

Chapter 11

ALCOHOLIC BEVERAGES

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(1) Enforce all alcoholic beverages laws; 24

(2) Investigate all complaints and violations of the alcoholic beverages laws; 24

(3) Investigate all applicants for an alcoholic beverages license or transfer of license;24

(4) Serve summonses and subpoenas, conduct inspections, and investigate violations of this Chapter; ..... 24

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GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

1 § 11-1 Title

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

5 § 11-1.1 Definitions

6 A. Alcohol dispensary - A commercial  
7 enterprise licensed or seeking a license to engage  
8 primarily in the retail sale of packaged alcoholic  
9 beverages with such beverages occupying at least  
10 seventy five percent (75%) of the sales area.

11 B. Alcohol dispensary bistro - A  
12 commercial enterprise and limited food service  
13 facility licensed or seeking a license to engage in  
14 both the sale of packaged alcoholic beverages for  
15 consumption off-premises and craft beer and wine  
16 for consumption on-premises at the same location  
17 with light food service and seating for no more than  
18 forty (40) people. An alcohol dispensary bistro  
19 shall not include pharmacies, chain or franchise  
20 supermarkets, and establishments that sell, or are  
21 affiliated with the sale of gasoline and other  
22 petroleum-based products to motorists.

23 C. Café - A limited food service facility not  
24 to exceed 20 seats located in a marina that regularly  
25 prepares and serves full meals, which may include  
26 a sandwich menu.

27 D. Chain or franchise supermarket - A retail  
28 grocery or food store doing business at multiple  
29 locations under a common name regardless of the  
30 form or system of ownership.

31 E. Convenience store - A small-scale retail  
32 store less than 8,000 square feet located to serve  
33 highway or neighborhood demand for light food  
34 service, sandwiches, or snack foods for immediate  
35 consumption or carry out, having a limited  
36 selection of grocery items, over-the-counter  
37 medicines, cosmetics, and household supplies,  
38 licensed or seeking a license to offer limited beer  
39 and light wine items occupying not more than  
40 twenty-five percent (25%) of the sales area.  
41 Convenience stores do not include locations that  
42 dispense petroleum products for motor vehicles.

43 F. Craft beer - Beer produced by independently-  
44 owned breweries in small batches.

45 G. Distillery - A commercial enterprise with  
46 a current, valid license to operate as a Class One  
47 Distillery by the State of Maryland.

48 H. Hotel - a lodging place offering overnight  
49 sleeping accommodations with at least twenty-five  
50 (25) bedrooms having a food service facility that  
51 regularly prepares and serves meals on the  
52 premises where alcoholic beverages are to be sold.

53 I. Restaurant - a food service facility with  
54 capacity to seat at least twenty (20) persons,  
55 counting any outdoor seating, regularly serving at  
56 least two meals per day, which may include a  
57 sandwich menu, that maintains a kitchen staffed for  
58 serving food that opens within one hour after the  
59 facility opens and remains in continuous operation  
60 until at least two hours before alcoholic beverages  
61 are no longer served.

62 J. Supermarket -- a retail grocery or food  
63 store that contains a sales area of not less than  
64 16,900 square feet in which at least 80% of the  
65 sales area is devoted to the retail sale of food and  
66 food related products.

67 K. Theater, nonprofit - a qualified business  
68 organization operating as a nonprofit or charitable  
69 organization under Maryland law, or that has been  
70 determined to be an exempt organization pursuant  
71 to Section 501 (c) (3) of the Internal Revenue Code  
72 that is (1) housed within a building; (2) has a  
73 minimum seating capacity of 100 persons; and, (3)  
74 regularly presents live entertainment as part of its  
75 schedule.

76 § 11-2 Purpose

77 The County Council declares that the purpose of  
78 this chapter is to regulate the retail sale of alcoholic  
79 beverages within Talbot County, pursuant to the  
80 authority granted in § 18-101 of Article 2B of the  
81 Annotated Code of Maryland. The regulations,  
82 provisions, restrictions and penalties contained in  
83 this chapter are for the protection, health, welfare  
84 and safety of the citizens of Talbot County.

85 § 11-3 Administration by Board of Liquor  
86 License Commissioners

87 This chapter shall be administered and enforced by  
88 the Talbot County Board of Liquor License

89 Commissioners (the "Board"). The Board may  
90 adopt such written rules and regulations as it deems  
91 necessary to carry out the provisions of this  
92 chapter, subject to the approval of the County  
93 Council. Chapter 60, Ethics, Talbot County Code,  
94 shall apply to members of the Board.

95 **§ 11-4 Beer and light wine licenses**

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

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

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

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

140 shall be permitted on the licensed premises  
141 only.

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

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

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

166 (1) General provisions. A Class B beer and  
167 light wine license shall authorize the holder  
168 thereof to keep for sale and sell beer and light  
169 wine, at retail, at any hotel or restaurant, at the  
170 place described in the license, for consumption  
171 on the premises.

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

184 (3) Hours. The hours during which the  
185 privileges conferred by a Class B license may  
186 be exercised shall be from 6:00 a.m. to 2:00  
187 a.m. on the following day.

188	<b>C. Beer and light wine license, Class B-R</b>	236	premises shall occur in a café regularly
189	<b>(off-sale), hotels and restaurants</b>	237	preparing and serving full meals, which may
		238	include a sandwich menu.
190	(1) General provisions. A Class B-R beer and	239	(2) Hours. The hours during which the
191	light wine license shall be issued only to hotels	240	privileges conferred by a Class D license may
192	and restaurants and shall authorize the holder	241	be exercised shall be from 6:00 a.m. to 12:00
193	thereof to keep for sale and sell beer and light	242	midnight.
194	wine, at retail, at the place described in the		
195	license, in a sealed package or container, which	243	<b>§ 11-4.1 Beer License</b>
196	package or container may not be opened nor its		
197	contents consumed on the premises where sold.	244	<b>Beer, On-Premises License, Class DBR</b>
198	(2) Any holder of a Class F license, lawfully	245	(1) General provisions. A Class DBR On-
199	issued and validly existing on the effective date	246	Premises License shall be issued only to the
200	of this ordinance shall be entitled to obtain a	247	holder of a State of Maryland issued Class 5
201	Class B-R license through the renewal process	248	Brewery License, and shall authorize the holder
202	at the existing location provided that all such	249	thereof to sell beer fermented and brewed by the
203	applications otherwise comply with all then-	250	license holder at the brewery for on-premises
204	existing ordinance, laws, and regulations, as	251	consumption, in addition to those privileges
205	amended from time to time. Provided further,	252	granted to the holder by the State.
206	that all such holders shall be entitled to a B-R		
207	license without regard to the market-test set	253	(2) On-Site Consumption Permit. A Class
208	forth in § 11-8 D.	254	DBR-On-Premises License shall serve as the on-
209	(3) Hours. The hours during which the	255	site consumption permit and the license
210	privileges conferred by a Class B-R license may	256	equivalent to a Class D license specified under
211	be exercised shall be from 6:00 a.m. to 2:00	257	§ 2-207(f) of the Alcoholic Beverages Article
212	a.m. on the following day.	258	of the Code of Maryland.
213	<b>D. Beer and light wine license, Class C (on-</b>	259	(3) The total amount of beer sold each year for
214	<b>sale), clubs</b>	260	on-premises consumption under the Class DBR
215	(1) General provisions. A Class C beer and	261	On-Premises License must not exceed 5,000
216	light wine license shall authorize the holder	262	beer barrels annually. The holder must provide
217	thereof to keep for sale and sell beer and light	263	information related to the number of beer
218	wine, at retail, to bona fide members and their	264	barrels sold upon request by enforcement
219	guests at any club, at the place described in the	265	authorities.
220	license, for consumption on the premises only.	266	(4) Hours. The hours during which the
221	[Amended 12-14-1999 by Bill No. 742; 4-24-	267	privileges conferred by a Class DBR On-
222	2001 by Bill No. 811]	268	Premises License may be exercised shall be
		269	from 10:00 a.m. to 10:00 p.m.
223	(2) Hours. The hours during which the	270	(5) No alcoholic beverages are to be sold for
224	privileges conferred by a Class C license may	271	off-premises consumption except as allowed by
225	be exercised shall be from 6:00 a.m. to 12:00	272	the holder's State-issued Class 5 Brewery
226	midnight.	273	License.
227	<b>E. Beer and light wine license, Class D (on-</b>	274	(6) If the holder's State-issued Class 5 Brewery
228	<b>and off-sale), marinas</b>	275	License expires or is suspended or revoked by
229	(1) General provisions. A Class D beer and	276	the State of Maryland, the Class DBR On-
230	light wine license shall authorize the holder	277	Premises License shall also automatically be
231	thereof to keep for sale and sell beer and light	278	suspended or revoked, as the case may be.
232	wine, at retail, at any marina, at the place		
233	described in the license, for consumption on the	279	
234	premises and elsewhere. All sales and		
235	consumption of alcoholic beverages on the		



280	<b>§ 11-5 Beer, wine and liquor licenses</b>	331	permanent walls or partitions at least 8 feet
		332	high, and all such sales shall be processed
281	<b>A. Beer, wine and liquor license, Class E</b>	333	through a separate cashier within and dedi-
282	<b>(off-sale) alcohol dispensaries</b>	334	icated to that area, and that all such applications
		335	for renewal otherwise comply with all then-
283	(1) General provisions. A Class E beer, wine	336	existing ordinances, laws, and regulations, as
284	and liquor license shall be issued only to an	337	amended from time to time.
285	alcohol dispensary, and shall authorize the		
286	holder thereof to keep for sale and sell all	338	(5) Notwithstanding the limitations and
287	alcoholic beverages, at retail, in any quantity to	339	restrictions upon the issuance of new off-sale
288	any consumers, at the place described in the	340	licenses set forth in § 11-8 D, any holder of a
289	license, in a sealed package or container, which	341	Class E license that was lawfully issued and
290	package or container shall not be opened nor its	342	validly existing on the effective date of this
291	contents consumed on the premises where sold.	343	ordinance shall be entitled to renewal of such
		344	license as set forth in paragraph (4), above,
292	(2) Hours. The hours during which the	345	without regard to compliance with the market-
293	privileges conferred by a Class E license may	346	test in § 11-8 D.
294	be exercised shall be from 6:00 a.m. to 12:00		
295	midnight.	347	<b>B. Beer, wine and liquor license, Class F (on</b>
		348	<b>and off-sale), hotels and restaurants</b>
296	(3) Wine and beer tasting, alcohol dispen-		
297	saries. Other provisions of this chapter to the	349	(1) General provisions. A Class F beer, wine
298	contrary notwithstanding, the holder of a valid	350	and liquor license shall authorize the holder
299	Class E license that is also an alcohol	351	thereof to keep for sale and sell all alcoholic
300	dispensary shall be authorized to serve not more	352	beverages, at retail, at any hotel or restaurant
301	than one ounce from no more than three bottles	353	qualified under Subsection B(2) hereof. All
302	or containers of wine or beer to any one person	354	sales shall be for consumption on the premises
303	for sampling or tasting purposes. Once opened,	355	only, at the place described in the license. Wine
304	any bottles or containers of wine or beer to be	356	and beer may be sold for consumption on the
305	sampled shall be accurately and specifically	357	premises and elsewhere.
306	marked for sampling or tasting purposes only or		
307	shall be discarded and shall not be offered for	358	(a) No new Class F licenses shall issue after the
308	sale. The contents of any bottle or container	359	effective date of this ordinance. Upon
309	opened for sampling or tasting purposes shall	360	expiration of an existing Class F license, all
310	not be mixed with any other bottle or container.	361	licensees holding a Class F license lawfully
311	Any wine or beer sampling or tasting	362	issued and validly existing on the effective date
312	authorized by this section shall be permitted on	363	of this ordinance shall be entitled to apply for
313	the licensed premises only.	364	and obtain both a Class B-R license and a Class
		365	F-A license for the premises described in the
314	(4) Notwithstanding the limitation on issuance	366	Class F license provided that all such
315	of Class E licenses to alcohol dispensaries in	367	applications for renewal otherwise comply with
316	paragraph (1) above, any holder of a Class E	368	all then-existing ordinances, laws, and
317	license, except for any pharmacy, that was	369	regulations, as amended from time to time. (b)
318	lawfully issued and validly existing on the	370	Upon the expiration of an existing Class F
319	effective date of this ordinance shall be entitled	371	license, any renewal application for the place
320	to renew the same at the existing location	372	described in the existing license shall also
321	provided that all such applications for renewal	373	include all information required to obtain a
322	otherwise comply with all then-existing	374	caterer's endorsement in accordance with § 11-
323	ordinances, laws, and regulations, as amended	375	6A. Subject to all requirements otherwise
324	from time to time. Any such Class E license	376	applicable to a caterer's endorsement, all
325	held by or for the benefit of any pharmacy shall	377	licensees holding an existing Class F license
326	be entitled to renew the same at the existing	378	that was lawfully issued and validly existing on
327	location provided: all alcoholic beverages shall	379	the effective date of this ordinance shall be
328	be offered for sale exclusively within an	380	entitled to a caterer's endorsement as part of
329	enclosed area not exceeding 25% of the sales	381	their renewal, unless the applicant affirma-
330	area, separated from the main sales area by	382	tively declines the same.

383 (2) Requirements for license. A Class F  
384 license shall not be issued until all requirements  
385 for licensing have been met and the place  
386 described in the license is demonstrated to be:

387 (a) A hotel having 25 or more bedrooms and  
388 regularly preparing and serving food on the  
389 premises where alcoholic beverages are to be  
390 sold;

391 (b) A restaurant which seats at least 20  
392 persons, maintains a kitchen staffed for serving  
393 food and provides a menu for at least two meals  
394 per day on a regular basis, which may include a  
395 sandwich menu; or

396 (c) A restaurant which seats at least 20  
397 persons and maintains a kitchen staffed for  
398 serving food, which is open within one hour  
399 after the restaurant opens and is in continuous  
400 operation serving a full menu until at least two  
401 hours before the restaurant closes.

402 (3) Hours. The hours during which the  
403 privileges conferred by a Class F license may  
404 be exercised shall be from 6:00 a.m. to 2:00  
405 a.m. on the following day

406 (4) This section, § 11-5 B, including without  
407 limitation the Class F license classification, and  
408 each paragraph and sub-paragraph, shall be  
409 repealed and of no further force or effect upon  
410 the later of: (1) the expiration of all existing  
411 Class F licenses; and, (2) the issuance of Class  
412 B-R and Class F-A licenses to existing Class F  
413 licensees entitled to receive the same for the  
414 place described in the existing Class F license;  
415 and, (3) compliance with the requirements of  
416 Paragraph (1) (b), above, regarding issuance of  
417 caterer's endorsements; or, (4) expiration of the  
418 right to renew, without renewal, for existing  
419 Class F licenses such that the transition from  
420 Class F to Class B-R and Class F-A has been  
421 completed or waived for all existing Class F  
422 licensees.

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

425 (1) General provisions. A Class F-A beer,  
426 wine and liquor license shall be issued only to a  
427 hotel or restaurant and shall authorize the  
428 holder thereof to keep for sale and sell all  
429 alcoholic beverages, at retail, for consumption  
430 on the premises only, at the place described in  
431 the license.

432 (a) The application for issuance or renewal of  
433 a Class F-A license shall include all information  
434 required to obtain a caterer's endorsement in  
435 accordance with § 11-6A. Subject to all  
436 requirements otherwise applicable to a caterer's  
437 endorsement, all Class F-A licenses issued or  
438 renewed after the effective date of this  
439 ordinance shall include a caterer's endorsement  
440 as part of their issuance or renewal, unless the  
441 applicant affirmatively declines the same.

442 (2) Requirements for license. A Class F-A  
443 license shall not be issued until all requirements  
444 for licensing have been met.

445 (3) Hours. The hours during which the  
446 privileges conferred by a Class F-A license may  
447 be exercised shall be from 6:00 a.m. to 2:00  
448 a.m. on the following day.

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

451 (1) General provisions. A Class G beer, wine  
452 and liquor license shall authorize the holder  
453 thereof to keep for sale and sell all alcoholic  
454 beverages, at retail, at any club qualified under  
455 Subsection D(2) hereof, at the place described  
456 in the license, for consumption on the premises  
457 only.

458 (2) Requirements for license. A Class G  
459 license shall be issued only to a club which is  
460 not operated for profit and which has had 50 or  
461 more bona fide members paying dues of not less  
462 than \$10 per annum per member for five  
463 consecutive years immediately preceding the  
464 year for which the license is to be issued. A  
465 Class G license may be issued to a club  
466 composed exclusively of members who served  
467 in the Armed Forces of the United States, which  
468 is affiliated with a national organization and  
469 had 50 or more bona fide members paying  
470 whatever dues were required by its national  
471 organization in the year immediately preceding  
472 the year for which the license is to be issued.

473 (3) Hours. The hours during which the  
474 privileges conferred by a Class G license may  
475 be exercised shall be from 6:00 a.m. to 2:00  
476 a.m. on the following day.

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



479	(1) General provisions. A Class GC beer,	523	(b) The licensee may not sell alcoholic
480	wine and liquor license shall authorize the	524	beverages for off-premises consumption;
481	holder thereof to keep for sale and sell all		
482	alcoholic beverages, at retail, at any golf course	525	(c) The licensee may not permit alcoholic
483	qualified under Subsection E(2) hereof, at the	526	beverages to be carried off the premises; and
484	place described in the license, for consumption		
485	on the premises only.	527	(d) Food is furnished at the function where
		528	the alcoholic beverages are provided.
486	(2) Requirements for license. A Class GC		
487	license shall be issued only to a golf course	529	(4) The application for issuance or renewal of a
488	which is open to the public and has a golf course	530	Class B-F license shall include all information
489	with a minimum of 18 holes. A licensee may	531	required to obtain a caterers endorsement in
490	sell beer, wine and liquor for consumption only	532	accordance with § 11-6A. Subject to all
491	on the land and in the buildings, including the	533	requirements otherwise applicable to a caterer's
492	clubhouse, used for golfing purposes. A patron	534	endorsement, all Class B-F licenses issued or
493	need not be seated to be served.	535	renewed after the effective date of this
		536	ordinance shall include a caterer's endorsement
494	(3) Hours. The hours during which the	537	as part of their issuance or renewal, unless the
495	privileges conferred by a Class GC license may	538	applicant affirmatively declines the same.
496	be exercised shall be from 7:00 a.m. to 10:00		
497	p.m. each day.	539	(5) Hours. The hours during which the
		540	privileges conferred by a Class B-F license may
498	<b>F. Beer, wine and liquor license, Class B-F (on-</b>	541	be exercised shall be from 12:00 noon to 2:00
499	<b>sale) banquet facility</b>	542	a.m. the following day.
500	(1) General provisions. A Class B-F beer,	543	<b>G. Beer, wine and liquor license, Class B-T (on-</b>
501	wine and liquor license shall authorize the	544	<b>sale), certain nonprofit theaters</b>
502	holder thereof to keep for sale and sell all		
503	alcoholic beverages, at retail, at any banquet	545	(1) General provisions. A Class B-T beer,
504	facility qualified under Subsection F(2) hereof,	546	wine, and liquor license shall be issued only to
505	at the place described in the license, for	547	nonprofit theaters and shall authorize the holder
506	consumption on the premises only.	548	thereof to keep for sale and sell beer, wine, and
		549	liquor at retail, at the place described in the
507	(2) Requirements for license. The Class B-F	550	license, for consumption on the premises only.
508	license shall not be issued until all requirements		
509	for licensing have been met and the place	551	(2) Requirements for license. A Class B-T
510	described in the license is demonstrated to be a	552	license shall not be issued until all requirements
511	banquet facility that:	553	for licensing have been met.
512	(a) Accommodates the public for banquets,	554	(3) Eligibility to purchase temporary license.
513	parties, meetings, and similar functions; and	555	Other provisions of this chapter to the contrary
		556	notwithstanding, a holder of a Class B-T license
514	(b) Contains a dining room with adequate	557	shall not by virtue thereof be prohibited from
515	facilities for preparing and serving full-course	558	purchasing a special beer, wine and liquor
516	meals for at least 100 persons at one seating.	559	license, nor shall any bona fide club, society,
		560	association or church be precluded from
517	(3) The Class B-F beer, light wine and liquor	561	obtaining a special license for use on the theater
518	license authorizes the holder to keep for sale,	562	premises, provided that the holder of the Class
519	and sell at retail, beer, light wine, and liquor for	563	B-T license for the premises consents to the use
520	on-premises consumption only, provided that:	564	of the special license.
521	(a) The beer, light wine, and liquor are only	565	(4) Hours. The hours during which the
522	sold during the function;	566	privileges conferred by a Class B-T license may
		567	be exercised shall be from 12:00 noon to 12:00
		568	midnight each day; provided, however, that the

569 sale and consumption of beer and light wine  
570 shall be restricted to a period of time beginning  
571 two hours before any scheduled entertainment  
572 and concluding one hour after said  
573 entertainment.

574 (5) Outdoor location. Notwithstanding any  
575 provision to the contrary, the holder of a Class  
576 B-T license may sell alcohol under such license  
577 at a second location, as approved by the Talbot  
578 County Board of Liquor License  
579 Commissioners ("the Board") after a hearing,  
580 subject to the following:

581 (a) The second location is an outdoor facility  
582 equipped to present regular programming of the  
583 theater;

584 (b) The zoning authority exercising control over  
585 the area where the outdoor theater is located  
586 grants approval;

587 (c) The owner of the property where the outdoor  
588 theater is located grants approval;

589 (d) Operation of the outdoor theater shall  
590 comply with all applicable noise laws, rules,  
591 and regulations;

592 (e) All restrictions applicable to a Class B-T  
593 license holder under this chapter apply at the  
594 outdoor theater, including, without limitation,  
595 hours of operation and the requirement that  
596 servers have completed alcohol awareness  
597 training;

598 (f) The holder of the Class B-T license applies  
599 to the Board for approval of the outdoor theater  
600 location on a form approved of by the Board;

601 (g) Notice and the hearing before the Board  
602 shall be the same as and proceed in accordance  
603 with § 11-10A of this chapter;

604 (h) The County Council may establish an  
605 application fee for the outdoor theater  
606 application as provided for in § 11-10B of this  
607 chapter; and

608 (i) Upon a finding by the Board that a violation  
609 of this chapter has occurred at either the  
610 primary premises shown on the license or the  
611 outdoor theater location, the Board may  
612 suspend or revoke the Class B-T license, or  
613 impose a fine, in accordance with § 11-14 of

614 this chapter, in case of which, the suspension or  
615 revocation shall be applicable to both the  
616 primary premises shown on the license and the  
617 outdoor theater location

618 **H. Beer, wine and liquor license, Class I (on-**  
619 **and off-sale), alcohol dispensary bistros.**

620 (1) General provisions. A Class I beer, wine  
621 and liquor license shall be issued only to an  
622 alcohol dispensary bistro and shall authorize the  
623 holder thereof to keep and sell alcoholic  
624 beverages at the place described in the license,  
625 for consumption on- and off-premises as  
626 provided herein:

627 (a) On-sale. The holder of a Class I license  
628 shall be authorized to keep for sale and sell craft  
629 beer and wine at retail for consumption on-  
630 premises. Alcoholic beverages other than craft  
631 beer and wine shall not be sold or served for  
632 consumption on-premises.

633 (b) Off-sale. The holder of a Class I license  
634 shall be authorized to keep for sale and sell, at  
635 retail, beer, wine, and liquor in a sealed package  
636 or container for consumption off-premises,  
637 which package or container shall not be opened  
638 nor its contents consumed on the premises  
639 where sold, except for craft beer and wine,  
640 which may be sold or served by the license  
641 holder for consumption on-premises in  
642 accordance with § 11-5 H.(1)(a), above.

643 (2) Food service. The holder of a Class I  
644 license shall offer food to patrons consisting of  
645 hors d'oeuvres, appetizers, small savory dishes,  
646 such as cheeses, breads, and cured meats, cold  
647 sandwiches, and desserts, which shall be available  
648 at all times craft beer and wine is sold or served for  
649 consumption on-premises.

650 (3) Bistro area. In this section, "bistro area"  
651 means the area of the licensed premises dedicated  
652 to the sale or service of craft beer and wine for  
653 consumption on-premises. "Bistro area" includes,  
654 without limitation, seating areas, service areas, and  
655 kitchen and food preparation areas. The bistro area  
656 shall be specifically designated and clearly  
657 marked. On-premises consumption of craft beer  
658 and wine and food service may only occur in the  
659 bistro area. Nothing in this section shall preclude  
660 the license holder from placing racks or displays  
661 containing sealed packages or containers of craft  
662 beer and wine in the bistro area. Liquor and beer

663 other than craft beer shall not be kept or displayed  
664 in the bistro area.

665 (4) Wine and beer tasting. Notwithstanding  
666 other provisions of this section or this Chapter to  
667 the contrary, the holder of a Class I license shall be  
668 authorized to serve not more than one ounce from  
669 no more than three bottles or containers of wine or  
670 beer to any one person for sampling or tasting  
671 purposes. Once opened, any bottles or containers  
672 of wine or beer to be sampled shall be accurately  
673 and specifically marked for sampling or tasting  
674 purposes only or shall be discarded and shall not be  
675 offered for sale. The contents of any bottle or  
676 container opened for sampling or tasting purposes  
677 shall not be mixed with any other bottle or  
678 container. Any wine or beer sampling or tasting  
679 authorized by this section shall be permitted on the  
680 licensed premises only.

681 (5) Hours. The hours during which the  
682 privileges conferred by a Class I license may be  
683 exercised are as follows:

684 (a) On-sale. The bistro area, as defined in §  
685 11-5 H(3), above, may be open daily from 11:00  
686 a.m. to 11:00 p.m., provided, however, that the  
687 bistro area may only be open when the off-sale  
688 portion of the business is also open.

689 (b) Off-sale. The off-sale portion of the  
690 business may be open from 6:00 a.m. to 12:00  
691 midnight.

692 (6) Interim Fee. In accordance with § 11-10  
693 B. of this Chapter, the County Council of Talbot  
694 County shall establish the fee for a Class I license  
695 in the Annual Budget and Appropriations  
696 Ordinance. Until such time as the County Council  
697 has done so, the fee for a Class I license shall be  
698 \$2,500. Once the County Council has established a  
699 Class I license fee in the budget, this § 11-5 H.(6)  
700 shall automatically be of no further force or effect.

701 **I. Liquor License, Class K (on-premises),**  
702 **Distillery**

703 **A. Distillery On-Premises License,**  
704 **Class K**

705 (1) General provisions. A Class K Distillery  
706 On-Premises License shall be issued only to a  
707 Distillery, as defined in this Chapter, and shall  
708 authorize the holder thereof to sell, at retail, mixed  
709 drinks made from liquor that the holder has  
710 produced that is mixed with other non-alcoholic

711 ingredients for consumption on the premises of the  
712 distillery only.

713 (2) Requirements for license. A Class K  
714 Distillery On-Premises License shall not be issued  
715 until all requirements for licensing have been met.

716 (3) Hours. The hours during which the  
717 privileges conferred by a Class K Distillery On-  
718 Premises License may be exercised shall be from  
719 10:00 a.m. to 10:00 p.m.

720 (4) The total amount of distilled spirits sold in  
721 mixed drinks under the Class K Distillery On-  
722 Premises License must not exceed an aggregate of  
723 7,750 gallons annually. The holder must provide  
724 information related to the number of gallons sold  
725 upon request by enforcement authorities.

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

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

733 **§ 11-6 Endorsements**

734 **A. Caterer's endorsement**

735 (1) Caterer defined. In this section "caterer"  
736 means a Class B, Class B-F, B-R, or Class F-A  
737 license holder who contracts to provide food and  
738 alcoholic beverages to sponsors of public or private  
739 events held at specific locations within Talbot  
740 County off the licensed premises.

741 (2) General provisions. A caterer's  
742 endorsement shall be issued only to holders of a  
743 Class B, Class B-F, B-R, or a Class F-A license.  
744 The endorsement shall authorize the holder thereof  
745 to sell the alcoholic beverages permitted for the  
746 class of license at locations within Talbot County  
747 for which no other license has been issued. Other  
748 provisions of this chapter to the contrary  
749 notwithstanding, the holder of a Class B, Class B-  
750 F, Class B-R or Class F-A license shall not be  
751 prohibited from simultaneously holding a caterer's  
752 endorsement, if otherwise approved. The Board  
753 shall be authorized to issue a caterer's endorsement  
754 to holders of a Class B, Class B-F, Class B-R, or  
755 Class F-A license who meet the requirements for

756 issuance of the caterer's endorsement and who are  
757 otherwise entitled to renewal of their license.

758 (3) Hours. The hours during which the  
759 privileges conferred by a caterer's endorsement  
760 may be exercised shall be the same as the hours  
761 permitted for the class of license.

762 (4) Requirement to provide food. The holder  
763 of a caterer's endorsement shall provide food as  
764 well as alcoholic beverages at catered events.

765 (5) Location.

766 (a) The holder of a caterer's endorsement  
767 shall not provide alcoholic beverages at the  
768 same location for more than five  
769 consecutive days or more than a total of 15  
770 days in any calendar year without first  
771 obtaining the written permission of the  
772 Board.

773 (b) The holder of a caterer's endorsement  
774 shall not provide alcoholic beverages at any  
775 location which is owned or leased by the  
776 license holder or in which the license holder  
777 has any financial interest. This subsection  
778 shall not be construed as prohibiting  
779 catering alcoholic beverages at any  
780 legitimate club or fraternal organization to  
781 which the license holder belongs or at the  
782 holder's residence.

783 **B. Special festival endorsement**

784 (1) Special festival defined. In this section  
785 "special festival" means a special event held on  
786 an irregularly scheduled basis for the purpose  
787 of promoting wines or beers produced by one or  
788 more wineries, vintners or microbreweries.

789 (2) General provisions. A special festival  
790 endorsement shall be issued only to holders of  
791 Class A, B, E, or F-A licenses. The  
792 endorsement shall authorize the holder thereof  
793 to sell or serve beer or wine by the glass to  
794 patrons on the site of the special festival during  
795 the specified hours of the event and to sell at  
796 retail, in any quantity, to patrons of the event,  
797 wines or beer offered for tasting at the event, in  
798 sealed packages or containers, which packages  
799 or containers shall not be opened nor the  
800 contents thereof consumed on the site of the  
801 festival. Other provisions of this chapter to the  
802 contrary notwithstanding, the holder of a Class  
803 A, B, E or F-A license shall not be prohibited

804 from simultaneously holding a special festival  
805 endorsement, if otherwise approved. The Board  
806 shall be authorized to utilize an abbreviated  
807 procedure for the issuance of a special festival  
808 endorsement to holders of a Class A, B, E or F-  
809 A license who are in good standing at the time  
810 of the application.

811 (3) Hours. The hours during which the  
812 privileges conferred by a special festival  
813 endorsement may be exercised shall be the  
814 same as the hours permitted for the class of  
815 license.

816 (4) Limits on number of endorsements. A  
817 special festival endorsement shall not be issued  
818 for more than two consecutive days, and no  
819 more than four endorsements shall be issued to  
820 a license holder in any calendar year.

821 **§ 11-7 Special and temporary licenses**

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

824 (1) General provisions. A Class H special  
825 beer and light wine license shall entitle the  
826 holder thereof to keep for sale and sell beer and  
827 light wine, at retail, at the place described in the  
828 license, in conjunction with any bona fide  
829 entertainment conducted by a club, society,  
830 association or church, for consumption on the  
831 premises only, for a period not exceeding seven  
832 consecutive days from the effective date of the  
833 license. The Board shall be authorized to utilize  
834 an abbreviated procedure for the issuance of a  
835 Class H license.

836 (2) Hours. The hours during which the  
837 privileges conferred by a Class H license may  
838 be exercised shall be from 10:30 a.m. to 12:00  
839 midnight each day; provided, however, that the  
840 sale and consumption of beer and light wine  
841 shall be restricted to a period of time beginning  
842 two hours before the scheduled entertainment  
843 and concluding one hour after said  
844 entertainment.

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

847 (1) General provisions. A Class J special  
848 beer, wine and liquor license shall entitle the  
849 holder thereof to keep for sale and sell all  
850 alcoholic beverages, at retail, at the place  
851 described in the license, in conjunction with any

852 bona fide entertainment conducted by a club,  
853 society, association or church, for consumption  
854 on the premises only, for a period not exceeding  
855 seven consecutive days from the effective date  
856 of the license. The Board shall be authorized to  
857 utilize an abbreviated procedure for the  
858 issuance of a Class J license.

859 (2) Hours. The hours during which the  
860 privileges conferred by a Class J license may be  
861 exercised shall be from 10:30 a.m. to 12:00  
862 midnight each day; provided, however, that the  
863 sale and consumption of beer, wine and liquor  
864 shall be restricted to a period of time beginning  
865 two hours before the scheduled entertainment  
866 and concluding one hour after said  
867 entertainment.

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

869 A disposal-of-stock license of any class shall  
870 entitle the holder thereof to exercise the  
871 privileges of the class of license for a period not  
872 exceeding 10 consecutive days, for the purpose  
873 of disposing of the license holder's stock of  
874 alcoholic beverages, in cases where a license  
875 has been revoked, canceled, suspended or  
876 renewal denied. A disposal-of-stock license  
877 shall authorize the sale of the license holder's  
878 stock at retail or to one or more holders of  
879 wholesale licenses, and such holders of  
880 wholesale licenses are hereby authorized to  
881 purchase such stock. The holder of a disposal-  
882 of-stock license is not authorized to purchase  
883 alcoholic beverages for the purpose of resale  
884 under this license.

885 **D. Temporary removal license**

886 A temporary removal license of any class shall  
887 entitle the holder thereof to temporarily move  
888 the licensed premises from one location to  
889 another, when the relocation is necessitated by  
890 fire or other catastrophe. The privileges of a  
891 temporary removal license may be exercised  
892 while the originally licensed premises are being  
893 restored, for a period to be established by the  
894 Board, but not to exceed six months. No fee  
895 shall be charged for a temporary removal  
896 license, provided that any renewal fees which  
897 are due during the continuance of the license are  
898 paid on time. The Board shall be required to  
899 approve, as in the case of the original  
900 application, the new location to which the  
901 license holder temporarily relocates.

902 **§ 11-8 General provisions on issue of licenses**

903 **A. License requirements for corporation,**  
904 **limited liability company, partnership, club**  
905 **or association**

906 (1) A license application made for a  
907 corporation, limited liability company,  
908 partnership, club or other association (whether  
909 incorporated or unincorporated) shall also be  
910 applied for by and shall be issued to two or  
911 more individuals who are authorized to act for  
912 the entity and who are officers, directors,  
913 stockholders or employees of the corporation;  
914 members or employees of the limited liability  
915 company; partners of the partnership; or  
916 officers, directors or members of the club or  
917 association. If an entity has a sole owner, only  
918 that individual shall be required to apply for and  
919 be issued a license. The individual license  
920 holders shall be residents of Talbot County or a  
921 contiguous county. The application shall also  
922 set forth the names and addresses of all of the  
923 directors and officers of a corporation, club or  
924 association, all of the members of a limited  
925 liability company, or all of the partners of a  
926 partnership and shall be signed by the  
927 appropriate officers of the entity, as well as by  
928 the two or more individuals to whom the license  
929 shall be issued for the use of the entity. Every  
930 application for a license shall disclose the name,  
931 all trade names and all addresses of the  
932 corporation, limited liability company,  
933 partnership, club or association, as well as the  
934 name and business and home address of the  
935 individual applicants.

936 (2) The individual license holders and the  
937 corporation, limited liability company, partner-  
938 ship, club or association shall assume all  
939 responsibilities, individually, jointly and  
940 severally, and shall be subject to all of the  
941 penalties, conditions and restrictions imposed  
942 upon license holders under the provisions of  
943 this chapter.

944 **B. No more than two licenses for same person**

945 No more than two licenses provided by this  
946 chapter, except by way of renewal, shall be  
947 issued to any individual or to any person for the  
948 use of any corporation, limited liability  
949 company, partnership, club or association.

950



951	<b>C. Zoning restrictions</b>	1000	the number of new off-sale licenses as set forth
		1001	in this section.
952	No license provided by this chapter shall be		
953	issued or utilized in a manner which will result	1002	(a) The Board may issue a new off-sale
954	in a violation of any zoning ordinance or other	1003	license if the total population within the
955	statutory land use restriction of the County or	1004	service area equals or exceeds 750
956	the incorporated municipality in which the	1005	persons for all existing off-sale licenses
957	place of business proposed to be licensed is	1006	and the newly proposed license.
958	located. No new license shall be issued for any		
959	use not specifically provided in this chapter. To	1007	(b) The service area shall be determined as
960	the extent of any inconsistency between the	1008	follows:
961	definitions of use in this chapter and any land-		
962	use ordinance, the definitions that are more	1009	i. For a proposed urban location, the
963	restrictive or stringent shall prevail.	1010	service area shall include all census
		1011	blocks within a radius of two (2) miles
964	<b>D. Restriction upon off-sale licenses,</b>	1012	from the site of the proposed new
965	<b>market-test, grandfathering</b>	1013	license;
966	(1) New off-sale licenses shall be issued only	1014	ii. For a proposed rural location, the
967	to alcohol dispensaries, alcohol dispensary	1015	service area shall include all census
968	bistros, supermarkets, restaurants, cafes, hotels,	1016	blocks within a radius of five (5) miles
969	and convenience stores.	1017	from the site of the proposed new
		1018	license.
970	(a) Notwithstanding the limitation in Para-		
971	graph D. (1) on issuance of new off-sale	1019	(3) All census blocks in Talbot County from
972	licenses, any holder of an off-sale license,	1020	the most recent decennial census within,
973	except for any pharmacy, that was lawfully	1021	intersected by, or touching the service area
974	issued and validly existing on the effective	1022	shall be used to determine the total population
975	date of this ordinance shall be entitled to	1023	within the service area.
976	renew the same at the existing location		
977	provided that all such applications for	1024	(4) For purposes of this section, an urban
978	renewal otherwise comply with all then-	1025	location is a proposed site within a
979	existing ordinances, laws, and regulations,	1026	municipality and a rural location is a proposed
980	as amended from time to time. Pharmacies	1027	site outside a municipality.
981	shall be governed by the provisions in § 11-		
982	5 A. (4) and (5).	1028	(5) The formula for determining whether a
		1029	new off sale license may be issued is:
983	(b) Notwithstanding the limitation in Para-		
984	graph D. (1) on issuance of new off-sale	1030	$R = P - (750 \times N)$ where:
985	licenses, a gas station for which a Class A		
986	off-sale beer and light wine license had	1031	R -- Remainder (must be equal to or
987	been issued, but which is no longer in full	1032	greater than 750 for new off-sale
988	force and effect on the effective date of this	1033	license).
989	ordinance due to voluntary non-renewal,	1034	P -- Total population within service area.
990	may re-apply for a new Class A license for	1035	N -- Total number of existing off-sale
991	the same location at any time within one	1036	licenses, (Class A, B-R, D, E, , and
992	(1) year after the effective date of this	1037	F) within the service area, excluding
993	ordinance.	1038	the proposed new off-sale license
		1039	and excluding existing Class A
			licenses for supermarkets.
994	(2) Except for Class A licenses for super-	1040	
995	markets and Class I licenses for alcohol	1041	
996	dispensary bistros issued to the holder of a	1042	(6) New off-sale licenses shall be at least 500
997	Class E license to replace the Class E license,	1043	feet from public or private schools, public
998	off-sale licenses are subject to the following	1044	parks, and correctional facilities. Licensees
999	requirements. The Board shall limit and restrict	1045	holding off-sale licenses lawfully issued and

1046	validly existing on the effective date of this	1090	whether any of them have ever been adjudged
1047	ordinance shall be permitted to renew and	1091	guilty of violating the laws governing the sale
1048	maintain such licenses at existing locations	1092	of alcoholic beverages, controlled dangerous
1049	provided that all such applications for renewal	1093	substances, or gambling in the State of
1050	otherwise comply with all then-existing	1094	Maryland, any other state, or of the United
1051	ordinances, laws, and regulations, as amended	1095	States or any foreign country. The Board
1052	from time to time.	1096	shall have the authority to obtain criminal
1053		1097	records on any applicant for an alcoholic
1054	(7) In addition to the requirements of this	1098	beverage license prior to the issuance of the
1055	section, an applicant for a new off-sale license	1099	license and the applicant, as part of the
1056	must meet all other applicable criteria.	1100	application, shall provide whatever consents,
		1101	authorizations, or releases of information are
		1102	necessary for this purpose.
1057	<b>§ 11-9 License application filing requirements</b>		
1058	Every application for a new license shall be	1103	I. A statement that each individual applicant has
1059	made to the Board and shall be accompanied by	1104	a pecuniary interest in, employment
1060	the specified application and license fees. The	1105	relationship with, or is authorized to act on
1061	application shall contain the following:	1106	behalf of the entity seeking the license,
		1107	including the nature of each applicant's
		1108	relationship to any entity having an interest in
1062	A. The class of license desired.	1109	the business.
1063	B. The name and residence of each individual	1110	J. A statement that none of the individual
1064	applicant and how long each has resided at	1111	applicants have had a license for the sale of
1065	the stated address and the name and address	1112	alcoholic beverages revoked.
1066	of any entity on behalf of which the		
1067	individual applicants seek a license.	1113	K. A statement identifying any other premises or
		1114	entity holding a liquor license in which any of
1068	C. A statement that each individual applicant is	1115	the individual applicants or the entity they
1069	a resident of Talbot County or a contiguous	1116	represent have an interest and identifying any
1070	County.	1117	other license issued pursuant to this chapter
		1118	from which any of the individual applicants or
1071	D. A statement that each individual applicant is	1119	the entity receives any revenue directly or
1072	a citizen of the United States, including the	1120	indirectly.
1073	place of birth of each applicant and, if a		
1074	naturalized citizen, when and where	1121	L. A statement as to whether any of the
1075	naturalized.	1122	individual applicants or the entity have ever
		1123	had a license for the sale of alcoholic
1076	E. A statement that each individual applicant is	1124	beverages and, if so, in what state and at what
1077	not less than 21 years of age.	1125	location.
1078	F. The particular place for which the license is	1126	M. A statement that no manufacturer, brewer,
1079	desired, designating the street name and	1127	distiller or wholesaler of alcoholic beverages
1080	number, and also a description of the portion	1128	has any financial interest, directly or
1081	of the building in which the business will be	1129	indirectly, in the premises or business of the
1082	conducted.	1130	applicant and that the applicant will not
		1131	thereafter convey or grant to any such
1083	G. The name of the owner of the premises upon	1132	manufacturer, brewer, distiller or wholesaler
1084	which the business sought to be licensed is to	1133	any such interest, except as otherwise
1085	be carried on.	1134	permitted in this chapter, and that the
		1135	applicant, at the time of making the
1086	H. A statement that none of the individual	1136	application, has no indebtedness or other
1087	applicants have ever been convicted of a	1137	financial obligations and will not thereafter
1088	felony or of a misdemeanor involving moral	1138	incur any such indebtedness or other financial
1089	turpitude and a further statement as to	1139	obligations, directly or indirectly, to any
		1140	manufacturer, brewer, distiller or wholesaler

1141 of alcoholic beverages other than for the  
 1142 purchase of alcoholic beverages. Applicants  
 1143 for a Class K Distillery On-Premises License,  
 1144 and a Class DBR On-Premises License shall  
 1145 be exempt from this requirement. Applicants  
 1146 for a Class B Beer and light wine license or a  
 1147 Class F-A beer, light wine and liquor license  
 1148 may also hold a State-issued Class 6 pub-  
 1149 brewery or Class 7 micro-brewery license that  
 1150 operates out of the same premises as their local  
 1151 license, but otherwise shall meet the  
 1152 requirements of this sub-section.

1153 N. A statement, duly executed and  
 1154 acknowledged by the owner of the premises  
 1155 upon which the business is to be conducted,  
 1156 assenting to the granting of the license applied  
 1157 for and authorizing the Comptroller of the  
 1158 State of Maryland, his duly authorized  
 1159 deputies, inspectors and clerks, the Talbot  
 1160 County Board of Liquor License  
 1161 Commissioners, its duly authorized agents and  
 1162 employees, any Talbot County Alcoholic  
 1163 Beverages Inspector, deputy, or assistant, any  
 1164 peace officer of Talbot County and any peace  
 1165 officer of any incorporated municipality in  
 1166 which the business is to be conducted to  
 1167 inspect and search, without warrant, the  
 1168 premises upon which the business is to be  
 1169 conducted, and any and all parts of the  
 1170 building in which the business is to be  
 1171 conducted, at any and all hours. The statement  
 1172 shall contain an acknowledgment that any  
 1173 evidence discovered during any lawful  
 1174 inspection of licensed buildings or premises  
 1175 shall be admissible in any prosecution for  
 1176 violation of this Chapter, and shall be  
 1177 admissible in any hearing for revocation,  
 1178 suspension, or restriction of the license of the  
 1179 person, firm, corporation or association who  
 1180 has obtained a license to sell alcoholic  
 1181 beverages in such building or premises.

1182 O. A certificate signed by at least 10 citizens,  
 1183 who shall be owners of real estate and  
 1184 registered voters of the precinct in which the  
 1185 business is to be conducted, setting forth the  
 1186 length of time each has been acquainted with  
 1187 the applicant or, in the case of a corporation,  
 1188 with the individuals making the application.  
 1189 The certificate must state that the signers  
 1190 thereof have examined the application and  
 1191 have good reason to believe that all the  
 1192 statements contained in the application are  
 1193 true, that they are of the opinion that the  
 1194 applicant is a suitable person to obtain the

1195 license, and that they are familiar with the  
 1196 premises upon which the proposed business is  
 1197 to be conducted and believe the premises are  
 1198 suitable for the conduct of the business of a  
 1199 retail dealer in alcoholic beverages. The  
 1200 requirements of this section do not apply to  
 1201 applications for special or temporary (Class H  
 1202 and Class J) licenses.

1203 P. Proof of a valid food service facility permit  
 1204 from the Talbot County Health Department  
 1205 must be shown for those classes of licenses  
 1206 which require the serving of food as a  
 1207 condition of the license or where the applicant  
 1208 is engaged in a business which requires such a  
 1209 permit.

1210 Q. Proof of compliance with the current  
 1211 provisions of the State Fire Prevention Code  
 1212 from the Office of the State Fire Marshal.

1213 **§ 11-10 Procedure for issuance of licenses**

1214 **A. General provisions**

1215 (1) Published notice. Before the Board shall  
 1216 approve any new license, the Board shall cause  
 1217 a notice of such application to be published  
 1218 once a week for two successive weeks in a  
 1219 newspaper of general circulation in Talbot  
 1220 County. The notice shall specify the names of  
 1221 the individual applicants and any entity they  
 1222 represent, the type of license applied for and the  
 1223 location of the place of business proposed to be  
 1224 licensed as well as the date, time and location  
 1225 fixed by the Board for a hearing upon the  
 1226 application. The hearing shall be not less than  
 1227 seven days nor more than 30 days after the last  
 1228 publication.

1229 (2) Posting of property.

1230 (a) Whenever a hearing upon a license  
 1231 application is scheduled, the place of business  
 1232 proposed to be licensed shall be posted at least  
 1233 15 days prior to the hearing date by the erection  
 1234 of a sign to be furnished by the Board. Such sign  
 1235 shall be erected by the person(s) making  
 1236 application, within ten feet of whatever  
 1237 boundary line of the property abuts the most  
 1238 traveled public road and, if no public road abuts  
 1239 thereon, then facing in such a manner as most  
 1240 readily may be seen by the public, as designated  
 1241 by the Board. The bottom of the sign shall not  
 1242 be less than three feet from the ground. The sign  
 1243 furnished by the Board shall not be less than

1244 two feet high and two feet wide, and shall bear  
 1245 the words: NOTICE - APPLICATION HAS  
 1246 BEEN MADE FOR A LIQUOR LICENSE AT  
 1247 THIS LOCATION. Talbot County Board of  
 1248 Liquor License Commissioners (410) 770-  
 1249 8019.

1250 (b) At the hearing, it shall be the duty of the  
 1251 applicant to prove by affidavit that he has fully  
 1252 complied with this provision and has contin-  
 1253 uously maintained the sign in compliance with  
 1254 this provision up to the time of the hearing. Any  
 1255 sign required to be posted by this pro-vision  
 1256 shall be maintained in a visible location and free  
 1257 from obstruction until after the public hearing  
 1258 is held, and such sign shall be re-moved within  
 1259 five days after the public hearing.

1260 (3) Notice to local jurisdiction and adjacent  
 1261 property owners. Whenever a hearing upon a  
 1262 license application is scheduled, the Board shall  
 1263 give at least 15 days' notice of the time and  
 1264 place of such hearing to be mailed by regular  
 1265 United States mail, first class postage prepaid,  
 1266 to the applicant, to the governing body of the  
 1267 local jurisdiction in which the place of business  
 1268 proposed to be licensed is located, and to the  
 1269 owners of all property contiguous to the place  
 1270 of business proposed to be licensed and of all  
 1271 properties opposite said property measured at  
 1272 right angles to any intervening road or street. It  
 1273 shall be the responsibility of the applicant to  
 1274 furnish the Board with a complete, accurate and  
 1275 up-to-date list of all such property owners. The  
 1276 notice shall be directed to the address to which  
 1277 the real estate tax bill on the property is sent.  
 1278 The notice shall contain the same information  
 1279 as the published notice required in Subsection  
 1280 A(1) hereof. For purposes of this section the  
 1281 term "contiguous property owner" is to include  
 1282 owners of property within 1,000 feet of the  
 1283 subject property, whose line of sight to the  
 1284 subject property is entirely over water. Failure  
 1285 of a person to receive the notice prescribed in  
 1286 this section shall not impair the validity of the  
 1287 hearing.

1288 (4) Hearing. At the time fixed by the notice  
 1289 for a hearing upon an application or upon the  
 1290 continuance of any such hearing, the individual  
 1291 applicants and representatives of the entity  
 1292 seeking a license shall have the first opportunity  
 1293 to be heard by the Board and to present  
 1294 evidence to the Board; provided, however, that  
 1295 the Board may stipulate that after the expiration  
 1296 of a reasonable predetermined amount of time

1297 the applicant's presentation may be interrupted  
 1298 to permit opponents an opportunity to be heard.  
 1299 Thereafter, any interested person in attendance  
 1300 shall be heard by the Board on either side of the  
 1301 question. The applicant shall have the final  
 1302 opportunity to address the Board at the  
 1303 conclusion of all testimony or evidence. The  
 1304 Board shall make an adequate record of its  
 1305 proceedings so as to permit judicial review. The  
 1306 costs of reproduction of the record shall be  
 1307 borne by the person seeking the copy.

1308 (5) Findings.

1309 (a) If the Board determines that the granting  
 1310 of the license is not necessary for the  
 1311 accommodation of the public, or that the  
 1312 applicants are not fit persons to receive the  
 1313 license applied for, or have made a material  
 1314 false statement in the application, or have  
 1315 practiced fraud in connection with said  
 1316 application, or that the operation of the  
 1317 business, if the license is granted, will unduly  
 1318 disturb the peace of the residents of the  
 1319 neighborhood in which the place of business is  
 1320 to be located, or the applicant for an off-sale  
 1321 license does not satisfy the requirements of §  
 1322 11-8 D, or that there are other substantial  
 1323 reasons in the discretion of the Board why the  
 1324 license should not be issued, then the  
 1325 application shall be disapproved and the license  
 1326 applied for shall be refused. If no such findings  
 1327 are made by the Board, then the Board shall  
 1328 approve the application and issue the license  
 1329 upon the applicant's payment of the required  
 1330 fee.

1331 (b) Within 30 days of the conclusion of the  
 1332 hearing, the Board shall issue a written decision  
 1333 setting forth its factual determinations, its  
 1334 decision concerning the license in question, and  
 1335 the basis for its decision.

1336 (c) Any person aggrieved by the decision of  
 1337 the Board who appeared at the hearing before  
 1338 the Board shall have 30 days after the issuance  
 1339 of the Board's decision to appeal the decision to  
 1340 the Circuit Court for Talbot County.

1341 **B. License and application fees**

1342 The license and application fees applicable to  
 1343 each class of license shall be established by the  
 1344 County Council of Talbot County in the Annual  
 1345 Budget and Appropriation Ordinance. All fees  
 1346 collected under this chapter shall be remitted to

1347	the Talbot County Finance Office. The salaries	1394	<b>E. Pro-rata license fees</b>
1348	of the Board, together with the necessary office,	1395	The fee for every license issued for a period of
1349	clerical and investigational expenses of the	1396	less than one year (except temporary or special
1350	Board, shall be paid by the County Council, as	1397	licenses) shall be subject to the annual fee if
1351	approved in the Annual Budget and	1398	issued during the first three months of the
1352	Appropriation Ordinance adopted by the	1399	license year; 3/4 of the annual fee if issued
1353	County Council. The balance of all fee revenue	1400	during the second quarter of the license year;
1354	collected under this chapter, which is not	1401	1/2 of the annual fee if issued during the third
1355	expended on the approved salaries and	1402	quarter of the license year; and 1/4 of the annual
1356	expenses of the Board, shall be devoted to the	1403	license fee if issued during the fourth quarter of
1357	general purposes of the County as approved by	1404	the license year.
1358	the County Council.		
1359	<b>C. Refund of license fees</b>	1405	
1360	No holder of any class of license shall be	1406	<b>F. Successive applications</b>
1361	entitled to a refund of the unused portion of the	1407	If a license is refused, no application for the
1362	fee paid for a license upon surrender thereof,	1408	same license shall be considered from the same
1363	except:	1409	applicant for the same premises for a period of
1364	(1) In the event of receivership or bankruptcy	1410	one year.
1365	of the business if a transfer is not requested, and		
1366	in such case the refund shall be made for the	1411	<b>§ 11-11 General procedures for renewal of</b>
1367	benefit of the creditors of the license holder;	1412	<b>licenses</b>
1368	(2) In the event of the death of the license	1413	<b>A. Application for renewal</b>
1369	holder, and in such case the refund shall be	1414	The holder or holders of any expiring license
1370	made for the benefit of the estate of the	1415	other than special licenses issued under the
1371	deceased license holder;	1416	provisions of this chapter shall, not less than
1372	(3) In the event that the license holder has	1417	30 nor more than 90 days before the first day
1373	volunteered for or been called into the Armed	1418	of May of each year, file a written application,
1374	Forces of the United States;	1419	duly verified by oath, for the renewal of the
1375	(4) In the event that a license holder of one	1420	license with the Board. The renewal
1376	class surrenders the license and obtains a	1421	application shall state either that the facts in
1377	license of another class carrying a higher fee, in	1422	the original application are unchanged or shall
1378	which case, the refund shall be deducted from	1423	clearly and completely identify all such
1379	the amount of the fee to be paid for the newly	1424	changes, based on which the Board may, in its
1380	obtained license; or	1425	discretion, treat the renewal application as a
1381	(5) In the event that the licensed premises are	1426	new application. The renewal application shall
1382	taken by the federal government, the state or	1427	be accompanied by a statement, signed by the
1383	any city or municipality for public use.	1428	owner of the premises, consenting to the
1384	<b>D. License forms; date of issue and</b>	1429	renewal of the license and to search and
1385	<b>expiration</b>	1430	seizure as in the case of the original
1386	Only licenses authorized under the provisions	1431	application. A statement of consent shall not
1387	of this chapter may be issued by the Board.	1432	be required if the owner has previously signed
1388	Every license issued shall be upon forms	1433	such a statement in connection with an original
1389	prescribed by the Board. Each license shall be	1434	application or previous renewal application
1390	dated as of the date of issue and shall expire on	1435	giving consent for the term of the owner's
1391	the April 30 next after its issuance, except	1436	lease with the applicant. Upon the filing of the
1392	temporary licenses and special licenses, which	1437	renewal application and the payment of the
1393	shall expire as otherwise provided.	1438	prescribed annual fee, the holder or holders of
		1439	an expiring license shall be entitled to a new
		1440	license for another year without the filing of
		1441	further statements or the furnishing of any
		1442	further information, unless such information is



1443	specifically requested by the Board. Renewal	1497	issuance of the Board's decision to appeal the
1444	licenses shall be administratively approved	1498	decision to the Circuit Court for Talbot
1445	without a hearing before the Board, unless a	1499	County.
1446	protest signed by not less than 10 residents or		
1447	property owners in the County election district	1500	<b>§ 11-12 Rights and duties of license holders</b>
1448	in which the licensed place of business is		
1449	located has been filed against the granting of a	1501	<b>A. License not property</b>
1450	renewal license at least 30 days before the		
1451	expiration of the license for which renewal is	1502	Licenses issued under the provisions of this
1452	sought. The Board may, upon its own	1503	chapter shall not be regarded as property or as
1453	initiative, after notice to the applicant, treat a	1504	conferring any property rights. All such
1454	renewal application as an original application.	1505	licenses shall be subject to suspension,
1455	In the event of a protest or in the event that the	1506	restriction or revocation and to all rules and
1456	Board determines, in the exercise of its	1507	regulations that may be adopted as herein
1457	discretion, to treat a renewal application as an	1508	provided.
1458	original application, then the application shall		
1459	be heard and determined as in the case of an	1509	<b>B. Duplicates for lost licenses</b>
1460	original application. In such cases, the Board		
1461	may consider evidence concerning the impact	1510	Whenever a license issued under the provisions
1462	of the licensed establishment upon the peace	1511	of this chapter has been lost or destroyed, the
1463	and repose of the community. A factual	1512	official issuing such licenses shall have the
1464	finding, based upon clear and convincing	1513	power, upon application under oath and upon
1465	evidence that the licensed establishment has	1514	payment of a fee of \$10, to issue another
1466	significantly and regularly intruded upon the	1515	license, upon which shall be endorsed the word
1467	peace and repose of the neighboring property	1516	"duplicate" in addition to all of the information
1468	owners so as to have a deleterious impact upon	1517	which appeared upon the original license.
1469	the public health, safety and welfare, shall be		
1470	a sufficient basis for denial of the renewal	1518	<b>C. Transfer of licenses</b>
1471	application or the limitation of the hours of		
1472	operation of the license holder by the Board.		(1) General procedure.
1473	<b>B. At the time of renewal of either a Class C or a</b>	1519	Any holder of a license under the provisions of
1474	<b>Class G license, the individuals listed as</b>	1520	this chapter, including a receiver or trustee for
1475	<b>holding the license on behalf of a club may, at</b>	1521	the benefit of creditors, may, in the discretion
1476	<b>the discretion of the Board, be deleted, or the</b>	1522	of the Board, be permitted to transfer his place
1477	<b>names of additional individuals may be added</b>	1523	of business to some other location and/or
1478	<b>to or substituted for any or all of the original</b>	1524	transfer his stock-in-trade to another person,
1479	<b>license holders without the necessity of filing</b>	1525	provided that an application for such transfer
1480	<b>a formal application for transfer; provided,</b>	1526	and/or sale shall be made and approved by the
1481	<b>however, that the proposed license holders are</b>	1527	Board, and that a bulk transfer permit is
1482	<b>otherwise qualified, and further provided that</b>	1528	obtained where the stock of alcoholic beverages
1483	<b>the President or Chief Executive Officer of the</b>	1529	is to be transferred, whether by sale, gift,
1484	<b>club shall certify that the individuals are</b>	1530	inheritance, assignment or otherwise and
1485	<b>authorized to act on behalf of the club. When</b>	1531	irrespective of whether or not consideration is
1486	<b>a renewal application contains a request to</b>	1532	paid. Except as provided in Subsection C(2)
1487	<b>add, delete or substitute individual license</b>	1533	hereof or in § 11-11, the new location and/or
1488	<b>holders, the Board may approve the</b>	1534	assignee shall be approved as in the case of an
1489	<b>application, or require the filing of an</b>	1535	original application for a license. Such transfer
1490	<b>application for transfer as provided in § 11-</b>	1536	and/or assignment, when made, shall be
1491	<b>12C hereof.</b>	1537	reflected in the issuance of a new license or
		1538	endorsed upon the original license by the
1492	<b>C. The procedural rules for a renewal hearing</b>	1539	official issuing the same upon payment of a fee
1493	<b>shall follow those set forth in § 11-10A hereof.</b>	1540	of \$10, in addition to the application fee, which
1494	<b>Any person aggrieved by the decision of the</b>	1541	shall be paid at the time of the filing of the
1495	<b>Board who appeared at the renewal hearing</b>	1542	application for transfer and/or sale. This section
1496	<b>before the Board shall have 30 days after the</b>	1543	shall permit the transfer of class of license,

1544 location and the assignment of license in the  
1545 same application.

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

1546 When the entity which owns the business and  
1547 the location of the business for which a license  
1548 has been issued are to remain the same, no more  
1549 than two, but less than all, of the persons listed  
1550 on the license may be deleted and other persons  
1551 may be substituted therefor by the submission  
1552 of an application for review by the Board. The  
1553 Board may provide a special application form  
1554 for this purpose, which shall solicit all of the  
1555 information relating to the new applicant which  
1556 would be required of an original applicant,  
1557 require the approval of the owners of the  
1558 premises, require the certificate provided in  
1559 § 11-8A, and require the consent of all license  
1560 holders and of the persons whose names are to  
1561 be added to the license. Additional persons may  
1562 be added to those persons already listed on the  
1563 license, and persons listed on the license may  
1564 be deleted therefrom, in the manner provided  
1565 herein, provided that the minimum number of  
1566 persons required for said license shall be  
1567 maintained. The Board may, in its discretion,  
1568 either administratively approve said  
1569 application, or cause notice of the application to  
1570 be published and a hearing to be conducted as  
1571 in the case of an original application.

1572 **D. License holder vacating premises**

1573 On the 10th day after the holder of any license  
1574 issued under the provisions of this chapter shall  
1575 have vacated or been evicted from the premises  
1576 for which said license was issued, said license  
1577 shall expire unless an application for a transfer  
1578 thereof to another location or assignment to  
1579 another person has been approved or is then  
1580 pending; provided, however, that the official  
1581 authorized to issue licenses may, in his  
1582 discretion, postpone such expiration for an  
1583 additional period, not exceeding 20 days in any  
1584 case, to avoid any undue hardship.

1585 **E. Display of licenses**

1586 Every person receiving a license under the  
1587 provisions of this chapter shall frame the  
1588 license under glass and place the framed license  
1589 so that it shall at all times be conspicuous and  
1590 easily read in the place of business.

1591 **F. Availability of ordinance**

1592 Every license holder shall keep a copy of this  
1593 chapter in an area in the licensed premises  
1594 where it is easily accessible for reference when  
1595 necessary. It is the responsibility of the license  
1596 holder to ensure that all employees or agents of  
1597 the license holder are advised of the provisions  
1598 of this chapter. The Board shall provide to each  
1599 license holder on an annual basis either a  
1600 complete copy of the current version of this  
1601 chapter, or at their election, a copy of only those  
1602 sections that have been amended during the  
1603 previous year. [Amended 4-13-1999 by Bill No.  
1604 704]

1605 **G. Death of license holder**

1606 (1) Upon the death of an individual license  
1607 holder, the license shall expire upon the close  
1608 of the 90th day following the date of death  
1609 except as herein otherwise provided. In cases  
1610 where the deceased is the proprietor of the  
1611 licensed premises, upon application to the  
1612 Board and upon the payment of a fee of \$10  
1613 made by the personal representatives of the  
1614 deceased license holder, a certificate of  
1615 permission may be granted for the continuation  
1616 of the business in the name of the personal  
1617 representatives for the benefit of the estate of  
1618 the deceased for a period not exceeding the  
1619 balance of the current license year, or the  
1620 closing of the estate, whichever occurs first. In  
1621 the event the estate has not been closed upon the  
1622 expiration of the license year, the personal  
1623 representatives may apply for renewal of the  
1624 license, and upon payment of the required  
1625 annual license fee, a renewal license may be  
1626 granted; provided, however, that no application  
1627 for a renewal license hereunder may be made  
1628 more than 18 months after the death of the  
1629 license holder. Such certificates of permission  
1630 and renewal licenses will be subject to the right  
1631 of protest, revocation, suspension, and  
1632 restriction as in other cases, and during the  
1633 continuation period, the license holder and the  
1634 personal representative of the deceased shall be  
1635 subject to all of the provisions of this chapter.  
1636 The personal representatives to which a  
1637 certificate has been granted may assign or  
1638 transfer the license for the benefit of the estate,  
1639 and upon the approval of the application for the  
1640 transfer or assignment, the license shall be  
1641 considered reinstated upon the payment of the  
1642 balance of the license fee which is due until the  
1643 expiration of the license year.

1644	(2) If the licensed premises are operated for the benefit of a corporation, limited liability company or partnership, another individual license holder may be substituted for the deceased upon the filing of an application as provided for herein, and the premises may continue to sell alcoholic beverages pending approval of the new license holder.	1690	unless said waiter or waitress is at least 18 years of age.
1645		1691	
1646		1692	(3) No license holder of a beer and light wine license shall allow a person to act in the capacity of a sales clerk authorized to sell or offer for sale beer or light wine at retail who is not at least 18 years of age.
1647		1693	
1648		1694	
1649		1695	
1650		1696	
1651		1697	(4) No license holder of a beer, wine and liquor license shall allow a person to act in the capacity of a sales clerk authorized to sell or offer for sale beer, wine or liquor at retail who is not at least 21 years of age.
1652	(3) An application for substitution of another license holder for the deceased license holder shall be made within 90 days of the date of death. Upon the filing of such an application, and until a decision is made and issued as provided herein, the license shall continue in full force and effect, subject to all other provisions of this chapter.	1698	
1653		1699	
1654		1700	
1655		1701	
1656		1702	<b>C. Sales to minors and intoxicated persons prohibited</b>
1657		1703	
1658		1704	(1) No license holder under the provisions of this chapter or any of the license holder's employees or agents shall sell or furnish any alcoholic beverages at any time to any person except in conformance with the age limitations as established from time to time by the State of Maryland.
1659		1705	
1660	<b>H. Hours of operation</b>	1706	
1661	The hours during which the privileges conferred by a license may be exercised shall be defined as either Eastern standard or daylight saving time, whichever is in effect on the date in question.	1707	
1662		1708	
1663		1709	
1664		1710	
1665	<b>§ 11-13 Restrictions upon license holders</b>	1711	(2) No license holder or any of the license holder's employees or agents shall sell or furnish any alcoholic beverages to any person who at the time of such sale or delivery is visibly under the influence of any alcoholic beverage.
1666	<b>A. General provisions</b>	1712	
1667	License holders are required to comply with all applicable provisions of this chapter and with all provisions of state law applicable to Talbot County by virtue of § 11-20 of this chapter, Article 2B, § 18-101, Annotated Code of Maryland, or Article 25, § 3(ee), Annotated Code of Maryland. Violation of any such provision is a misdemeanor, and in addition to any criminal penalty, may result in administrative sanctions including revocation or suspension of any license issued pursuant to this chapter or the imposition of a fine, or any combination thereof.	1713	
1668		1714	
1669		1715	
1670		1716	
1671		1717	(3) A violation of this section by an employee or agent of a license holder shall be deemed a violation by the license holder, who shall be responsible for all alcoholic beverage sales in or upon the licensed premises.
1672		1718	
1673		1719	
1674		1720	
1675		1721	
1676		1722	<b>D. Noise regulations</b>
1677		1723	The Board may regulate the time and noise level of the playing of mechanical music boxes, live music, and sound-making devices that are used on licensed premises where the sound disturbs the peace, tranquility, safety, and health of the surrounding neighborhood.
1678		1724	
1679		1725	
1680	<b>B. Service by minors restricted</b>	1726	
1681	(1) No license holder shall allow a person to act in the capacity of a bartender who is not at least 21 years of age. For the purposes of this section, a "bartender" is any person who mixes or pours drinks for consumption on the licensed premises.	1727	
1682		1728	
1683		1729	<b>E. Slot machine restriction</b>
1684		1730	The Board shall be prohibited from issuing a license under the provisions of this chapter to any entity at any place at which one or more slot machines are located, maintained, or operated, unless the entity is a fraternal, religious or
1685		1731	
1686		1732	
1687	(2) No license holder shall allow a person to act in the capacity of waiter or waitress who is required to take orders for alcoholic beverages	1733	
1688		1734	
1689			

1735 veterans nonprofit organization with a license  
 1736 to operate the slot machine(s) issued by the  
 1737 Sheriff of Talbot County.

1738 **F. Alcohol Awareness Training**

1739 All employees involved in the sale of alcoholic  
 1740 beverages shall successfully complete training  
 1741 in an Alcohol Awareness Program within one  
 1742 hundred eighty (180) days of the date of hire.  
 1743 The Liquor Inspector may grant an extension  
 1744 not to exceed sixty (60) days for Licensees with  
 1745 less than three (3) employees whose businesses  
 1746 would suffer undue hardship, due to  
 1747 circumstances beyond the Licensee's  
 1748 reasonable control. Any request for a waiver  
 1749 must be submitted in writing within thirty (30)  
 1750 days and contain all grounds in support of the  
 1751 request.

1752  
 1753 (1) For purposes of this section, "Approved  
 1754 Alcohol Awareness Program," has the  
 1755 meaning and is subject to the  
 1756 requirements and time limitations set  
 1757 forth in Article 2B § 13-101, Md. Ann.  
 1758 Code, as amended from time to time.

1759 (2) Nothing in this section relieves the  
 1760 licensee from compliance with any other  
 1761 applicable State requirements regarding  
 1762 alcohol awareness training.

1763 (3) This section may not be construed to  
 1764 create or enlarge any civil cause of action  
 1765 or criminal proceeding against a licensee.

1766 (4) Penalties. The Board shall impose the  
 1767 following penalties on any licensee who  
 1768 violates this section within any seven (7)  
 1769 year period:

1770 (a) 1st offense, \$50.00 fine;

1771 (b) 2nd offense, \$200.00 to \$500.00  
 1772 fine;

1773 (c) 3rd offense, 2-5 day suspension; and,

1774 (d) 4th or subsequent offense, 10-30 day  
 1775 suspension.

1776

1777 **§ 11-14 Revocation and suspension of licenses**

1778 **A. General provisions**

1779 (1) Any license issued under the provisions of  
 1780 this chapter may be revoked or suspended by  
 1781 the Board for any cause which in the judgment  
 1782 of the Board is necessary to promote the peace  
 1783 or safety of the community in which the place  
 1784 of business is situated. A license may be  
 1785 revoked or suspended, and/or a fine imposed by  
 1786 the Board based upon, but not limited to, any of  
 1787 the following findings:

1788 (a) Conviction of the license holder for  
 1789 violation of any of the provisions of this chapter  
 1790 or of applicable state law regulating the retail  
 1791 sale of alcoholic beverages.

1792 (b) Any finding of fact in a criminal  
 1793 proceeding that would be sufficient to sustain a  
 1794 judgment or verdict of guilt for any violation of  
 1795 this chapter or applicable state law regulating  
 1796 the retail sale of alcoholic beverages, regardless  
 1797 of whether that finding is stricken and probation  
 1798 before judgment is granted.

1799 (c) Failure or refusal of any license holder to  
 1800 comply with any provisions of this chapter or  
 1801 any applicable state law, or any rule or  
 1802 regulation that may be adopted pursuant to this  
 1803 chapter.

1804 (d) The making of any material false  
 1805 statement in any application for a license.

1806 (e) A conviction of one or more of the clerks,  
 1807 agents, or employees of a license holder for the  
 1808 violation of any of the provisions of this chapter  
 1809 or applicable state law on the licensed premises.

1810 (f) A finding by the Board that one or more  
 1811 of the clerks, agents, or employees of a license  
 1812 holder violated any of the provisions of this  
 1813 chapter or of applicable state law on the  
 1814 licensed premises.

1815 (g) Three or more violations of any provision  
 1816 of Chapter 159, Article I, Talbot County Code,  
 1817 Smoking. For purposes of this subsection, the  
 1818 Board may not amend, modify, or decline to  
 1819 impose the requisite suspension upon any  
 1820 licensee for the period designated in § 159-  
 1821 9C(2) following a determination that the



1822 requisite violations have occurred. [Added 2-3-  
1823 2004 by Bill No. 934]

1824 (2) For purposes of this section a conviction  
1825 is deemed to have occurred whenever a person  
1826 accused of a crime pleads guilty or nolo  
1827 contendere or is found guilty of an offense.

1828 (3) The following shall each be prima facie  
1829 evidence of a violation:

1830 (a) A sale or delivery of an alcoholic  
1831 beverage by a license holder before or after the  
1832 hours during which the privileges conferred by  
1833 the applicable license may be exercised.

1834 (b) An open container holding more than a  
1835 trace of an alcoholic beverage, prior to or more  
1836 than 30 minutes after the hours during which  
1837 the privileges conferred by the applicable  
1838 license may be exercised.

1839 (c) Live entertainment or playing of  
1840 electronic entertainment other than during the  
1841 hours in which the privileges conferred by the  
1842 applicable license may be exercised.

1843 (d) Presence of person(s) on the premises  
1844 prior to or more than 30 minutes after the hours  
1845 during which the privileges conferred by the  
1846 applicable license may be exercised, other than  
1847 by those listed below:

1848 [1] The owner, license holder or their agents  
1849 or employees actually engaged in cleaning or  
1850 preparing for the next day's operation.

1851 [2] Entertainers actually engaged in  
1852 preparing for opening or closing down after a  
1853 performance.

1854 [3] Delivery personnel actually making  
1855 deliveries.

1856 (e) The sale, delivery or furnishing of an  
1857 alcoholic beverage by a license holder, clerk,  
1858 agent or employee of a license holder to a minor  
1859 on the licensed premises.

1860 **B. Procedure for revocation or suspension**

1861 (1) The Board may, on its own initiative, or  
1862 upon complaints by local citizens, or upon a  
1863 complaint by the State's Attorney, any peace  
1864 officer, or the County Health Officer, revoke or

1865 suspend any license issued under the provisions  
1866 of this chapter or impose a monetary fine upon  
1867 any license holder, or both. Such action shall  
1868 not be taken until the Board has conducted a  
1869 hearing upon the complaint, notice of which  
1870 shall be mailed or delivered to the license  
1871 holder at least 10 days before the hearing.  
1872 Revocation or suspension hearings shall be  
1873 conducted pursuant to § 11-10A of this chapter,  
1874 except that the notification provisions thereof  
1875 shall not apply. In addition, in a hearing under  
1876 this section, the person or entity making the  
1877 complaint to the Board shall be the first to  
1878 present evidence to the Board; the license  
1879 holder shall then present its evidence, to be  
1880 followed by any further evidence to be  
1881 presented by the complainant. The Board may  
1882 permanently revoke or suspend a license for  
1883 any period, or impose a fine, at its discretion,  
1884 upon a finding that any provision of this chapter  
1885 or any applicable state law has been violated, or  
1886 upon a finding based upon clear and convincing  
1887 evidence that the continued licensing of the  
1888 premises in question constitutes a danger to the  
1889 public health, safety, or welfare.

1890 (2) Within 30 days of the hearing, the Board  
1891 shall issue its decision, setting forth its findings,  
1892 determination of any violations, and imposition  
1893 of any penalty, sanction or fine. If no decision  
1894 is issued by the Board within 30 days of the  
1895 hearing, a finding of "no violation" shall result.

1896 **§ 11-15 Violations and penalties**

1897 A. Any person or license holder violating the  
1898 provisions of this chapter shall be guilty of a  
1899 misdemeanor and, upon conviction thereof,  
1900 shall be subject to a fine of not more than  
1901 \$1,000 or to imprisonment for not more than  
1902 six months, or to both such fine and  
1903 imprisonment; provided, however, that if  
1904 applicable state law provides a greater penalty,  
1905 the penalty provided by state law shall prevail.

1906 B. Anyone charged with selling or furnishing  
1907 alcoholic beverages to a person not of legal  
1908 age in violation of § 11-13C shall be found not  
1909 guilty of said violation if such person  
1910 establishes to the satisfaction of the jury, or the  
1911 court sitting as a jury, that he used due caution  
1912 to establish that such person was of legal age  
1913 to purchase or be supplied alcoholic  
1914 beverages. The granting of probation before  
1915 judgment to a license holder or employee or  
1916 agent of a license holder for any alleged



1917	violation of this chapter or applicable state law	1966	serves, keeps, or allows to be consumed any
1918	does not bar the Board from proceeding	1967	setups or other component parts of mixed
1919	against the license holder for the violation.	1968	alcoholic drinks to its members or guests.
1920	C. In lieu of suspending or revoking an alcoholic	1969	B. Drive-through sales prohibited. A licensee
1921	beverages license pursuant to the terms of this	1970	shall not sell, offer to sell, or dispense
1922	chapter, the Board may hold any suspension in	1971	alcoholic beverages for off-premises
1923	abeyance and impose a fine for any violation	1972	consumption through a facility commonly
1924	of this chapter subject to the following	1973	known as a "walk-up" or "drive-through"
1925	conditions:	1974	window. [Added 4-13-1999 by Bill No. 705]
1926	(1) The Board determines that the public	1975	<b>§ 11-17 Enforcement</b>
1927	welfare and safety will not be impaired by	1976	A. <b>Notification requirements</b>
1928	allowing the license holder to operate during	1977	To aid in the enforcement of this chapter, it
1929	the suspension period and that payment of the	1978	shall be the responsibility of all law
1930	fine will achieve the desired disciplinary	1979	enforcement personnel, including members of
1931	purposes.	1980	the Maryland State Police, the Talbot County
1932	(2) The fine assessed by the Board under this	1981	Sheriff's Department, the Talbot County
1933	subsection shall not exceed \$1,000 for each	1982	State's Attorney's Office, the Natural
1934	violation.	1983	Resources Police, and each of the municipal
1935	(3) All moneys collected under this	1984	police departments in Talbot County, to notify
1936	subsection shall be deposited into the general	1985	the Board of any violation citations issued to
1937	funds of Talbot County.	1986	any license holder under the provisions of this
1938	(4) The Board shall have promulgated such	1987	chapter, within 48 hours of the issuance of the
1939	rules and regulations as it deems necessary to	1988	citation. The Board shall notify law
1940	carry out the purposes of this subsection	1989	enforcement personnel, including members of
1941	including any conditions to be imposed on the	1990	the Maryland State Police, the Talbot County
1942	license holder as a condition of holding any	1991	Sheriff's Department, the Talbot County
1943	such suspension in abeyance.	1992	State's Attorney's Office, the Natural
1944	<b>§ 11-16 Bottle club restrictions; drive-through</b>	1993	Resources Police, and the appropriate mun-
1945	<b>sales</b>	1994	icipal police department, of any license issued
1946	A. It shall be unlawful in Talbot County for any	1995	under the provisions of this chapter which is
1947	bottle club to sell, serve, give, dispense, keep	1996	revoked or suspended, or of any fines which are
1948	or allow to be consumed on its premises, or on	1997	imposed for a violation of this chapter.
1949	premises under its control or possession, any	1998	B. <b>Chemical test report</b>
1950	alcoholic beverages, setups or other	1999	For the purpose of establishing that physical
1951	component parts of mixed alcoholic drinks. As	2000	evidence in a criminal proceeding or
1952	used in this subsection, the term "bottle club"	2001	administrative hearing under the provisions of
1953	shall mean any club which serves, sells, gives,	2002	this chapter contains or constitutes alcohol or an
1954	or dispenses alcoholic beverages to its	2003	alcoholic beverage, a report signed by the
1955	members or guests, or which keeps for its	2004	chemist or analyst who performed the test or
1956	members or guests any alcoholic beverages, or	2005	tests as to its nature is prima facie evidence that
1957	which allows to be consumed on its premises	2006	the material delivered to him was properly
1958	any alcoholic beverages, by its members or	2007	tested under procedures approved by the
1959	guests, which beverages have been reserved or	2008	Department of Health and Mental Hygiene, that
1960	purchased by the members or guests; or any	2009	those procedures are legally reliable, that the
1961	club at which patrons are served, given, or	2010	material was delivered to him by the officer or
1962	allowed to consume alcoholic beverages after	2011	person stated in the report, and that the material
1963	legal closing hours from any supplies that the	2012	was or contained alcohol, without the necessity
1964	patrons have previously purchased or	2013	of the chemist or analyst personally appearing
1965	reserved; or any club that sells, dispenses,	2014	in court, or at any hearing, provided the report
		2015	identifies the chemist or analyst as an individual

2016 certified by the Department of Health and  
2017 Mental Hygiene, the Maryland State Police  
2018 Department, the Baltimore City Police  
2019 Department, or any County police department  
2020 employing analysts of controlled dangerous  
2021 substances or alcohol, as qualified under  
2022 standards approved by the Department of  
2023 Health and Mental Hygiene to analyze those  
2024 substances, states that he made an analysis of  
2025 the substance under approved procedures and  
2026 also states that the substance, in his opinion, is  
2027 or contains alcohol. Nothing in this section  
2028 precludes the right of any party to introduce any  
2029 evidence supporting or contradicting the  
2030 evidence contained in or the presumptions  
2031 raised by the report.

2032 **C. Chain of custody**

2033 (1) In this section, "chain of custody" means  
2034 the seizing officer; the packaging officer, if the  
2035 packaging officer is not also the seizing officer;  
2036 and the chemist or person who actually touched  
2037 the substance and not merely the outer sealed  
2038 package in which the substance was placed by  
2039 the law enforcement agency before or during  
2040 the analysis of the substance.

2041 (2) "Chain of custody" does not include a  
2042 person who handled the substance in any form  
2043 after analysis of the substance.

2044 (3) For the purpose of establishing, in a  
2045 criminal proceeding or an administrative  
2046 hearing under the provisions of this chapter, the  
2047 chain of physical custody or control of evidence  
2048 consisting of or containing a substance tested or  
2049 analyzed to determine whether it is or contains  
2050 alcohol, a statement signed by each successive  
2051 person in the chain of custody that the person  
2052 delivered it to the other person indicated on or  
2053 about the date stated is prima facie evidence  
2054 that the person had custody and made the  
2055 delivery as stated, without the necessity of a  
2056 personal appearance in court by the person  
2057 signing the statement. The statement shall  
2058 contain a sufficient description of the material  
2059 or its container so as to distinguish it as the  
2060 particular item in question and shall state that  
2061 the material was delivered in essentially the  
2062 same condition as received.

2063 (4) Nothing in this section precludes the right  
2064 of any party to introduce any evidence  
2065 supporting or contradicting the evidence

2066 contained in or the presumption raised by the  
2067 statement.

2068 **D. Presence of chemist or analyst at criminal**  
2069 **proceeding**

2070 (1) In a criminal proceeding under the  
2071 provisions of this chapter, the prosecution shall,  
2072 upon written demand of a defendant filed in the  
2073 proceedings at least five days prior to a trial in  
2074 the proceeding, require the presence of the  
2075 chemist, analyst, or any person in the chain of  
2076 custody as a prosecution witness.

2077 (2) The provisions of § 11-17B and C  
2078 concerning prima facie evidence do not apply  
2079 to the testimony of that witness. The provisions  
2080 of §§ 11-17 B and C are applicable in a criminal  
2081 proceeding only when a copy of the report or  
2082 statement to be introduced is mailed, delivered,  
2083 or made available to counsel for the defendant  
2084 or to the defendant personally when the  
2085 defendant is not represented by counsel, at least  
2086 10 days prior to the introduction of the report or  
2087 statement at trial.

2088 (3) Nothing contained in this section shall  
2089 prevent the defendant from summoning a  
2090 witness mentioned in this section as a witness  
2091 for the defense.

2092 (4) At an administrative proceeding, the  
2093 reports described in Subsections B and C above  
2094 shall be prima facie evidence without the  
2095 presence of the chemist, analyst, or any person  
2096 in the chain of custody. Nothing in this section  
2097 prevents the license holder or any other party  
2098 from summoning the chemist, analysts or any  
2099 other person in the chain of custody.

2100 E. Physical evidence. For the purpose of  
2101 establishing that physical evidence in a criminal  
2102 proceeding or an administrative hearing under  
2103 the provisions of this chapter contains or  
2104 constitutes alcohol, a sealed container in its  
2105 original unopened condition which has a label  
2106 which states that it contains alcohol or is an  
2107 alcoholic beverage is prima facie evidence that  
2108 the contents of the container are or include  
2109 alcohol or an alcoholic beverage.

2110 **§ 11-17-1.1 Alcoholic beverages inspector**

2111 **A. Appointment**

2112	The County Manager, with the approval of the	2158	things appertaining thereto". The cost
2113	Council, shall appoint an alcoholic beverages	2159	of the bond shall be paid by the county.
2114	inspector and such deputies or assistants as the		
2115	Council may authorize from time to time. The	2160	<b>§ 11-17-1.2 Prohibited activities</b>
2116	inspector, his deputies and assistants, shall be		
2117	known as the "Talbot County alcoholic	2161	An inspector may not, during the entire term
2118	beverages inspector" or "inspector." After	2162	of his appointment:
2119	appointment, an inspector shall serve at-will,		
2120	and may be discharged by the County Manager	2163	(1) Solicit or receive directly or indirectly any
2121	at any time with or without cause.	2164	commission, remuneration or gift
		2165	whatsoever from any:
2122	(1) The budget for alcoholic beverages		
2123	inspections and Code enforcement shall	2166	(i) Person or corporation engaged in the
2124	be set by the Council in the Annual	2167	manufacture, distribution, or sale of
2125	Budget and Appropriation Ordinance.	2168	beer, wine, or other alcoholic
		2169	beverages;
2126	(2) The inspector shall report to the		
2127	Department of Administrative Services.	2170	(ii) Agent or employee of that person or
		2171	corporation; or
2128	<b>B. Qualifications</b>		
		2172	(iii) Licensee licensed under the
2129	(1) An inspector shall not have been	2173	provisions of this Chapter or the
2130	convicted of a felony or a crime of moral	2174	alcoholic beverage laws of the State of
2131	turpitude.	2175	Maryland.
2132	(2) A person may not qualify nor continue	2176	(2) Engage in any occupation, business, or
2133	service as an inspector if the inspector or	2177	profession in any way connected or
2134	the inspector's immediate family has any	2178	associated with the manufacture,
2135	personal or financial interest, either	2179	distribution, or sale of alcoholic
2136	directly or indirectly, in any license,	2180	beverages; and us
2137	licensee, or in any premises licensed		
2138	under the provisions of this Chapter, or in	2181	(3) Transact any business of any kind
2139	any business wholly or partially devoted	2182	whatsoever beyond their official duties
2140	to the manufacture, distribution, or sale of	2183	with any licensee, or in connection with
2141	alcoholic beverages.	2184	the operation of any establishment
		2185	licensed for the manufacture, distribution,
2142	(3) An inspector may not, during the entire	2186	or sale of alcoholic beverages.
2143	term of his appointment, hold any other		
2144	public office, federal, State or local.	2187	(4) Have any interest, direct or indirect, either
		2188	proprietary or by means of any loan,
2145	(4) Before a person qualifies as an inspector,	2189	mortgage or lien, or in any other manner,
2146	the person shall:	2190	in or on any premises where alcoholic
		2191	beverages are manufactured, distributed,
2147	i. Make an oath to faithfully perform the	2192	or sold;
2148	duties entrusted to him as an alcoholic		
2149	beverages inspector pursuant to this	2193	(5) Have any interest, direct or indirect, in
2150	Chapter, as provided in Article I, § 9 of	2194	any business wholly or partially devoted
2151	the Constitution of Maryland; and,	2195	to the manufacture, distribution, or sale of
		2196	alcoholic beverages; or
2152	ii. Furnish bond in the penalty sum of		
2153	\$10,000 to the Board and the County	2197	(6) Own any stock in any corporation which
2154	Council jointly, conditioned "that the	2198	has any interest, proprietary or otherwise,
2155	inspector shall well and faithfully	2199	direct or indirect, in any premises where
2156	execute the office of Talbot County	2200	alcoholic beverages are manufactured,
2157	alcoholic beverages inspector in all	2201	distributed, or sold or in any business

2202 wholly or partially devoted to the  
2203 manufacture, distribution, or sale of  
2204 alcoholic beverages.

2205 **§ 11-17-1.3 Powers**

2206 For the purpose administration and  
2207 enforcement of the alcoholic beverages laws  
2208 before the Board, the inspector shall have the  
2209 power to:

- 2210 (1) Enforce all alcoholic beverages laws;
- 2211 (2) Investigate all complaints and violations  
2212 of the alcoholic beverages laws;
- 2213 (3) Investigate all applicants for an alcoholic  
2214 beverages license or transfer of license;
- 2215 (4) Serve summonses and subpoenas,  
2216 conduct inspections, and investigate  
2217 violations of this Chapter;
- 2218 (5) Issue civil citations as provided in § 10-  
2219 119 of the Criminal Law Article, Md.  
2220 Ann. Code, upon probable cause to  
2221 believe that the person charged is  
2222 committing or has committed a Code  
2223 violation;
- 2224 (6) Initiate administrative proceedings before  
2225 the Board to revoke, suspend, or restrict a  
2226 license;
- 2227 (7) Visit and inspect at unannounced times  
2228 every licensed premises in the county as  
2229 directed by the Department of  
2230 Administrative Services;
- 2231 (8) Report all violations of the alcoholic  
2232 beverages laws to the Board and to the  
2233 local jurisdiction in which the licenses  
2234 premises are located; and,
- 2235 (9) Give monthly written reports to the  
2236 Department of Administrative Services  
2237 covering all:
  - 2238 (i) Inspection activities;
  - 2239 (ii) Complaints; and,
  - 2240 (iii) Violations, either observed or  
2241 reported

2242 (10) Promote alcohol education and  
2243 awareness training; and,

2244 (11) Such other duties regarding admin-  
2245 istration and enforcement of Chapter 11,  
2246 Talbot County Code, *Alcoholic*  
2247 *Beverages*, as the County Manager may  
2248 prescribe from time to time.

2249 **§11-17-1.4 Commission, Profit, or**  
2250 **Remuneration Prohibited**

2251 No person or corporation engaged in the  
2252 manufacture, distribution, or sale of beer,  
2253 wine, or other alcoholic beverages, nor any  
2254 licensee licensed under the provisions of this  
2255 Chapter, including any agent or employee of  
2256 that person, corporation, or licensee, either  
2257 directly or indirectly, may offer to pay any  
2258 commission, profit, or remuneration, or make  
2259 any gift to any commissioner, alcoholic  
2260 beverages inspector, or employee of the Board  
2261 or to anyone on behalf of that commissioner,  
2262 inspector, or employee of the Board, nor may  
2263 any commissioner or employee of the Board  
2264 solicit or receive, directly or indirectly, any  
2265 such commission, profit, remuneration, or gift  
2266 whatsoever. Upon a finding of a violation of  
2267 this section by a licensee, the license shall be  
2268 revoked. Upon a finding of a violation of this  
2269 section by any other person on behalf of or  
2270 concerning any license or licensee, the license  
2271 shall be revoked unless the Board shall find  
2272 that said action was unauthorized, in which  
2273 case the license shall be suspended for a period  
2274 of not less than 30 days nor more than one  
2275 year.

2276 **§ 11-17-1.5 Inspections; beverages as evidence**

2277 The Alcoholic Beverages Inspector, and his  
2278 duly authorized deputies or assistants, any  
2279 peace officer of the county, and any peace  
2280 officer of the town in which the premises are  
2281 located, or any of them, shall be fully  
2282 authorized to inspect and search, without  
2283 warrant, at all hours, any building and  
2284 premises in which any alcoholic beverages are  
2285 authorized to be kept, transported,  
2286 manufactured, or sold under a license or  
2287 permit issued under the provisions of this  
2288 Chapter, and any evidence discovered during  
2289 any such inspections shall be admissible in any  
2290 prosecution for the violation of the provisions  
2291 of this Chapter, and in any hearing for  
2292 revocation, suspension, or restriction of the

2293 alcoholic beverage license or permit. Any  
 2294 alcoholic beverages taken as evidence shall be  
 2295 returned to the license or permit holder if he be  
 2296 adjudged not guilty; otherwise they shall be  
 2297 sold to license holders, turned over to State  
 2298 institutions for medicinal use, or destroyed.  
 2299 Receipts from such sales shall be credited to  
 2300 the general fund of the County.

2301 **§ 11-18 Appeals**

2302 **A. General provisions**

2303 (1) Appeals from decisions of the Board shall  
 2304 be to the Circuit Court for Talbot County, in  
 2305 accordance with the Maryland Rules of  
 2306 Procedure applicable to administrative appeals.

2307 (2) The decision approving, suspending,  
 2308 revoking, restricting, or refusing to approve,  
 2309 suspend, revoke or restrict any license or  
 2310 license shall be subject to appeal in the manner  
 2311 provided in this section.

2312 **B. Who may appeal**

2313 A licensee, a license applicant, or a group of not  
 2314 less than 10 persons who reside in Talbot  
 2315 County may appeal a final decision of the Board  
 2316 to the Circuit Court if the licensee, license  
 2317 applicant, or the group is aggrieved by the  
 2318 decision and has appeared at the hearing of the  
 2319 Board either:

- 2320 (1) In person or by representative; or
- 2321 (2) By the submission of a written document  
 2322 that was introduced at the hearing.

2323 **C. Court costs**

2324 The Clerk of the Circuit Court, before  
 2325 docketing an appeal, shall first collect, from the  
 2326 person or persons so appealing, all court costs  
 2327 and a statement from the Board that the costs  
 2328 for getting records and transcripts of  
 2329 proceedings of the hearing before the Board  
 2330 have been paid. Costs may not be assessed  
 2331 against the Board.

2332 **D. Scope of appeal**

2333 (1) Upon the hearing of such appeal, the  
 2334 action of the Board shall be presumed by the  
 2335 court to be proper and to best serve the public

2336 interest. The burden of proof shall be upon the  
 2337 petitioner to show that the decision complained  
 2338 of was against the public interest and that the  
 2339 Board's discretion in rendering its decision was  
 2340 not honestly and fairly exercised, or that such  
 2341 decision was arbitrary, or procured by fraud, or  
 2342 unsupported by any substantial evidence, or  
 2343 was unreasonable, or that such decision was  
 2344 beyond the powers of the Board and was illegal.  
 2345 The case shall be heard by the court without the  
 2346 intervention of a jury. If in the opinion of the  
 2347 court it is impracticable to determine the  
 2348 question presented to the court, in the case on  
 2349 appeal, without the hearing of additional  
 2350 evidence, or if in the opinion of the court any  
 2351 qualified litigant has been deprived of the  
 2352 opportunity to offer evidence, or if the interests  
 2353 of justice otherwise require that further  
 2354 evidence should be taken, the court may hear  
 2355 such additional testimony to such extent and in  
 2356 such manner as may be necessary or may  
 2357 remand the case to the Board for that purpose.

2358 (2) In such actions of appeal the Board may  
 2359 be represented by its attorney.

2360 (3) The Board's decision shall be affirmed,  
 2361 modified, reversed, or remanded to the Board.  
 2362 Costs shall be awarded as in other civil cases.

2363 **E. Further appeals**

2364 Further appeals shall be governed by the  
 2365 provisions of Article 2B, § 16-101, Annotated  
 2366 Code of Maryland.

2367 **§ 11-19 Supplemental municipal regulation**

2368 Municipalities within Talbot County may  
 2369 restrict the retail sale of alcoholic beverages  
 2370 within their respective jurisdictions through  
 2371 adoption of local zoning ordinances.  
 2372 Enforcement of any ordinance so enacted shall  
 2373 be the responsibility of the municipality.

2374 **§ 11-20 Conflict with other regulations**

2375 Any law enacted by the Talbot County Council  
 2376 pursuant to the grant of express powers in  
 2377 Article 25, § 3(ee), or Article 2B, § 18-101,  
 2378 Annotated Code of Maryland, shall prevail over  
 2379 any provision of the Code of Public General  
 2380 Laws of Maryland regulating the retail sale of



2381 alcoholic beverages. However, unless and until  
2382 the Talbot County Council enacts a law which  
2383 is contrary to a provision of the Code of Public  
2384 General Laws regulating the retail sale of  
2385 alcoholic beverages, the provisions of the Code  
2386 of Public General Laws shall remain in effect.

EFFECTIVE DATE: This bill shall take effect for all new licenses and licensees 60 days after enactment. For all existing licenses and licensees, this bill shall become effective only in connection with, upon, and following any renewal of the existing license(s).