COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2017 Legislative Session, Legislative Day No. : November 14, 2017

Bill No.: 1377

Expiration Date: January 18, 2018

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 CLASS "I" LICENSE FOR ALCOHOL DISPENSARY BISTROS AUTHORIZING THE HOLDER THEREOF TO SELL AT RETAIL BOTH PACKAGED CONTAINERS OF BEER, WINE, AND LIQUOR FOR CONSUMPTION OFF-PREMISES AND CRAFT BEER AND WINE FOR CONSUMPTION ON-PREMISES AT THE SAME LOCATION DESCRIBED IN THE LICENSE

By the Council: November 14, 2017

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 12, 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

Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) TO ESTABLISH A CLASS "I" LICENSE FOR ALCOHOL DISPENSARY BISTROS AUTHORIZING THE HOLDER THEREOF TO SELL AT RETAIL BOTH PACKAGED CONTAINERS OF BEER, WINE, AND LIQUOR FOR CONSUMPTION OFF-PREMISES AND CRAFT BEER AND WINE FOR CONSUMPTION ON-PREMISES AT THE SAME LOCATION DESCRIBED IN THE LICENSE

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

WHEREAS, alcohol dispensaries specializing in craft beer and wine and their customers have expressed interest in combining the traditional features of an off-sale alcohol dispensary with an on-sale bistro to provide a unique, community-based dining out experience; and,

WHEREAS, the County Council desires to create a new class of liquor license to accommodate demand for the alcohol dispensary bistro concept while adopting certain rules and regulations to protect the public health, safety, and welfare.

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

Underlining.....Added to law by Bill

~~Strikethrough~~.....Deleted from law by Bill

* * * ..... Existing law unaffected

* * *

§ 11-1.1. Definitions.

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ALCOHOL DISPENSARY BISTRO – A commercial enterprise and limited food service facility licensed or seeking a license to engage in both the sale of packaged alcoholic

beverages for consumption off-premises and craft beer and wine for consumption on-premises at the same location with light food service and seating for no more than forty (40) people. An alcohol dispensary bistro shall not include pharmacies, chain or franchise supermarkets, and establishments that sell, or are affiliated with the sale of, gasoline and other petroleum-based products to motorists.

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CHAIN OR FRANCHISE SUPERMARKET – A retail grocery or food store doing business at multiple locations under a common name regardless of the form or system of ownership.

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CRAFT BEER - Beer produced by independently-owned breweries in small-batches.

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§ 11-5. Beer, wine and liquor licenses.

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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 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.

(6) Interim Fee. In accordance with § 11-10 B. of this Chapter, the County Council of Talbot County shall establish the fee for a Class I license in the Annual Budget and Appropriations Ordinance. Until such time as the County Council has done so, the fee for a Class I license shall be $2,500.00. Once the the County Council has established a Class I license fee in the budget, this § 11-5 H. (6) shall automatically be of no further force or effect.

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§ 11-8. General provisions on issue of licenses.

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D. Restrictions upon off-sale licenses, market-test, grandfathering.

(1) New off-sale licenses shall be issued only to alcohol dispensaries, alcohol dispensary bistros, supermarkets, restaurants, cafes, hotels, and convenience stores.

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(2) Except for Class A licenses for supermarkets and Class I licenses for alcohol dispensary bistros issued to the holder of a Class E license to replace the Class E license, off-sale licenses are subject to the following requirements. The Board shall limit and restrict the number of new off-licenses as set forth in this section.

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

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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 -

Price -

Bartlett -

Pack -

Callahan -

EFFECTIVE DATE: