COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2018 Legislative Session, Legislative Day No. : September 25, 2018

Bill No.: 1405

Expiration Date: November 29, 2018

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

A BILL TO AMEND CHAPTER 11 (ALCOHOLIC BEVERAGES) OF THE TALBOT COUNTY CODE TO CHANGE THE SUPERVISOR OF THE ALCOHOLIC BEVERAGES INSPECTOR TO THE DEPARTMENT OF PLANNING AND ZONING

By the Council: September 25, 2018

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, October 23, 2018 at 6:30 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse 11 N. Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran
Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 11 (ALCOHOLIC BEVERAGES) OF THE TALBOT COUNTY CODE TO CHANGE THE SUPERVISOR OF THE ALCOHOLIC BEVERAGES INSPECTOR TO THE DEPARTMENT OF PLANNING AND ZONING

WHEREAS, Section 11-17-1.1 of Chapter 11 (Alcoholic Beverages) of the Talbot County Code provides that the Talbot County Alcoholic Beverages Inspector reports to the Department of Administrative Services; and

WHEREAS, the Department of Planning and Zoning supervises the Talbot County Code Compliance Officers, who enforce the majority of the Talbot County Code, with certain exceptions detailed in Talbot County Code § 58-1; and

WHEREAS, in the past, the Talbot County Alcoholic Beverages Inspector position has been a part-time position; and

WHEREAS, the County recently hired an individual to serve both as the Talbot County Alcoholic Beverages Inspector and as a Code Compliance Officer, which allows the employee serving as the Talbot County Alcoholic Beverages Inspector to work full-time; and

WHEREAS, such employee should have the same supervisor for both elements of their employment; it is

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

SECTION ONE: The above recitals are incorporated as if fully set forth herein;

SECTION TWO: Upon introduction of this Bill, a public hearing will be scheduled and advertised in a newspaper of general circulation in the County advising the public of the date, time, place and purpose of the public hearing for receipt and consideration of public comment;

SECTION THREE: BE IT ENACTED by the Talbot County Council, that Chapter 58 of the Talbot County Code is hereby created as set forth below:

KEY

Boldface.....Heading or defined term

Underlining.....Added to law by Bill

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

* * * ..... Existing law unaffected

* * *

§ 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 Planning and Zoning ~~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 or 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.

(4) Before a person qualifies as an Inspector, the person shall:

(a) 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

(b) 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.

SECTION FOUR: 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 FIVE: AND BE IT FURTHER ENACTED, that if any provision of this Ordinance, 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 Plan which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION SIX: 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 this Ordinance, 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 SEVEN: 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 p.m. 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: _____