

Chapter 11

ALCOHOLIC BEVERAGES

Table of Contents

§ 11-1 Title 3

§ 11-1.1 Definitions 3

 (1) Alcohol dispensary 3

 (2) Café 3

 (3) Chain store 3

 (4) Convenience store 3

 (6) Hotel 3

 (7) Restaurant 3

 (8) Supermarket 3

 (9) Theater 3

§ 11-2 Purpose 3

§ 11-3 Administration by Board of Liquor License Commissioners 3

§ 11-4 Beer and light wine licenses 4

 A. Beer and light wine license, Class A (off-sale) alcohol dispensaries, supermarkets, chain stores, and convenience stores 4

 B. Beer and light wine license, Class B (on-sale), hotels and restaurants 4

 B-1. Beer and light wine license, Class B-R (off-sale), hotels and restaurants 5

 C. Beer and light wine license, Class B-T (on-sale), certain nonprofit theaters 5

 D. Beer and light wine license, Class C (on-sale), clubs 5

 E. Beer and light wine license, Class D (on-and off-sale), marinas 5

§ 11-5 Beer, wine and liquor licenses 6

 A. Beer, wine and liquor license, Class E (off-sale) alcohol dispensaries 6

 B. Beer, wine and liquor license, Class F (on and off-sale), hotels and restaurants 6

 C. Beer, wine and liquor license, Class F-A (on-sale), hotels and restaurants 7

 D. Beer, wine and liquor license, Class G (on-sale), clubs 8

 E. Beer, wine and liquor license, Class GC (on-sale), golf courses 8

 F. Beer, wine and liquor license, Class B-F (on-sale) banquet facility 8

§ 11-6 Endorsements 9

 A. Caterer’s endorsement 9

 B. Special festival endorsement 9

§ 11-7 Special and temporary licenses 10

 A. Special beer and light wine license, Class H (on-sale), seven days 10

 B. Special beer, wine and liquor license, Class J (on-sale), seven days 10

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

 D. Temporary removal license 10

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

 A. License requirements for corporation, limited liability company, partnership, club or association 11

 B. No more than two licenses for same person 11

 C. Zoning restrictions 11

§ 11-9 License application filing requirements. 12

§ 11-10 Procedure for issuance of licenses.14

 A. General provisions 14

 B. License and application fees 15

 C. Refund of license fees 15

 D. License forms; date of issue and expiration 16

 E. Pro rata license fees 16

 F. Successive applications 16

§ 11-11 General procedures for renewal of licenses 16

 A. Application for renewal 16

§ 11-12 Rights and duties of license holders 17

 A. License not property 17

 B. Duplicates for lost licenses 17

 C. Transfer of licenses 17

 (1) General procedure 17

 (2) Addition, deletion or substitution of license holders 17

 D. License holder vacating premises 18

 E. Display of licenses 18

 F. Availability of ordinance 18

 G. Death of license holder 18

H. Hours of operation. 18

§ 11-13 Restrictions upon license holders. 19

 A. General provisions. 19

 B. Service by minors restricted. 19

 C. Sales to minors and intoxicated persons prohibited. 19

 D. Noise regulations. 19

 E. Slot machine restriction. 19

§ 11-14 Revocation and suspension of licenses. 19

 A. General provisions. 19

 B. Procedure for revocation or suspension. .. 20

§ 11-15 Violations and penalties. 21

§ 11-16 Bottle club restrictions; drive-through sales. 21

§ 11-17 Enforcement. 22

 A. Notification requirements. 22

 B. Chemical test report. 22

 C. Chain of custody. 22

 D. Presence of chemist or analyst at criminal proceeding. 23

§ 11-18 Appeals. 23

 A. General provisions. 23

 B. Who may appeal. 23

 C. Court costs. 23

 D. Scope of appeal. 23

 E. Further appeals. 24

§ 11-19 Supplemental municipal regulation. 24

§ 11-20 Conflict with other regulations. 24

GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

§ 11-1 Title.

1 This chapter shall be known and may be cited as
2 the "Talbot County Alcoholic Beverages
3 Ordinance."

4 **§ 11-1.1 Definitions**

5 (1) Alcohol dispensary -- a commercial enter-
6 prise engaged primarily in the retail sale of
7 packaged alcoholic beverages with such
8 beverages occupying at least seventy five
9 percent (75%) of the sales area, licensed by
10 this Chapter to keep for sale and sell
11 alcoholic beverages, at retail, in any quantity
12 to any consumer, at the place described in the
13 license, in a sealed package or container.

14 (2) Café -- a limited food service facility not to
15 exceed 20 seats located in a marina that
16 regularly prepares and serves full meals, which
17 may include a sandwich menu.

18 (3) Chain store -- any one of two or more retail
19 stores under the same general management or
20 ownership.

21 (4) Convenience store -- a small-scale retail store
22 less than 8,000 square feet located to serve
23 highway or neighborhood demand for light
24 food service, sandwiches, or snack foods for
25 immediate consumption or carry out, having a
26 limited selection of grocery items, over-the-
27 counter medicines, cosmetics, household
28 supplies and limited beer and wine items
29 occupying not more than twenty-five percent
30 (25%) of the sales area, licensed by this
31 Chapter to keep for sale and sell alcoholic
32 beverages, at retail, in any quantity to any
33 consumers, at the place described in the
34 license, in a sealed package or container.

35 (5) Gas station -- a location that dispenses
36 petroleum products for motor vehicles through
37 pumps.

38 (6) Hotel -- a lodging place offering overnight
39 sleeping accommodations with at least
40 twenty-five (25) bedrooms having a food
41 service facility that regularly prepares and

42 serves meals on the premises where alcoholic
43 beverages are to be sold.

44 (7) Restaurant -- a food service facility with
45 capacity to seat at least twenty (20) persons,
46 counting any outdoor seating, regularly
47 servicing at least two meals per day, which may
48 include a sandwich menu, that maintains a
49 kitchen staffed for serving food that opens
50 within one hour after the facility or opens and
51 remains in continuous operation until at least
52 two hours before alcoholic beverages are no
53 longer served.

54 (8) Supermarket -- a retail grocery or food store
55 which contains a floor area of not less than
56 20,000 gross square feet.

57 (9) Theater, nonprofit -- a qualified business
58 organization operating as a nonprofit or
59 charitable organization under Maryland law, or
60 that has been determined to be an exempt
61 organization pursuant to Section 501 (c) (3) of
62 the Internal Revenue Code that is (1) housed
63 within a building; (2) as a minimum seating
64 capacity of 100 persons; and, (3) regularly
65 presents live entertainment as part of its
66 schedule.

67
68 **§ 11-2 Purpose.**

69 The County Council ~~of Talbot County~~ declares
70 that the purpose of this chapter is to regulate the
71 retail sale of alcoholic beverages within Talbot
72 County, pursuant to the authority granted in § 18-
73 101 of Article 2B of the Annotated Code of
74 Maryland. The regulations, provisions, restrictions
75 and penalties contained in this chapter are for the
76 protection, health, welfare and safety of the
77 citizens of Talbot County.

78 **§ 11-3 Administration by Board of Liquor**
79 **License Commissioners.**

80 This chapter shall be administered and enforced
81 by the Talbot County Board of Liquor License
82 Commissioners (the "Board"). The Board may
83 adopt such written rules and regulations as it
84 deems necessary to carry out the provisions of this
85 chapter, subject to the approval of the County
86 Council ~~of Talbot County~~. ~~In the event that any~~
87 ~~member of the Talbot County Board of Liquor~~
88 ~~License Commissioners shall have a personal~~
89 ~~interest of any kind in a matter before the Board,~~

90 ~~the member shall disclose his interest and be~~
91 ~~disqualified from voting upon the matter.~~ Chapter
92 60, Ethics, ~~of the~~ Talbot County Code, shall apply
93 to members of the Board.

94 **§ 11-4 Beer and light wine licenses.**

95 A. **Beer and light wine license, Class A (off-**
96 **sale) alcohol dispensaries, supermarkets,**
97 **chain stores, and convenience stores.**

98 (1) General provisions. A Class A beer and
99 light wine license shall be issued only to
100 alcohol dispensaries, supermarkets, chain
101 stores, and convenience stores, and shall
102 authorize the holder thereof to keep for sale
103 and sell beer and light wine, at retail, in any
104 quantity to any consumers, at the place
105 described in the license, in a sealed package or
106 container, which package or container may not
107 be opened nor its contents consumed on the
108 premises where sold. Notwithstanding the
109 limitation on the issuance of a Class A license
110 to alcohol dispensaries, supermarkets, chain
111 stores, and convenience stores set forth above,
112 any holder of a Class A license, lawfully
113 issued and validly existing on the effective
114 date of this ordinance shall be entitled to
115 renew the same at the existing location
116 provided that all such applications for renewal
117 otherwise comply with all then-existing
118 ordinance, laws, and regulations, as amended
119 from time to time.

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

125 (3) Light wine and beer tasting, alcohol
126 dispensaries. Other provisions of this chapter
127 to the contrary notwithstanding, the holder of a
128 valid Class A license issued to an alcohol
129 dispensary shall be authorized to serve not
130 more than one ounce from no more than three
131 bottles or containers of beer or light wine to
132 any one person for sampling or tasting
133 purposes. Once opened, any bottles or
134 containers of beer or light wine to be sampled
135 shall be accurately and specifically marked for
136 sampling or tasting purposes only or shall be
137 discarded and shall not be offered for sale. The
138 contents of any bottle or container opened for
139 sampling or tasting purposes shall not be
140 mixed with any other bottle or container. Any

141 beer or light wine sampling or tasting
142 authorized by this section shall be permitted
143 on the licensed premises only.

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

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

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

169 (1) General provisions. A Class B beer and
170 light wine license shall authorize the holder
171 thereof to keep for sale and sell beer and light
172 wine, at retail, at any hotel or restaurant, at the
173 place described in the license, for consumption
174 on the premises. [Amended 7-24-2007 by Bill
175 No. 1063]

176 (2) From and after the effective date of this
177 ordinance the application for issuance or
178 renewal of a Class B license shall also include
179 all information required to obtain a caterer's
180 endorsement in accordance with § 11-6A.
181 Subject to all requirements otherwise applic-
182 able to a caterer's endorsement, all Class B
183 licenses issued or renewed after this ordinance
184 becomes law shall include a caterer's endorse-
185 ment as part of their issuance or renewal,
186 unless the applicant affirmatively declines the
187 same.

188 (3) Hours. The hours during which the
189 privileges conferred by a Class B license may
190 be exercised shall be from 6:00 a.m. to 2:00

191 a.m. on the following day, except on Sunday
 192 the hours shall be from 10:00 a.m. to 2:00 a.m.
 193 on the following day.

194 **B-1. Beer and light wine license, Class B-R**
 195 **(off-sale), hotels and restaurants.**

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

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

216 (3) Hours. The hours during which the
 217 privileges conferred by a Class B-R license
 218 may be exercised shall be from 6:00 a.m. to
 219 2:00 a.m. on the following day, except on
 220 Sunday the hours shall be from 10:00 a.m. to
 221 2:00 a.m. on the following day.

222 **C. Beer and light wine license, Class B-T**
 223 **(on-sale), certain nonprofit theaters.**

224 (1) General provisions. A Class B-T beer
 225 and light wine license shall be issued only to
 226 nonprofit theaters and shall authorize the
 227 holder thereof to keep for sale and sell beer
 228 and light wine, at retail, ~~at any theater~~
 229 ~~qualified under Subsection C(2) hereof,~~ at the
 230 place described in the license, for consumption
 231 on the premises only.

232 (2) Requirements for license. A Class B-T
 233 license shall not be issued until all
 234 requirements for licensing have been met, ~~and~~
 235 ~~it is demonstrated that:~~

236 ~~(a) The theater operation qualifies either as a~~
 237 ~~nonprofit or charitable organization under~~
 238 ~~Maryland law, or has been determined to be an~~

239 ~~exempt organization pursuant to Section~~
 240 ~~501(e)(3) of the Internal Revenue Code;~~

241 ~~(b) The theater is housed within a building;~~

242 ~~(c) The theater has a minimum seating~~
 243 ~~capacity of 100 persons; and~~

244 ~~(d) The theater regularly presents live~~
 245 ~~entertainment as a part of its schedule.~~

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

258 (4) Hours. The hours during which the
 259 privileges conferred by a Class B-T license
 260 may be exercised shall be from 12:00 noon to
 261 12:00 midnight each day; provided, however,
 262 that the sale and consumption of beer and light
 263 wine shall be restricted to a period of time
 264 beginning two hours before any scheduled
 265 entertainment and concluding one hour after
 266 said entertainment.

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

269 (1) General provisions. A Class C beer and
 270 light wine license shall authorize the holder
 271 thereof to keep for sale and sell beer and light
 272 wine, at retail, to bona fide members and their
 273 guests at any club, at the place described in the
 274 license, for consumption on the premises only.
 275 [Amended 12-14-1999 by Bill No. 742; 4-24-
 276 2001 by Bill No. 811]

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

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

284 (1) General provisions. A Class D beer and
285 light wine license shall authorize the holder
286 thereof to keep for sale and sell beer and light
287 wine, at retail, at any marina, at the place
288 described in the license, for consumption on
289 the premises and elsewhere. All sales and
290 consumption of alcoholic beverages on the
291 premises shall occur in a café regularly
292 preparing and serving full meals, which may
293 include a sandwich menu.

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

299 **§ 11-5 Beer, wine and liquor licenses.**

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

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

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

317 (3) Wine and beer tasting. alcohol dispen-
318 saries. Other provisions of this chapter to the
319 contrary notwithstanding, the holder of a valid
320 Class E license that is also an alcohol
321 dispensary shall be authorized to serve not
322 more than one ounce from no more than three
323 bottles or containers of wine or beer to any one
324 person for sampling or tasting purposes. Once
325 opened, any bottles or containers of wine or
326 beer to be sampled shall be accurately and
327 specifically marked for sampling or tasting
328 purposes only or shall be discarded and shall
329 not be offered for sale. The contents of any
330 bottle or container opened for sampling or
331 tasting purposes shall not be mixed with any
332 other bottle or container. Any wine or beer
333 sampling or tasting authorized by this section

334 shall be permitted on the licensed premises
335 only.

336 (4) Notwithstanding the limitation on issuance
337 of Class E licenses to alcohol dispensaries in
338 paragraph (1) above, any holder of a Class E
339 license, except for any pharmacy, that was
340 lawfully issued and validly existing on the
341 effective date of this ordinance shall be
342 entitled to renew the same at the existing
343 location provided that all such applications for
344 renewal otherwise comply with all then-
345 existing ordinances, laws, and regulations, as
346 amended from time to time. Any such Class E
347 license held by or for the benefit of any
348 pharmacy may be renewed as a Class E license
349 for one renewal period only. Thereafter, it may
350 not be renewed as a Class E license, but the
351 holder shall be entitled to change the
352 classification to a Class A license at the
353 existing location and obtain a Class A license
354 for that location through the license renewal
355 process.

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

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

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

376 (a) No new Class F licenses shall be issued
377 after the effective date of this ordinance. Upon
378 expiration of an existing Class F license, all
379 licensees holding a Class F license lawfully
380 issued and validly existing on the effective
381 date of this ordinance shall be entitled to apply
382 for and obtain both a Class B-R license and a
383 Class F-A license for the premises described in
384 the Class F license provided that all such

385 applications for renewal otherwise comply
386 with all then-existing ordinances, laws, and
387 regulations, as amended from time to time.

388 (b) Upon the expiration of an existing Class F
389 license, any renewal application for the place
390 described in the existing license shall also
391 include all information required to obtain a
392 caterer's endorsement in accordance with §
393 11-6A. Subject to all requirements otherwise
394 applicable to a caterer's endorsement, all
395 licensees holding an existing Class F license
396 that was lawfully issued and validly existing
397 on the effective date of this ordinance shall be
398 entitled to a caterer's endorsement as part of
399 their renewal, unless the applicant affirma-
400 tively declines the same.

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

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

410 (b) A restaurant which seats at least ~~35~~ 20
411 persons, maintains a kitchen staffed for
412 serving food and provides a menu for at least
413 two meals per day on a regular basis, the menu
414 ~~not to be a so-called~~, which may include a
415 sandwich menu; or

416 (c) A restaurant which seats at least ~~35~~ 20
417 persons and maintains a kitchen staffed for
418 serving food, which is open ~~at least~~ within one
419 hour after the restaurant opens and is in
420 continuous operation serving a full menu until
421 at least two hours before the restaurant closes.

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

428 (4) This section, § 11-5 B, including without
429 limitation the Class F license classification,
430 and each paragraph and sub-paragraph, shall
431 be repealed and of no further force or effect
432 upon the later of: (1) the expiration of all
433 existing Class F licenses; and, (2) the issuance

434 of Class B-R and Class F-A licenses to
435 existing Class F licensees entitled to receive
436 the same for the place described in the existing
437 Class F license; and, (3) compliance with the
438 requirements of Paragraph (1) (b), above,
439 regarding issuance of caterer's endorsements;
440 or, (4) expiration of the right to renew, without
441 renewal, for existing Class F licenses such that
442 the transition from Class F to Class B-R and
443 Class F-A has been completed or waived for
444 all existing Class F licensees.

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

447 (1) General provisions. A Class F-A beer,
448 wine and liquor license shall be issued only to
449 a hotel or restaurant and shall authorize the
450 holder thereof to keep for sale and sell all
451 alcoholic beverages, at retail, ~~at any hotel or~~
452 ~~restaurant qualified under Subsection C(2)~~
453 ~~hereof. All sales shall be~~ for consumption on
454 the premises only, at the place described in the
455 license.

456 (a) The application for issuance or renewal of
457 a Class F-A license shall include all infor-
458 mation required to obtain a caterer's endorse-
459 ment in accordance with § 11-6A. Subject to
460 all requirements otherwise applicable to a
461 caterer's endorsement, all Class F-A licenses
462 issued or renewed after the effective date of
463 this ordinance shall include a caterer's
464 endorsement as part of their issuance or
465 renewal, unless the applicant affirmatively
466 declines the same.

467 (2) Requirements for license. A Class F-A
468 license shall not be issued until all
469 requirements for licensing have been met; ~~and~~
470 ~~the place described in the license is~~
471 ~~demonstrated to be:~~

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

476 ~~(b) A restaurant which seats at least 35~~
477 ~~persons, maintains a kitchen staffed for~~
478 ~~serving food and provides a menu for at least~~
479 ~~two meals per day on a regular basis, the menu~~
480 ~~not to be a so-called sandwich menu; or~~

481 ~~(c) A restaurant which seats at least 35~~
482 ~~persons and maintains a kitchen staffed for~~

483	servicing food, which is open at least one hour	532	at the place described in the license, for
484	after the restaurant opens and is in continuous	533	consumption on the premises only.
485	operation serving a full menu until at least two		
486	hours before the restaurant closes.	534	(2) Requirements for license. A Class GC
		535	license shall be issued only to a golf course
487	(3) Hours. The hours during which the	536	which is open to the public and has a golf
488	privileges conferred by a Class F-A license	537	course with a minimum of 18 holes. A licensee
489	may be exercised shall be from 6:00 a.m. to	538	may sell beer, wine and liquor for
490	2:00 a.m. on the following day, except on	539	consumption only on the land and in the
491	Sunday the hours shall be from 10:00 a.m. to	540	buildings, including the clubhouse, used for
492	2:00 a.m. on the following day.	541	golfing purposes. A patron need not be seated
		542	to be served.
493	D. Beer, wine and liquor license, Class G		
494	(on-sale), clubs.	543	(3) Hours. The hours during which the
		544	privileges conferred by a Class GC license
495	(1) General provisions. A Class G beer, wine	545	may be exercised shall be from 7:00 a.m. to
496	and liquor license shall authorize the holder	546	10:00 p.m. each day.
497	thereof to keep for sale and sell all alcoholic		
498	beverages, at retail, at any club qualified under	547	F. Beer, wine and liquor license, Class B-F
499	Subsection D(2) hereof, at the place described	548	(on-sale) banquet facility. [Added 11-
500	in the license, for consumption on the premises	549	23-2004 by Bill No. 966]
501	only.		
		550	(1) General provisions. A Class B-F beer,
502	(2) Requirements for license. A Class G	551	wine and liquor license shall authorize the
503	license shall be issued only to a club which is	552	holder thereof to keep for sale and sell all
504	not operated for profit and which has had 50 or	553	alcoholic beverages, at retail, at any banquet
505	more bona fide members paying dues of not	554	facility qualified under Subsection F(2) hereof,
506	less than \$10 per annum per member for five	555	at the place described in the license, for
507	consecutive years immediately preceding the	556	consumption on the premises only.
508	year for which the license is to be issued. A		
509	Class G license may be issued to a club	557	(2) Requirements for license. The Class B-F
510	composed exclusively of members who served	558	license shall not be issued until all
511	in the Armed Forces of the United States,	559	requirements for licensing have been met and
512	which is affiliated with a national organization	560	the place described in the license is
513	and had 50 or more bona fide members paying	561	demonstrated to be a banquet facility that:
514	whatever dues were required by its national		
515	organization in the year immediately	562	(a) Accommodates the public for banquets,
516	preceding the year for which the license is to	563	parties, meetings, and similar functions; and
517	be issued.		
		564	(b) Contains a dining room with adequate
518	(3) Hours. The hours during which the	565	facilities for preparing and serving full-course
519	privileges conferred by a Class G license may	566	meals for at least 100 persons at one seating.
520	be exercised shall be from 6:00 a.m. to 2:00		
521	a.m. on the following day, except on Sunday	567	(3) The Class B-F beer, light wine and liquor
522	the hours shall be from 12:30 p.m. to 2:00 a.m.	568	license authorizes the holder to keep for sale,
523	on the following day.	569	and sell at retail, beer, light wine, and liquor
		570	for on-premises consumption only, provided
524	E. Beer, wine and liquor license, Class GC	571	that:
525	(on-sale), golf courses. [Added 6-23-		
526	1998 by Bill No. 670]	572	(a) The beer, light wine, and liquor are only
		573	sold during the function;
527	(1) General provisions. A Class GC beer,		
528	wine and liquor license shall authorize the	574	(b) The licensee may not sell alcoholic
529	holder thereof to keep for sale and sell all	575	beverages for off-premises consumption;
530	alcoholic beverages, at retail, at any golf		
531	course qualified under Subsection E(2) hereof,		

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

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

580 (4) The application for issuance or renewal of
581 a Class B-F license shall include all infor-
582 mation required to obtain a caterer's endorse-
583 ment in accordance with § 11-6A. Subject to
584 all requirements otherwise applicable to a
585 caterer's endorsement, all Class B-F licenses
586 issued or renewed after the effective date of
587 this ordinance shall include a caterer's
588 endorsement as part of their issuance or
589 renewal, unless the applicant affirmatively
590 declines the same.

591 (5) Hours. The hours during which the
592 privileges conferred by a Class B-F license
593 may be exercised shall be from 12:00 noon to
594 2:00 a.m. the following day, except on Sunday
595 the hours shall be from 12:00 noon to 12:00
596 midnight.

597 **§ 11-6 Endorsements.**

598 **A. Caterer's' endorsement.**

599 (1) Caterer defined. In this section "caterer"
600 means a Class B, Class B-F, B-R, or Class F-A
601 license holder who contracts to provide food
602 and alcoholic beverages to sponsors of public
603 or private events held at specific locations
604 within Talbot County off the licensed
605 premises. ~~[Amended 11-23-2004 by Bill No.~~
606 ~~966]~~

607 (2) General provisions. A caterer's
608 endorsement shall be issued only to holders of
609 a Class B, Class B-F, B-R, or a Class F-A
610 license. The endorsement shall authorize the
611 holder thereof to sell the alcoholic beverages
612 permitted for the class of license at locations
613 within Talbot County for which no other
614 license has been issued. Other provisions of
615 this chapter to the contrary notwithstanding,
616 the holder of a Class B, Class B-F, Class B-R
617 or Class F-A license shall not be prohibited
618 from simultaneously holding a caterer's
619 endorsement, if otherwise approved. The
620 ~~Talbot County Board of Liquor License~~
621 ~~Commissioners shall~~Board shall be authorized
622 to ~~utilize an abbreviated procedure for the~~
623 ~~issuance of issue~~ a caterer's endorsement to
624 holders of a Class B, Class B-F, Class B-R, or

625 Class-F, or Class F-A license who ~~are in good~~
626 ~~standing at the time of the application meet the~~
627 ~~requirements for issuance of the caterer's~~
628 ~~endorsement and who are otherwise entitled to~~
629 ~~renewal of their license.~~ ~~[Amended 11-23-~~
630 ~~2004 by Bill No. 966]~~

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

636 (4) Requirement to provide food. The holder
637 of a caterer's endorsement shall provide food
638 as well as alcoholic beverages at catered
639 events.

640 (5) Location.

641 (a) The holder of a caterer's endorsement
642 shall not provide alcoholic beverages at the
643 same location for more than five consecutive
644 days or more than a total of 15 days in any
645 calendar year without first obtaining the
646 written permission of the ~~Talbot County Board~~
647 ~~of Liquor License Commissioners.~~Board.

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

657 **B. Special festival endorsement.**

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

664 (2) General provisions. A special festival
665 endorsement shall be issued only to holders of
666 Class A, B, E, or F licenses. The endorsement
667 shall authorize the holder thereof to sell or
668 serve beer or wine by the glass to patrons on
669 the site of the special festival during the
670 specified hours of the event and to sell at
671 retail, in any quantity, to patrons of the event,
672 wines or beer offered for tasting at the event,

673 in sealed packages or containers, which
674 packages or containers shall not be opened nor
675 the contents thereof consumed on the site of
676 the festival. Other provisions of this chapter to
677 the contrary notwithstanding, the holder of a
678 Class A, B, E or F license shall not be
679 prohibited from simultaneously holding a
680 special festival endorsement, if otherwise
681 approved. The ~~Talbot County Board of Liquor~~
682 ~~License Commissioners shall~~Board shall be
683 authorized to utilize an abbreviated procedure
684 for the issuance of a special festival
685 endorsement to holders of a Class A, B, E or F
686 license who are in good standing at the time of
687 the application.

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

693 (4) Limits on number of endorsements. A
694 special festival endorsement shall not be
695 issued for more than two consecutive days,
696 and no more than four endorsements shall be
697 issued to a license holder in any calendar year.

698 **§ 11-7 Special and temporary licenses.**

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

701 (1) General provisions. A Class H special
702 beer and light wine license shall entitle the
703 holder thereof to keep for sale and sell beer
704 and light wine, at retail, at the place described
705 in the license, in conjunction with any bona
706 fide entertainment conducted by a club,
707 society, association or church, for
708 consumption on the premises only, for a period
709 not exceeding seven consecutive days from the
710 effective date of the license. The ~~Talbot~~
711 ~~County Board of Liquor License~~
712 ~~Commissioners shall~~Board shall be authorized
713 to utilize an abbreviated procedure for the
714 issuance of a Class H license.

715 (2) Hours. The hours during which the
716 privileges conferred by a Class H license may
717 be exercised shall be from 12:00 noon to 12:00
718 midnight each day; provided, however, that the
719 sale and consumption of beer and light wine
720 shall be restricted to a period of time
721 beginning two hours before the scheduled

722 entertainment and concluding one hour after
723 said entertainment.

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

726 (1) General provisions. A Class J special
727 beer, wine and liquor license shall entitle the
728 holder thereof to keep for sale and sell all
729 alcoholic beverages, at retail, at the place
730 described in the license, in conjunction with
731 any bona fide entertainment conducted by a
732 club, society, association or church, for
733 consumption on the premises only, for a period
734 not exceeding seven consecutive days from the
735 effective date of the license. The ~~Talbot~~
736 ~~County Board of Liquor License~~
737 ~~Commissioners shall~~Board shall be authorized
738 to utilize an abbreviated procedure for the
739 issuance of a Class J license.

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

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

750 A disposal-of-stock license of any class shall
751 entitle the holder thereof to exercise the
752 privileges of the class of license for a period
753 not exceeding 10 consecutive days, for the
754 purpose of disposing of the license holder's
755 stock of alcoholic beverages, in cases where a
756 license has been revoked, canceled, suspended
757 or renewal denied. A disposal-of-stock license
758 shall authorize the sale of the license holder's
759 stock at retail or to one or more holders of
760 wholesale licenses, and such holders of
761 wholesale licenses are hereby authorized to
762 purchase such stock. The holder of a disposal-
763 of-stock license is not authorized to purchase
764 alcoholic beverages for the purpose of resale
765 under this license.

766 **D. Temporary removal license.**

767 A temporary removal license of any class shall
768 entitle the holder thereof to temporarily move
769 the licensed premises from one location to
770 another, when the relocation is necessitated by

771 fire or other catastrophe. The privileges of a
772 temporary removal license may be exercised
773 while the originally licensed premises are
774 being restored, for a period to be established
775 by the ~~Talbot County Board of Liquor License~~
776 ~~Commissioners, Board,~~ but not to exceed six
777 months. No fee shall be charged for a
778 temporary removal license, provided that any
779 renewal fees which are due during the
780 continuance of the license are paid on time.
781 The Board ~~of Liquor License Commissioners~~
782 shall be required to approve, as in the case of
783 the original application, the new location to
784 which the license holder temporarily relocates.

785 **§ 11-8 General provisions on issue of licenses.**

786 **A. License requirements for corporation,**
787 **limited liability company, partnership,**
788 **club or association.**

789 (1) A license application made for a
790 corporation, limited liability company,
791 partnership, club or other association (whether
792 incorporated or unincorporated) shall also be
793 applied for by and shall be issued to two or
794 more individuals who are authorized to act for
795 the entity and who are officers, directors,
796 stockholders or employees of the corporation;
797 members or employees of the limited liability
798 company; partners of the partnership; or
799 officers, directors or members of the club or
800 association. If an entity has a sole owner, only
801 that individual shall be required to apply for
802 and be issued a license. The individual license
803 holders shall be residents of Talbot County or
804 a contiguous County. The application shall
805 also set forth the names and addresses of all of
806 the directors and officers of a corporation, club
807 or association, all of the members of a limited
808 liability company, or all of the partners of a
809 partnership and shall be signed by the
810 appropriate officers of the entity, as well as by
811 the two or more individuals to whom the
812 license shall be issued for the use of the entity.
813 Every application for a license shall disclose
814 the name, all trade names and all addresses of
815 the corporation, limited liability company,
816 partner-ship, club or association, as well as the
817 name and business and home address of the
818 individual applicants.

819 (2) The individual license holders and the
820 corporation, limited liability company,
821 partnership, club or association shall assume
822 all responsibilities, individually, jointly and

823 severally, and shall be subject to all of the
824 penalties, conditions and restrictions imposed
825 upon license holders under the provisions of
826 this chapter.

827 **B. No more than two licenses for same**
828 **person.**

829 (1) No more than two licenses provided by
830 this chapter, except by way of renewal, shall be
831 issued to any individual or to any person for the
832 use of any corporation, limited liability company,
833 partnership, club or association.

834 ~~(2) — A Class A, beer and light wine license~~
835 ~~(off sale), may be issued to those business~~
836 ~~establishments known as chain stores or~~
837 ~~supermarkets. A "chain store" shall be defined as~~
838 ~~any one of two or more retail stores under the~~
839 ~~same general management or ownership, and a~~
840 ~~"supermarket" shall be defined as a retail grocery~~
841 ~~or food store which contains a floor area of not~~
842 ~~less than 20,000 gross square feet. This subsection~~
843 ~~does not apply to or affect any business~~
844 ~~establishment already holding such a license as of~~
845 ~~January 1, 1994, or the possibility of such a~~
846 ~~license holder having the license transferred to a~~
847 ~~similar type of business establishment.~~

848 **C. Zoning restrictions.**

849 No license provided by this chapter shall be
850 issued or utilized in a manner which will result in
851 a violation of any zoning ordinance or other
852 statutory land use restriction of ~~Talbot the~~ County
853 or the incorporated municipality in which the
854 place of business proposed to be licensed is
855 located. No new license shall be issued for any
856 use not specifically provided in this chapter. To
857 the extent of any inconsistency between the
858 definitions of use in this chapter and any land-use
859 ordinance, the definitions that are more restrictive
860 or stringent shall prevail.

861 ~~D Restrictions as to number of licenses in a~~
862 ~~neighborhood.~~

863 ~~The Talbot County Board of Liquor License~~
864 ~~Commissioners shall have the authority to limit~~
865 ~~and restrict the number of licenses which they~~
866 ~~shall consider sufficient for any neighborhood.~~
867 ~~The Board may deny an application for a new~~
868 ~~license when it concludes that the neighborhood~~
869 ~~in which the license is to be located is already~~
870 ~~served by a sufficient number of licenses.~~

871 D. Restriction upon off-sale licenses, market-
872 test, grandfathering.

873 (1) New off-sale licenses shall be issued
874 only to alcohol dispensaries, supermarkets,
875 chain stores, restaurants, cafes, hotels, and
876 convenience stores. Notwithstanding this
877 limitation on issuance of new off-sale licenses,
878 any holder of an off-sale license, except for
879 any pharmacy, that was lawfully issued and
880 validly existing on the effective date of this
881 ordinance shall be entitled to renew the same
882 at the existing location provided that all such
883 applications for renewal otherwise comply
884 with all then-existing ordinances, laws, and
885 regulations, as amended from time to time.
886 Pharmacies shall be governed by the pro-
887 visions in § 11-5 A. (4) and (5).

888 (2) Except for Class A licenses for
889 supermarkets, off-sale licenses are subject to
890 the following requirements. The Board shall
891 limit and restrict the number of new off-sale
892 licenses as set forth in this section.

893 (1) The Board may issue a new off-sale
894 license if the total population within the
895 service area equals or exceeds 750
896 persons for all existing off-sale licenses
897 and the newly proposed license.

898 (2) The service area shall be determined as
899 follows:

900 i. For a proposed urban location, the
901 service area shall include all census
902 blocks within a radius of two (2)
903 miles from the site of the proposed
904 new license;

905 ii. For a proposed rural location, the
906 service area shall include all census
907 blocks within a radius of five (5)
908 miles from the site of the proposed
909 new license.

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

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

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

921 R = P – (750 x N) where:

922 R -- Remainder (must be equal to or
923 greater than 750 for new off-sale
924 license).

925 P -- Total population within service area.

926 N – Total number of existing off-sale
927 licenses, (Class A, B-R, D, E, , and
928 F) within the service area,
929 excluding the proposed new off-
930 sale license and excluding existing
931 Class A licenses for supermarkets.

932
933 (6) New off-sale licenses shall be at least
934 500 feet from public or private schools,
935 public parks, and correctional facilities.
936 Licensees holding off-sale licenses lawfully
937 issued and validly existing on the effective
938 date of this ordinance shall be permitted to
939 renew and maintain such licenses at existing
940 locations provided that all such applications
941 for renewal otherwise comply with all then-
942 existing ordinances, laws, and regulations, as
943 amended from time to time.-

944
945 (7) Cashiers for off-sales of alcoholic
946 beverages shall be at least twenty-one (21)
947 years of age.

948
949 (8) In addition to the requirements of this
950 section, an applicant for a new off-sale
951 license must meet all other applicable criteria.

952
953 **§ 11-9 License application filing requirements.**

954 Every application for a new license shall be
955 made to the ~~Talbot County Board of Liquor~~
956 ~~License Commissioners Board~~ and shall be
957 accompanied by the specified application and
958 license fees. The application shall contain the
959 following:

960 A. The class of license desired.

961 B. The name and residence of each
962 individual applicant and how long each has
963 resided at the stated address and the name and
964 address of any entity on behalf of which the
965 individual applicants seek a license.

966 C. A statement that each individual
967 applicant is a resident of Talbot County or a
968 contiguous County.

969	D. A statement that each individual	1018	applicants or the entity receives any revenue
970	applicant is a citizen of the United States,	1019	directly or indirectly.
971	including the place of birth of each applicant		
972	and, if a naturalized citizen, when and where	1020	L. A statement as to whether any of the
973	naturalized.	1021	individual applicants or the entity have <u>has</u>
		1022	ever had a license for the sale of alcoholic
974	E. A statement that each individual	1023	beverages and, if so, in what state and at what
975	applicant is not less than 21 years of age.	1024	location.
976	F. The particular place for which the license	1025	M. A statement that no manufacturer,
977	is desired, designating the street name and	1026	brewer, distiller or wholesaler of alcoholic
978	number, and also a description of the portion	1027	beverages has any financial interest, directly or
979	of the building in which the business will be	1028	indirectly, in the premises or business of the
980	conducted.	1029	applicant and that the applicant will not
		1030	thereafter convey or grant to any such
981	G. The name of the owner of the premises	1031	manufacturer, brewer, distiller or wholesaler
982	upon which the business sought to be licensed	1032	any such interest, except as otherwise
983	is to be carried on.	1033	permitted in this chapter, and that the
		1034	applicant, at the time of making the
984	H. A statement that none of the individual	1035	application, has no indebtedness or other
985	applicants <u>has</u> ever been convicted of a felony	1036	financial obligations and will not thereafter
986	or of a misdemeanor involving moral turpitude	1037	incur any such indebtedness or other financial
987	and a further statement as to whether any of	1038	obligations, directly or indirectly, to any
988	them <u>has</u> ever been adjudged guilty of	1039	manufacturer, brewer, distiller or wholesaler
989	violating the laws governing the sale of	1040	of alcoholic beverages other than for the
990	alcoholic beverages, controlled dangerous	1041	purchase of alcoholic beverages.
991	substances, or gambling in the State of		
992	Maryland, any other state, or of the United	1042	N. A statement, duly executed and
993	States or any foreign country. The Talbot	1043	acknowledged by the owner of the premises
994	County Board of Liquor License	1044	upon which the business is to be conducted,
995	Commissioners Board shall have the authority	1045	assenting to the granting of the license applied
996	to obtain criminal records on any applicant for	1046	for and authorizing the Comptroller of the
997	an alcoholic beverage license prior to the	1047	State of Maryland, his duly authorized
998	issuance of the license and the applicant, as	1048	deputies, inspectors and clerks, the Talbot
999	part of the application, shall provide whatever	1049	County Board of Liquor License
1000	consents, authorizations, or releases of	1050	Commissioners, its duly authorized agents and
1001	information are necessary for this purpose.	1051	employees, any peace officer of Talbot County
		1052	and any peace officer of any incorporated
1002	I. A statement that each individual	1053	municipality in which the business is to be
1003	applicant has a pecuniary interest in,	1054	conducted to inspect and search, without
1004	employment relationship with, or is authorized	1055	warrant, the premises upon which the business
1005	to act on behalf of the entity seeking the	1056	is to be conducted, and any and all parts of the
1006	license, including the nature of each	1057	building in which the business is to be
1007	applicant's relationship to any entity having an	1058	conducted, at any and all hours.
1008	interest in the business.		
		1059	O. A certificate signed by at least 10
1009	J. A statement that none of the individual	1060	citizens, who shall be owners of real estate and
1010	applicants <u>has</u> had a license for the sale of	1061	registered voters of the precinct in which the
1011	alcoholic beverages revoked.	1062	business is to be conducted, setting forth the
		1063	length of time each has been acquainted with
1012	K. A statement identifying any other	1064	the applicant or, in the case of a corporation,
1013	premises or entity holding a liquor license in	1065	with the individuals making the application.
1014	which any of the individual applicants or the	1066	The certificate must state that the signers
1015	entity they represent <u>has</u> an interest and	1067	thereof have examined the application and
1016	identifying any other license issued pursuant to	1068	have good reason to believe that all the
1017	this chapter from which any of the individual	1069	statements contained in the application are

1070 true, that they are of the opinion that the
 1071 applicant is a suitable person to obtain the
 1072 license, and that they are familiar with the
 1073 premises upon which the proposed business is
 1074 to be conducted and believe the premises are
 1075 suitable for the conduct of the business of a
 1076 retail dealer in alcoholic beverages. The
 1077 requirements of this section do not apply to
 1078 applications for special or temporary (Class H
 1079 and Class J) licenses.

1080 P. Proof of a valid food service facility
 1081 permit from the Talbot County Health
 1082 Department must be shown for those classes of
 1083 licenses (Class F and Class F-A) which require
 1084 the serving of food as a condition of the
 1085 license or where the applicant is engaged in a
 1086 business which requires such a permit.

1087 Q. Proof of compliance with the current
 1088 provisions of the State Fire Prevention Code
 1089 from the Office of the State Fire Marshal.

1090 **§ 11-10 Procedure for issuance of licenses.**

1091 **A. General provisions.**

1092 (1) Published notice. Before the ~~Talbot~~
 1093 ~~County Board of Liquor License~~
 1094 ~~Commissioners Board~~ shall approve any new
 1095 license, the Board shall cause a notice of such
 1096 application to be published once a week for
 1097 two successive weeks in a newspaper of
 1098 general circulation in Talbot County. The
 1099 notice shall specify the names of the individual
 1100 applicants and any entity they represent, the
 1101 type of license applied for and the location of
 1102 the place of business proposed to be licensed
 1103 as well as the date, time and location fixed by
 1104 the Board for a hearing upon the application.
 1105 The hearing shall be not less than seven days
 1106 nor more than 30 days after the last
 1107 publication.

1108 (2) Posting of property.

1109 (a) Whenever a hearing upon a license
 1110 application is scheduled, the place of business
 1111 proposed to be licensed shall be posted at least
 1112 15 days prior to the hearing date by the
 1113 erection of a sign to be furnished by the ~~Talbot~~
 1114 ~~County Board of Liquor License~~
 1115 ~~Commissioners Board~~. Such sign shall be
 1116 erected by the person(s) making application,
 1117 within ten feet of whatever boundary line of
 1118 the property abuts the most traveled public

1119 road and, if no public road abuts thereon, then
 1120 facing in such a manner as most readily may
 1121 be seen by the public, as designated by the
 1122 Board. The bottom of the sign shall not be less
 1123 than three feet from the ground. The sign
 1124 furnished by the Board shall not be less than
 1125 two feet high and two feet wide, and shall bear
 1126 the words: NOTICE - APPLICATION HAS
 1127 BEEN MADE FOR A LIQUOR LICENSE
 1128 AT THIS LOCATION. Talbot County Board
 1129 of Liquor License Commissioners (410) 770-
 1130 8019.

1131 (b) At the hearing, it shall be the duty of the
 1132 applicant to prove by affidavit that he has fully
 1133 complied with this provision and has
 1134 continuously maintained the sign in
 1135 compliance with this provision up to the time
 1136 of the hearing. Any sign required to be posted
 1137 by this provision shall be maintained in a
 1138 visible location and free from obstruction until
 1139 after the public hearing is held, and such sign
 1140 shall be removed within five days after the
 1141 public hearing.

1142 (3) Notice to local jurisdiction and adjacent
 1143 property owners. Whenever a hearing upon a
 1144 license application is scheduled, the ~~Talbot~~
 1145 ~~County Board of Liquor License~~
 1146 ~~Commissioners Board~~ shall give at least 15
 1147 days' notice of the time and place of such
 1148 hearing to be mailed by regular United States
 1149 mail, first class postage prepaid, to the
 1150 applicant, to the governing body of the local
 1151 jurisdiction in which the place of business
 1152 proposed to be licensed is located, and to the
 1153 owners of all property contiguous to the place
 1154 of business proposed to be licensed and of all
 1155 properties opposite said property measured at
 1156 right angles to any intervening road or street. It
 1157 shall be the responsibility of the applicant to
 1158 furnish the Board with a complete, accurate
 1159 and up-to-date list of all such property owners.
 1160 The notice shall be directed to the address to
 1161 which the real estate tax bill on the property is
 1162 sent. The notice shall contain the same
 1163 information as the published notice required in
 1164 Subsection A(1) hereof. For purposes of this
 1165 section the term "contiguous property owner"
 1166 is to include owners of property within 1,000
 1167 feet of the subject property, whose line of sight
 1168 to the subject property is entirely over water.
 1169 Failure of a person to receive the notice
 1170 prescribed in this section shall not impair the
 1171 validity of the hearing.

1172	(4) Hearing. At the time fixed by the notice	1224	the Board shall have 30 days after the issuance
1173	for a hearing upon an application or upon the	1225	of the Board's decision to appeal the decision
1174	continuance of any such hearing, the	1226	to the Circuit Court for Talbot County.
1175	individual applicants and representatives of the		
1176	entity seeking a license shall have the first	1227	B. License and application fees.
1177	opportunity to be heard by the Board and to		
1178	present evidence to the Board; provided,	1228	The license and application fees applicable to
1179	however, that the Board may stipulate that	1229	each class of license shall be established by the
1180	after the expiration of a reasonable	1230	County Council of Talbot County in the
1181	predetermined amount of time the applicant's	1231	Annual Budget and Appropriation Ordinance.
1182	presentation may be interrupted to permit	1232	All fees collected under this chapter shall be
1183	opponents an opportunity to be heard.	1233	remitted to the Talbot County Finance Office.
1184	Thereafter, any interested person in attendance	1234	The salaries of the Board of Liquor License
1185	shall be heard by the Board on either side of	1235	Commissioners , together with the necessary
1186	the question. The applicant shall have the final	1236	office, clerical and investigational expenses of
1187	opportunity to address the Board at the	1237	the Board, shall be paid by the County Council
1188	conclusion of all testimony or evidence. The	1238	of Talbot County , as approved in the Annual
1189	Board shall make an adequate record of its	1239	Budget and Appropriation Ordinance adopted
1190	proceedings so as to permit judicial review.	1240	by the County Council. The balance of all fee
1191	The costs of reproduction of the record shall	1241	revenue collected under this chapter, which is
1192	be borne by the person seeking the copy.	1242	not expended on the approved salaries and
		1243	expenses of the Board, shall be devoted to the
1193	(5) Findings.	1244	general purposes of the County as approved by
		1245	the County Council of Talbot County .
1194	(a) If the Board determines that the granting		
1195	of the license is not necessary for the	1246	C. Refund of license fees.
1196	accommodation of the public, or that the		
1197	applicants are not fit persons to receive the	1247	No holder of any class of license shall be
1198	license applied for, or have made a material	1248	entitled to a refund of the unused portion of
1199	false statement in the application, or have	1249	the fee paid for a license upon surrender
1200	practiced fraud in connection with said	1250	thereof, except:
1201	application, or that the operation of the		
1202	business, if the license is granted, will unduly	1251	(1) In the event of receivership or
1203	disturb the peace of the residents of the	1252	bankruptcy of the business if a transfer is not
1204	neighborhood in which the place of business is	1253	requested, and in such case the refund shall be
1205	to be located, <u>or the applicant for an off-sale</u>	1254	made for the benefit of the creditors of the
1206	<u>license does not satisfy the requirements of §</u>	1255	license holder;
1207	<u>11-8 D.</u> , or that there are other substantial		
1208	reasons in the discretion of the Board why the	1256	(2) In the event of the death of the license
1209	license should not be issued, then the	1257	holder, and in such case the refund shall be
1210	application shall be disapproved and the	1258	made for the benefit of the estate of the
1211	license applied for shall be refused. If no such	1259	deceased license holder;
1212	findings are made by the Board, then the		
1213	Board shall approve the application and issue	1260	(3) In the event that the license holder has
1214	the license upon the applicant's payment of the	1261	volunteered for or been called into the Armed
1215	required fee.	1262	Forces of the United States;
1216	(b) Within 30 days of the conclusion of the	1263	(4) In the event that a license holder of one
1217	hearing, the Board shall issue a written	1264	class surrenders the license and obtains a
1218	decision setting forth its factual	1265	license of another class carrying a higher fee,
1219	determinations, its decision concerning the	1266	in which case, the refund shall be deducted
1220	license in question, and the basis for its	1267	from the amount of the fee to be paid for the
1221	decision.	1268	newly obtained license; or
		1269	
1222	(c) Any person aggrieved by the decision of		
1223	the Board who appeared at the hearing before		

1270 (5) In the event that the licensed premises
 1271 are taken by the federal government, the state
 1272 or any city or municipality for public use.

1273 **D. License forms; date of issue and**
 1274 **expiration.**

1275 Only licenses authorized under the provisions
 1276 of this chapter may be issued by the ~~Talbot~~
 1277 ~~County Board of Liquor License~~
 1278 ~~Commissioners, Board.~~ Every license issued
 1279 shall be upon forms prescribed by the Board.
 1280 Each license shall be dated as of the date of
 1281 issue and shall expire on the April 30 next
 1282 after its issuance, except temporary licenses
 1283 and special licenses, which shall expire as
 1284 otherwise provided.

1285 **E. Pro rata license fees.**

1286 The fee for every license issued for a period of
 1287 less than one year (except temporary or special
 1288 licenses) shall be subject to the annual fee if
 1289 issued during the first three months of the license
 1290 year; 3/4 of the annual fee if issued during the
 1291 second quarter of the license year; 1/2 of the
 1292 annual fee if issued during the third quarter of the
 1293 license year; and 1/4 of the annual license fee if
 1294 issued during the fourth quarter of the license
 1295 year.

1296 **F. Successive applications.**

1297 If a license is refused, no application for the same
 1298 license shall be considered from the same
 1299 applicant for the same premises for a period of
 1300 one year.

1301 **§ 11-11 General procedures for renewal of**
 1302 **licenses.**

1303 **A. Application for renewal.**

1304 The holder or holders of any expiring license
 1305 other than special licenses issued under the
 1306 provisions of this chapter shall, not less than
 1307 30, nor more than 90 days before the first day
 1308 of May of each year, file a written application,
 1309 duly verified by oath, for the renewal of the
 1310 license with the ~~Talbot County Board of~~
 1311 ~~Liquor License Commissioners, Board.~~ The
 1312 renewal application shall state either that the
 1313 facts in the original application are unchanged
 1314 or shall clearly and completely identify all
 1315 such changes, based on which the Board may,

1316 in its discretion, treat the renewal application
 1317 as a new application. The renewal application
 1318 shall be accompanied by a statement, signed
 1319 by the owner of the premises, consenting to
 1320 the renewal of the license and to search and
 1321 seizure as in the case of the original
 1322 application, ~~e. except that a~~ A statement of
 1323 consent ~~by the owner of the premises~~ shall not
 1324 be required if the owner has previously signed
 1325 such a statement in connection with an original
 1326 application or previous renewal application
 1327 giving consent for the term of the owner's
 1328 lease with the applicant. Upon the filing of the
 1329 renewal application and the payment of the
 1330 prescribed annual fee, the holder or holders of
 1331 an expiring license shall be entitled to a new
 1332 license for another year without the filing of
 1333 further statements or the furnishing of any
 1334 further information, unless such information is
 1335 specifically requested by the ~~Talbot County~~
 1336 ~~Board of Liquor License Commissioners,~~
 1337 ~~Board.~~ Renewal licenses shall be
 1338 administratively approved without a hearing
 1339 before the Board, unless a protest signed by
 1340 not less than 10 residents or property owners
 1341 in the ~~voting~~ County election district in which
 1342 the licensed place of business is located has
 1343 been filed against the granting of a renewal
 1344 license at least 30 days before the expiration of
 1345 the license for which renewal is sought. The
 1346 Board may, upon its own initiative, after
 1347 notice to the applicant, treat a renewal
 1348 application as an original application. In the
 1349 event of a protest or in the event that the Board
 1350 determines, in the exercise of its discretion, to
 1351 treat a renewal application as an original
 1352 application, then the application shall be heard
 1353 and determined as in the case of an original
 1354 application. In such cases, the Board may
 1355 consider evidence concerning the impact of the
 1356 licensed establishment upon the peace and
 1357 repose of the community. A factual finding,
 1358 based upon clear and convincing evidence that
 1359 the licensed establishment has significantly
 1360 and regularly intruded upon the peace and
 1361 repose of the neighboring property owners so
 1362 as to have a deleterious impact upon the public
 1363 health, safety and welfare, shall be a sufficient
 1364 basis for denial of the renewal application or
 1365 the limitation of the hours of operation of the
 1366 license holder by the ~~Talbot County Board of~~
 1367 ~~Liquor License Commissioners, Board.~~

1368 **B.** At the time of renewal of either a Class C
 1369 or a Class G license, the individuals listed as
 1370 holding the license on behalf of a club may, at

1371 the discretion of the Board, be deleted, or the
 1372 names of additional individuals may be added
 1373 to or substituted for any or all of the original
 1374 license holders without the necessity of filing a
 1375 formal application for transfer; provided,
 1376 however, that the proposed license holders are
 1377 otherwise qualified, and further provided that
 1378 the President or Chief Executive Officer of the
 1379 club shall certify that the individuals are
 1380 authorized to act on behalf of the club. When a
 1381 renewal application contains a request to add,
 1382 delete or substitute individual license holders,
 1383 the Board may approve the application, or
 1384 require the filing of an application for transfer
 1385 as provided in § 11-12C hereof.

1386 C. The procedural rules for a renewal
 1387 hearing shall follow those set forth in § 11-
 1388 10A hereof. Any person aggrieved by the
 1389 decision of the ~~Talbot County Board of Liquor
 1390 License Commissioners Board~~ who appeared
 1391 at the renewal hearing before the Board shall
 1392 have 30 days after the issuance of the Board's
 1393 decision to appeal the decision to the Circuit
 1394 Court for Talbot County.

1395 **§ 11-12 Rights and duties of license holders.**

1396 **A. License not property.**

1397 Licenses issued under the provisions of this
 1398 chapter shall not be regarded as property or as
 1399 conferring any property rights. All such
 1400 licenses shall be subject to suspension,
 1401 restriction or revocation and to all rules and
 1402 regulations that may be adopted as herein
 1403 provided.

1404 **B. Duplicates for lost licenses.**

1405 Whenever a license issued under the
 1406 provisions of this chapter has been lost or
 1407 destroyed, the official issuing such licenses
 1408 shall have the power, upon application under
 1409 oath and upon payment of a fee of \$10, to
 1410 issue another license, upon which shall be
 1411 endorsed the word "duplicate" in addition to
 1412 all of the information which appeared upon the
 1413 original license.

1414 **C. Transfer of licenses.**

1415 (1) General procedure.

1416 Any holder of a license under the provisions of
 1417 this chapter, including a receiver or trustee for
 1418 the benefit of creditors, may, in the discretion
 1419 of the ~~Talbot County Board of Liquor License
 1420 Commissioners~~, be permitted to transfer his
 1421 place of business to some other location and/or
 1422 transfer his stock-in-trade to another person,
 1423 provided that an application for such transfer
 1424 and/or sale shall be made and approved by the
 1425 Board, and that a bulk transfer permit is
 1426 obtained where the stock of alcoholic
 1427 beverages is to be transferred, whether by sale,
 1428 gift, inheritance, assignment or otherwise and
 1429 irrespective of whether or not consideration is
 1430 paid. Except as provided in Subsection C(2)
 1431 hereof or in § 11-11, the new location and/or
 1432 assignee shall be approved as in the case of an
 1433 original application for a license. Such transfer
 1434 and/or assignment, when made, shall be
 1435 reflected in the issuance of a new license or
 1436 endorsed upon the original license by the
 1437 official issuing the same upon payment of a
 1438 fee of \$10, in addition to the application fee,
 1439 which shall be paid at the time of the filing of
 1440 the application for transfer and/or sale. This
 1441 section shall permit the transfer of class of
 1442 license, location and the assignment of license
 1443 in the same application.

1444 (2) Addition, deletion or substitution of
 1445 license holders.

1446 When the entity which owns the business and
 1447 the location of the business for which a license
 1448 has been issued are to remain the same, no
 1449 more than two, but less than all, of the persons
 1450 listed on the license may be deleted and other
 1451 persons may be substituted therefor by the
 1452 submission of an application for review by the
 1453 ~~Talbot County Board of Liquor License
 1454 Commissioners Board~~. The Board may
 1455 provide a special application form for this
 1456 purpose, which shall solicit all of the
 1457 information relating to the new applicant
 1458 which would be required of an original
 1459 applicant, require the approval of the owners
 1460 of the premises, require the certificate
 1461 provided in § 11-8A, and require the consent
 1462 of all license holders and of the persons whose
 1463 names are to be added to the license.
 1464 Additional persons may be added to those
 1465 persons already listed on the license, and
 1466 persons listed on the license may be deleted
 1467 therefrom, in the manner provided herein,
 1468 provided that the minimum number of persons
 1469 required for said license shall be maintained.

1470 The Board may, in its discretion, either
 1471 administratively approve said application, or
 1472 cause notice of the application to be published
 1473 and a hearing to be conducted as in the case of
 1474 an original application.

1475 **D. License holder vacating premises.**

1476 On the 10th day after the holder of any license
 1477 issued under the provisions of this chapter
 1478 shall have vacated or been evicted from the
 1479 premises for which said license was issued,
 1480 said license shall expire unless an application
 1481 for a transfer thereof to another location or
 1482 assignment to another person has been
 1483 approved or is then pending; provided,
 1484 however, that the official authorized to issue
 1485 licenses may, in his discretion, postpone such
 1486 expiration for an additional period, not
 1487 exceeding 20 days in any case, to avoid any
 1488 undue hardship.

1489 **E. Display of licenses.**

1490 Every person receiving a license under the
 1491 provisions of this chapter shall frame the
 1492 license under glass and place the framed
 1493 license so that it shall at all times be
 1494 conspicuous and easily read in the place of
 1495 business.

1496 **F. Availability of ordinance.**

1497 Every license holder shall keep a copy of this
 1498 chapter in an area in the licensed premises
 1499 where it is easily accessible for reference when
 1500 necessary. It is the responsibility of the license
 1501 holder to ensure that all employees or agents
 1502 of the license holder are advised of the
 1503 provisions of this chapter. The ~~Talbot County~~
 1504 ~~Board of Liquor License Commissioners~~
 1505 ~~shall~~Board shall provide to each license holder
 1506 on an annual basis either a complete copy of
 1507 the current version of this chapter, or at their
 1508 election, a copy of only those sections that
 1509 have been amended during the previous year.
 1510 [Amended 4-13-1999 by Bill No. 704]

1511 **G. Death of license holder.**

1512 (1) Upon the death of an individual license
 1513 holder, the license shall expire upon the close
 1514 of the 90th day following the date of death
 1515 except as herein otherwise provided. In cases
 1516 where the deceased is the proprietor of the
 1517 licensed premises, upon application to the

1518 ~~Talbot County Board of Liquor License~~
 1519 ~~Commissioners Board~~ and upon the payment
 1520 of a fee of \$10 made by the personal
 1521 representatives of the deceased license holder,
 1522 a certificate of permission may be granted for
 1523 the continuation of the business in the name of
 1524 the personal representatives for the benefit of
 1525 the estate of the deceased for a period not
 1526 exceeding the balance of the current license
 1527 year, or the closing of the estate, whichever
 1528 occurs first. In the event the estate has not
 1529 been closed upon the expiration of the license
 1530 year, the personal representatives may apply
 1531 for renewal of the license, and upon payment
 1532 of the required annual license fee, a renewal
 1533 license may be granted; provided, however,
 1534 that no application for a renewal license
 1535 hereunder may be made more than 18 months
 1536 after the death of the license holder. Such
 1537 certificates of permission and renewal licenses
 1538 will be subject to the right of protest,
 1539 revocation, suspension, and restriction as in
 1540 other cases, and during the continuation
 1541 period, the license holder and the personal
 1542 representative of the deceased shall be subject
 1543 to all of the provisions of this chapter. The
 1544 personal representatives to which a certificate
 1545 has been granted may assign or transfer the
 1546 license for the benefit of the estate, and upon
 1547 the approval of the application for the transfer
 1548 or assignment, the license shall be considered
 1549 reinstated upon the payment of the balance of
 1550 the license fee which is due until the expiration
 1551 of the license year.

1552 (2) If the licensed premises are operated for
 1553 the benefit of a corporation, limited liability
 1554 company or partnership, another individual
 1555 license holder may be substituted for the
 1556 deceased upon the filing of an application as
 1557 provided for herein, and the premises may
 1558 continue to sell alcoholic beverages pending
 1559 approval of the new license holder.

1560 (3) An application for substitution of another
 1561 license holder for the deceased license holder
 1562 shall be made within 90 days of the date of
 1563 death. Upon the filing of such an application,
 1564 and until a decision is made and issued as
 1565 provided herein, the license shall continue in
 1566 full force and effect, subject to all other
 1567 provisions of this chapter.

1568 **H. Hours of operation.**

1569 The hours during which the privileges conferred
 1570 by a license may be exercised shall be defined as
 1571 either Eastern standard or daylight saving time,
 1572 whichever is in effect on the date in question.

1573 **§ 11-13 Restrictions upon license holders.**

1574 **A. General provisions.**

1575 License holders are required to comply with
 1576 all applicable provisions of this chapter and
 1577 with all provisions of state law applicable to
 1578 Talbot County by virtue of § 11-20 of this
 1579 chapter, Article 2B, § 18-101, Annotated Code
 1580 of Maryland, or Article 25, § 3(ee), Annotated
 1581 Code of Maryland. Violation of any such
 1582 provision is a misdemeanor, and in addition to
 1583 any criminal penalty, may result in
 1584 administrative sanctions including revocation
 1585 or suspension of any license issued pursuant to
 1586 this chapter or the imposition of a fine, or any
 1587 combination thereof.

1588 **B. Service by minors restricted.**

1589 (1) No license holder shall allow a person to
 1590 act in the capacity of a bartender who is not at
 1591 least 21 years of age. For the purposes of this
 1592 section, a "bartender" is any person who mixes
 1593 or pours drinks for consumption on the
 1594 licensed premises.

1595 (2) No license holder shall allow a person to
 1596 act in the capacity of waiter or waitress who is
 1597 required to take orders for alcoholic beverages
 1598 ~~unless said waiter or waitress is at least 16~~
 1599 ~~years of age by April 15, 1999, at least 17~~
 1600 ~~years of age by April 15, 2000, and at least 18~~
 1601 ~~years of age by April 15, 2001. After April 15,~~
 1602 ~~2001, no license holder shall allow a person to~~
 1603 ~~act in the capacity of waiter or waitress who is~~
 1604 ~~required to take orders for alcoholic beverages~~
 1605 unless said waiter or waitress is at least 18
 1606 years of age. ~~[Amended 4-13-1999 by Bill No.~~
 1607 ~~703]~~

1608 (3) No license holder of a beer and light
 1609 wine license shall allow a person to act in the
 1610 capacity of a sales clerk authorized to sell or
 1611 offer for sale beer or light wine at retail who is
 1612 not at least ~~18~~ 21 years of age.

1613 (4) No license holder of a beer, wine and
 1614 liquor license shall allow a person to act in the
 1615 capacity of a sales clerk authorized to sell or

1616 offer for sale beer, wine or liquor at retail who
 1617 is not at least 21 years of age.

1618 **C. Sales to minors and intoxicated persons**
 1619 **prohibited.**

1620 (1) No license holder under the provisions of
 1621 this chapter or any of the license holder's
 1622 employees or agents shall sell or furnish any
 1623 alcoholic beverages at any time to any person
 1624 except in conformance with the age limitations
 1625 as established from time to time by the State of
 1626 Maryland.

1627 (2) No license holder or any of the license
 1628 holder's employees or agents shall sell or
 1629 furnish any alcoholic beverages to any person
 1630 who at the time of such sale or delivery is
 1631 visibly under the influence of any alcoholic
 1632 beverage.

1633 (3) A violation of this section by an
 1634 employee or agent of a license holder shall be
 1635 deemed a violation by the license holder, who
 1636 shall be responsible for all alcoholic beverage
 1637 sales in or upon the licensed premises.

1638 **D. Noise regulations.**

1639 ~~The Talbot County Board of Liquor License~~
 1640 ~~Commissioners Board~~ may regulate the time
 1641 and noise level of the playing of mechanical
 1642 music boxes, live music, and sound-making
 1643 devices that are used on licensed premises
 1644 where the sound disturbs the peace,
 1645 tranquility, safety, and health of the
 1646 surrounding neighborhood.

1647 **E. Slot machine restriction.**

1648 ~~The Talbot County Board of Liquor License~~
 1649 ~~Commissioners shall~~ Board shall be prohibited
 1650 from issuing a license under the provisions of
 1651 this chapter to any entity at any place at which
 1652 one or more slot machines are located,
 1653 maintained, or operated, unless the entity is a
 1654 fraternal, religious or veterans' nonprofit
 1655 organization with a license to operate the slot
 1656 machine(s) issued by the Sheriff of Talbot
 1657 County.

1658 **§ 11-14 Revocation and suspension of licenses.**

1659 **A. General provisions.**

1660	(1) Any license issued under the provisions	1708	determination that the requisite violations have
1661	of this chapter may be revoked or suspended	1709	occurred. [Added 2-3-2004 by Bill No. 934]
1662	by the Talbot County Board of Liquor License	1710	(2) For purposes of this section a conviction
1663	Commissioners Board for any cause which in	1711	is deemed to have occurred whenever a person
1664	the judgment of the Board is necessary to	1712	accused of a crime pleads guilty or nolo
1665	promote the peace or safety of the community	1713	contendere or is found guilty of an offense.
1666	in which the place of business is situated. A	1714	(3) The following shall each be prima facie
1667	license may be revoked or suspended, and/or a	1715	evidence of a violation:
1668	fine imposed by the Board based upon, but not	1716	(a) A sale or delivery of an alcoholic
1669	limited to, any of the following findings:	1717	beverage by a license holder before or after the
1670	(a) Conviction of the license holder for	1718	hours during which the privileges conferred by
1671	violation of any of the provisions of this	1719	the applicable license may be exercised.
1672	chapter or of applicable state law regulating	1720	(b) An open container holding more than a
1673	the retail sale of alcoholic beverages.	1721	trace of an alcoholic beverage, prior to or more
1674	(b) Any finding of fact in a criminal	1722	than 30 minutes after the hours during which
1675	proceeding that would be sufficient to sustain	1723	the privileges conferred by the applicable
1676	a judgment or verdict of guilt for any violation	1724	license may be exercised.
1677	of this chapter or applicable state law	1725	(c) Live entertainment or playing of
1678	regulating the retail sale of alcoholic	1726	electronic entertainment other than during the
1679	beverages, regardless of whether that finding	1727	hours in which the privileges conferred by the
1680	is stricken and probation before judgment is	1728	applicable license may be exercised.
1681	granted.	1729	(d) Presence of person(s) on the premises
1682	(c) Failure or refusal of any license holder to	1730	prior to or more than 30 minutes after the
1683	comply with any provisions of this chapter or	1731	hours during which the privileges conferred by
1684	any applicable state law, or any rule or	1732	the applicable license may be exercised, other
1685	regulation that may be adopted pursuant to this	1733	than by those listed below:
1686	chapter;	1734	[1] The owner, license holder or their agents
1687	(d) The making of any material false	1735	or employees actually engaged in cleaning or
1688	statement in any application for a license; or	1736	preparing for the next day's operation.
1689	(e) A conviction of one or more of the	1737	[2] Entertainers actually engaged in
1690	clerks, agents, or employees of a license	1738	preparing for opening or closing down after a
1691	holder for the violation of any of the	1739	performance.
1692	provisions of this chapter or applicable state	1740	[3] Delivery personnel actually making
1693	law on the licensed premises.	1741	deliveries.
1694	(f) A finding by the Talbot County Board of	1742	(e) The sale, delivery or furnishing of an
1695	Liquor License Commissioners Board that one	1743	alcoholic beverage by a license holder, clerk,
1696	or more of the clerks, agents, or employees of	1744	agent or employee of a license holder to a
1697	a license holder violated any of the provisions	1745	minor on the licensed premises.
1698	of this chapter or of applicable state law on the	1746	B. Procedure for revocation or
1699	licensed premises.	1747	suspension.
1700	(g) Three or more violations of any	1748	(1) The Talbot County Board of Liquor
1701	provision of Chapter 159, Article I, Talbot	1749	License Commissioners Board may, on its
1702	County Code, Smoking. For purposes of this	1750	own initiative, or upon complaints by local
1703	subsection, the Talbot County Board of Liquor		
1704	License Commissioners Board may not		
1705	amend, modify, or decline to impose the		
1706	requisite suspension upon any licensee for the		
1707	period designated in § 159-9C(2) following a		

1751 citizens, or upon a complaint by the State's
 1752 Attorney, any peace officer, or the County
 1753 Health Officer, revoke or suspend any license
 1754 issued under the provisions of this chapter or
 1755 impose a monetary fine upon any license
 1756 holder, or both. Such action shall not be taken
 1757 until the Board has conducted a hearing upon
 1758 the complaint, notice of which shall be mailed
 1759 or delivered to the license holder at least 10
 1760 days before the hearing. Revocation or
 1761 suspension hearings shall be conducted
 1762 pursuant to § 11-10A of this chapter, except
 1763 that the notification provisions thereof shall
 1764 not apply. In addition, in a hearing under this
 1765 section, the person or entity making the
 1766 complaint to the Board shall be the first to
 1767 present evidence to the Board; the license
 1768 holder shall then present its evidence, to be
 1769 followed by any further evidence to be
 1770 presented by the complainant. The Board may
 1771 permanently revoke or suspend a license for
 1772 any period, or impose a fine, at its discretion,
 1773 upon a finding that any provision of this
 1774 chapter or any applicable state law has been
 1775 violated, or upon a finding based upon clear
 1776 and convincing evidence that the continued
 1777 licensing of the premises in question
 1778 constitutes a danger to the public health,
 1779 safety, or welfare.

1780 (2) Within 30 days of the hearing, the Board
 1781 shall issue its decision, setting forth its
 1782 findings, determination of any violations, and
 1783 imposition of any penalty, sanction or fine. If
 1784 no decision is issued by the Board within 30
 1785 days of the hearing, a finding of "no violation"
 1786 shall result.

1787 **§ 11-15 Violations and penalties.**

1788 A. Any person or license holder violating
 1789 the provisions of this chapter shall be guilty of
 1790 a misdemeanor and, upon conviction thereof,
 1791 shall be subject to a fine of not more than
 1792 \$1,000 or to imprisonment for not more than
 1793 six months, or to both such fine and
 1794 imprisonment; provided, however, that if
 1795 applicable state law provides a greater penalty,
 1796 the penalty provided by state law shall prevail.

1797 B. Anyone charged with selling or
 1798 furnishing alcoholic beverages to a person not
 1799 of legal age in violation of § 11-13C shall be
 1800 found not guilty of said violation if such
 1801 person establishes to the satisfaction of the
 1802 jury, or the court sitting as a jury, that he used

1803 due caution to establish that such person was
 1804 of legal age to purchase or be supplied
 1805 alcoholic beverages. The granting of probation
 1806 before judgment to a license holder or
 1807 employee or agent of a license holder for any
 1808 alleged violation of this chapter or applicable
 1809 state law does not bar the Board from
 1810 proceeding against the license holder for the
 1811 violation.

1812 C. In lieu of suspending or revoking an
 1813 alcoholic beverages license pursuant to the
 1814 terms of this chapter, the ~~Talbot County Board~~
 1815 ~~of Liquor License Commissioners Board~~ may
 1816 hold any suspension in abeyance and impose a
 1817 fine for any violation of this chapter subject to
 1818 the following conditions:

1819 (1) The Board determines that the public
 1820 welfare and safety will not be impaired by
 1821 allowing the license holder to operate during
 1822 the suspension period and that payment of the
 1823 fine will achieve the desired disciplinary
 1824 purposes.

1825 (2) The fine assessed by the Board under this
 1826 subsection shall not exceed \$1,000 for each
 1827 violation.

1828 (3) All moneys collected under this
 1829 subsection shall be deposited into the general
 1830 funds of Talbot County.

1831 (4) The Board shall have promulgated such
 1832 rules and regulations as it deems necessary to
 1833 carry out the purposes of this subsection
 1834 including any conditions to be imposed on the
 1835 license holder as a condition of holding any
 1836 such suspension in abeyance.

1837 **§ 11-16 Bottle club restrictions; drive-through**
 1838 **sales.**

1839 A. It shall be unlawful in Talbot County for
 1840 any bottle club to sell, serve, give, dispense,
 1841 keep or allow to be consumed on its premises,
 1842 or on premises under its control or possession,
 1843 any alcoholic beverages, setups or other
 1844 component parts of mixed alcoholic drinks. As
 1845 used in this subsection, the term "bottle club"
 1846 shall mean any club which serves, sells, gives,
 1847 or dispenses alcoholic beverages to its
 1848 members or guests, or which keeps for its
 1849 members or guests any alcoholic beverages, or
 1850 which allows to be consumed on its premises
 1851 any alcoholic beverages, by its members or

1852 guests, which beverages have been reserved or
 1853 purchased by the members or guests; or any
 1854 club at which patrons are served, given, or
 1855 allowed to consume alcoholic beverages after
 1856 legal closing hours from any supplies that the
 1857 patrons have previously purchased or reserved;
 1858 or any club that sells, dispenses, serves, keeps,
 1859 or allows to be consumed any setups or other
 1860 component parts of mixed alcoholic drinks to
 1861 its members or guests.

1862 B. Drive-through sales prohibited. A
 1863 licensee shall not sell, offer to sell, or dispense
 1864 alcoholic beverages for off-premises
 1865 consumption through a facility commonly
 1866 known as a "walk-up" or "drive-through"
 1867 window. [Added 4-13-1999 by Bill No. 705]

1868 **§ 11-17 Enforcement.**

1869 **A. Notification requirements.**

1870 To aid in the enforcement of this chapter, it
 1871 shall be the responsibility of all law
 1872 enforcement personnel, including members of
 1873 the Maryland State Police, the Talbot County
 1874 Sheriff's Department, the Talbot County
 1875 State's Attorney's Office, the Natural
 1876 Resources Police, and each of the municipal
 1877 police departments in Talbot County, to notify
 1878 the ~~Talbot County Board of Liquor License~~
 1879 ~~Commissioners—Board~~ of any violation
 1880 citations issued to any license holder under the
 1881 provisions of this chapter, within 48 hours of
 1882 the issuance of the citation. The ~~Talbot County~~
 1883 ~~Board of Liquor License Commissioners~~
 1884 ~~shall~~ Board shall notify law enforcement
 1885 personnel, including members of the Maryland
 1886 State Police, the Talbot County Sheriff's
 1887 Department, the Talbot County State's
 1888 Attorney's Office, the Natural Resources
 1889 Police, and the appropriate municipal police
 1890 department, of any license issued under the
 1891 provisions of this chapter which is revoked or
 1892 suspended, or of any fines which are imposed
 1893 for a violation of this chapter.

1894 **B. Chemical test report.**

1895 For the purpose of establishing that physical
 1896 evidence in a criminal proceeding or
 1897 administrative hearing under the provisions of
 1898 this chapter contains or constitutes alcohol or
 1899 an alcoholic beverage, a report signed by the
 1900 chemist or analyst who performed the test or
 1901 tests as to its nature is prima facie evidence

1902 that the material delivered to him was properly
 1903 tested under procedures approved by the
 1904 Department of Health and Mental Hygiene,
 1905 that those procedures are legally reliable, that
 1906 the material was delivered to him by the
 1907 officer or person stated in the report, and that
 1908 the material was or contained alcohol, without
 1909 the necessity of the chemist or analyst
 1910 personally appearing in court, or at any
 1911 hearing, provided the report identifies the
 1912 chemist or analyst as an individual certified by
 1913 the Department of Health and Mental Hygiene,
 1914 the Maryland State Police Department, the
 1915 Baltimore City Police Department, or any
 1916 County police department employing analysts
 1917 of controlled dangerous substances or alcohol,
 1918 as qualified under standards approved by the
 1919 Department of Health and Mental Hygiene to
 1920 analyze those substances, states that he made
 1921 an analysis of the substance under approved
 1922 procedures and also states that the substance,
 1923 in his opinion, is or contains alcohol. Nothing
 1924 in this section precludes the right of any party
 1925 to introduce any evidence supporting or
 1926 contradicting the evidence contained in or the
 1927 presumptions raised by the report.

1928 **C. Chain of custody.**

1929 (1) In this section, "chain of custody" means
 1930 the seizing officer; the packaging officer, if the
 1931 packaging officer is not also the seizing
 1932 officer; and the chemist or person who actually
 1933 touched the substance and not merely the outer
 1934 sealed package in which the substance was
 1935 placed by the law enforcement agency before
 1936 or during the analysis of the substance.

1937 (2) "Chain of custody" does not include a
 1938 person who handled the substance in any form
 1939 after analysis of the substance.

1940 (3) For the purpose of establishing, in a
 1941 criminal proceeding or an administrative
 1942 hearing under the provisions of this chapter,
 1943 the chain of physical custody or control of
 1944 evidence consisting of or containing a
 1945 substance tested or analyzed to determine
 1946 whether it is or contains alcohol, a statement
 1947 signed by each successive person in the chain
 1948 of custody that the person delivered it to the
 1949 other person indicated on or about the date
 1950 stated is prima facie evidence that the person
 1951 had custody and made the delivery as stated,
 1952 without the necessity of a personal appearance
 1953 in court by the person signing the statement.

1954	The statement shall contain a sufficient	2003	contains or constitutes alcohol, a sealed
1955	description of the material or its container so	2004	container in its original unopened condition
1956	as to distinguish it as the particular item in	2005	which has a label which states that it contains
1957	question and shall state that the material was	2006	alcohol or is an alcoholic beverage is prima
1958	delivered in essentially the same condition as	2007	facie evidence that the contents of the
1959	received.	2008	container are or include alcohol or an alcoholic
		2009	beverage.
1960	(4) Nothing in this section precludes the	2010	§ 11-18 Appeals.
1961	right of any party to introduce any evidence		
1962	supporting or contradicting the evidence	2011	A. General provisions.
1963	contained in or the presumption raised by the		
1964	statement.	2012	(1) Appeals from decisions of the Talbot
		2013	County Board of Liquor License
1965	D. Presence of chemist or analyst at	2014	Commissioners shall <u>Board shall</u> be to the
1966	criminal proceeding.	2015	Circuit Court for Talbot County, in accordance
		2016	with the Maryland Rules of Procedure
1967	(1) In a criminal proceeding under the	2017	applicable to administrative appeals.
1968	provisions of this chapter, the prosecution		
1969	shall, upon written demand of a defendant	2018	(2) The decision approving, suspending,
1970	filed in the proceedings at least five days prior	2019	revoking, restricting, or refusing to approve,
1971	to a trial in the proceeding, require the	2020	suspend, revoke or restrict any license or
1972	presence of the chemist, analyst, or any person	2021	licensee shall be subject to appeal in the
1973	in the chain of custody as a prosecution	2022	manner provided in this section.
1974	witness.		
1975	(2) The provisions of § 11-17B and C	2023	B. Who may appeal.
1976	concerning prima facie evidence do not apply		
1977	to the testimony of that witness. The	2024	A licensee, a license applicant, or a group of
1978	provisions of §§ 11-17B and C are applicable	2025	not less than 10 persons who reside in Talbot
1979	in a criminal proceeding only when a copy of	2026	County may appeal a final decision of the
1980	the report or statement to be introduced is	2027	Board to the Circuit Court if the licensee,
1981	mailed, delivered, or made available to counsel	2028	license applicant, or the group is aggrieved by
1982	for the defendant or to the defendant	2029	the decision and has appeared at the hearing of
1983	personally when the defendant is not	2030	the Talbot County Board of Liquor License
1984	represented by counsel, at least 10 days prior	2031	Commissioners Board either:
1985	to the introduction of the report or statement at		
1986	trial.	2032	(1) In person or by representative; or
1987	(3) Nothing contained in this section shall	2033	(2) By the submission of a written document
1988	prevent the defendant from summoning a	2034	that was introduced at the hearing.
1989	witness mentioned in this section as a witness		
1990	for the defense.	2035	C. Court costs.
1991	(4) At an administrative proceeding, the	2036	The Clerk of the Circuit Court, before
1992	reports described in Subsections B and C	2037	docketing an appeal, shall first collect, from
1993	above shall be prima facie evidence without	2038	the person or persons so appealing, all court
1994	the presence of the chemist, analyst, or any	2039	costs and a statement from the Board that the
1995	person in the chain of custody. Nothing in this	2040	costs for getting records and transcripts of
1996	section prevents the license holder or any other	2041	proceedings of the hearing before the Board
1997	party from summoning the chemist, analysts or	2042	have been paid. Costs may not be assessed
1998	any other person in the chain of custody.	2043	against the Board.
1999	E. Physical evidence. For the purpose of	2044	D. Scope of appeal.
2000	establishing that physical evidence in a		
2001	criminal proceeding or an administrative		
2002	hearing under the provisions of this chapter		

2045 (1) Upon the hearing of such appeal, the
2046 action of the Board shall be presumed by the
2047 court to be proper and to best serve the public
2048 interest. The burden of proof shall be upon the
2049 petitioner to show that the decision
2050 complained of was against the public interest
2051 and that the Board's discretion in rendering its
2052 decision was not honestly and fairly exercised,
2053 or that such decision was arbitrary, or procured
2054 by fraud, or unsupported by any substantial
2055 evidence, or was unreasonable, or that such
2056 decision was beyond the powers of the Board
2057 and was illegal. The case shall be heard by the
2058 court without the intervention of a jury. If in
2059 the opinion of the court it is impracticable to
2060 determine the question presented to the court,
2061 in the case on appeal, without the hearing of
2062 additional evidence, or if in the opinion of the
2063 court any qualified litigant has been deprived
2064 of the opportunity to offer evidence, or if the
2065 interests of justice otherwise require that
2066 further evidence should be taken, the court
2067 may hear such additional testimony to such
2068 extent and in such manner as may be necessary
2069 or may remand the case to the Board for that
2070 purpose.

2071 (2) In such actions of appeal the Board may
2072 be represented by its attorney.

2073 (3) The Board's decision shall be affirmed,
2074 modified, reversed, or remanded to the Board.
2075 Costs shall be awarded as in other civil cases.

2076 **E. Further appeals.**

2077 Further appeals shall be governed by the
2078 provisions of Article 2B, § 16-101, Annotated
2079 Code of Maryland.

2080 **§ 11-19 Supplemental municipal regulation.**

2081 Municipalities within Talbot County may
2082 restrict the retail sale of alcoholic beverages
2083 within their respective jurisdictions through
2084 adoption of local zoning ordinances.
2085 Enforcement of any ordinance so enacted shall
2086 be the responsibility of the municipality.

2087 **§ 11-20 Conflict with other regulations.**

2088 Any law enacted by the Talbot County
2089 Council pursuant to the grant of express
2090 powers in Article 25, § 3(ee), or Article 2B,
2091 § 18-101, Annotated Code of Maryland, shall
2092 prevail over any provision of the Code of

2093 Public General Laws of Maryland regulating
2094 the retail sale of alcoholic beverages.
2095 However, unless and until the Talbot County
2096 Council enacts a law which is contrary to a
2097 provision of the Code of Public General Laws
2098 regulating the retail sale of alcoholic
2099 beverages, the provisions of the Code of
2100 Public General Laws shall remain in effect.

2101

2102

2103 **EFFECTIVE DATE:** This bill shall take effect
2104 for all new licenses and licensees 60 days after
2105 enactment. For all existing licenses and licen-
2106 sees, this bill shall become effective only in
2107 connection with, upon, and following any
2108 renewal of the existing license(s).