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COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2011 Legislative Session, Legislative Day No.: February 22, 2011

Resolution No.: 179

Introduced by: Mr. Pack

A RESOLUTION TO ADOPT A MORATORIUM ON ISSUING OF CLASS A, OFF-SALE BEER AND LIGHT WINE LICENSES, AND CLASS E, OFF-SALE BEER, WINE AND LIQUOR LICENSES, BY THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS FOR A PERIOD OF NINE MONTHS PENDING CONSIDERATION AND ADOPTION OF LEGISLATION THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE

By the Council: February 22, 2011

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, March 22, 2011, at 7:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: Susan W. Moran
Susan W. Moran Secretary

A RESOLUTION TO ADOPT A MORATORIUM ON ISSUING OF CLASS A, OFF SALE BEER AND LIGHT WINE LICENSES, AND CLASS E, OFF SALE BEER, WINE AND LIQUOR LICENSES, BY THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS FOR A PERIOD OF NINE MONTHS PENDING CONSIDERATION AND ADOPTION OF LEGISLATION THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE

WHEREAS, § 18-101 of Article 2B, Annotated Code of Maryland, grants the County Council authority to regulate the retail sale of alcoholic beverages within Talbot County; and

WHEREAS, Chapter 11 *Alcoholic Beverages*, Talbot County Code, ("Chapter 11") provides regulations, provisions, restrictions, and penalties related to the retail sale of alcoholic beverages to protect the public health, safety, and welfare; and

WHEREAS, Talbot County desires to review the existing provisions of Chapter 11 to better regulate the retail sale of alcoholic beverages within Talbot County; and

WHEREAS, the County Council appointed a Blue Ribbon Commission to study the health and safety issues related to alcohol consumption in Talbot County. The Commission produced the *Blue Ribbon Commission Report to the Talbot County Council,* dated Tuesday, September 11, 2007. The Commission noted in its report that in Talbot County:

- A higher percentage of high school seniors drink alcohol than any other Maryland jurisdiction.
- High school seniors report binge drinking at a rate sixty-seven percent (67%) higher than the state average.
- Eighth and tenth graders report binge drinking at a rate thirty-four (34%) and fifty-six percent (56%) higher, respectively, than the state average.
- Per-capita wine consumption is the highest in the state.
- Adult binge-drinking ranks third highest in the state.
- Hospital adult discharges for alcohol-related diagnoses are twenty percent (20%) higher than the state average.
- Alcohol related death rates lead the state.

WHEREAS, the Blue Ribbon Commission issued a series of recommendations to address these issues; and

WHEREAS, off-sale licenses have the most effect on unsupervised, underage, and binge drinking, and therefore merit careful review and legislative changes, if and as necessary, to address these concerns; and

WHEREAS, the County Council needs time to consider the Blue Ribbon Commission's recommendations, and other recommendations, to address alcohol-related issues in the County and to adopt appropriate revisions to Chapter 11, if and as necessary; and

WHEREAS, the County Council believes that a moratorium of nine months is a reasonable length of time to allow the County to consider and enact appropriate legislation to address the issues resulting from the Blue Ribbon Commission's recommendations, and other studies and reports, and that such a moratorium is necessary to promote public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Talbot County, Maryland:

Section 1. A temporary moratorium on issuance of Class A, off-sale beer and light wine licenses, and Class E, off-sale beer, wine, and liquor licenses shall be and is hereby enacted for a period of nine months after the adoption of this Resolution. This moratorium does not limit issuance of other classes of alcohol beverage licenses under Chapter 11.

Section 2. During the moratorium, the Talbot County Board of Liquor License Commissioners shall not process, consider, review, or approve any Class A or Class E application or license otherwise authorized under Chapter 11. Applications for any such license shall be accepted and placed in a queue, in the order in which they are received, for processing following termination of this moratorium, in accordance with whatever laws and regulations are in effect at that time. Such laws or regulations may require the applicant to provide supplemental, new, or different information and meet additional standards.

Section 3. This moratorium is being adopted to allow sufficient time to review and consider alcohol-related issues, policies, guidance, and recommendations, and to enact appropriate legislation considering the Blue Ribbon Commission report and other information. The Blue Ribbon Commission Report recommends that the County address:

(a) improved tools for the County Liquor Inspector;

(b) training for alcohol servers to improve compliance with applicable law and especially to reduce service to minors;

(c) increasing the age of servers and sellers of alcohol;

(d) codification of sanctions for alcohol violations to improve uniformity and effectiveness;

(e) license fees designed to recover costs of alcohol inspection and control measures;

(f) advertising limits to reduce visibility to discourage underage drinking;

(g) limits on access and availability to underage shoppers and employees through outlet design, or restrictions on land-use types permitted to dispense alcohol; and

(h) restrictions on the number of alcohol sale outlets to bring the County more in line with the state per-capita number of outlets.

Section 4. This moratorium is a short-term suspension of administrative processing, consideration, review, or approval of the above two classes of alcohol licenses. During this time the County will, as necessary:

(a) Consider revisions, changes, and amendments to Chapter 11, and adopt appropriate amendments to address alcohol-related issues;

(b) Obtain expert advice and assistance;

(c) Obtain additional studies and reports to identify and address the impacts of alcohol consumption on public health;

(d) Consider such other matters as the County Council, Planning and Zoning Commission, the Talbot County Board of Liquor License Commissioners, the Blue Ribbon Commission Oversight Committee, and County staff may deem appropriate; and

(e) Take whatever other actions as may be necessary to protect and promote the public health, safety, and welfare.

Section 5. The moratorium shall apply to all applications currently pending before the Talbot County Board of Liquor License Commissioners, and to any application(s) filed while this temporary moratorium is pending.

Section 6. Class A and Class E license renewal and transfer applications shall not be affected by this Resolution, and shall be accepted and processed in accordance with existing provisions of Chapter 11 without regard to the adoption of this moratorium.

Section 7. This moratorium shall become effective upon adoption of this Resolution.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____at _____p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Bartlett-

Hollis-

Pack-

Price-

Duncan-