Chapter 11

ALCOHOLIC BEVERAGES

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GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

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 enter-0tainment 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
chapter, subject to the approval of the County Council. Chapter 60, Ethics, Talbot County Code, shall apply to members of the Board.

§ 11-4 Beer and light wine licenses

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

(1) General provisions. A Class A beer and light wine license shall be issued only to alcohol dispensaries, supermarkets, and convenience stores set forth above, any holder of a Class A license, lawfully issued and validly existing on the effective date of this ordinance shall be entitled to renew the same at the existing location provided that all such applications for renewal otherwise comply with all then-existing ordinance, laws, and regulations, as amended from time to time.

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

(3) Light wine and beer tasting, alcohol dispensaries. Other provisions of this chapter to the contrary notwithstanding, the holder of a valid Class A license issued to an alcohol dispensary shall be authorized to serve not more than one ounce from no more than three bottles or containers of beer or light wine to any one person for sampling or tasting purposes. Once opened, any bottles or containers of beer or light wine to be sampled shall be accurately and specifically marked for sampling or tasting purposes only or shall be discarded and shall not be offered for sale. The contents of any bottle or container opened for sampling or tasting purposes shall not be mixed with any other bottle or container. Any beer or light wine sampling or tasting authorized by this section shall be permitted on the licensed premises only.

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

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

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

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

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

(3) Hours. The hours during which the privileges conferred by a Class B license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the following day, except on Sunday the hours shall be from 10:00 a.m. to 2:00 a.m. on the following day.
C. Beer and light wine license, Class B-R (off-sale), hotels and restaurants

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

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

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

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

(1) General provisions. A Class C beer and light wine license shall authorize the holder thereof to keep for sale and sell beer and light wine, at retail, to bona fide members and their guests at any club, at the place described in the license, for consumption on the premises only.

[Amended 12-14-1999 by Bill No. 742; 4-24-2001 by Bill No. 811]

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

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

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

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

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

§ 11-4.1 Beer License

Beer, On-Premises License, Class DBR

(1) General provisions. A Class BDR On-Premises License shall be issued only to the holder of a State of Maryland issued Class 5 Brewery License, and shall authorize the holder thereof to sell beer fermented and brewed by the license holder at the brewery for on-premises consumption, in addition to those privileges granted to the holder by the State.

(2) On-Site Consumption Permit. A Class DBR-On-Premises License shall serve as the on-site consumption permit and the license equivalent to a Class D license specified under § 2-207(f) of the Alcoholic Beverages Article of the Code of Maryland.

(3) The total amount of beer sold each year for on-premises consumption under the Class DBR On-Premises License must not exceed 5,000 beer barrels annually. The holder must provide information related to the number of beer barrels sold upon request by enforcement authorities.

(4) Hours. The hours during which the privileges conferred by a Class DBR On-Premises License may be exercised shall be from 10:00 a.m. to 10:00 p.m.

(5) No alcoholic beverages are to be sold for off-premises consumption except as allowed by the holder’s State-issued Class 5 Brewery License.

(6) If the holder’s State-issued Class 5 Brewery License expires or is suspended or revoked by the State of Maryland, the Class
§ 11-5 Beer, wine and liquor licenses

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

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

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

(3) Wine and beer tasting, alcohol dispensaries. Other provisions of this chapter to the contrary notwithstanding, the holder of a valid Class E license that is also an alcohol dispensary shall be authorized to serve not more than one ounce from no more than three bottles or containers of wine or beer to any one person for sampling or tasting purposes. Once opened, any bottles or containers of wine or beer to be sampled shall be accurately and specifically marked for sampling or tasting purposes only or shall be discarded and shall not be offered for sale. The contents of any bottle or container opened for sampling or tasting purposes shall not be mixed with any other bottle or container. Any wine or beer sampling or tasting authorized by this section shall be permitted on the licensed premises only.

(4) Notwithstanding the limitation on issuance of Class E licenses to alcohol dispensaries in paragraph (1) above, any holder of a Class E license, except for any pharmacy, that was lawfully issued and validly existing on the effective date of this ordinance shall be entitled to renew the same at the existing location provided that all such applications for renewal otherwise comply with all then-existing ordinances, laws, and regulations, as amended from time to time. Any such Class E license held by or for the benefit of any pharmacy shall be entitled to renew the same at the existing location provided: all alcoholic beverages shall be offered for sale exclusively within an enclosed area not exceeding 25% of the sales area, separated from the main sales area by permanent walls or partitions at least 8 feet high, and all such sales shall be processed through a separate cashier within and dedicated to that area, and that all such applications for renewal otherwise comply with all then-existing ordinances, laws, and regulations, as amended from time to time.

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

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

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

(a) No new Class F licenses shall issue after the effective date of this ordinance. Upon expiration of an existing Class F license, all licensees holding a Class F license lawfully issued and validly existing on the effective date of this ordinance shall be entitled to apply for and obtain both a Class B-R license and a Class F-A license for the premises described in the Class F license provided that all such applications for renewal otherwise comply with all then-existing ordinances, laws, and regulations, as amended from time to time. (b) Upon the expiration of an existing Class F license, any renewal application for the place described in the existing license shall also include all information required to obtain a caterer’s endorsement in accordance with § 11-6A. Subject to all requirements otherwise
applicable to a caterer’s endorsement, all licensees holding an existing Class F license that was lawfully issued and validly existing on the effective date of this ordinance shall be entitled to a caterer’s endorsement as part of their renewal, unless the applicant affirmatively declines the same.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Hours. The hours during which the privileges conferred by a Class B-F license shall be from 10:00 p.m. each day.

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

(1) General provisions. A Class B-T beer, wine, and liquor license shall be issued only to nonprofit theaters and shall authorize the holder thereof to keep for sale, and sell at retail, beer, light wine, and liquor for on-premises consumption only, provided that:

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

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

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

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

(4) The application for issuance or renewal of a Class B-F license shall include all information required to obtain a caterers endorsement in accordance with § 11-6A. Subject to all requirements otherwise applicable to a caterer’s endorsement, all Class B-F licenses issued or renewed after the effective date of this ordinance shall include a caterer’s endorsement as part of their issuance or renewal, unless the applicant affirmatively declines the same.

(5) Hours. The hours during which the privileges conferred by a Class B-F license may be exercised shall be from 12:00 noon to 2:00 a.m. the following day, except on Sunday the hours shall be from 12:00 noon to 12:00 midnight.
(2) Requirements for license. A Class B-T license shall not be issued until all requirements for licensing have been met.

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

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

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

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

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

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

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

(3) Bistro area. In this section, “bistro area” means the area of the licensed premises dedicated to the sale or service of craft beer and wine for consumption on-premises. “Bistro area” includes, without limitation, seating areas, service areas, and kitchen and food preparation areas. The bistro area shall be specifically designated and clearly marked. On-premises consumption of craft beer and wine and food service may only occur in the bistro area. Nothing in this section shall preclude the license holder from placing racks or displays containing sealed packages or containers of craft beer and wine in the bistro area. Liquor and beer other than craft beer shall not be kept or displayed in the bistro area.

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

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

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

(b) Off-sale. The off-sale portion of the business may be open from 6:00 a.m. to 12:00 midnight, except on Sunday the hours shall be from 8:00 a.m. to 12:00 midnight.
§ 11-6 Endorsements

A. Caterer’s endorsement

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

(2) General provisions. A caterer’s endorsement shall be issued only to holders of a Class B, Class B-F, B-R, or a Class F-A license. The endorsement shall authorize the holder thereof to sell the alcoholic beverages permitted for the class of license at locations within Talbot County for which no other license has been issued. Other provisions of this chapter to the contrary notwithstanding, the holder of a Class B, Class B-F, Class B-R or Class F-A license shall not be prohibited from simultaneously holding a caterer’s endorsement, if otherwise approved. The Board shall be authorized to issue a caterer’s endorsement to holders of a Class B, Class B-F, Class B-R, or Class F-A license who meet the requirements for issuance of the caterer’s endorsement and who are otherwise entitled to renewal of their license.

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

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

(5) Location.

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

(b) The holder of a caterer’s endorsement shall not provide alcoholic beverages at any location which is owned or leased by the license holder or in which the license holder has any financial interest. This subsection shall not be construed as prohibiting catering alcoholic beverages at any legitimate club or fraternal organization to which the license holder belongs or at the holder’s residence.

B. Special festival endorsement

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

(2) General provisions. A special festival endorsement shall be issued only to holders of Class A, B, E, or F-A licenses. The endorsement shall authorize the holder thereof to sell or serve beer or wine by the glass to patrons on the site of the special festival during the specified hours of the event and to sell at retail, in any quantity, to patrons of the event, wines or beer offered for tasting at the event, in sealed packages or containers, which packages or containers shall not be opened nor the contents thereof consumed on the site of the festival. Other provisions of this chapter to the contrary notwithstanding, the holder of a Class A, B, E or F-A license shall not be prohibited from simultaneously holding a special festival endorsement, if otherwise approved. The Board shall be authorized to utilize an abbreviated procedure for the issuance of a special festival endorsement to holders of a Class A, B, E or F-A license who are in good standing at the time of the application.

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

(4) Limits on number of endorsements. A special festival endorsement shall not be
§ 11-7 Special and temporary licenses

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

(1) General provisions. A Class H special beer and light wine license shall entitle the holder thereof to keep for sale and sell beer and light wine, at retail, at the place described in the license, in conjunction with any bona fide entertainment conducted by a club, society, association or church, for consumption on the premises only, for a period not exceeding seven consecutive days from the effective date of the license. The Board shall be authorized to utilize an abbreviated procedure for the issuance of a Class H license.

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

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

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

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

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

A disposal-of-stock license of any class shall entitle the holder thereof to exercise the privileges of the class of license for a period not exceeding 10 consecutive days, for the purpose of disposing of the license holder’s stock of alcoholic beverages, in cases where a license has been revoked, canceled, suspended or renewal denied. A disposal-of-stock license shall authorize the sale of the license holder’s stock at retail or to one or more holders of wholesale licenses, and such holders of wholesale licenses are hereby authorized to purchase such stock. The holder of a disposal-of-stock license is not authorized to purchase alcoholic beverages for the purpose of resale under this license.

D. Temporary removal license

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

§ 11-8 General provisions on issue of licenses

A. License requirements for corporation, limited liability company, partnership, club or association

(1) A license application made for a corporation, limited liability company, partnership, club or other association (whether incorporated or unincorporated) shall also be applied for by and shall be issued to two or more individuals who are authorized to act for the entity and who are officers, directors, stockholders or employees of the corporation; members or employees of the limited liability
company; partners of the partnership; or 922 (1) New off-sale licenses shall be issued 923 officers, directors or members of the club or 924 only to alcohol dispensaries, alcohol 925 association. If an entity has a sole owner, only 926 dispensary bistros, supermarkets, restaurants, 927 that individual shall be required to apply for 928 cafes, hotels, and convenience stores.
929 and be issued a license. The individual license 930 holders shall be residents of Talbot County or 931 (a) Notwithstanding the limitation in Para- 932 a contiguous county. The application shall also 933 graph D. (1) on issuance of new off-sale 934 set forth the names and addresses of all of the 935 licenses, any holder of an off-sale license, 936 directors and officers of a corporation, club or 937 except for any pharmacy, that was 938 association, all of the members of a limited 939 lawfully issued and validly existing on the 940 liability company, or all of the partners of a 941 effective date of this ordinance shall be 942 partnership and shall be signed by the 943 entitled to renew the same at the existing 944 appropriate officers of the entity, as well as by 945 location provided that all such applica- 946 the two or more individuals to whom the 947 tions for renewal otherwise comply with 948 license shall be issued for the use of the entity. 949 all then-existing ordinances, laws, and 950 Every application for a license shall disclose 951 regulations, as amended from time to time. 952 the name, all trade names and all addresses of 952 Pharmacies shall be governed by the 953 the corporation, limited liability company, 954 provisions in § 11-5 A. (4) and (5). 955 partnership, club or association, as well as the 956 (b) Notwithstanding the limitation in Para- 957 name and business and home address of the 958 graph D. (1) on issuance of new off-sale 959 individual applicants.
960 licenses, a gas station for which a Class A 961 (2) The individual license holders and the 962 off-sale beer and light wine license had 963 corporation, limited liability company, part- 964 been issued, but which is no longer in full 965 nership, club or association shall assume all 966 force and effect on the effective date of 967 responsibilities, individually, jointly and 968 this ordinance due to voluntary non- 969 severally, and shall be subject to all of the 970 renewal, may re-apply for a new Class A 971 penalties, conditions and restrictions imposed 972 license for the same location at any time 973 upon license holders under the provisions of 974 within one (1) year after the effective date 975 this chapter.
976 of this ordinance. 977
978
979 B. No more than two licenses for same person 980 No more than two licenses provided by this 981 chapter, except by way of renewal, shall be 982 issued to any individual or to any person for 983 the use of any corporation, limited liability 984 company, partnership, club or association.
985
986 C. Zoning restrictions 987 No license provided by this chapter shall be 988 issued or utilized in a manner which will result 989 in a violation of any zoning ordinance or other 990 statutory land use restriction of the County or 991 the incorporated municipality in which the 992 place of business proposed to be licensed is 993 located. No new license shall be issued for any 994 use not specifically provided in this chapter. 995 To the extent of any inconsistency between the 996 definitions of use in this chapter and any land- 997 use ordinance, the definitions that are more 998 restrictive or stringent shall prevail.
999 (a) The Board may issue a new off-sale 1000 license if the total population within the 1001 service area equals or exceeds 750 1002 persons for all existing off-sale licenses 1003 and the newly proposed license.
1004 (b) The service area shall be determined as 1005 follows:
1006 i. For a proposed urban location, the 
1007 service area shall include all census 1008 blocks within a radius of two (2) 
1009 miles from the site of the proposed 1010 new license;
ii. For a proposed rural location, the
   service area shall include all census
   blocks within a radius of five (5)
   miles from the site of the proposed
   new license.

(3) All census blocks in Talbot County from
   the most recent decennial census within,
   intersected by, or touching the service area
   shall be used to determine the total
   population within the service area.

(4) For purposes of this section, an urban
   location is a proposed site within a
   municipality and a rural location is a
   proposed site outside a municipality.

(5) The formula for determining whether a
   new off sale license may be issued is:

\[ R = P - (750 \times N) \]

where:

\[ R \]  -- Remainder (must be equal to or
greater than 750 for new off-sale
license).

\[ P \]  -- Total population within service area.

\[ N \]  -- Total number of existing off-sale
licenses, (Class A, B-R, D, E, , and
F) within the service area,
excluding the proposed new off-sale
license and excluding existing
Class A licenses for supermarkets.

(6) New off-sale licenses shall be at least
   500 feet from public or private schools,
   public parks, and correctional facilities.
   Licensees holding off-sale licenses lawfully
   issued and validly existing on the effective
date of this ordinance shall be permitted to
renew and maintain such licenses at existing
locations provided that all such applications
for renewal otherwise comply with all then-
existing ordinances, laws, and regulations, as
amended from time to time.

(7) In addition to the requirements of this
section, an applicant for a new off-sale
license must meet all other applicable criteria.

§ 11-9 License application filing requirements

Every application for a new license shall be
made to the Board and shall be accompanied by
the specified application and license fees. The
application shall contain the following:

A. The class of license desired.
B. The name and residence of each individual
   applicant and how long each has resided at
   the stated address and the name and address
   of any entity on behalf of which the
   individual applicants seek a license.
C. A statement that each individual applicant is
   a resident of Talbot County or a contiguous
   County.
D. A statement that each individual applicant is
   a citizen of the United States, including the
   place of birth of each applicant and, if a
   naturalized citizen, when and where
   naturalized.
E. A statement that each individual applicant is
   not less than 21 years of age.
F. The particular place for which the license is
   desired, designating the street name and
   number, and also a description of the portion
   of the building in which the business will be
   conducted.
G. The name of the owner of the premises
   upon which the business sought to be
   licensed is to be carried on.
H. A statement that none of the individual
   applicants have ever been convicted of a
   felony or of a misdemeanor involving moral
turpitude and a further statement as to
whether any of them have ever been
adjudged guilty of violating the laws
governing the sale of alcoholic beverages,
controlled dangerous substances, or
gambling in the State of Maryland, any other
state, or of the United States or any foreign
country. The Board shall have the authority
to obtain criminal records on any applicant
for an alcoholic beverage license prior to the
issuance of the license and the applicant, as
part of the application, shall provide
whatever consents, authorizations, or
releases of information are necessary for this
purpose.
I. A statement that each individual applicant has
   a pecuniary interest in, employment
   relationship with, or is authorized to act on
   behalf of the entity seeking the license,
   including the nature of each applicant’s
relationship to any entity having an interest in the business.

J. A statement that none of the individual applicants have had a license for the sale of alcoholic beverages revoked.

K. A statement identifying any other premises or entity holding a liquor license in which any of the individual applicants or the entity they represent have an interest and identifying any other license issued pursuant to this chapter from which any of the individual applicants or the entity receives any revenue directly or indirectly.

L. A statement as to whether any of the individual applicants or the entity have ever had a license for the sale of alcoholic beverages and, if so, in what state and at what location.

M. A statement that no manufacturer, brewer, distiller or wholesaler of alcoholic beverages has any financial interest, directly or indirectly, in the premises or business of the applicant and that the applicant will not thereafter convey or grant to any such manufacturer, brewer, distiller or wholesaler any such interest, except as otherwise permitted in this chapter, and that the applicant, at the time of making the application, has no indebtedness or other financial obligations and will not thereafter incur any such indebtedness or other financial obligations, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler of alcoholic beverages other than for the purchase of alcoholic beverages. Applicants for a Class K Distillery On-Premises License, and a Class DBR On-Premises License shall be exempt from this requirement. Applicants for a Class B Beer and light wine license or a Class F-A beer, light wine and liquor license may also hold a State-issued Class 6 pub-brewery or Class 7 micro-brewery license that operates out of the same premises as their local license, but otherwise shall meet the requirements of this sub-section.

N. A statement, duly executed and acknowledged by the owner of the premises upon which the business is to be conducted, assenting to the granting of the license applied for and authorizing the Comptroller of the State of Maryland, his duly authorized deputies, inspectors and clerks, the Talbot County Board of Liquor License Commissioners, its duly authorized agents and employees, any Talbot County Alcoholic Beverages Inspector, deputy, or assistant, any peace officer of Talbot County and any peace officer of any incorporated municipality in which the business is to be conducted to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which the business is to be conducted, at any and all hours. The statement shall contain an acknowledgment that any evidence discovered during any lawful inspection of licensed buildings or premises shall be admissible in any prosecution for violation of this Chapter, and shall be admissible in any hearing for revocation, suspension, or restriction of the license of the person, firm, corporation or association who has obtained a license to sell alcoholic beverages in such building or premises.

O. A certificate signed by at least 10 citizens, who shall be owners of real estate and registered voters of the precinct in which the business is to be conducted, setting forth the length of time each has been acquainted with the applicant or, in the case of a corporation, with the individuals making the application. The certificate must state that the signers thereof have examined the application and have good reason to believe that all the statements contained in the application are true, that they are of the opinion that the applicant is a suitable person to obtain the license, and that they are familiar with the premises upon which the proposed business is to be conducted and believe the premises are suitable for the conduct of the business of a retail dealer in alcoholic beverages. The requirements of this section do not apply to applications for special or temporary (Class H and Class J) licenses.

P. Proof of a valid food service facility permit from the Talbot County Health Department must be shown for those classes of licenses which require the serving of food as a condition of the license or where the applicant is engaged in a business which requires such a permit.
§ 11-10 Procedure for issuance of licenses

A. General provisions

1. Published notice. Before the Board shall approve any new license, the Board shall cause a notice of such application to be published once a week for two successive weeks in a newspaper of general circulation in Talbot County. The notice shall specify the names of the individual applicants and any entity they represent, the type of license applied for and the location of the place of business proposed to be licensed as well as the date, time and location fixed by the Board for a hearing upon the application. The hearing shall be not less than seven days nor more than 30 days after the last publication.

2. Posting of property.

(a) Whenever a hearing upon a license application is scheduled, the place of business proposed to be licensed shall be posted at least 15 days prior to the hearing date by the erection of a sign to be furnished by the Board. Such sign shall be erected by the person(s) making application, within ten feet of whatever boundary line of the property abuts the most traveled public road and, if no public road abuts thereon, then facing in such a manner as most readily may be seen by the public, as designated by the Board. The bottom of the sign shall not be less than three feet from the ground. The sign furnished by the Board shall not be less than two feet high and two feet wide, and shall bear the words: NOTICE - APPLICATION HAS BEEN MADE FOR A LIQUOR LICENSE AT THIS LOCATION. Talbot County Board of Liquor License Commissioners (410) 770-8019.

(b) At the hearing, it shall be the duty of the applicant to prove by affidavit that he has fully complied with this provision and has continuously maintained the sign in compliance with this provision up to the time of the hearing. Any sign required to be posted by this provision shall be maintained in a visible location and free from obstruction until after the public hearing is held, and such sign shall be re-moved within five days after the public hearing.

(3) Notice to local jurisdiction and adjacent property owners. Whenever a hearing upon a license application is scheduled, the Board shall give at least 15 days’ notice of the time and place of such hearing to be mailed by regular United States mail, first class postage prepaid, to the applicant, to the governing body of the local jurisdiction in which the place of business proposed to be licensed is located, and to the owners of all property contiguous to the place of business proposed to be licensed and of all properties opposite said property measured at right angles to any intervening road or street. It shall be the responsibility of the applicant to furnish the Board with a complete, accurate and up-to-date list of all such property owners. The notice shall be directed to the address to which the real estate tax bill on the property is sent. The notice shall contain the same information as the published notice required in Subsection A(1) hereof. For purposes of this section the term “contiguous property owner” is to include owners of property within 1,000 feet of the subject property, whose line of sight to the subject property is entirely over water. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

(4) Hearing. At the time fixed by the notice for a hearing upon an application or upon the continuance of any such hearing, the individual applicants and representatives of the entity seeking a license shall have the first opportunity to be heard by the Board and to present evidence to the Board; provided, however, that the Board may stipulate that after the expiration of a reasonable predetermined amount of time the applicant’s presentation may be interrupted to permit opponents an opportunity to be heard. Thereafter, any interested person in attendance shall be heard by the Board on either side of the question. The applicant shall have the final opportunity to address the Board at the conclusion of all testimony or evidence. The Board shall make an adequate record of its proceedings so as to permit judicial review. The costs of reproduction of the record shall be borne by the person seeking the copy.

(5) Findings.
(a) If the Board determines that the granting of the license is not necessary for the accommodation of the public, or that the applicants are not fit persons to receive the license applied for, or have made a material false statement in the application, or have practiced fraud in connection with said application, or that the operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located, or the applicant for an off-sale license does not satisfy the requirements of § 11-8 D, or that there are other substantial reasons in the discretion of the Board why the license should not be issued, then the application shall be disapproved and the license applied for shall be refused. If no such findings are made by the Board, then the Board shall approve the application and issue the license upon the applicant’s payment of the required fee.

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

c) Any person aggrieved by the decision of the Board who appeared at the hearing before the Board shall have 30 days after the issuance of the Board’s decision to appeal the decision to the Circuit Court for Talbot County.

B. License and application fees

The license and application fees applicable to each class of license shall be established by the County Council of Talbot County in the Annual Budget and Appropriation Ordinance. All fees collected under this chapter shall be remitted to the Talbot County Finance Office. The salaries of the Board, together with the necessary office, clerical and investigational expenses of the Board, shall be paid by the County Council, as approved in the Annual Budget and Appropriation Ordinance adopted by the County Council. The balance of all fee revenue collected under this chapter, which is not expended on the approved salaries and expenses of the Board, shall be devoted to the general purposes of the County as approved by the County Council.

C. Refund of license fees

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

1. In the event of receivership or bankruptcy of the business if a transfer is not requested, and in such case the refund shall be made for the benefit of the creditors of the license holder;

2. In the event of the death of the license holder, and in such case the refund shall be made for the benefit of the estate of the deceased license holder;

3. In the event that the license holder has volunteered for or been called into the Armed Forces of the United States;

4. In the event that a license holder of one class surrenders the license and obtains a license of another class carrying a higher fee, in which case, the refund shall be deducted from the amount of the fee to be paid for the newly obtained license; or

5. In the event of receivership or bankruptcy of the business if a transfer is not requested, and in such case the refund shall be made for the benefit of the creditors of the license holder;

D. License forms; date of issue and expiration

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

E. Pro-rata license fees

The fee for every license issued for a period of less than one year (except temporary or special licenses) shall be subject to the annual fee if issued during the first three months of the license year; 3/4 of the annual fee if issued during the second quarter of the license year; 1/2 of the annual fee if issued during the third quarter of the license year; and 1/4 of the...
Chapter 11, Talbot County Code, "Alcoholic Beverages"

1366 annual license fee if issued during the fourth 1416 renewal is sought. The Board may, upon its
1367 quarter of the license year. 1417 own initiative, after notice to the applicant,
1368 1418 treat a renewal application as an original
1369 1419 application. In the event of a protest or in the
1369 F. Successive applications 1420 event that the Board determines, in the
1421 1422 exercise of its discretion, to treat a renewal
1370 If a license is refused, no application for the 1423 application as an original application, then
1371 same license shall be considered from the 1424 the application shall be heard and determined
1372 same applicant for the same premises for a 1425 as in the case of an original application. In
1373 period of one year. 1426 such cases, the Board may consider evidence
1374 §11-11 General procedures for renewal of 1427 concerning the impact of the licensed
1375 licenses 1428 establishment upon the peace and repose of
1376 A. Application for renewal 1429 the community. A factual finding, based upon
1377 The holder or holders of any expiring license 1430 clear and convincing evidence that the
1378 other than special licenses issued under the 1431 licensed establishment has significantly
1379 provisions of this chapter shall, not less than 1432 and regularly intruded upon the peace and repose
1380 30 nor more than 90 days before the first day 1433 of the neighboring property owners so as to
1381 of May of each year, file a written 1434 have a deleterious impact upon the public
1382 application, duly verified by oath, for the 1435 health, safety and welfare, shall be a
1383 renewal of the license with the Board. The 1436 sufficient basis for denial of the renewal
1384 renewal application shall state either that the 1437 application or the limitation of the hours of
1385 facts in the original application are 1438 operation of the license holder by the Board.
1386 unchanged or shall clearly and completely 1439 B. At the time of renewal of either a Class C or
1387 identify all such changes, based on which the 1440 a Class G license, the individuals listed as
1388 Board may, in its discretion, treat the renewal 1441 holding the license on behalf of a club may,
1389 application as a new application. The renewal 1442 at the discretion of the Board, be deleted, or
1389 application shall be accompanied by a 1443 the names of additional individuals may be
1390 statement, signed by the owner of the added to or substituted for any or all of the
1391 premises, consenting to the renewal of the original license holders without the necessity
1392 license and to search and seizure as in the of filing a formal application for transfer;
1393 case of the original application. A statement provided, however, that the proposed license
1394 of consent shall not be required if the owner holders are otherwise qualified, and further
1395 has previously signed such a statement in provided that the President or Chief
1396 connection with an original application or Executive Officer of the club shall certify that
1397 previous renewal application giving consent the individuals are authorized to act on behalf
1398 for the term of the owner’s lease with the of the club. When a renewal application
1399 applicant. Upon the filing of the renewal contains a request to add, delete or substitute
1400 application and the payment of the prescribed individual license holders, the Board may
1401 annual fee, the holder or holders of an approve the application, or require the filing
1402 exiring license shall be entitled to a new of an application for transfer as provided in
1403 license for another year without the filing of §11-12C hereof.
1404 further statements or the furnishing of any
1405 further information, unless such information 1406 C. The procedural rules for a renewal hearing
1406 is specifically requested by the Board. shall follow those set forth in §11-10A
1408 Renewal licenses shall be administratively hereof. Any person aggrieved by the decision
1409 approved without a hearing before the Board, of the Board who appeared at the renewal
1410 unless a protest signed by not less than 10 hearing before the Board shall have 30 days
1411 residents or property owners in the County after the issuance of the Board’s decision to
1412 election district in which the licensed place of appeal the decision to the Circuit Court for
1413 business is located has been filed against the Talbot County.
1414 granting of a renewal license at least 30 days
1415 before the expiration of the license for which

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

B. Duplicates for lost licenses

Whenever a license issued under the provisions of this chapter has been lost or destroyed, the official issuing such licenses shall have the power, upon application under oath and upon payment of a fee of $10, to issue another license, upon which shall be endorsed the word “duplicate” in addition to all of the information which appeared upon the original license.

C. Transfer of licenses

(1) General procedure.

Any holder of a license under the provisions of this chapter, including a receiver or trustee for the benefit of creditors, may, in the discretion of the Board, be permitted to transfer his place of business to some other location and/or transfer his stock-in-trade to another person, provided that an application for such transfer and/or sale shall be made and approved by the Board, and that a bulk transfer permit is obtained where the stock of alcoholic beverages is to be transferred, whether by sale, gift, inheritance, assignment or otherwise and irrespective of whether or not consideration is paid. Except as provided in Subsection C(2) hereof or in § 11-8A, the new location and/or assignee shall be approved as in the case of an original application for a license. Such transfer and/or assignment, when made, shall be reflected in the issuance of a new license or endorsed upon the original license by the official issuing the same upon payment of a fee of $10, in addition to the application fee, which shall be paid at the time of the filing of the application for transfer and/or sale. This section shall permit the transfer of class of license, location and the assignment of license in the same application.

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

When the entity which owns the business and the location of the business for which a license has been issued are to remain the same, no more than two, but less than all, of the persons listed on the license may be deleted and other persons may be substituted therefor by the submission of an application for review by the Board. The Board may provide a special application form for this purpose, which shall solicit all of the information relating to the new applicant which would be required of an original applicant, require the approval of the owners of the premises, require the certificate provided in § 11-8A, and require the consent of all license holders and of the persons whose names are to be added to the license. Additional persons may be added to those persons already listed on the license, and persons listed on the license may be deleted therefrom, in the manner provided herein, provided that the minimum number of persons required for said license shall be maintained. The Board may, in its discretion, either administratively approve said application, or cause notice of the application to be published and a hearing to be conducted as in the case of an original application.

D. License holder vacating premises

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

E. Display of licenses

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

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

G. Death of license holder

(1) Upon the death of an individual license holder, the license shall expire upon the close of the 90th day following the date of death except as herein otherwise provided. In cases where the deceased is the proprietor of the licensed premises, upon application to the Board and upon the payment of a fee of $10 made by the personal representatives of the deceased license holder, a certificate of permission may be granted for the continuation of the business in the name of the personal representatives for the benefit of the estate of the deceased for a period not exceeding the balance of the current license year, or the closing of the estate, whichever occurs first. In the event the estate has not been closed upon the expiration of the license year, the personal representatives may apply for renewal of the license, and upon payment of the required annual license fee, a renewal license may be granted; provided, however, that no application for a renewal license hereunder may be made more than 18 months after the death of the license holder. Such certificates of permission and renewal licenses will be subject to the right of protest, revocation, suspension, and restriction as in other cases, and during the continuation period, the license holder and the personal representative of the deceased shall be subject to all of the provisions of this chapter. The personal representatives to which a certificate has been granted may assign or transfer the license for the benefit of the estate, and upon the approval of the application for the transfer or assignment, the license shall be considered reinstated upon the payment of the balance of the license fee which is due until the expiration of the license year.

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

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

H. Hours of operation

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

§ 11-13 Restrictions upon license holders

A. General provisions

License holders are required to comply with all applicable provisions of this chapter and with all provisions of state law applicable to Talbot County by virtue of § 11-20 of this chapter, Article 2B, § 18-101, Annotated Code of Maryland, or Article 25, § 3(ee), Annotated Code of Maryland. Violation of any such provision is a misdemeanor, and in addition to any criminal penalty, may result in administrative sanctions including revocation or suspension of any license issued pursuant to this chapter or the imposition of a fine, or any combination thereof.

B. Service by minors restricted

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

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

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

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

C. Sales to minors and intoxicated persons prohibited

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

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

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

D. Noise regulations

The Board may regulate the time and noise
level of the playing of mechanical music
boxes, live music, and sound-making devices
that are used on licensed premises where the
sound disturbs the peace, tranquility, safety,
and health of the surrounding neighborhood.

E. Slot machine restriction

The Board shall be prohibited from issuing a
license under the provisions of this chapter to
any entity at any place at which one or more
slot machines are located, maintained, or
operated, unless the entity is a fraternal,
religious or veterans nonprofit organization
with a license to operate the slot machine(s)
issued by the Sheriff of Talbot County.

F. Alcohol Awareness Training

All employees involved in the sale of alcoholic
beverages shall successfully complete training
in an Alcohol Awareness Program within one
hundred eighty (180) days of the date of hire.
The Liquor Inspector may grant an extension
not to exceed sixty (60) days for Licensees
with less than three (3) employees whose
businesses would suffer undue hardship, due
to circumstances beyond the Licensee’s
reasonable control. Any request for a waiver
must be submitted in writing within thirty (30)
days and contain all grounds in support of the
request.

(1) For purposes of this section, “Approved
Alcohol Awareness Program,” has the
meaning and is subject to the
requirements and time limitations set
Code, as amended from time to time.

(2) Nothing in this section relieves the
licensee from compliance with any other
applicable State requirements regarding
alcohol awareness training.

(3) This section may not be construed to
create or enlarge any civil cause of action
or criminal proceeding against a licensee.

(4) Penalties. The Board shall impose the
following penalties on any licensee who
violates this section within any seven (7)
year period:

(a) 1st offense, $50.00 fine;

(b) 2nd offense, $200.00 to $500.00
  fine;

(c) 3rd offense, 2-5 day suspension;
  and,

(d) 4th or subsequent offense, 10-30 day
  suspension.
§ 11-14  Revocation and suspension of licenses

A. General provisions

1. Any license issued under the provisions of this chapter may be revoked or suspended by the Board for any cause which in the judgment of the Board is necessary to promote the peace or safety of the community in which the place of business is situated. A license may be revoked or suspended, and/or a fine imposed by the Board based upon, but not limited to, any of the following findings:

   a. Conviction of the license holder for violation of any of the provisions of this chapter or of applicable state law regulating the retail sale of alcoholic beverages.

   b. Any finding of fact in a criminal proceeding that would be sufficient to sustain a judgment or verdict of guilt for any violation of this chapter or applicable state law regulating the retail sale of alcoholic beverages, regardless of whether that finding is stricken and probation before judgment is granted.

   c. Failure or refusal of any license holder to comply with any provisions of this chapter or any applicable state law, or any rule or regulation that may be adopted pursuant to this chapter.

   d. The making of any material false statement in any application for a license.

   e. A conviction of one or more of the clerks, agents, or employees of a license holder for the violation of any of the provisions of this chapter or applicable state law on the licensed premises.

   f. A finding by the Board that one or more of the clerks, agents, or employees of a license holder violated any of the provisions of this chapter or of applicable state law on the licensed premises.

   g. Three or more violations of any provision of Chapter 159, Article I, Talbot County Code, Smoking. For purposes of this subsection, the Board may not amend, modify, or decline to impose the requisite suspension upon any licensee for the period designated in

B. Procedure for revocation or suspension

1. The Board may, on its own initiative, or upon complaints by local citizens, or upon a complaint by the State’s Attorney, any peace
§ 11-15 Violations and penalties

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

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

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

1. The Board determines that the public welfare and safety will not be impaired by allowing the license holder to operate during the suspension period and that payment of the fine will achieve the desired disciplinary purposes.

2. The fine assessed by the Board under this subsection shall not exceed $1,000 for each violation.

3. All moneys collected under this subsection shall be deposited into the general funds of Talbot County.

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

§ 11-16 Bottle club restrictions; drive-through sales

A. It shall be unlawful in Talbot County for any bottle club to sell, serve, give, dispense, keep or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages, setups or other component parts of mixed alcoholic drinks. As used in this subsection, the term “bottle club” shall mean any club which serves, sells, gives, or dispenses alcoholic beverages to its members or guests, or which keeps for its members or guests any alcoholic beverages, or which allows to be consumed on its premises any alcoholic beverages, by its members or guests, which beverages have been reserved or purchased by the members or guests; or any club at which patrons are
Chapter 11, Talbot County Code, "Alcoholic Beverages"

1938 served, given, or allowed to consume 1988 officer or person stated in the report, and that
1939 alcoholic beverages after legal closing hours 1989 the material was or contained alcohol, without
1940 from any supplies that the patrons have 1990 the necessity of the chemist or analyst
1941 previously purchased or reserved; or any club 1991 personally appearing in court, or at any
1942 that sells, dispenses, serves, keeps, or allows hearing, provided the report identifies the
1943 to be consumed any setups or other chemist or analyst as an individual certified by
1944 component parts of mixed alcoholic drinks to the Department of Health and Mental Hygiene,
1945 its members or guests.

1946 B. Drive-through sales prohibited. A licensee 1946 the material was delivered to him by the
1947 shall not sell, offer to sell, or dispense 1946 that those procedures are legally reliable, that
1948 alcoholic beverages for off-premises 1946 the material delivered to him was properly
1949 consumption through a facility commonly 1946 tested under procedures approved by the
1950 known as a “walk-up” or “drive-through” 1946 chemist or analyst who performed the test or
1951 window. [Added 4-13-1999 by Bill No. 705]

1952 § 11-17 Enforcement

1953 A. Notification requirements

1954 To aid in the enforcement of this chapter, it 1954 (1) In this section, “chain of custody” means
1955 shall be the responsibility of all law 1954 the seizing officer; the packaging officer, if the
1956 enforcement personnel, including members of 1954 packaging officer is not also the seizing
1957 the Maryland State Police, the Talbot County 1954 officer; and the chemist or person who actually
1958 Sheriff’s Department, the Talbot County 1954 touched the substance and not merely the outer
1959 State’s Attorney’s Office, the Natural 1954 sealed package in which the substance was
1960 Resources Police, and each of the municipal 1954 placed by the law enforcement agency before
1961 police departments in Talbot County, to notify 1954 or during the analysis of the substance.
1962 the Board of any violation citations issued to 1954 (2) “Chain of custody” does not include a
1963 any license holder under the provisions of this 1954 person who handled the substance in any form
1964 chapter, within 48 hours of the issuance of the 1954 after analysis of the substance.
1965 citation. The Board shall notify law 1954 (3) For the purpose of establishing, in a
1966 enforcement personnel, including members of 1954 criminal proceeding or an administrative
1967 the Maryland State Police, the Talbot County 1954 hearing under the provisions of this chapter,
1968 Sheriff’s Department, the Talbot County 1954 the chain of physical custody or control of
1969 State’s Attorney’s Office, the Natural 1954 evidence consisting of or containing a
1970 Resources Police, and the appropriate mun- 1954 substance tested or analyzed to determine
1971 icipal police department, of any license issued 1954 whether it is or contains alcohol, a statement
1972 under the provisions of this chapter which is 1954 signed by each successive person in the chain
1973 revoked or suspended, or of any fines which 1954 of custody that the person delivered it to the
1974 are imposed for a violation of this chapter.

1975 B. Chemical test report

1976 For the purpose of establishing that physical 1976 the other person indicated on or about the date
1977 evidence in a criminal proceeding or 1976 stated is prima facie evidence that the person
1978 administrative hearing under the provisions of 1976 had custody and made the delivery as stated,
1979 this chapter contains or constitutes alcohol or 1976 without the necessity of a personal appearance
1980 an alcoholic beverage, a report signed by the 1976 in court by the person signing the statement.
1981 chemist or analyst who performed the test or 1976 The statement shall contain a sufficient
1982 tests as to its nature is prima facie evidence 1976 description of the material or its container so
1983 that the material delivered to him was properly 1976 as to distinguish it as the particular item in
1984 tested under procedures approved by the 1976 question and shall state that the material was
1985 Department of Health and Mental Hygiene, 1976...
delivered in essentially the same condition as received.

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

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

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

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

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

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

**E. Physical evidence.** For the purpose of establishing that physical evidence in a criminal proceeding or an administrative hearing under the provisions of this chapter contains or constitutes alcohol, a sealed container in its original unopened condition which has a label which states that it contains alcohol or is an alcoholic beverage is prima facie evidence that the contents of the container are or include alcohol or an alcoholic beverage.

**§ 11-17-1.1 Alcoholic beverages inspector**

**A. Appointment**

The County Manager, with the approval of the Council, shall appoint an alcoholic beverages inspector and such deputies or assistants as the Council may authorize from time to time. The inspector, his deputies and assistants, shall be known as the “Talbot County alcoholic beverages inspector” or “inspector.” After appointment, an inspector shall serve at-will, and may be discharged by the County Manager at any time with or without cause.

(1) The budget for alcoholic beverages inspections and Code enforcement shall be set by the Council in the Annual Budget and Appropriation Ordinance.

(2) The inspector shall report to the Department of Administrative Services.

**B. Qualifications**

(1) An inspector shall not have been convicted of a felony or a crime of moral turpitude.

(2) A person may not qualify nor continue service as an inspector if the inspector’s immediate family has any personal or financial interest, either directly or indirectly, in any license, licensee, or in any premises licensed under the provisions of this Chapter, or in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages.

(3) An inspector may not, during the entire term of his appointment, hold any other public office, federal, State or local.
Before a person qualifies as an inspector, the person shall:

i. Make an oath to faithfully perform the duties entrusted to him as an alcoholic beverages inspector pursuant to this Chapter, as provided in Article I, § 9 of the Constitution of Maryland; and,

ii. Furnish bond in the penalty sum of $10,000 to the Board and the County Council jointly, conditioned "that the inspector shall well and faithfully execute the office of Talbot County alcoholic beverages inspector in all things appertaining thereto". The cost of the bond shall be paid by the county.

§ 11-17-1.2 Prohibited activities

An inspector may not, during the entire term of his appointment:

(1) Solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any:

(i) Person or corporation engaged in the manufacture, distribution, or sale of beer, wine, or other alcoholic beverages;

(ii) Agent or employee of that person or corporation; or

(iii) Licensee licensed under the provisions of this Chapter or the alcoholic beverage laws of the State of Maryland.

(2) Engage in any occupation, business, or profession in any way connected or associated with the manufacture, distribution, or sale of alcoholic beverages; and us

(3) Transact any business of any kind whatsoever beyond their official duties with any licensee, or in connection with the operation of any establishment licensed for the manufacture, distribution, or sale of alcoholic beverages.

(4) Have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, or in any other manner, in or on any premises where alcoholic beverages are manufactured, distributed, or sold;

(5) Have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages; or

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

§ 11-17-1.3 Powers

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

(1) Enforce all alcoholic beverages laws;

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

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

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

(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;

(6) Initiate administrative proceedings before the Board to revoke, suspend, or restrict a license;

(7) Visit and inspect at unannounced times every licensed premises in the county as directed by the Department of Administrative Services;
§ 11-17-1.5 Inspections; beverages as evidence

The Alcoholic Beverages Inspector, and his duly authorized deputies or assistants, any peace officer of the county, and any peace officer of the town in which the premises are located, or any of them, shall be fully authorized to inspect and search, without warrant, at all hours, any building and premises in which any alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit issued under the provisions of this Chapter, and any evidence discovered during any such inspections shall be admissible in any prosecution for the violation of the provisions of this Chapter, and in any hearing for revocation, suspension, or restriction of the alcoholic beverage license or permit. Any alcoholic beverages taken as evidence shall be returned to the license or permit holder if he be adjudged not guilty; otherwise they shall be sold to license holders, turned over to State institutions for medicinal use, or destroyed. Receipts from such sales shall be credited to the general fund of the County.

§ 11-18 Appeals

A. General provisions

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

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

B. Who may appeal

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

(1) In person or by representative; or
(2) By the submission of a written document that was introduced at the hearing.

C. Court costs

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

D. Scope of appeal

(1) Upon the hearing of such appeal, the action of the Board shall be presumed by the court to be proper and to best serve the public interest. The burden of proof shall be upon the petitioner to show that the decision complained of was against the public interest and that the Board’s discretion in rendering its decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of the Board and was illegal. The case shall be heard by the court without the intervention of a jury. If in the opinion of the court it is impracticable to determine the question presented to the court, in the case on appeal, without the hearing of additional evidence, or if in the opinion of the court any qualified litigant has been deprived of the opportunity to offer evidence, or if the interests of justice otherwise require that further evidence should be taken, the court may hear such additional testimony to such extent and in such manner as may be necessary or may remand the case to the Board for that purpose.

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

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

E. Further appeals

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

§ 11-19 Supplemental municipal regulation

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

§ 11-20 Conflict with other regulations

Any law enacted by the Talbot County Council pursuant to the grant of express powers in Article 25, § 3(ee), or Article 2B, § 18-101, Annotated Code of Maryland, shall prevail over any provision of the Code of Public General Laws of Maryland regulating the retail sale of alcoholic beverages. However, unless and until the Talbot County Council enacts a law which is contrary to a provision of the Code of Public General Laws regulating the retail sale of alcoholic beverages, the provisions of the Code of Public 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).