COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2020 Legislative Session, Legislative Day No. : January 14, 2020

Bill No.: 1442

Expiration Date: March 19, 2020

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher

A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) TO ALLOW THE BOARD OF LIQUOR LICENSE COMMISSIONERS TO ISSUE A LICENSE FOR ON-PREMISES CONSUMPTION OF MIXED DRINKS TO CLASS ONE DISTILLERIES

By the Council: January 14, 2020

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, February 11, 2020 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 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 ALLOW THE BOARD OF LIQUOR LICENSE COMMISSIONERS TO ISSUE A LICENSE FOR ON-PREMISES CONSUMPTION OF MIXED DRINKS TO CLASS ONE DISTILLERIES

WHEREAS, Maryland Code Ann. Alcoholic Beverages § 2-202 was amended effective July 1, 2019, to allow local licensing boards to issue licenses to holders of Class One Distillery Permits to sell mixed drinks made from liquor that the holder produces for on-premises consumption; and

WHEREAS, such amendment also requires that the holder may not use more than an annual aggregate of 7,750 gallons of liquor the holder produces for mixed drinks served pursuant to such license and requires that the holder shall also comply with alcohol awareness requirements, as well as all applicable trade practice restrictions; and

WHEREAS, the County Council believes that it is appropriate to allow the Talbot County Board of Liquor License Commissioners to issue such licenses, as stated herein.

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

SECTION ONE: Chapter 11 of the *Talbot County Code* is hereby amended as follows:

KEY

Boldface.....Heading or defined term

Underlining .....Added by Bill

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

* * * ..... Existing law unaffected

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Chapter 11 Alcoholic Beverages

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§ 11-1.1 Definitions

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DISTILLERY
A commercial enterprise with a current, valid license to operate as a Class One Distillery by the State of Maryland.

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§ 11-5.1 Liquor License

(A) Distillery On-Premises License, Class K

(1) General provisions. A Class K Distillery On-Premises License shall be issued only to a Distillery, as defined in this Chapter, and shall authorize the holder thereof to sell, at retail, mixed drinks made from liquor that the holder has produced that is mixed with other non-alcoholic ingredients for consumption on the premises of the distillery only.

(2) Requirements for license. A Class K Distillery On-Premises 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 K Distillery On-Premises License may be exercised shall be from 10:00 a.m. to 10:00 p.m.

(4) The total amount of distilled spirits sold in mixed drinks under the Class K Distillery On-Premises License must not exceed an aggregate of 7750 gallons annually. The holder must provide information related to the number of gallons sold upon request by enforcement authorities.

(5) No alcoholic beverages are to be sold for off-premises consumption except as allowed by the holder's State-issued distillery license.

(6) If the holder's State-issued distillery license expires or is suspended or revoked by the State of Maryland, the Distillery On-Premises License is suspended or revoked automatically.

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§ 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:

* * *

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 shall be exempt from this requirement.

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SECTION TWO: In accordance with § 11-10.B of the Talbot County Code, the County Council shall establish the fee for a Class K Distillery On-Premises License in the Annual Budget and Appropriations Ordinance. Until such time as the County Council has done so, the fee for a Class K Distillery On-Premises License shall be Seven Hundred and Fifty Dollars ($750.00).

SECTION THREE: 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 this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION FOUR: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is 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: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1442 having been published, a public hearing was held on Tuesday, February 25, 2020 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: **February 25, 2020**

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

Pack	-	Aye
Divilio	-	Aye
Callahan	-	Aye (via telephone)
Price	-	Nay
Lesher	-	Aye

EFFECTIVE DATE: April 25, 2020