

**COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND**

2017 Legislative Session, Legislative Day No. : September 12, 2017

Bill No.: 1375

Expiration Date: November 16, 2017

Introduced by: Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) TO ESTABLISH A CRAFT BEER AND WINE BAR ENDORSEMENT AVAILABLE TO THE HOLDERS OF CLASS "E" ALCOHOL DISPENSARY LICENSES; TO ADOPT REGULATIONS GOVERNING THE RETAIL SALE OF CRAFT BEER AND WINE FOR CONSUMPTION ON THE CLASS "E" LICENSED PREMISES UNDER SUCH ENDORSEMENT; AND TO PROVIDE A PROCESS FOR APPLYING FOR AND RENEWING A CRAFT BEER AND WINE BAR ENDORSEMENT

By the Council: September 12, 2017

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, October 10, 2017 at 6:30 p.m. at the Bradley Meeting Room, Talbot County Courthouse, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order 

Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) TO ESTABLISH A CRAFT BEER AND WINE BAR ENDORSEMENT AVAILABLE TO THE HOLDERS OF CLASS “E” ALCOHOL DISPENSARY LICENSES; TO ADOPT REGULATIONS GOVERNING THE RETAIL SALE OF CRAFT BEER AND WINE FOR CONSUMPTION ON THE CLASS “E” LICENSED PREMISES UNDER SUCH ENDORSEMENT; AND TO PROVIDE A PROCESS FOR APPLYING FOR AND RENEWING A CRAFT BEER AND WINE BAR ENDORSEMENT

WHEREAS, Talbot County regulates the retail sale of alcoholic beverages in the County through Chapter 11 of the Talbot County Code; and,

WHEREAS, holders of Class “E” alcohol dispensary licenses who specialize in the retail sale of craft beers and wines spend considerable time and effort locating unique and high quality beer and wine products, yet presently have limited options for allowing their customers to try such products before they purchase them; and,

WHEREAS, the County Council desires to establish a craft beer and wine bar endorsement to benefit both Class E license holders who specialize in such products and their customers through the adoption of this legislation.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

SECTION ONE: Chapter 11 of the Talbot County Code shall be and is hereby amended as follows:

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to law by Bill
Strikethrough	Deleted from law by Bill
* * *	Existing law unaffected

* * *

§ 11-1.1 Definitions.

ALCOHOL DISPENSARY – A commercial enterprise licensed or seeking a license to engage primarily in the retail sale of packaged alcoholic beverages with such beverages occupying at least 75% of the sales area.

* * *

§ 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, except as permitted in accordance with a validly-issued craft beer and wine endorsement pursuant to § 11-6 C. of this Chapter.

* * *

§ 11-6. Endorsements.

* * *

C. Craft beer and wine bar endorsement.

- (1) Craft beer and wine bar defined. In this section, “craft beer and wine bar” means a specifically designated area located within a Class E license holder’s premises devoted to the retail sale of craft beer and wine for consumption on-site accompanied by light food service as provided herein. “Craft beer” means beer produced by independently-owned breweries in small-batches.
- (2) General provisions and requirements.
 - (a) Only holders of a Class E license issued pursuant to § 11-5 A. of this Chapter shall be eligible for a craft beer and wine bar endorsement. The endorsement shall authorize the holder thereof to sell and serve at retail craft beer and wine for consumption on the licensed premises. Alcoholic beverages other than craft beer and wine shall not be sold or served for consumption on premises.
 - (b) The holder of a craft beer and wine endorsement shall offer food to patrons limited to hors d’oeuvres, appetizers, small savory dishes, such as cheeses.

bread, and cured meats, cold sandwiches, and desserts, which shall be available at all times the craft beer and wine bar is open.

- (c) The area occupied by the craft beer and wine bar shall be specifically designated and clearly marked. On-premises consumption of alcoholic beverages under the endorsement may only occur in the specifically designated and marked area.
- (d) The area devoted to the craft beer and wine bar shall be incidental and secondary to the principal use of the licensed premises as a Class E alcohol dispensary. Establishment of a craft beer and wine bar does not relieve the license holder from the obligation to comply with the 75% sales area requirement contained in the definition of "alcohol dispensary" set forth in § 11-1.1 of this Chapter, except to the extent a lesser sales area lawfully existed prior to the adoption of such definition and has not since been abandoned. Areas of the craft beer and wine bar that are interspersed with displays containing packaged alcoholic beverages offered at retail for consumption off-premises shall count towards meeting the minimum sales area percentage requirement found in the definition of "alcohol dispensary". Nothing in this section shall be construed as preventing the holder of a Class E license from expanding the size or floor area of the business in connection with obtaining a craft beer and wine bar endorsement, provided the expanded business complies with all applicable laws, rules, and regulations.
- (e) A craft beer and wine bar shall provide seating for no more than forty (40) people.
- (f) The contents of any bottle or container opened for sale, sampling, or tasting purposes shall not be mixed with any other bottle or container of alcohol.
- (g) The holder of the endorsement shall obtain all governmental permissions or approvals needed to establish the craft beer and wine bar, including, without limitation, planning and zoning approvals, Health Department and State Fire Marshal approvals, as applicable.
- (h) The holder of a craft beer and wine bar endorsement shall ensure that all persons involved in the sale or service of alcoholic beverages for consumption on premises receive alcohol awareness training in accordance with § 11-13 F. of this Chapter.
- (i) The holder of a craft beer and wine bar endorsement shall operate the business in accordance with all applicable laws, including without limitation this Chapter and the Alcoholic Beverages Article, Md. Code Ann. All restrictions on license holders set forth in § 11-13 of this Chapter shall apply to craft beer and wine bar endorsements.

- (j) The establishment of a craft beer and wine bar on the Class E licensed premises shall be authorized in writing and signed by the owner of premises.
- (k) Notwithstanding anything in this Chapter or State law to the contrary, the hours of operation for a craft beer and wine bar shall be limited from the hours of 11:00 a.m. to 11:00 p.m. seven days a week.

(3) Application, fees, and renewals.

- (a) Application. The holder of a Class E license may apply for a craft beer and wine bar endorsement at anytime. The application shall be submitted in writing on a form satisfactory to the Board of Liquor License Commissioners for Talbot County and shall be accompanied by the following:
 - i. Current copy of the Class E license;
 - ii. Floor plan schematic showing where the craft beer and wine bar will be located on the premises; a calculation establishing compliance with the 75% sales area percentage limitation referenced in § 11-6 (C) (2) (d) of this Chapter, above, and, the proposed seating arrangement;
 - iii. Signed and notarized statement from the owner of the premises granting permission to establish a craft beer and wine bar on the premises and authorizing County officials to enter on the property from time to time for purposes of verifying compliance with the license, endorsement, and this Chapter;
 - iv. Copies of any and all governmental permissions and approvals needed to establish the proposed craft beer and wine bar, including, without limitation, approvals from the Talbot County Health Department and State Fire Marshal, as applicable, and a letter from the County Planning Director or applicable town planning and zoning director confirming that the proposed craft beer and wine bar is an acceptable use under the jurisdiction's planning and zoning laws;
 - v. Notwithstanding the foregoing, an applicant for a craft beer and wine bar endorsement under this section may request that approval of such endorsement be granted prior to obtaining other necessary governmental approvals, in which event issuance of the endorsement shall be expressly conditioned upon the applicant subsequently obtaining and providing copies of all required governmental approvals, as specified above, to the Board of Liquor License Commissioners for Talbot County within a reasonable time period to be set in the Board's sole discretion; and,

- vi. Statement under oath signed by the holder of the Class E license that at the time of the application the licensed establishment, to the best of the holder's knowledge and belief, is not in violation of any State or local laws related to the possession or retail sale of alcoholic beverages, and that all business entities affiliated with the licensed premises are duly registered and in good standing with the State of Maryland.

- (b) Approval process. The issuance of a craft beer and wine bar endorsement shall follow the general provisions on the issuance of a new license set forth in § 11-10 A. of this Chapter.

- (c) Fees. The annual fee for a craft beer and wine bar endorsement is \$500. This amount shall be prorated upon the issuance of a new craft beer and wine bar endorsement and thereafter payable in full each year upon renewal.

- (d) Renewals. Duly issued craft beer and wine bar endorsements shall be renewed annually as a part of the license holder's annual Class E license renewal, unless the holder no longer wishes to operate a craft beer and wine bar, in which event the holder shall provide the Board of Liquor License Commissioners for Talbot County written notice of the same in lieu of filing for a renewal of the endorsement. The holder shall submit an application for a renewal of the endorsement on a form prepared by the Board of Liquor License Commissioners for Talbot County.

- (4) Violations and penalties. Violations of this Chapter, orders, conditions or approvals issued hereunder, or applicable State law arising from or related to the operation of a craft beer and wine bar shall be processed in accordance with §§ 11-14 and 11-15 of this Chapter. In addition to any other remedy available under this Chapter or under the law, the Board of Liquor License Commissioners for Talbot County may impose a fine or suspend the craft beer and wine endorsement or the underlying Class E license or revoke the endorsement or license, or any combination thereof, upon finding that such a violation occurred.

* * *

SECTION TWO: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter §213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of the Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of

such Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in the Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

[Balance of this page intentionally left blank]

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____ at _____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the third time.

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Williams -

Pack -

Bartlett -

Price -

Callahan -

EFFECTIVE DATE: _____