest, except as otherwise
1003	licensed is to be carried on.	1053	permitted in this chapter, and that the
		1054	applicant, at the time of making the
1004	H. A statement that none of the individual	1055	application, has no indebtedness or other
1005	applicants have ever been convicted of a	1056	financial obligations and will not thereafter
1006	felony or of a misdemeanor involving moral	1057	incur any such indebtedness or other financial
1007	turpitude and a further statement as to	1058	obligations, directly or indirectly, to any
1008	whether any of them have ever been	1059	manufacturer, brewer, distiller or wholesaler
1009	adjudged guilty of violating the laws	1060	of alcoholic beverages other than for the
1010	governing the sale of alcoholic beverages,	1061	purchase of alcoholic beverages.
1011	controlled dangerous substances, or		
1012	gambling in the State of Maryland, any other	1062	N. A statement, duly executed and
1013	state, or of the United States or any foreign	1063	acknowledged by the owner of the premises
1014	country. The Board shall have the authority	1064	upon which the business is to be conducted,
1015	to obtain criminal records on any applicant	1065	assenting to the granting of the license
1016	for an alcoholic beverage license prior to the	1066	applied for and authorizing the Comptroller
1017	issuance of the license and the applicant, as	1067	of the State of Maryland, his duly authorized
1018	part of the application, shall provide	1068	deputies, inspectors and clerks, the Talbot
1019	whatever consents, authorizations, or	1069	County Board of Liquor License

1070	Commissioners, its duly authorized agents	1123	§ 11-10 Procedure for issuance of licenses
1071	and employees, any Talbot County Alcoholic		
1072	Beverages Inspector, deputy, or assistant, any	1124	A. General provisions
1073	peace officer of Talbot County and any peace		
1074	officer of any incorporated municipality in	1125	(1) Published notice. Before the Board shall
1075	which the business is to be conducted to	1126	approve any new license, the Board shall cause
1076	inspect and search, without warrant, the	1127	a notice of such application to be published
1077	premises upon which the business is to be	1128	once a week for two successive weeks in a
1078	conducted, and any and all parts of the	1129	newspaper of general circulation in Talbot
1079	building in which the business is to be	1130	County. The notice shall specify the names of
1080	conducted, at any and all hours. The	1131	the individual applicants and any entity they
1081	statement shall contain an acknowledgment	1132	represent, the type of license applied for and
1082	that any evidence discovered during any	1133	the location of the place of business proposed
1083	lawful inspection of licensed buildings or	1134	to be licensed as well as the date, time and
1084	premises shall be admissible in any	1135	location fixed by the Board for a hearing upon
1085	prosecution for violation of this Chapter, and	1136	the application. The hearing shall be not less
1086	shall be admissible in any hearing for	1137	than seven days nor more than 30 days after
1087	revocation, suspension, or restriction of the	1138	the last publication.
1088	license of the person, firm, corporation or		
1089	association who has obtained a license to sell	1139	(2) Posting of property.
1090	alcoholic beverages in such building or		
1091	premises.	1140	(a) Whenever a hearing upon a license
		1141	application is scheduled, the place of business
1092	O. A certificate signed by at least 10 citizens,	1142	proposed to be licensed shall be posted at least
1093	who shall be owners of real estate and	1143	15 days prior to the hearing date by the
1094	registered voters of the precinct in which the	1144	erection of a sign to be furnished by the Board.
1095	business is to be conducted, setting forth the	1145	Such sign shall be erected by the person(s)
1096	length of time each has been acquainted with	1146	making application, within ten feet of
1097	the applicant or, in the case of a corporation,	1147	whatever boundary line of the property abuts
1098	with the individuals making the application.	1148	the most traveled public road and, if no public
1099	The certificate must state that the signers	1149	road abuts thereon, then facing in such a
1100	thereof have examined the application and	1150	manner as most readily may be seen by the
1101	have good reason to believe that all the	1151	public, as designated by the Board. The
1102	statements contained in the application are	1152	bottom of the sign shall not be less than three
1103	true, that they are of the opinion that the	1153	feet from the ground. The sign furnished by
1104	applicant is a suitable person to obtain the	1154	the Board shall not be less than two feet high
1105	license, and that they are familiar with the	1155	and two feet wide, and shall bear the words:
1106	premises upon which the proposed business is	1156	NOTICE - APPLICATION HAS BEEN
1107	to be conducted and believe the premises are	1157	MADE FOR A LIQUOR LICENSE AT THIS
1108	suitable for the conduct of the business of a	1158	LOCATION. Talbot County Board of Liquor
1109	retail dealer in alcoholic beverages. The	1159	License Commissioners (410) 770-8019.
1110	requirements of this section do not apply to		
1111	applications for special or temporary (Class H	1160	(b) At the hearing, it shall be the duty of the
1112	and Class J) licenses.	1161	applicant to prove by affidavit that he has fully
		1162	complied with this provision and has contin-
1113	P. Proof of a valid food service facility permit	1163	uously maintained the sign in compliance with
1114	from the Talbot County Health Department	1164	this provision up to the time of the hearing.
1115	must be shown for those classes of licenses	1165	Any sign required to be posted by this pro-
1116	(Class F and Class F-A) which require the	1166	vision shall be maintained in a visible location
1117	serving of food as a condition of the license	1167	and free from obstruction until after the public
1118	or where the applicant is engaged in a	1168	hearing is held, and such sign shall be re-
1119	business which requires such a permit.	1169	moved within five days after the public
		1170	hearing.
1120	Q. Proof of compliance with the current		
1121	provisions of the State Fire Prevention Code	1171	(3) Notice to local jurisdiction and adjacent
1122	from the Office of the State Fire Marshal.	1172	property owners. Whenever a hearing upon a

1173 license application is scheduled, the Board
 1174 shall give at least 15 days' notice of the time
 1175 and place of such hearing to be mailed by
 1176 regular United States mail, first class postage
 1177 prepaid, to the applicant, to the governing
 1178 body of the local jurisdiction in which the
 1179 place of business proposed to be licensed is
 1180 located, and to the owners of all property
 1181 contiguous to the place of business proposed
 1182 to be licensed and of all properties opposite
 1183 said property measured at right angles to any
 1184 intervening road or street. It shall be the
 1185 responsibility of the applicant to furnish the
 1186 Board with a complete, accurate and up-to-
 1187 date list of all such property owners. The
 1188 notice shall be directed to the address to which
 1189 the real estate tax bill on the property is sent.
 1190 The notice shall contain the same information
 1191 as the published notice required in Subsection
 1192 A(1) hereof. For purposes of this section the
 1193 term "contiguous property owner" is to include
 1194 owners of property within 1,000 feet of the
 1195 subject property, whose line of sight to the
 1196 subject property is entirely over water. Failure
 1197 of a person to receive the notice prescribed in
 1198 this section shall not impair the validity of the
 1199 hearing.

1200 (4) Hearing. At the time fixed by the notice
 1201 for a hearing upon an application or upon the
 1202 continuance of any such hearing, the
 1203 individual applicants and representatives of the
 1204 entity seeking a license shall have the first
 1205 opportunity to be heard by the Board and to
 1206 present evidence to the Board; provided,
 1207 however, that the Board may stipulate that
 1208 after the expiration of a reasonable
 1209 predetermined amount of time the applicant's
 1210 presentation may be interrupted to permit
 1211 opponents an opportunity to be heard.
 1212 Thereafter, any interested person in attendance
 1213 shall be heard by the Board on either side of
 1214 the question. The applicant shall have the final
 1215 opportunity to address the Board at the
 1216 conclusion of all testimony or evidence. The
 1217 Board shall make an adequate record of its
 1218 proceedings so as to permit judicial review.
 1219 The costs of reproduction of the record shall
 1220 be borne by the person seeking the copy.

1221 (5) Findings.

1222 (a) If the Board determines that the granting
 1223 of the license is not necessary for the
 1224 accommodation of the public, or that the
 1225 applicants are not fit persons to receive the

1226 license applied for, or have made a material
 1227 false statement in the application, or have
 1228 practiced fraud in connection with said
 1229 application, or that the operation of the
 1230 business, if the license is granted, will unduly
 1231 disturb the peace of the residents of the
 1232 neighborhood in which the place of business is
 1233 to be located, or the applicant for an off-sale
 1234 license does not satisfy the requirements of §
 1235 11-8 D, or that there are other substantial
 1236 reasons in the discretion of the Board why the
 1237 license should not be issued, then the
 1238 application shall be disapproved and the
 1239 license applied for shall be refused. If no such
 1240 findings are made by the Board, then the
 1241 Board shall approve the application and issue
 1242 the license upon the applicant's payment of the
 1243 required fee.

1244 (b) Within 30 days of the conclusion of the
 1245 hearing, the Board shall issue a written
 1246 decision setting forth its factual
 1247 determinations, its decision concerning the
 1248 license in question, and the basis for its
 1249 decision.

1250 (c) Any person aggrieved by the decision of
 1251 the Board who appeared at the hearing before
 1252 the Board shall have 30 days after the issuance
 1253 of the Board's decision to appeal the decision
 1254 to the Circuit Court for Talbot County.

1255 **B. License and application fees**

1256 The license and application fees applicable to
 1257 each class of license shall be established by the
 1258 County Council of Talbot County in the
 1259 Annual Budget and Appropriation Ordinance.
 1260 All fees collected under this chapter shall be
 1261 remitted to the Talbot County Finance Office.
 1262 The salaries of the Board, together with the
 1263 necessary office, clerical and investigational
 1264 expenses of the Board, shall be paid by the
 1265 County Council, as approved in the Annual
 1266 Budget and Appropriation Ordinance adopted
 1267 by the County Council. The balance of all fee
 1268 revenue collected under this chapter, which is
 1269 not expended on the approved salaries and
 1270 expenses of the Board, shall be devoted to the
 1271 general purposes of the County as approved by
 1272 the County Council.

1273 **C. Refund of license fees**

1274 No holder of any class of license shall be
 1275 entitled to a refund of the unused portion of

1276 the fee paid for a license upon surrender
1277 thereof, except:

1278 (1) In the event of receivership or
1279 bankruptcy of the business if a transfer is not
1280 requested, and in such case the refund shall be
1281 made for the benefit of the creditors of the
1282 license holder;

1283 (2) In the event of the death of the license
1284 holder, and in such case the refund shall be
1285 made for the benefit of the estate of the
1286 deceased license holder;

1287 (3) In the event that the license holder has
1288 volunteered for or been called into the Armed
1289 Forces of the United States;

1290 (4) In the event that a license holder of one
1291 class surrenders the license and obtains a
1292 license of another class carrying a higher fee,
1293 in which case, the refund shall be deducted
1294 from the amount of the fee to be paid for the
1295 newly obtained license; or

1296 (5) In the event that the licensed premises
1297 are taken by the federal government, the state
1298 or any city or municipality for public use.

1299 **D. License forms; date of issue and**
1300 **expiration**

1301 Only licenses authorized under the provisions
1302 of this chapter may be issued by the Board.
1303 Every license issued shall be upon forms
1304 prescribed by the Board. Each license shall be
1305 dated as of the date of issue and shall expire on
1306 the April 30 next after its issuance, except
1307 temporary licenses and special licenses, which
1308 shall expire as otherwise provided.

1309 **E. Pro-rata license fees**

1310 The fee for every license issued for a period of
1311 less than one year (except temporary or special
1312 licenses) shall be subject to the annual fee if
1313 issued during the first three months of the
1314 license year; 3/4 of the annual fee if issued
1315 during the second quarter of the license year;
1316 1/2 of the annual fee if issued during the third
1317 quarter of the license year; and 1/4 of the
1318 annual license fee if issued during the fourth
1319 quarter of the license year.

1320

1321 **F. Successive applications**

1322 If a license is refused, no application for the
1323 same license shall be considered from the
1324 same applicant for the same premises for a
1325 period of one year.

1326 **§ 11-11 General procedures for renewal of**
1327 **licenses**

1328 **A. Application for renewal**

1329 The holder or holders of any expiring license
1330 other than special licenses issued under the
1331 provisions of this chapter shall, not less than
1332 30 nor more than 90 days before the first day
1333 of May of each year, file a written
1334 application, duly verified by oath, for the
1335 renewal of the license with the Board. The
1336 renewal application shall state either that the
1337 facts in the original application are
1338 unchanged or shall clearly and completely
1339 identify all such changes, based on which the
1340 Board may, in its discretion, treat the renewal
1341 application as a new application. The renewal
1342 application shall be accompanied by a
1343 statement, signed by the owner of the
1344 premises, consenting to the renewal of the
1345 license and to search and seizure as in the
1346 case of the original application. A statement
1347 of consent shall not be required if the owner
1348 has previously signed such a statement in
1349 connection with an original application or
1350 previous renewal application giving consent
1351 for the term of the owner's lease with the
1352 applicant. Upon the filing of the renewal
1353 application and the payment of the prescribed
1354 annual fee, the holder or holders of an
1355 expiring license shall be entitled to a new
1356 license for another year without the filing of
1357 further statements or the furnishing of any
1358 further information, unless such information
1359 is specifically requested by the Board.
1360 Renewal licenses shall be administratively
1361 approved without a hearing before the Board,
1362 unless a protest signed by not less than 10
1363 residents or property owners in the County
1364 election district in which the licensed place of
1365 business is located has been filed against the
1366 granting of a renewal license at least 30 days
1367 before the expiration of the license for which
1368 renewal is sought. The Board may, upon its
1369 own initiative, after notice to the applicant,
1370 treat a renewal application as an original
1371 application. In the event of a protest or in the
1372 event that the Board determines, in the

1373 exercise of its discretion, to treat a renewal
 1374 application as an original application, then
 1375 the application shall be heard and determined
 1376 as in the case of an original application. In
 1377 such cases, the Board may consider evidence
 1378 concerning the impact of the licensed
 1379 establishment upon the peace and repose of
 1380 the community. A factual finding, based upon
 1381 clear and convincing evidence that the
 1382 licensed establishment has significantly and
 1383 regularly intruded upon the peace and repose
 1384 of the neighboring property owners so as to
 1385 have a deleterious impact upon the public
 1386 health, safety and welfare, shall be a
 1387 sufficient basis for denial of the renewal
 1388 application or the limitation of the hours of
 1389 operation of the license holder by the Board.

1390 B. At the time of renewal of either a Class C or
 1391 a Class G license, the individuals listed as
 1392 holding the license on behalf of a club may,
 1393 at the discretion of the Board, be deleted, or
 1394 the names of additional individuals may be
 1395 added to or substituted for any or all of the
 1396 original license holders without the necessity
 1397 of filing a formal application for transfer;
 1398 provided, however, that the proposed license
 1399 holders are otherwise qualified, and further
 1400 provided that the President or Chief
 1401 Executive Officer of the club shall certify that
 1402 the individuals are authorized to act on behalf
 1403 of the club. When a renewal application
 1404 contains a request to add, delete or substitute
 1405 individual license holders, the Board may
 1406 approve the application, or require the filing
 1407 of an application for transfer as provided in
 1408 § 11-12C hereof.

1409 C. The procedural rules for a renewal hearing
 1410 shall follow those set forth in § 11-10A
 1411 hereof. Any person aggrieved by the decision
 1412 of the Board who appeared at the renewal
 1413 hearing before the Board shall have 30 days
 1414 after the issuance of the Board's decision to
 1415 appeal the decision to the Circuit Court for
 1416 Talbot County.

1417 **§ 11-12 Rights and duties of license holders**

1418 **A. License not property**

1419 Licenses issued under the provisions of this
 1420 chapter shall not be regarded as property or as
 1421 conferring any property rights. All such
 1422 licenses shall be subject to suspension,
 1423 restriction or revocation and to all rules and

1424 regulations that may be adopted as herein
 1425 provided.

1426 **B. Duplicates for lost licenses**

1427 Whenever a license issued under the
 1428 provisions of this chapter has been lost or
 1429 destroyed, the official issuing such licenses
 1430 shall have the power, upon application under
 1431 oath and upon payment of a fee of \$10, to
 1432 issue another license, upon which shall be
 1433 endorsed the word "duplicate" in addition to
 1434 all of the information which appeared upon the
 1435 original license.

1436 **C. Transfer of licenses**

(1) General procedure.

1437 Any holder of a license under the provisions of
 1438 this chapter, including a receiver or trustee for
 1439 the benefit of creditors, may, in the discretion
 1440 of the Board, be permitted to transfer his place
 1441 of business to some other location and/or
 1442 transfer his stock-in-trade to another person,
 1443 provided that an application for such transfer
 1444 and/or sale shall be made and approved by the
 1445 Board, and that a bulk transfer permit is
 1446 obtained where the stock of alcoholic
 1447 beverages is to be transferred, whether by sale,
 1448 gift, inheritance, assignment or otherwise and
 1449 irrespective of whether or not consideration is
 1450 paid. Except as provided in Subsection C(2)
 1451 hereof or in § 11-11, the new location and/or
 1452 assignee shall be approved as in the case of an
 1453 original application for a license. Such transfer
 1454 and/or assignment, when made, shall be
 1455 reflected in the issuance of a new license or
 1456 endorsed upon the original license by the
 1457 official issuing the same upon payment of a
 1458 fee of \$10, in addition to the application fee,
 1459 which shall be paid at the time of the filing of
 1460 the application for transfer and/or sale. This
 1461 section shall permit the transfer of class of
 1462 license, location and the assignment of license
 1463 in the same application.

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

1464 When the entity which owns the business and
 1465 the location of the business for which a license
 1466 has been issued are to remain the same, no
 1467 more than two, but less than all, of the persons
 1468 listed on the license may be deleted and other
 1469 persons may be substituted therefor by the

1470 submission of an application for review by the
1471 Board. The Board may provide a special
1472 application form for this purpose, which shall
1473 solicit all of the information relating to the
1474 new applicant which would be required of an
1475 original applicant, require the approval of the
1476 owners of the premises, require the certificate
1477 provided in § 11-8A, and require the consent
1478 of all license holders and of the persons whose
1479 names are to be added to the license.
1480 Additional persons may be added to those
1481 persons already listed on the license, and
1482 persons listed on the license may be deleted
1483 therefrom, in the manner provided herein,
1484 provided that the minimum number of persons
1485 required for said license shall be maintained.
1486 The Board may, in its discretion, either
1487 administratively approve said application, or
1488 cause notice of the application to be published
1489 and a hearing to be conducted as in the case of
1490 an original application.

1491 **D. License holder vacating premises**

1492 On the 10th day after the holder of any license
1493 issued under the provisions of this chapter
1494 shall have vacated or been evicted from the
1495 premises for which said license was issued,
1496 said license shall expire unless an application
1497 for a transfer thereof to another location or
1498 assignment to another person has been
1499 approved or is then pending; provided,
1500 however, that the official authorized to issue
1501 licenses may, in his discretion, postpone such
1502 expiration for an additional period, not
1503 exceeding 20 days in any case, to avoid any
1504 undue hardship.

1505 **E. Display of licenses**

1506 Every person receiving a license under the
1507 provisions of this chapter shall frame the
1508 license under glass and place the framed
1509 license so that it shall at all times be
1510 conspicuous and easily read in the place of
1511 business.

1512 **F. Availability of ordinance**

1513 Every license holder shall keep a copy of this
1514 chapter in an area in the licensed premises
1515 where it is easily accessible for reference when
1516 necessary. It is the responsibility of the license
1517 holder to ensure that all employees or agents
1518 of the license holder are advised of the
1519 provisions of this chapter. The Board shall

1520 provide to each license holder on an annual
1521 basis either a complete copy of the current
1522 version of this chapter, or at their election, a
1523 copy of only those sections that have been
1524 amended during the previous year. [Amended
1525 4-13-1999 by Bill No. 704]

1526 **G. Death of license holder**

1527 (1) Upon the death of an individual license
1528 holder, the license shall expire upon the close
1529 of the 90th day following the date of death
1530 except as herein otherwise provided. In cases
1531 where the deceased is the proprietor of the
1532 licensed premises, upon application to the
1533 Board and upon the payment of a fee of \$10
1534 made by the personal representatives of the
1535 deceased license holder, a certificate of
1536 permission may be granted for the
1537 continuation of the business in the name of the
1538 personal representatives for the benefit of the
1539 estate of the deceased for a period not
1540 exceeding the balance of the current license
1541 year, or the closing of the estate, whichever
1542 occurs first. In the event the estate has not
1543 been closed upon the expiration of the license
1544 year, the personal representatives may apply
1545 for renewal of the license, and upon payment
1546 of the required annual license fee, a renewal
1547 license may be granted; provided, however,
1548 that no application for a renewal license
1549 hereunder may be made more than 18 months
1550 after the death of the license holder. Such
1551 certificates of permission and renewal licenses
1552 will be subject to the right of protest,
1553 revocation, suspension, and restriction as in
1554 other cases, and during the continuation
1555 period, the license holder and the personal
1556 representative of the deceased shall be subject
1557 to all of the provisions of this chapter. The
1558 personal representatives to which a certificate
1559 has been granted may assign or transfer the
1560 license for the benefit of the estate, and upon
1561 the approval of the application for the transfer
1562 or assignment, the license shall be considered
1563 reinstated upon the payment of the balance of
1564 the license fee which is due until the expiration
1565 of the license year.

1566 (2) If the licensed premises are operated for
1567 the benefit of a corporation, limited liability
1568 company or partnership, another individual
1569 license holder may be substituted for the
1570 deceased upon the filing of an application as
1571 provided for herein, and the premises may

1572	continue to sell alcoholic beverages pending	1617	capacity of a sales clerk authorized to sell or
1573	approval of the new license holder.	1618	offer for sale beer or light wine at retail who is
		1619	not at least 18 years of age.
1574	(3) An application for substitution of another	1620	(4) No license holder of a beer, wine and
1575	license holder for the deceased license holder	1621	liquor license shall allow a person to act in the
1576	shall be made within 90 days of the date of	1622	capacity of a sales clerk authorized to sell or
1577	death. Upon the filing of such an application,	1623	offer for sale beer, wine or liquor at retail who
1578	and until a decision is made and issued as	1624	is not at least 21 years of age.
1579	provided herein, the license shall continue in		
1580	full force and effect, subject to all other	1625	C. Sales to minors and intoxicated persons
1581	provisions of this chapter.	1626	prohibited
1582	H. Hours of operation		
1583	The hours during which the privileges conferred	1627	(1) No license holder under the provisions of
1584	by a license may be exercised shall be defined	1628	this chapter or any of the license holder's
1585	as either Eastern standard or daylight saving	1629	employees or agents shall sell or furnish any
1586	time, whichever is in effect on the date in	1630	alcoholic beverages at any time to any person
1587	question.	1631	except in conformance with the age limitations
		1632	as established from time to time by the State of
		1633	Maryland.
1588	§ 11-13 Restrictions upon license holders		
1589	A. General provisions	1634	(2) No license holder or any of the license
1590	License holders are required to comply with	1635	holder's employees or agents shall sell or
1591	all applicable provisions of this chapter and	1636	furnish any alcoholic beverages to any person
1592	with all provisions of state law applicable to	1637	who at the time of such sale or delivery is
1593	Talbot County by virtue of § 11-20 of this	1638	visibly under the influence of any alcoholic
1594	chapter, Article 2B, § 18-101, Annotated Code	1639	beverage.
1595	of Maryland, or Article 25, § 3(ee), Annotated	1640	(3) A violation of this section by an
1596	Code of Maryland. Violation of any such pro-	1641	employee or agent of a license holder shall be
1597	vision is a misdemeanor, and in addition to	1642	deemed a violation by the license holder, who
1598	any criminal penalty, may result in adminis-	1643	shall be responsible for all alcoholic beverage
1599	trative sanctions including revocation or sus-	1644	sales in or upon the licensed premises.
1600	pension of any license issued pursuant to this	1645	D. Noise regulations
1601	chapter or the imposition of a fine, or any		
1602	combination thereof.	1646	The Board may regulate the time and noise
		1647	level of the playing of mechanical music
1603	B. Service by minors restricted	1648	boxes, live music, and sound-making devices
1604	(1) No license holder shall allow a person to	1649	that are used on licensed premises where the
1605	act in the capacity of a bartender who is not at	1650	sound disturbs the peace, tranquility, safety,
1606	least 21 years of age. For the purposes of this	1651	and health of the surrounding neighborhood.
1607	section, a "bartender" is any person who mixes	1652	E. Slot machine restriction
1608	or pours drinks for consumption on the		
1609	licensed premises.	1653	The Board shall be prohibited from issuing a
		1654	license under the provisions of this chapter to
1610	(2) No license holder shall allow a person to	1655	any entity at any place at which one or more
1611	act in the capacity of waiter or waitress who is	1656	slot machines are located, maintained, or
1612	required to take orders for alcoholic beverages	1657	operated, unless the entity is a fraternal,
1613	unless said waiter or waitress is at least 18	1658	religious or veterans nonprofit organization
1614	years of age.	1659	with a license to operate the slot machine(s)
		1660	issued by the Sheriff of Talbot County.
1615	(3) No license holder of a beer and light		
1616	wine license shall allow a person to act in the		

1661	F. Alcohol Awareness Training	1705	judgment of the Board is necessary to promote
1662	All employees involved in the sale of alcoholic	1706	the peace or safety of the community in which
1663	beverages shall successfully complete training	1707	the place of business is situated. A license may
1664	in an Alcohol Awareness Program within one	1708	be revoked or suspended, and/or a fine
1665	hundred eighty (180) days of the date of hire.	1709	imposed by the Board based upon, but not
1666	The Liquor Inspector may grant an extension	1710	limited to, any of the following findings:
1667	not to exceed sixty (60) days for Licensees	1711	(a) Conviction of the license holder for
1668	with less than three (3) employees whose	1712	violation of any of the provisions of this
1669	businesses would suffer undue hardship, due	1713	chapter or of applicable state law regulating
1670	to circumstances beyond the Licensee's	1714	the retail sale of alcoholic beverages.
1671	reasonable control. Any request for a waiver	1715	(b) Any finding of fact in a criminal
1672	must be submitted in writing within thirty (30)	1716	proceeding that would be sufficient to sustain
1673	days and contain all grounds in support of the	1717	a judgment or verdict of guilt for any violation
1674	request.	1718	of this chapter or applicable state law
1675		1719	regulating the retail sale of alcoholic
1676	(1) For purposes of this section, "Approved	1720	beverages, regardless of whether that finding
1677	Alcohol Awareness Program," has the	1721	is stricken and probation before judgment is
1678	meaning and is subject to the	1722	granted.
1679	requirements and time limitations set	1723	(c) Failure or refusal of any license holder to
1680	forth in Article 2B § 13-101, Md. Ann.	1724	comply with any provisions of this chapter or
1681	Code, as amended from time to time.	1725	any applicable state law, or any rule or
1682	(2) Nothing in this section relieves the	1726	regulation that may be adopted pursuant to this
1683	licensee from compliance with any other	1727	chapter.
1684	applicable State requirements regarding	1728	(d) The making of any material false
1685	alcohol awareness training.	1729	statement in any application for a license.
1686	(3) This section may not be construed to	1730	(e) A conviction of one or more of the
1687	create or enlarge any civil cause of action	1731	clerks, agents, or employees of a license
1688	or criminal proceeding against a licensee.	1732	holder for the violation of any of the
1689	(4) Penalties. The Board shall impose the	1733	provisions of this chapter or applicable state
1690	following penalties on any licensee who	1734	law on the licensed premises.
1691	violates this section within any seven (7)	1735	(f) A finding by the Board that one or more
1692	year period:	1736	of the clerks, agents, or employees of a license
1693	(a) 1st offense, \$50.00 fine;	1737	holder violated any of the provisions of this
1694	(b) 2nd offense, \$200.00 to \$500.00	1738	chapter or of applicable state law on the
1695	fine;	1739	licensed premises.
1696	(c) 3rd offense, 2-5 day suspension;	1740	(g) Three or more violations of any
1697	and,	1741	provision of Chapter 159, Article I, Talbot
1698	(d) 4th or subsequent offense, 10-30 day	1742	County Code, Smoking. For purposes of this
1699	suspension.	1743	subsection, the Board may not amend, modify,
1700	§ 11-14 Revocation and suspension of licenses	1744	or decline to impose the requisite suspension
1701	A. General provisions	1745	upon any licensee for the period designated in
1702	(1) Any license issued under the provisions	1746	§ 159-9C(2) following a determination that the
1703	of this chapter may be revoked or suspended	1747	requisite violations have occurred. [Added 2-
1704	by the Board for any cause which in the	1748	3-2004 by Bill No. 934]
		1749	(2) For purposes of this section a conviction
		1750	is deemed to have occurred whenever a person
		1751	accused of a crime pleads guilty or nolo
		1752	contendere or is found guilty of an offense.

1753 (3) The following shall each be prima facie
1754 evidence of a violation:

1755 (a) A sale or delivery of an alcoholic
1756 beverage by a license holder before or after the
1757 hours during which the privileges conferred by
1758 the applicable license may be exercised.

1759 (b) An open container holding more than a
1760 trace of an alcoholic beverage, prior to or more
1761 than 30 minutes after the hours during which
1762 the privileges conferred by the applicable
1763 license may be exercised.

1764 (c) Live entertainment or playing of
1765 electronic entertainment other than during the
1766 hours in which the privileges conferred by the
1767 applicable license may be exercised.

1768 (d) Presence of person(s) on the premises
1769 prior to or more than 30 minutes after the
1770 hours during which the privileges conferred by
1771 the applicable license may be exercised, other
1772 than by those listed below:

1773 [1] The owner, license holder or their agents
1774 or employees actually engaged in cleaning or
1775 preparing for the next day's operation.

1776 [2] Entertainers actually engaged in
1777 preparing for opening or closing down after a
1778 performance.

1779 [3] Delivery personnel actually making
1780 deliveries.

1781 (e) The sale, delivery or furnishing of an
1782 alcoholic beverage by a license holder, clerk,
1783 agent or employee of a license holder to a
1784 minor on the licensed premises.

1785 **B. Procedure for revocation or suspension**

1786 (1) The Board may, on its own initiative, or
1787 upon complaints by local citizens, or upon a
1788 complaint by the State's Attorney, any peace
1789 officer, or the County Health Officer, revoke
1790 or suspend any license issued under the
1791 provisions of this chapter or impose a
1792 monetary fine upon any license holder, or
1793 both. Such action shall not be taken until the
1794 Board has conducted a hearing upon the
1795 complaint, notice of which shall be mailed or
1796 delivered to the license holder at least 10 days
1797 before the hearing. Revocation or suspension

1798 hearings shall be conducted pursuant to § 11-
1799 10A of this chapter, except that the notification
1800 provisions thereof shall not apply. In addition,
1801 in a hearing under this section, the person or
1802 entity making the complaint to the Board shall
1803 be the first to present evidence to the Board;
1804 the license holder shall then present its
1805 evidence, to be followed by any further
1806 evidence to be presented by the complainant.
1807 The Board may permanently revoke or
1808 suspend a license for any period, or impose a
1809 fine, at its discretion, upon a finding that any
1810 provision of this chapter or any applicable
1811 state law has been violated, or upon a finding
1812 based upon clear and convincing evidence that
1813 the continued licensing of the premises in
1814 question constitutes a danger to the public
1815 health, safety, or welfare.

1816 (2) Within 30 days of the hearing, the Board
1817 shall issue its decision, setting forth its
1818 findings, determination of any violations, and
1819 imposition of any penalty, sanction or fine. If
1820 no decision is issued by the Board within 30
1821 days of the hearing, a finding of "no violation"
1822 shall result.

1823 **§ 11-15 Violations and penalties**

1824 A. Any person or license holder violating the
1825 provisions of this chapter shall be guilty of a
1826 misdemeanor and, upon conviction thereof,
1827 shall be subject to a fine of not more than
1828 \$1,000 or to imprisonment for not more than
1829 six months, or to both such fine and
1830 imprisonment; provided, however, that if
1831 applicable state law provides a greater
1832 penalty, the penalty provided by state law
1833 shall prevail.

1834 B. Anyone charged with selling or furnishing
1835 alcoholic beverages to a person not of legal
1836 age in violation of § 11-13C shall be found
1837 not guilty of said violation if such person
1838 establishes to the satisfaction of the jury, or
1839 the court sitting as a jury, that he used due
1840 caution to establish that such person was of
1841 legal age to purchase or be supplied alcoholic
1842 beverages. The granting of probation before
1843 judgment to a license holder or employee or
1844 agent of a license holder for any alleged
1845 violation of this chapter or applicable state
1846 law does not bar the Board from proceeding
1847 against the license holder for the violation.

1848 C. In lieu of suspending or revoking an
 1849 alcoholic beverages license pursuant to the
 1850 terms of this chapter, the Board may hold any
 1851 suspension in abeyance and impose a fine for
 1852 any violation of this chapter subject to the
 1853 following conditions:

1854 (1) The Board determines that the public
 1855 welfare and safety will not be impaired by
 1856 allowing the license holder to operate during
 1857 the suspension period and that payment of the
 1858 fine will achieve the desired disciplinary
 1859 purposes.

1860 (2) The fine assessed by the Board under this
 1861 subsection shall not exceed \$1,000 for each
 1862 violation.

1863 (3) All moneys collected under this
 1864 subsection shall be deposited into the general
 1865 funds of Talbot County.

1866 (4) The Board shall have promulgated such
 1867 rules and regulations as it deems necessary to
 1868 carry out the purposes of this subsection
 1869 including any conditions to be imposed on the
 1870 license holder as a condition of holding any
 1871 such suspension in abeyance.

1872 **§ 11-16 Bottle club restrictions; drive-through**
 1873 **sales**

1874 A. It shall be unlawful in Talbot County for any
 1875 bottle club to sell, serve, give, dispense, keep
 1876 or allow to be consumed on its premises, or
 1877 on premises under its control or possession,
 1878 any alcoholic beverages, setups or other
 1879 component parts of mixed alcoholic drinks.
 1880 As used in this subsection, the term "bottle
 1881 club" shall mean any club which serves, sells,
 1882 gives, or dispenses alcoholic beverages to its
 1883 members or guests, or which keeps for its
 1884 members or guests any alcoholic beverages,
 1885 or which allows to be consumed on its
 1886 premises any alcoholic beverages, by its
 1887 members or guests, which beverages have
 1888 been reserved or purchased by the members
 1889 or guests; or any club at which patrons are
 1890 served, given, or allowed to consume
 1891 alcoholic beverages after legal closing hours
 1892 from any supplies that the patrons have
 1893 previously purchased or reserved; or any club
 1894 that sells, dispenses, serves, keeps, or allows
 1895 to be consumed any setups or other
 1896 component parts of mixed alcoholic drinks to
 1897 its members or guests.

1898 B. Drive-through sales prohibited. A licensee
 1899 shall not sell, offer to sell, or dispense
 1900 alcoholic beverages for off-premises
 1901 consumption through a facility commonly
 1902 known as a "walk-up" or "drive-through"
 1903 window. [Added 4-13-1999 by Bill No. 705]

1904 **§ 11-17 Enforcement**

1905 **A. Notification requirements**

1906 To aid in the enforcement of this chapter, it
 1907 shall be the responsibility of all law
 1908 enforcement personnel, including members of
 1909 the Maryland State Police, the Talbot County
 1910 Sheriff's Department, the Talbot County
 1911 State's Attorney's Office, the Natural
 1912 Resources Police, and each of the municipal
 1913 police departments in Talbot County, to notify
 1914 the Board of any violation citations issued to
 1915 any license holder under the provisions of this
 1916 chapter, within 48 hours of the issuance of the
 1917 citation. The Board shall notify law
 1918 enforcement personnel, including members of
 1919 the Maryland State Police, the Talbot County
 1920 Sheriff's Department, the Talbot County
 1921 State's Attorney's Office, the Natural
 1922 Resources Police, and the appropriate mun-
 1923 icipal police department, of any license issued
 1924 under the provisions of this chapter which is
 1925 revoked or suspended, or of any fines which
 1926 are imposed for a violation of this chapter.

1927 **B. Chemical test report**

1928 For the purpose of establishing that physical
 1929 evidence in a criminal proceeding or
 1930 administrative hearing under the provisions of
 1931 this chapter contains or constitutes alcohol or
 1932 an alcoholic beverage, a report signed by the
 1933 chemist or analyst who performed the test or
 1934 tests as to its nature is prima facie evidence
 1935 that the material delivered to him was properly
 1936 tested under procedures approved by the
 1937 Department of Health and Mental Hygiene,
 1938 that those procedures are legally reliable, that
 1939 the material was delivered to him by the
 1940 officer or person stated in the report, and that
 1941 the material was or contained alcohol, without
 1942 the necessity of the chemist or analyst
 1943 personally appearing in court, or at any
 1944 hearing, provided the report identifies the
 1945 chemist or analyst as an individual certified by
 1946 the Department of Health and Mental Hygiene,
 1947 the Maryland State Police Department, the
 1948 Baltimore City Police Department, or any

1949 County police department employing analysts
 1950 of controlled dangerous substances or alcohol,
 1951 as qualified under standards approved by the
 1952 Department of Health and Mental Hygiene to
 1953 analyze those substances, states that he made
 1954 an analysis of the substance under approved
 1955 procedures and also states that the substance,
 1956 in his opinion, is or contains alcohol. Nothing
 1957 in this section precludes the right of any party
 1958 to introduce any evidence supporting or
 1959 contradicting the evidence contained in or the
 1960 presumptions raised by the report.

1961 **C. Chain of custody**

1962 (1) In this section, "chain of custody" means
 1963 the seizing officer; the packaging officer, if the
 1964 packaging officer is not also the seizing
 1965 officer; and the chemist or person who actually
 1966 touched the substance and not merely the outer
 1967 sealed package in which the substance was
 1968 placed by the law enforcement agency before
 1969 or during the analysis of the substance.

1970 (2) "Chain of custody" does not include a
 1971 person who handled the substance in any form
 1972 after analysis of the substance.

1973 (3) For the purpose of establishing, in a
 1974 criminal proceeding or an administrative
 1975 hearing under the provisions of this chapter,
 1976 the chain of physical custody or control of
 1977 evidence consisting of or containing a
 1978 substance tested or analyzed to determine
 1979 whether it is or contains alcohol, a statement
 1980 signed by each successive person in the chain
 1981 of custody that the person delivered it to the
 1982 other person indicated on or about the date
 1983 stated is prima facie evidence that the person
 1984 had custody and made the delivery as stated,
 1985 without the necessity of a personal appearance
 1986 in court by the person signing the statement.
 1987 The statement shall contain a sufficient
 1988 description of the material or its container so
 1989 as to distinguish it as the particular item in
 1990 question and shall state that the material was
 1991 delivered in essentially the same condition as
 1992 received.

1993 (4) Nothing in this section precludes the
 1994 right of any party to introduce any evidence
 1995 supporting or contradicting the evidence
 1996 contained in or the presumption raised by the
 1997 statement.

1998 **D. Presence of chemist or analyst at criminal**
 1999 **proceeding**

2000 (1) In a criminal proceeding under the
 2001 provisions of this chapter, the prosecution
 2002 shall, upon written demand of a defendant
 2003 filed in the proceedings at least five days prior
 2004 to a trial in the proceeding, require the
 2005 presence of the chemist, analyst, or any person
 2006 in the chain of custody as a prosecution
 2007 witness.

2008 (2) The provisions of § 11-17B and C
 2009 concerning prima facie evidence do not apply
 2010 to the testimony of that witness. The
 2011 provisions of §§ 11-17 B and C are applicable
 2012 in a criminal proceeding only when a copy of
 2013 the report or statement to be introduced is
 2014 mailed, delivered, or made available to counsel
 2015 for the defendant or to the defendant
 2016 personally when the defendant is not
 2017 represented by counsel, at least 10 days prior
 2018 to the introduction of the report or statement at
 2019 trial.

2020 (3) Nothing contained in this section shall
 2021 prevent the defendant from summoning a
 2022 witness mentioned in this section as a witness
 2023 for the defense.

2024 (4) At an administrative proceeding, the
 2025 reports described in Subsections B and C
 2026 above shall be prima facie evidence without
 2027 the presence of the chemist, analyst, or any
 2028 person in the chain of custody. Nothing in this
 2029 section prevents the license holder or any other
 2030 party from summoning the chemist, analysts or
 2031 any other person in the chain of custody.

2032 E. Physical evidence. For the purpose of
 2033 establishing that physical evidence in a
 2034 criminal proceeding or an administrative
 2035 hearing under the provisions of this chapter
 2036 contains or constitutes alcohol, a sealed
 2037 container in its original unopened condition
 2038 which has a label which states that it contains
 2039 alcohol or is an alcoholic beverage is prima
 2040 facie evidence that the contents of the
 2041 container are or include alcohol or an alcoholic
 2042 beverage.

2043	§ 11-17-1.1 Alcoholic beverages inspector	2087	Council jointly, conditioned "that the
		2088	inspector shall well and faithfully
2044	A. Appointment	2089	execute the office of Talbot County
		2090	alcoholic beverages inspector in all
2045	The County Manager, with the approval of the	2091	things appertaining thereto". The cost
2046	Council, shall appoint an alcoholic beverages	2092	of the bond shall be paid by the
2047	inspector and such deputies or assistants as the	2093	county.
2048	Council may authorize from time to time. The		
2049	inspector, his deputies and assistants, shall be	2094	§ 11-17-1.2 Prohibited activities
2050	known as the "Talbot County alcoholic		
2051	beverages inspector" or "inspector." After	2095	An inspector may not, during the entire term
2052	appointment, an inspector shall serve at-will,	2096	of his appointment:
2053	and may be discharged by the County		
2054	Manager at any time with or without cause.	2097	(1) Solicit or receive directly or indirectly
		2098	any commission, remuneration or gift
2055	(1) The budget for alcoholic beverages	2099	whatsoever from any:
2056	inspections and Code enforcement shall		
2057	be set by the Council in the Annual	2100	(i) Person or corporation engaged in the
2058	Budget and Appropriation Ordinance.	2101	manufacture, distribution, or sale of
		2102	beer, wine, or other alcoholic
2059	(2) The inspector shall report to the	2103	beverages;
2060	Department of Administrative Services.		
2061	B. Qualifications	2104	(ii) Agent or employee of that person or
		2105	corporation; or
2062	(1) An inspector shall not have been	2106	(iii) Licensee licensed under the
2063	convicted of a felony or a crime of moral	2107	provisions of this Chapter or the
2064	turpitude.	2108	alcoholic beverage laws of the State of
		2109	Maryland.
2065	(2) A person may not qualify nor continue	2110	(2) Engage in any occupation, business, or
2066	service as an inspector if the inspector or	2111	profession in any way connected or
2067	the inspector's immediate family has any	2112	associated with the manufacture,
2068	personal or financial interest, either	2113	distribution, or sale of alcoholic
2069	directly or indirectly, in any license,	2114	beverages; and us
2070	licensee, or in any premises licensed		
2071	under the provisions of this Chapter, or	2115	(3) Transact any business of any kind
2072	in any business wholly or partially	2116	whatsoever beyond their official duties
2073	devoted to the manufacture, distribution,	2117	with any licensee, or in connection with
2074	or sale of alcoholic beverages.	2118	the operation of any establishment
		2119	licensed for the manufacture,
2075	(3) An inspector may not, during the entire	2120	distribution, or sale of alcoholic
2076	term of his appointment, hold any other	2121	beverages.
2077	public office, federal, State or local.		
2078	(4) Before a person qualifies as an inspector,	2122	(4) Have any interest, direct or indirect,
2079	the person shall:	2123	either proprietary or by means of any
		2124	loan, mortgage or lien, or in any other
2080	i. Make an oath to faithfully perform the	2125	manner, in or on any premises where
2081	duties entrusted to him as an alcoholic	2126	alcoholic beverages are manufactured,
2082	beverages inspector pursuant to this	2127	distributed, or sold;
2083	Chapter, as provided in Article I, § 9		
2084	of the Constitution of Maryland; and,	2128	(5) Have any interest, direct or indirect, in
		2129	any business wholly or partially devoted
2085	ii. Furnish bond in the penalty sum of	2130	to the manufacture, distribution, or sale
2086	\$10,000 to the Board and the County	2131	of alcoholic beverages; or

2132 (6) Own any stock in any corporation which
 2133 has any interest, proprietary or otherwise,
 2134 direct or indirect, in any premises where
 2135 alcoholic beverages are manufactured,
 2136 distributed, or sold or in any business
 2137 wholly or partially devoted to the
 2138 manufacture, distribution, or sale of
 2139 alcoholic beverages.

2140 **§ 11-17-1.3 Powers**

2141 For the purpose administration and
 2142 enforcement of the alcoholic beverages laws
 2143 before the Board, the inspector shall have the
 2144 power to:

- 2145 (1) Enforce all alcoholic beverages laws;
- 2146 (2) Investigate all complaints and violations
 2147 of the alcoholic beverages laws;
- 2148 (3) Investigate all applicants for an alcoholic
 2149 beverages license or transfer of license;
- 2150 (4) Serve summonses and subpoenas,
 2151 conduct inspections, and investigate
 2152 violations of this Chapter;
- 2153 (5) Issue civil citations as provided in § 10-
 2154 119 of the Criminal Law Article, Md.
 2155 Ann. Code, upon probable cause to
 2156 believe that the person charged is
 2157 committing or has committed a Code
 2158 violation;
- 2159 (6) Initiate administrative proceedings
 2160 before the Board to revoke, suspend, or
 2161 restrict a license;
- 2162 (7) Visit and inspect at unannounced times
 2163 every licensed premises in the county as
 2164 directed by the Department of
 2165 Administrative Services;

2166 (8) Report all violations of the alcoholic
 2167 beverages laws to the Board and to the
 2168 local jurisdiction in which the licenses
 2169 premises are located; and,

2170 (9) Give monthly written reports to the
 2171 Department of Administrative Services
 2172 covering all:

2173 (i) Inspection activities;

- 2174 (ii) Complaints; and,
- 2175 (iii) Violations, either observed or
 2176 reported
- 2177 (10) Promote alcohol education and
 2178 awareness training; and,
- 2179 (11) Such other duties regarding admin-
 2180 istration and enforcement of Chapter 11,
 2181 Talbot County Code, *Alcoholic*
 2182 *Beverages*, as the County Manager may
 2183 prescribe from time to time.

2184 **§11-17-1.4 Commission, Profit, or**
 2185 **Remuneration Prohibited**

2186 No person or corporation engaged in the
 2187 manufacture, distribution, or sale of beer,
 2188 wine, or other alcoholic beverages, nor any
 2189 licensee licensed under the provisions of this
 2190 Chapter, including any agent or employee of
 2191 that person, corporation, or licensee, either
 2192 directly or indirectly, may offer to pay any
 2193 commission, profit, or remuneration, or make
 2194 any gift to any commissioner, alcoholic
 2195 beverages inspector, or employee of the
 2196 Board or to anyone on behalf of that
 2197 commissioner, inspector, or employee of the
 2198 Board, nor may any commissioner or
 2199 employee of the Board solicit or receive,
 2200 directly or indirectly, any such commission,
 2201 profit, remuneration, or gift whatsoever.
 2202 Upon a finding of a violation of this section
 2203 by a licensee, the license shall be revoked.
 2204 Upon a finding of a violation of this section
 2205 by any other person on behalf of or
 2206 concerning any license or licensee, the
 2207 license shall be revoked unless the Board
 2208 shall find that said action was unauthorized,
 2209 in which case the license shall be suspended
 2210 for a period of not less than 30 days nor more
 2211 than one year.

2212 **§ 11-17-1.5 Inspections; beverages as evidence**

2213 The Alcoholic Beverages Inspector, and his
 2214 duly authorized deputies or assistants, any
 2215 peace officer of the county, and any peace
 2216 officer of the town in which the premises are
 2217 located, or any of them, shall be fully
 2218 authorized to inspect and search, without
 2219 warrant, at all hours, any building and
 2220 premises in which any alcoholic beverages
 2221 are authorized to be kept, transported,
 2222 manufactured, or sold under a license or

2223 permit issued under the provisions of this
2224 Chapter, and any evidence discovered during
2225 any such inspections shall be admissible in
2226 any prosecution for the violation of the
2227 provisions of this Chapter, and in any hearing
2228 for revocation, suspension, or restriction of
2229 the alcoholic beverage license or permit. Any
2230 alcoholic beverages taken as evidence shall
2231 be returned to the license or permit holder if
2232 he be adjudged not guilty; otherwise they
2233 shall be sold to license holders, turned over to
2234 State institutions for medicinal use, or
2235 destroyed. Receipts from such sales shall be
2236 credited to the general fund of the County.

2237 **§ 11-18 Appeals**

2238 **A. General provisions**

2239 (1) Appeals from decisions of the Board
2240 shall be to the Circuit Court for Talbot County,
2241 in accordance with the Maryland Rules of
2242 Procedure applicable to administrative
2243 appeals.

2244 (2) The decision approving, suspending,
2245 revoking, restricting, or refusing to approve,
2246 suspend, revoke or restrict any license or
2247 licensee shall be subject to appeal in the
2248 manner provided in this section.

2249 **B. Who may appeal**

2250 A licensee, a license applicant, or a group of
2251 not less than 10 persons who reside in Talbot
2252 County may appeal a final decision of the
2253 Board to the Circuit Court if the licensee,
2254 license applicant, or the group is aggrieved by
2255 the decision and has appeared at the hearing of
2256 the Board either:

2257 (1) In person or by representative; or

2258 (2) By the submission of a written document
2259 that was introduced at the hearing.

2260 **C. Court costs**

2261 The Clerk of the Circuit Court, before
2262 docketing an appeal, shall first collect, from
2263 the person or persons so appealing, all court
2264 costs and a statement from the Board that the
2265 costs for getting records and transcripts of
2266 proceedings of the hearing before the Board

2267 have been paid. Costs may not be assessed
2268 against the Board.

2269 **D. Scope of appeal**

2270 (1) Upon the hearing of such appeal, the
2271 action of the Board shall be presumed by the
2272 court to be proper and to best serve the public
2273 interest. The burden of proof shall be upon the
2274 petitioner to show that the decision
2275 complained of was against the public interest
2276 and that the Board's discretion in rendering its
2277 decision was not honestly and fairly exercised,
2278 or that such decision was arbitrary, or procured
2279 by fraud, or unsupported by any substantial
2280 evidence, or was unreasonable, or that such
2281 decision was beyond the powers of the Board
2282 and was illegal. The case shall be heard by the
2283 court without the intervention of a jury. If in
2284 the opinion of the court it is impracticable to
2285 determine the question presented to the court,
2286 in the case on appeal, without the hearing of
2287 additional evidence, or if in the opinion of the
2288 court any qualified litigant has been deprived
2289 of the opportunity to offer evidence, or if the
2290 interests of justice otherwise require that
2291 further evidence should be taken, the court
2292 may hear such additional testimony to such
2293 extent and in such manner as may be necessary
2294 or may remand the case to the Board for that
2295 purpose.

2296 (2) In such actions of appeal the Board may
2297 be represented by its attorney.

2298 (3) The Board's decision shall be affirmed,
2299 modified, reversed, or remanded to the Board.
2300 Costs shall be awarded as in other civil cases.

2301 **E. Further appeals**

2302 Further appeals shall be governed by the
2303 provisions of Article 2B, § 16-101, Annotated
2304 Code of Maryland.

2305 **§ 11-19 Supplemental municipal regulation**

2306 Municipalities within Talbot County may
2307 restrict the retail sale of alcoholic beverages
2308 within their respective jurisdictions through
2309 adoption of local zoning ordinances.
2310 Enforcement of any ordinance so enacted shall
2311 be the responsibility of the municipality.

2312 **§ 11-20 Conflict with other regulations**

2313 Any law enacted by the Talbot County
2314 Council pursuant to the grant of express
2315 powers in Article 25, § 3(ee), or Article 2B,
2316 § 18-101, Annotated Code of Maryland, shall
2317 prevail over any provision of the Code of
2318 Public General Laws of Maryland regulating
2319 the retail sale of alcoholic beverages.
2320 However, unless and until the Talbot County
2321 Council enacts a law which is contrary to a
2322 provision of the Code of Public General Laws
2323 regulating the retail sale of alcoholic bev-
2324 erages, the provisions of the Code of Public
2325 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).

2326 I:\County Attorney\Liquor Board\ORDINANCE\Alcoholic
2327 Beverage Ordinance for Distribution - Rev. 2.18.docx