

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

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

Resolution No.: 179

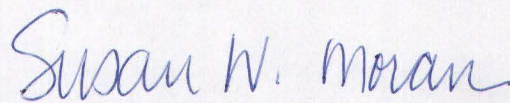
Introduced by: Mr. Pack

A RESOLUTION TO ADOPT A MORATORIUM ON ISSUING OF ~~CLASS A, ON AND~~ OFF- SALE BEER AND LIGHT WINE LICENSES, AND ~~CLASS E, ON AND~~ OFF- SALE BEER, WINE AND LIQUOR LICENSES, BY THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS FOR A PERIOD OF ~~NINE-SIX~~ 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. and on Tuesday, April 12, 2011 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:



Susan W. Moran Secretary

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

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

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

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

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

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

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

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

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

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

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

39 *Section 1.* A temporary moratorium on issuance of ~~Class A, on and~~ off-sale beer and
40 light wine licenses, and ~~Class E, on and~~ off-sale beer, wine, and liquor licenses shall be and is
41 hereby enacted for a period of ~~nine-six~~ months after the adoption of this Resolution. This
42 moratorium does not limit issuance of other classes of alcohol beverage licenses under Chapter
43 11.

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

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

- 55 (a) improved tools for the County Liquor Inspector;
- 56 (b) training for alcohol servers to improve compliance with applicable law and especially
57 to reduce service to minors;
- 58 (c) increasing the age of servers and sellers of alcohol;
- 59 (d) codification of sanctions for alcohol violations to improve uniformity and
60 effectiveness;
- 61 (e) license fees designed to recover costs of alcohol inspection and control measures;

- 62 (f) advertising limits to reduce visibility to discourage underage drinking;
- 63 (g) limits on access and availability to underage shoppers and employees through outlet
- 64 design, or restrictions on land-use types permitted to dispense alcohol; and
- 65 (h) restrictions on the number of alcohol sale outlets to bring the County more in line
- 66 with the state per-capita number of outlets.

67 *Section 4.* This moratorium is a short-term suspension of administrative processing,

68 consideration, review, or approval of the above two classes of alcohol licenses. During this time

69 the County will, as necessary:

- 70 (a) Consider revisions, changes, and amendments to Chapter 11, and adopt appropriate
- 71 amendments to address alcohol-related issues;
- 72 (b) Obtain expert advice and assistance;
- 73 (c) Obtain additional studies and reports to identify and address the impacts of alcohol
- 74 consumption on public health;
- 75 (d) Consider such other matters as the County Council, Planning and Zoning
- 76 Commission, the Talbot County Board of Liquor License Commissioners, the Blue
- 77 Ribbon Commission Oversight Committee, and County staff may deem appropriate;
- 78 and
- 79 (e) Take whatever other actions as may be necessary to protect and promote the public
- 80 health, safety, and welfare.

81 *Section 5.* The moratorium shall apply to all applications currently pending before the

82 Talbot County Board of Liquor License Commissioners, and to any application(s) filed while

83 this temporary moratorium is pending.

84 *Section 6.* ~~Class A and Class E-L~~ license renewal and transfer applications shall not be

85 affected by this Resolution, and shall be accepted and processed in accordance with existing

86 provisions of Chapter 11 without regard to the adoption of this moratorium.

87 *Section 7.* This moratorium shall not affect the applications for or issuance of special and

88 temporary licenses, which shall be accepted and processed in accordance with existing

89 provisions of Chapter 11 without regard to the adoption of this moratorium.

90 *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. and on _____ at _____ 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-