

Chapter 11

ALCOHOLIC BEVERAGES

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 (1) Enforce all alcoholic beverages laws; 23

 (2) Investigate all complaints and violations of the alcoholic beverages laws; 23

 (3) Investigate all applicants for an alcoholic beverages license or transfer of license;23

 (4) Serve summonses and subpoenas, conduct inspections, and investigate violations of this Chapter; 23

 (5) Issue civil citations as provided in § 10-119 of the Criminal Law Article, Md. Ann. Code, upon probable cause to believe that the person charged is committing or has committed a Code violation; 23

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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
18 than forty (40) people. An alcohol dispensary
19 bistro shall not include pharmacies, chain or
20 franchise supermarkets, and establishments that
21 sell, or are affiliated with the sale of gasoline and
22 other petroleum-based products to motorists.

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

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

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

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

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

74 **§ 11-2 Purpose**

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

84 **§ 11-3 Administration by Board of Liquor
85 License Commissioners**

86 This chapter shall be administered and enforced
87 by the Talbot County Board of Liquor License
88 Commissioners (the "Board"). The Board may
89 adopt such written rules and regulations as it
90 deems necessary to carry out the provisions of this

91 chapter, subject to the approval of the County
92 Council. Chapter 60, Ethics, Talbot County Code,
93 shall apply to members of the Board.

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

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

98 (1) General provisions. A Class A beer and
99 light wine license shall be issued only to
100 alcohol dispensaries, supermarkets, and con-
101 venience stores, and shall authorize the holder
102 thereof to keep for sale and sell beer and light
103 wine, at retail, in any quantity to any con-
104 sumers, at the place described in the license, in
105 a sealed package or container, which package
106 or container may not be opened nor its
107 contents consumed on the premises where
108 sold. Notwithstanding the limitation on the
109 issuance of a Class A license to alcohol
110 dispensaries, supermarkets, and convenience
111 stores set forth above, any holder of a Class A
112 license, lawfully issued and validly existing on
113 the effective date of this ordinance shall be
114 entitled to renew the same at the existing
115 location provided that all such applications for
116 renewal otherwise comply with all then-
117 existing ordinance, laws, and regulations, as
118 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, except on Sunday the hours shall be
123 from 8:00 a.m. to 12:00 midnight.

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

141 authorized by this section shall be permitted
142 on the licensed premises only.

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

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

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

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

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

185 (3) Hours. The hours during which the
186 privileges conferred by a Class B license may
187 be exercised shall be from 6:00 a.m. to 2:00
188 a.m. on the following day, except on Sunday
189 the hours shall be from 10:00 a.m. to 2:00 a.m.
190 on the following day.

191 **C. Beer and light wine license, Class B-R**
 192 **(off-sale), hotels and restaurants**

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

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

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

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

221 (1) General provisions. A Class C beer and
 222 light wine license shall authorize the holder
 223 thereof to keep for sale and sell beer and light
 224 wine, at retail, to bona fide members and their
 225 guests at any club, at the place described in the
 226 license, for consumption on the premises only.
 227 [Amended 12-14-1999 by Bill No. 742; 4-24-
 228 2001 by Bill No. 811]

229 (2) Hours. The hours during which the
 230 privileges conferred by a Class C license may
 231 be exercised shall be from 6:00 a.m. to 12:00
 232 midnight, except on Sunday the hours shall be
 233 from 10:00 a.m. to 12:00 midnight.

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

236 (1) General provisions. A Class D beer and
 237 light wine license shall authorize the holder
 238 thereof to keep for sale and sell beer and light

239 wine, at retail, at any marina, at the place
 240 described in the license, for consumption on
 241 the premises and elsewhere. All sales and
 242 consumption of alcoholic beverages on the
 243 premises shall occur in a café regularly
 244 preparing and serving full meals, which may
 245 include a sandwich menu.

246 (2) Hours. The hours during which the
 247 privileges conferred by a Class D license may
 248 be exercised shall be from 6:00 a.m. to 12:00
 249 midnight, except on Sunday the hours shall be
 250 from 8:00 a.m. to 12:00 midnight.

251 **§ 11-4.1 Beer License**

252 **Beer, On-Premises License, Class DBR**

253 (1) General provisions. A Class BDR On-
 254 Premises License shall be issued only to the
 255 holder of a State of Maryland issued Class 5
 256 Brewery License, and shall authorize the
 257 holder thereof to sell beer fermented and
 258 brewed by the license holder at the brewery for
 259 on-premises consumption, in addition to those
 260 privileges granted to the holder by the State.

261 (2) On-Site Consumption Permit. A Class
 262 DBR-On-Premises License shall serve as the
 263 on-site consumption permit and the license
 264 equivalent to a Class D license specified under
 265 § 2-207(f) of the Alcoholic Beverages Article
 266 of the Code of Maryland.

267 (3) The total amount of beer sold each year
 268 for on-premises consumption under the Class
 269 DBR On-Premises License must not exceed
 270 5,000 beer barrels annually. The holder must
 271 provide information related to the number of
 272 beer barrels sold upon request by enforcement
 273 authorities.

274 (4) Hours. The hours during which the
 275 privileges conferred by a Class DBR On-
 276 Premises License may be exercised shall be
 277 from 10:00 a.m. to 10:00 p.m.

278 (5) No alcoholic beverages are to be sold for
 279 off-premises consumption except as allowed
 280 by the holder's State-issued Class 5 Brewery
 281 License.

282 (6) If the holder's State-issued Class 5
 283 Brewery License expires or is suspended or
 284 revoked by the State of Maryland, the Class

285 DBR On-Premises License shall also
286 automatically be suspended or revoked, as the
287 case may be.

288 **§ 11-5 Beer, wine and liquor licenses**

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

291 (1) General provisions. A Class E beer, wine
292 and liquor license shall be issued only to an
293 alcohol dispensary, and shall authorize the
294 holder thereof to keep for sale and sell all
295 alcoholic beverages, at retail, in any quantity
296 to any consumers, at the place described in the
297 license, in a sealed package or container,
298 which package or container shall not be
299 opened nor its contents consumed on the
300 premises where sold.

301 (2) Hours. The hours during which the
302 privileges conferred by a Class E license may
303 be exercised shall be from 6:00 a.m. to 12:00
304 midnight, except on Sunday the hours shall be
305 from 8:00 a.m. to 12:00 midnight.

306 (3) Wine and beer tasting, alcohol dispen-
307 saries. Other provisions of this chapter to the
308 contrary notwithstanding, the holder of a valid
309 Class E license that is also an alcohol
310 dispensary shall be authorized to serve not
311 more than one ounce from no more than three
312 bottles or containers of wine or beer to any one
313 person for sampling or tasting purposes. Once
314 opened, any bottles or containers of wine or
315 beer to be sampled shall be accurately and
316 specifically marked for sampling or tasting
317 purposes only or shall be discarded and shall
318 not be offered for sale. The contents of any
319 bottle or container opened for sampling or
320 tasting purposes shall not be mixed with any
321 other bottle or container. Any wine or beer
322 sampling or tasting authorized by this section
323 shall be permitted on the licensed premises
324 only.

325 (4) Notwithstanding the limitation on issuance
326 of Class E licenses to alcohol dispensaries in
327 paragraph (1) above, any holder of a Class E
328 license, except for any pharmacy, that was
329 lawfully issued and validly existing on the
330 effective date of this ordinance shall be
331 entitled to renew the same at the existing
332 location provided that all such applications for
333 renewal otherwise comply with all then-
334 existing ordinances, laws, and regulations, as

335 amended from time to time. Any such Class E
336 license held by or for the benefit of any
337 pharmacy shall be entitled to renew the same
338 at the existing location provided: all alcoholic
339 beverages shall be offered for sale exclusively
340 within an enclosed area not exceeding 25% of
341 the sales area, separated from the main sales
342 area by permanent walls or partitions at least 8
343 feet high, and all such sales shall be processed
344 through a separate cashier within and dedi-
345 cated to that area, and that all such
346 applications for renewal otherwise comply
347 with all then-existing ordinances, laws, and
348 regulations, as amended from time to time.

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

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

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

369 (a) No new Class F licenses shall issue after
370 the effective date of this ordinance. Upon
371 expiration of an existing Class F license, all
372 licensees holding a Class F license lawfully
373 issued and validly existing on the effective
374 date of this ordinance shall be entitled to apply
375 for and obtain both a Class B-R license and a
376 Class F-A license for the premises described in
377 the Class F license provided that all such
378 applications for renewal otherwise comply
379 with all then-existing ordinances, laws, and
380 regulations, as amended from time to time. (b)
381 Upon the expiration of an existing Class F
382 license, any renewal application for the place
383 described in the existing license shall also
384 include all information required to obtain a
385 caterer's endorsement in accordance with §
386 11-6A. Subject to all requirements otherwise

387 applicable to a caterer's endorsement, all
388 licensees holding an existing Class F license
389 that was lawfully issued and validly existing
390 on the effective date of this ordinance shall be
391 entitled to a caterer's endorsement as part of
392 their renewal, unless the applicant affirma-
393 tively declines the same.

394 (2) Requirements for license. A Class F
395 license shall not be issued until all
396 requirements for licensing have been met and
397 the place described in the license is
398 demonstrated to be:

399 (a) A hotel having 25 or more bedrooms and
400 regularly preparing and serving food on the
401 premises where alcoholic beverages are to be
402 sold;

403 (b) A restaurant which seats at least 20
404 persons, maintains a kitchen staffed for
405 serving food and provides a menu for at least
406 two meals per day on a regular basis, which
407 may include a sandwich menu; or

408 (c) A restaurant which seats at least 20
409 persons and maintains a kitchen staffed for
410 serving food, which is open within one hour
411 after the restaurant opens and is in continuous
412 operation serving a full menu until at least two
413 hours before the restaurant closes.

414 (3) Hours. The hours during which the
415 privileges conferred by a Class F license may
416 be exercised shall be from 6:00 a.m. to 2:00
417 a.m. on the following day, except on Sunday
418 the hours shall be from 10:00 a.m. to 2:00 a.m.
419 on the following day.

420 (4) This section, § 11-5 B, including without
421 limitation the Class F license classification,
422 and each paragraph and sub-paragraph, shall
423 be repealed and of no further force or effect
424 upon the later of: (1) the expiration of all
425 existing Class F licenses; and, (2) the issuance
426 of Class B-R and Class F-A licenses to
427 existing Class F licensees entitled to receive
428 the same for the place described in the existing
429 Class F license; and, (3) compliance with the
430 requirements of Paragraph (1) (b), above,
431 regarding issuance of caterer's endorsements;
432 or, (4) expiration of the right to renew, without
433 renewal, for existing Class F licenses such that
434 the transition from Class F to Class B-R and
435 Class F-A has been completed or waived for
436 all existing Class F licensees.

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

439 (1) General provisions. A Class F-A beer,
440 wine and liquor license shall be issued only to
441 a hotel or restaurant and shall authorize the
442 holder thereof to keep for sale and sell all
443 alcoholic beverages, at retail, for consumption
444 on the premises only, at the place described in
445 the license.

446 (a) The application for issuance or renewal of
447 a Class F-A license shall include all
448 information required to obtain a caterer's
449 endorsement in accordance with § 11-6A.
450 Subject to all requirements otherwise
451 applicable to a caterer's endorsement, all Class
452 F-A licenses issued or renewed after the
453 effective date of this ordinance shall include a
454 caterer's endorsement as part of their issuance
455 or renewal, unless the applicant affirmatively
456 declines the same.

457 (2) Requirements for license. A Class F-A
458 license shall not be issued until all
459 requirements for licensing have been met.

460 (3) Hours. The hours during which the
461 privileges conferred by a Class F-A license
462 may be exercised shall be from 6:00 a.m. to
463 2:00 a.m. on the following day, except on
464 Sunday the hours shall be from 10:00 a.m. to
465 2:00 a.m. on the following day.

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

468 (1) General provisions. A Class G beer, wine
469 and liquor license shall authorize the holder
470 thereof to keep for sale and sell all alcoholic
471 beverages, at retail, at any club qualified under
472 Subsection D(2) hereof, at the place described
473 in the license, for consumption on the premises
474 only.

475 (2) Requirements for license. A Class G
476 license shall be issued only to a club which is
477 not operated for profit and which has had 50 or
478 more bona fide members paying dues of not
479 less than \$10 per annum per member for five
480 consecutive years immediately preceding the
481 year for which the license is to be issued. A
482 Class G license may be issued to a club
483 composed exclusively of members who served
484 in the Armed Forces of the United States,
485 which is affiliated with a national organization

486	and had 50 or more bona fide members paying	533	(a) Accommodates the public for banquets,
487	whatever dues were required by its national	534	parties, meetings, and similar functions; and
488	organization in the year immediately		
489	preceding the year for which the license is to	535	(b) Contains a dining room with adequate
490	be issued.	536	facilities for preparing and serving full-course
		537	meals for at least 100 persons at one seating.
491	(3) Hours. The hours during which the		
492	privileges conferred by a Class G license may	538	(3) The Class B-F beer, light wine and liquor
493	be exercised shall be from 6:00 a.m. to 2:00	539	license authorizes the holder to keep for sale,
494	a.m. on the following day, except on Sunday	540	and sell at retail, beer, light wine, and liquor
495	the hours shall be from 10:30 a.m. to 2:00 a.m.	541	for on-premises consumption only, provided
496	on the following day.	542	that:
497	E. Beer, wine and liquor license, Class GC	543	(a) The beer, light wine, and liquor are only
498	(on-sale), golf courses	544	sold during the function;
499	(1) General provisions. A Class GC beer,	545	(b) The licensee may not sell alcoholic
500	wine and liquor license shall authorize the	546	beverages for off-premises consumption;
501	holder thereof to keep for sale and sell all		
502	alcoholic beverages, at retail, at any golf	547	(c) The licensee may not permit alcoholic
503	course qualified under Subsection E(2) hereof,	548	beverages to be carried off the premises; and
504	at the place described in the license, for		
505	consumption on the premises only.	549	(d) Food is furnished at the function where
		550	the alcoholic beverages are provided.
506	(2) Requirements for license. A Class GC		
507	license shall be issued only to a golf course	551	(4) The application for issuance or renewal of
508	which is open to the public and has a golf	552	a Class B-F license shall include all infor-
509	course with a minimum of 18 holes. A licensee	553	mation required to obtain a caterers endorse-
510	may sell beer, wine and liquor for	554	ment in accordance with § 11-6A. Subject to
511	consumption only on the land and in the	555	all requirements otherwise applicable to a
512	buildings, including the clubhouse, used for	556	caterer's endorsement, all Class B-F licenses
513	golfing purposes. A patron need not be seated	557	issued or renewed after the effective date of
514	to be served.	558	this ordinance shall include a caterer's
		559	endorsement as part of their issuance or
515	(3) Hours. The hours during which the	560	renewal, unless the applicant affirmatively
516	privileges conferred by a Class GC license	561	declines the same.
517	may be exercised shall be from 7:00 a.m. to		
518	10:00 p.m. each day.	562	(5) Hours. The hours during which the
		563	privileges conferred by a Class B-F license
519	F. Beer, wine and liquor license, Class B-F	564	may be exercised shall be from 12:00 noon to
520	(on-sale) banquet facility	565	2:00 a.m. the following day, except on Sunday
		566	the hours shall be from 12:00 noon to 12:00
521	(1) General provisions. A Class B-F beer,	567	midnight.
522	wine and liquor license shall authorize the		
523	holder thereof to keep for sale and sell all	568	G. Beer, wine and liquor license, Class B-T
524	alcoholic beverages, at retail, at any banquet	569	(on-sale), certain nonprofit theaters
525	facility qualified under Subsection F(2) hereof,		
526	at the place described in the license, for	570	(1) General provisions. A Class B-T beer,
527	consumption on the premises only.	571	wine, and liquor license shall be issued only to
		572	nonprofit theaters and shall authorize the
528	(2) Requirements for license. The Class B-F	573	holder thereof to keep for sale and sell beer,
529	license shall not be issued until all	574	wine, and liquor at retail, at the place
530	requirements for licensing have been met and	575	described in the license, for consumption on
531	the place described in the license is	576	the premises only.
532	demonstrated to be a banquet facility that:		

577 (2) Requirements for license. A Class B-T
578 license shall not be issued until all
579 requirements for licensing have been met.

580 (3) Eligibility to purchase temporary license.
581 Other provisions of this chapter to the contrary
582 notwithstanding, a holder of a Class B-T
583 license shall not by virtue thereof be
584 prohibited from purchasing a special beer,
585 wine and liquor license, nor shall any bona
586 fide club, society, association or church be
587 precluded from obtaining a special license for
588 use on the theater premises, provided that the
589 holder of the Class B-T license for the
590 premises consents to the use of the special
591 license.

592 (4) Hours. The hours during which the
593 privileges conferred by a Class B-T license
594 may be exercised shall be from 12:00 noon to
595 12:00 midnight each day; provided, however,
596 that the sale and consumption of beer and light
597 wine shall be restricted to a period of time
598 beginning two hours before any scheduled
599 entertainment and concluding one hour after
600 said entertainment.

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

603 (1) General provisions. A Class I beer, wine
604 and liquor license shall be issued only to an
605 alcohol dispensary bistro and shall authorize
606 the holder thereof to keep and sell alcoholic
607 beverages at the place described in the license,
608 for consumption on- and off-premises as
609 provided herein:

610 (a) On-sale. The holder of a Class I license
611 shall be authorized to keep for sale and sell
612 craft beer and wine at retail for consumption
613 on-premises. Alcoholic beverages other than
614 craft beer and wine shall not be sold or served
615 for consumption on-premises.

616 (b) Off-sale. The holder of a Class I license
617 shall be authorized to keep for sale and sell, at
618 retail, beer, wine, and liquor in a sealed
619 package or container for consumption off-
620 premises, which package or container shall not
621 be opened nor its contents consumed on the
622 premises where sold, except for craft beer and
623 wine, which may be sold or served by the
624 license holder for consumption on-premises in
625 accordance with § 11-5 H.(1)(a), above.

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

633 (3) Bistro area. In this section, "bistro area"
634 means the area of the licensed premises dedicated
635 to the sale or service of craft beer and wine for
636 consumption on-premises. "Bistro area" includes,
637 without limitation, seating areas, service areas,
638 and kitchen and food preparation areas. The
639 bistro area shall be specifically designated and
640 clearly marked. On-premises consumption of
641 craft beer and wine and food service may only
642 occur in the bistro area. Nothing in this section
643 shall preclude the license holder from placing
644 racks or displays containing sealed packages or
645 containers of craft beer and wine in the bistro
646 area. Liquor and beer other than craft beer shall
647 not be kept or displayed in the bistro area.

648 (4) Wine and beer tasting. Notwithstanding
649 other provisions of this section or this Chapter to
650 the contrary, the holder of a Class I license shall
651 be authorized to serve not more than one ounce
652 from no more than three bottles or containers of
653 wine or beer to any one person for sampling or
654 tasting purposes. Once opened, any bottles or
655 containers of wine or beer to be sampled shall be
656 accurately and specifically marked for sampling
657 or tasting purposes only or shall be discarded and
658 shall not be offered for sale. The contents of any
659 bottle or container opened for sampling or tasting
660 purposes shall not be mixed with any other bottle
661 or container. Any wine or beer sampling or
662 tasting authorized by this section shall be
663 permitted on the licensed premises only.

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

667 (a) On-sale. The bistro area, as defined in §
668 11-5 H.(3) above, may be open daily from 11:00
669 a.m. to 11:00 p.m., provided, however, that the
670 bistro area may only be open when the off-sale
671 portion of the business is also open.

672 (b) Off-sale. The off-sale portion of the
673 business may be open from 6:00 a.m. to 12:00
674 midnight, except on Sunday the hours shall be
675 from 8:00 a.m. to 12:00 midnight.

676 (6) Interim Fee. In accordance with § 11-10
677 B. of this Chapter, the County Council of Talbot
678 County shall establish the fee for a Class I license
679 in the Annual Budget and Appropriations
680 Ordinance. Until such time as the County Council
681 has done so, the fee for a Class I license shall be
682 \$2,500. Once the County Council has established
683 a Class I license fee in the budget, this § 11-5
684 H.(6) shall automatically be of no further force or
685 effect.

686 **§ 11-6 Endorsements**

687 **A. Caterer's endorsement**

688 (1) Caterer defined. In this section "caterer"
689 means a Class B, Class B-F, B-R, or Class F-A
690 license holder who contracts to provide food and
691 alcoholic beverages to sponsors of public or
692 private events held at specific locations within
693 Talbot County off the licensed premises.

694 (2) General provisions. A caterer's
695 endorsement shall be issued only to holders of a
696 Class B, Class B-F, B-R, or a Class F-A license.
697 The endorsement shall authorize the holder
698 thereof to sell the alcoholic beverages permitted
699 for the class of license at locations within Talbot
700 County for which no other license has been
701 issued. Other provisions of this chapter to the
702 contrary notwithstanding, the holder of a Class B,
703 Class B-F, Class B-R or Class F-A license shall
704 not be prohibited from simultaneously holding a
705 caterer's endorsement, if otherwise approved. The
706 Board shall be authorized to issue a caterer's
707 endorsement to holders of a Class B, Class B-F,
708 Class B-R, or Class F-A license who meet the
709 requirements for issuance of the caterer's
710 endorsement and who are otherwise entitled to
711 renewal of their license.

712 (3) Hours. The hours during which the
713 privileges conferred by a caterer's endorsement
714 may be exercised shall be the same as the hours
715 permitted for the class of license.

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

719 (5) Location.

720 (a) The holder of a caterer's endorsement
721 shall not provide alcoholic beverages at the
722 same location for more than five
723 consecutive days or more than a total of 15

724 days in any calendar year without first
725 obtaining the written permission of the
726 Board.

727 (b) The holder of a caterer's endorsement
728 shall not provide alcoholic beverages at any
729 location which is owned or leased by the
730 license holder or in which the license
731 holder has any financial interest. This
732 subsection shall not be construed as
733 prohibiting catering alcoholic beverages at
734 any legitimate club or fraternal
735 organization to which the license holder
736 belongs or at the holder's residence.

737 **B. Special festival endorsement**

738 (1) Special festival defined. In this section
739 "special festival" means a special event held
740 on an irregularly scheduled basis for the
741 purpose of promoting wines or beers produced
742 by one or more wineries, vintners or
743 microbreweries.

744 (2) General provisions. A special festival
745 endorsement shall be issued only to holders of
746 Class A, B, E, or F-A licenses. The
747 endorsement shall authorize the holder thereof
748 to sell or serve beer or wine by the glass to
749 patrons on the site of the special festival
750 during the specified hours of the event and to
751 sell at retail, in any quantity, to patrons of the
752 event, wines or beer offered for tasting at the
753 event, in sealed packages or containers, which
754 packages or containers shall not be opened nor
755 the contents thereof consumed on the site of
756 the festival. Other provisions of this chapter to
757 the contrary notwithstanding, the holder of a
758 Class A, B, E or F-A license shall not be
759 prohibited from simultaneously holding a
760 special festival endorsement, if otherwise
761 approved. The Board shall be authorized to
762 utilize an abbreviated procedure for the
763 issuance of a special festival endorsement to
764 holders of a Class A, B, E or F-A license who
765 are in good standing at the time of the
766 application.

767 (3) Hours. The hours during which the
768 privileges conferred by a special festival
769 endorsement may be exercised shall be the
770 same as the hours permitted for the class of
771 license.

772 (4) Limits on number of endorsements. A
773 special festival endorsement shall not be

774 issued for more than two consecutive days,
775 and no more than four endorsements shall be
776 issued to a license holder in any calendar year.

777 **§ 11-7 Special and temporary licenses**

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

780 (1) General provisions. A Class H special
781 beer and light wine license shall entitle the
782 holder thereof to keep for sale and sell beer
783 and light wine, at retail, at the place described
784 in the license, in conjunction with any bona
785 fide entertainment conducted by a club,
786 society, association or church, for consump-
787 tion on the premises only, for a period not
788 exceeding seven consecutive days from the
789 effective date of the license. The Board shall
790 be authorized to utilize an abbreviated
791 procedure for the issuance of a Class H
792 license.

793 (2) Hours. The hours during which the
794 privileges conferred by a Class H license may
795 be exercised shall be from 10:30 a.m. to 12:00
796 midnight each day; provided, however, that the
797 sale and consumption of beer and light wine
798 shall be restricted to a period of time
799 beginning two hours before the scheduled
800 entertainment and concluding one hour after
801 said entertainment.

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

804 (1) General provisions. A Class J special
805 beer, wine and liquor license shall entitle the
806 holder thereof to keep for sale and sell all
807 alcoholic beverages, at retail, at the place
808 described in the license, in conjunction with
809 any bona fide entertainment conducted by a
810 club, society, association or church, for
811 consumption on the premises only, for a period
812 not exceeding seven consecutive days from the
813 effective date of the license. The Board shall
814 be authorized to utilize an abbreviated
815 procedure for the issuance of a Class J license.

816 (2) Hours. The hours during which the
817 privileges conferred by a Class J license may
818 be exercised shall be from 10:30 a.m. to 12:00
819 midnight each day; provided, however, that the
820 sale and consumption of beer, wine and liquor
821 shall be restricted to a period of time
822 beginning two hours before the scheduled

823 entertainment and concluding one hour after
824 said entertainment.

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

826 A disposal-of-stock license of any class shall
827 entitle the holder thereof to exercise the
828 privileges of the class of license for a period
829 not exceeding 10 consecutive days, for the
830 purpose of disposing of the license holder's
831 stock of alcoholic beverages, in cases where a
832 license has been revoked, canceled, suspended
833 or renewal denied. A disposal-of-stock license
834 shall authorize the sale of the license holder's
835 stock at retail or to one or more holders of
836 wholesale licenses, and such holders of
837 wholesale licenses are hereby authorized to
838 purchase such stock. The holder of a disposal-
839 of-stock license is not authorized to purchase
840 alcoholic beverages for the purpose of resale
841 under this license.

842 **D. Temporary removal license**

843 A temporary removal license of any class shall
844 entitle the holder thereof to temporarily move
845 the licensed premises from one location to
846 another, when the relocation is necessitated by
847 fire or other catastrophe. The privileges of a
848 temporary removal license may be exercised
849 while the originally licensed premises are
850 being restored, for a period to be established
851 by the Board, but not to exceed six months. No
852 fee shall be charged for a temporary removal
853 license, provided that any renewal fees which
854 are due during the continuance of the license
855 are paid on time. The Board shall be required
856 to approve, as in the case of the original
857 application, the new location to which the
858 license holder temporarily relocates.

859 **§ 11-8 General provisions on issue of licenses**

860 **A. License requirements for corporation,**
861 **limited liability company, partnership, club**
862 **or association**

863 (1) A license application made for a
864 corporation, limited liability company,
865 partnership, club or other association (whether
866 incorporated or unincorporated) shall also be
867 applied for by and shall be issued to two or
868 more individuals who are authorized to act for
869 the entity and who are officers, directors,
870 stockholders or employees of the corporation;
871 members or employees of the limited liability

872 company; partners of the partnership; or
 873 officers, directors or members of the club or
 874 association. If an entity has a sole owner, only
 875 that individual shall be required to apply for
 876 and be issued a license. The individual license
 877 holders shall be residents of Talbot County or
 878 a contiguous county. The application shall also
 879 set forth the names and addresses of all of the
 880 directors and officers of a corporation, club or
 881 association, all of the members of a limited
 882 liability company, or all of the partners of a
 883 partnership and shall be signed by the
 884 appropriate officers of the entity, as well as by
 885 the two or more individuals to whom the
 886 license shall be issued for the use of the entity.
 887 Every application for a license shall disclose
 888 the name, all trade names and all addresses of
 889 the corporation, limited liability company,
 890 partnership, club or association, as well as the
 891 name and business and home address of the
 892 individual applicants.

893 (2) The individual license holders and the
 894 corporation, limited liability company, partner-
 895 ship, club or association shall assume all
 896 responsibilities, individually, jointly and
 897 severally, and shall be subject to all of the
 898 penalties, conditions and restrictions imposed
 899 upon license holders under the provisions of
 900 this chapter.

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

902 No more than two licenses provided by this
 903 chapter, except by way of renewal, shall be
 904 issued to any individual or to any person for
 905 the use of any corporation, limited liability
 906 company, partnership, club or association.

907 **C. Zoning restrictions**

908 No license provided by this chapter shall be
 909 issued or utilized in a manner which will result
 910 in a violation of any zoning ordinance or other
 911 statutory land use restriction of the County or
 912 the incorporated municipality in which the
 913 place of business proposed to be licensed is
 914 located. No new license shall be issued for any
 915 use not specifically provided in this chapter.
 916 To the extent of any inconsistency between the
 917 definitions of use in this chapter and any land-
 918 use ordinance, the definitions that are more
 919 restrictive or stringent shall prevail.

920 **D. Restriction upon off-sale licenses,
 921 market-test, grandfathering**

922 (1) New off-sale licenses shall be issued
 923 only to alcohol dispensaries, alcohol
 924 dispensary bistros, supermarkets, restaurants,
 925 cafes, hotels, and convenience stores.

926 (a) Notwithstanding the limitation in Para-
 927 graph D. (1) on issuance of new off-sale
 928 licenses, any holder of an off-sale license,
 929 except for any pharmacy, that was
 930 lawfully issued and validly existing on the
 931 effective date of this ordinance shall be
 932 entitled to renew the same at the existing
 933 location provided that all such appli-
 934 cations for renewal otherwise comply with
 935 all then-existing ordinances, laws, and
 936 regulations, as amended from time to
 937 time. Pharmacies shall be governed by the
 938 provisions in § 11-5 A. (4) and (5).

939 (b) Notwithstanding the limitation in Para-
 940 graph D. (1) on issuance of new off-sale
 941 licenses, a gas station for which a Class A
 942 off-sale beer and light wine license had
 943 been issued, but which is no longer in full
 944 force and effect on the effective date of
 945 this ordinance due to voluntary non-
 946 renewal, may re-apply for a new Class A
 947 license for the same location at any time
 948 within one (1) year after the effective date
 949 of this ordinance.

950 (2) Except for Class A licenses for super-
 951 markets and Class I licenses for alcohol
 952 dispensary bistros issued to the holder of a
 953 Class E license to replace the Class E license,
 954 off-sale licenses are subject to the following
 955 requirements. The Board shall limit and
 956 restrict the number of new off-sale licenses as
 957 set forth in this section.

958 (a) The Board may issue a new off-sale
 959 license if the total population within the
 960 service area equals or exceeds 750
 961 persons for all existing off-sale licenses
 962 and the newly proposed license.

963 (b) The service area shall be determined as
 964 follows:

965 i. For a proposed urban location, the
 966 service area shall include all census
 967 blocks within a radius of two (2)
 968 miles from the site of the proposed
 969 new license;

970	ii. For a proposed rural location, the	1018	A. The class of license desired.
971	service area shall include all census		
972	blocks within a radius of five (5)	1019	B. The name and residence of each individual
973	miles from the site of the proposed	1020	applicant and how long each has resided at
974	new license.	1021	the stated address and the name and address
		1022	of any entity on behalf of which the
975	(3) All census blocks in Talbot County from	1023	individual applicants seek a license.
976	the most recent decennial census within,		
977	intersected by, or touching the service area	1024	C. A statement that each individual applicant is
978	shall be used to determine the total	1025	a resident of Talbot County or a contiguous
979	population within the service area.	1026	County.
980	(4) For purposes of this section, an urban	1027	D. A statement that each individual applicant is
981	location is a proposed site within a	1028	a citizen of the United States, including the
982	municipality and a rural location is a	1029	place of birth of each applicant and, if a
983	proposed site outside a municipality.	1030	naturalized citizen, when and where
		1031	naturalized.
984	(5) The formula for determining whether a		
985	new off sale license may be issued is:	1032	E. A statement that each individual applicant is
		1033	not less than 21 years of age.
986	R = P – (750 x N) where:		
		1034	F. The particular place for which the license is
987	R -- Remainder (must be equal to or	1035	desired, designating the street name and
988	greater than 750 for new off-sale	1036	number, and also a description of the portion
989	license).	1037	of the building in which the business will be
990	P -- Total population within service area.	1038	conducted.
991	N – Total number of existing off-sale		
992	licenses, (Class A, B-R, D, E, , and	1039	G. The name of the owner of the premises
993	F) within the service area,	1040	upon which the business sought to be
994	excluding the proposed new off-	1041	licensed is to be carried on.
995	sale license and excluding existing		
996	Class A licenses for supermarkets.	1042	H. A statement that none of the individual
997		1043	applicants have ever been convicted of a
998	(6) New off-sale licenses shall be at least	1044	felony or of a misdemeanor involving moral
999	500 feet from public or private schools,	1045	turpitude and a further statement as to
1000	public parks, and correctional facilities.	1046	whether any of them have ever been
1001	Licensees holding off-sale licenses lawfully	1047	adjudged guilty of violating the laws
1002	issued and validly existing on the effective	1048	governing the sale of alcoholic beverages,
1003	date of this ordinance shall be permitted to	1049	controlled dangerous substances, or
1004	renew and maintain such licenses at existing	1050	gambling in the State of Maryland, any other
1005	locations provided that all such applications	1051	state, or of the United States or any foreign
1006	for renewal otherwise comply with all then-	1052	country. The Board shall have the authority
1007	existing ordinances, laws, and regulations, as	1053	to obtain criminal records on any applicant
1008	amended from time to time.	1054	for an alcoholic beverage license prior to the
1009		1055	issuance of the license and the applicant, as
1010	(7) In addition to the requirements of this	1056	part of the application, shall provide
1011	section, an applicant for a new off-sale	1057	whatever consents, authorizations, or
1012	license must meet all other applicable criteria.	1058	releases of information are necessary for this
		1059	purpose.
1013	§ 11-9 License application filing requirements	1060	I. A statement that each individual applicant has
		1061	a pecuniary interest in, employment
1014	Every application for a new license shall be	1062	relationship with, or is authorized to act on
1015	made to the Board and shall be accompanied by	1063	behalf of the entity seeking the license,
1016	the specified application and license fees. The	1064	including the nature of each applicant's
1017	application shall contain the following:		

1065	relationship to any entity having an interest in	1116	deputies, inspectors and clerks, the Talbot
1066	the business.	1117	County Board of Liquor License
		1118	Commissioners, its duly authorized agents
1067	J. A statement that none of the individual	1119	and employees, any Talbot County Alcoholic
1068	applicants have had a license for the sale of	1120	Beverages Inspector, deputy, or assistant, any
1069	alcoholic beverages revoked.	1121	peace officer of Talbot County and any peace
		1122	officer of any incorporated municipality in
1070	K. A statement identifying any other premises	1123	which the business is to be conducted to
1071	or entity holding a liquor license in which any	1124	inspect and search, without warrant, the
1072	of the individual applicants or the entity they	1125	premises upon which the business is to be
1073	represent have an interest and identifying any	1126	conducted, and any and all parts of the
1074	other license issued pursuant to this chapter	1127	building in which the business is to be
1075	from which any of the individual applicants	1128	conducted, at any and all hours. The
1076	or the entity receives any revenue directly or	1129	statement shall contain an acknowledgment
1077	indirectly.	1130	that any evidence discovered during any
		1131	lawful inspection of licensed buildings or
1078	L. A statement as to whether any of the	1132	premises shall be admissible in any
1079	individual applicants or the entity have ever	1133	prosecution for violation of this Chapter, and
1080	had a license for the sale of alcoholic	1134	shall be admissible in any hearing for
1081	beverages and, if so, in what state and at what	1135	revocation, suspension, or restriction of the
1082	location.	1136	license of the person, firm, corporation or
		1137	association who has obtained a license to sell
1083	M. A statement that no manufacturer, brewer,	1138	alcoholic beverages in such building or
1084	distiller or wholesaler of alcoholic beverages	1139	premises.
1085	has any financial interest, directly or		
1086	indirectly, in the premises or business of the	1140	O. A certificate signed by at least 10 citizens,
1087	applicant and that the applicant will not	1141	who shall be owners of real estate and
1088	thereafter convey or grant to any such	1142	registered voters of the precinct in which the
1089	manufacturer, brewer, distiller or wholesaler	1143	business is to be conducted, setting forth the
1090	any such interest, except as otherwise	1144	length of time each has been acquainted with
1091	permitted in this chapter, and that the	1145	the applicant or, in the case of a corporation,
1092	applicant, at the time of making the	1146	with the individuals making the application.
1093	application, has no indebtedness or other	1147	The certificate must state that the signers
1094	financial obligations and will not thereafter	1148	thereof have examined the application and
1095	incur any such indebtedness or other financial	1149	have good reason to believe that all the
1096	obligations, directly or indirectly, to any	1150	statements contained in the application are
1097	manufacturer, brewer, distiller or wholesaler	1151	true, that they are of the opinion that the
1098	of alcoholic beverages other than for the	1152	applicant is a suitable person to obtain the
1099	purchase of alcoholic beverages. Applicants	1153	license, and that they are familiar with the
1100	for a Class K Distillery On-Premises License,	1154	premises upon which the proposed business is
1101	and a Class DBR On-Premises License shall	1155	to be conducted and believe the premises are
1102	be exempt from this requirement. Applicants	1156	suitable for the conduct of the business of a
1103	for a Class B Beer and light wine license or a	1157	retail dealer in alcoholic beverages. The
1104	Class F-A beer, light wine and liquor license	1158	requirements of this section do not apply to
1105	may also hold a State-issued Class 6 pub-	1159	applications for special or temporary (Class H
1106	brewery or Class 7 micro-brewery license	1160	and Class J) licenses.
1107	that operates out of the same premises as their		
1108	local license, but otherwise shall meet the	1161	P. Proof of a valid food service facility permit
1109	requirements of this sub-section.	1162	from the Talbot County Health Department
		1163	must be shown for those classes of licenses
1110	N. A statement, duly executed and	1164	which require the serving of food as a
1111	acknowledged by the owner of the premises	1165	condition of the license or where the
1112	upon which the business is to be conducted,	1166	applicant is engaged in a business which
1113	assenting to the granting of the license	1167	requires such a permit.
1114	applied for and authorizing the Comptroller		
1115	of the State of Maryland, his duly authorized		

1168	Q. Proof of compliance with the current	1217	moved within five days after the public
1169	provisions of the State Fire Prevention Code	1218	hearing.
1170	from the Office of the State Fire Marshal.		
		1219	(3) Notice to local jurisdiction and adjacent
1171	§ 11-10 Procedure for issuance of licenses	1220	property owners. Whenever a hearing upon a
		1221	license application is scheduled, the Board
1172	A. General provisions	1222	shall give at least 15 days' notice of the time
		1223	and place of such hearing to be mailed by
1173	(1) Published notice. Before the Board shall	1224	regular United States mail, first class postage
1174	approve any new license, the Board shall cause	1225	prepaid, to the applicant, to the governing
1175	a notice of such application to be published	1226	body of the local jurisdiction in which the
1176	once a week for two successive weeks in a	1227	place of business proposed to be licensed is
1177	newspaper of general circulation in Talbot	1228	located, and to the owners of all property
1178	County. The notice shall specify the names of	1229	contiguous to the place of business proposed
1179	the individual applicants and any entity they	1230	to be licensed and of all properties opposite
1180	represent, the type of license applied for and	1231	said property measured at right angles to any
1181	the location of the place of business proposed	1232	intervening road or street. It shall be the
1182	to be licensed as well as the date, time and	1233	responsibility of the applicant to furnish the
1183	location fixed by the Board for a hearing upon	1234	Board with a complete, accurate and up-to-
1184	the application. The hearing shall be not less	1235	date list of all such property owners. The
1185	than seven days nor more than 30 days after	1236	notice shall be directed to the address to which
1186	the last publication.	1237	the real estate tax bill on the property is sent.
		1238	The notice shall contain the same information
1187	(2) Posting of property.	1239	as the published notice required in Subsection
		1240	A(1) hereof. For purposes of this section the
1188	(a) Whenever a hearing upon a license	1241	term "contiguous property owner" is to include
1189	application is scheduled, the place of business	1242	owners of property within 1,000 feet of the
1190	proposed to be licensed shall be posted at least	1243	subject property, whose line of sight to the
1191	15 days prior to the hearing date by the	1244	subject property is entirely over water. Failure
1192	erection of a sign to be furnished by the Board.	1245	of a person to receive the notice prescribed in
1193	Such sign shall be erected by the person(s)	1246	this section shall not impair the validity of the
1194	making application, within ten feet of	1247	hearing.
1195	whatever boundary line of the property abuts		
1196	the most traveled public road and, if no public	1248	(4) Hearing. At the time fixed by the notice
1197	road abuts thereon, then facing in such a	1249	for a hearing upon an application or upon the
1198	manner as most readily may be seen by the	1250	continuance of any such hearing, the
1199	public, as designated by the Board. The	1251	individual applicants and representatives of the
1200	bottom of the sign shall not be less than three	1252	entity seeking a license shall have the first
1201	feet from the ground. The sign furnished by	1253	opportunity to be heard by the Board and to
1202	the Board shall not be less than two feet high	1254	present evidence to the Board; provided,
1203	and two feet wide, and shall bear the words:	1255	however, that the Board may stipulate that
1204	NOTICE - APPLICATION HAS BEEN	1256	after the expiration of a reasonable
1205	MADE FOR A LIQUOR LICENSE AT THIS	1257	predetermined amount of time the applicant's
1206	LOCATION. Talbot County Board of Liquor	1258	presentation may be interrupted to permit
1207	License Commissioners (410) 770-8019.	1259	opponents an opportunity to be heard.
		1260	Thereafter, any interested person in attendance
1208	(b) At the hearing, it shall be the duty of the	1261	shall be heard by the Board on either side of
1209	applicant to prove by affidavit that he has fully	1262	the question. The applicant shall have the final
1210	complied with this provision and has contin-	1263	opportunity to address the Board at the
1211	uously maintained the sign in compliance with	1264	conclusion of all testimony or evidence. The
1212	this provision up to the time of the hearing.	1265	Board shall make an adequate record of its
1213	Any sign required to be posted by this pro-	1266	proceedings so as to permit judicial review.
1214	vision shall be maintained in a visible location	1267	The costs of reproduction of the record shall
1215	and free from obstruction until after the public	1268	be borne by the person seeking the copy.
1216	hearing is held, and such sign shall be re-		
		1269	(5) Findings.

1270 (a) If the Board determines that the granting
1271 of the license is not necessary for the
1272 accommodation of the public, or that the
1273 applicants are not fit persons to receive the
1274 license applied for, or have made a material
1275 false statement in the application, or have
1276 practiced fraud in connection with said
1277 application, or that the operation of the
1278 business, if the license is granted, will unduly
1279 disturb the peace of the residents of the
1280 neighborhood in which the place of business is
1281 to be located, or the applicant for an off-sale
1282 license does not satisfy the requirements of §
1283 11-8 D, or that there are other substantial
1284 reasons in the discretion of the Board why the
1285 license should not be issued, then the
1286 application shall be disapproved and the
1287 license applied for shall be refused. If no such
1288 findings are made by the Board, then the
1289 Board shall approve the application and issue
1290 the license upon the applicant's payment of the
1291 required fee.

1292 (b) Within 30 days of the conclusion of the
1293 hearing, the Board shall issue a written
1294 decision setting forth its factual
1295 determinations, its decision concerning the
1296 license in question, and the basis for its
1297 decision.

1298 (c) Any person aggrieved by the decision of
1299 the Board who appeared at the hearing before
1300 the Board shall have 30 days after the issuance
1301 of the Board's decision to appeal the decision
1302 to the Circuit Court for Talbot County.

1303 **B. License and application fees**

1304 The license and application fees applicable to
1305 each class of license shall be established by the
1306 County Council of Talbot County in the
1307 Annual Budget and Appropriation Ordinance.
1308 All fees collected under this chapter shall be
1309 remitted to the Talbot County Finance Office.
1310 The salaries of the Board, together with the
1311 necessary office, clerical and investigational
1312 expenses of the Board, shall be paid by the
1313 County Council, as approved in the Annual
1314 Budget and Appropriation Ordinance adopted
1315 by the County Council. The balance of all fee
1316 revenue collected under this chapter, which is
1317 not expended on the approved salaries and
1318 expenses of the Board, shall be devoted to the
1319 general purposes of the County as approved by
1320 the County Council.

1321 **C. Refund of license fees**

1322 No holder of any class of license shall be
1323 entitled to a refund of the unused portion of
1324 the fee paid for a license upon surrender
1325 thereof, except:

1326 (1) In the event of receivership or
1327 bankruptcy of the business if a transfer is not
1328 requested, and in such case the refund shall be
1329 made for the benefit of the creditors of the
1330 license holder;

1331 (2) In the event of the death of the license
1332 holder, and in such case the refund shall be
1333 made for the benefit of the estate of the
1334 deceased license holder;

1335 (3) In the event that the license holder has
1336 volunteered for or been called into the Armed
1337 Forces of the United States;

1338 (4) In the event that a license holder of one
1339 class surrenders the license and obtains a
1340 license of another class carrying a higher fee,
1341 in which case, the refund shall be deducted
1342 from the amount of the fee to be paid for the
1343 newly obtained license; or

1344 (5) In the event that the licensed premises
1345 are taken by the federal government, the state
1346 or any city or municipality for public use.

1347 **D. License forms; date of issue and**
1348 **expiration**

1349 Only licenses authorized under the provisions
1350 of this chapter may be issued by the Board.
1351 Every license issued shall be upon forms
1352 prescribed by the Board. Each license shall be
1353 dated as of the date of issue and shall expire on
1354 the April 30 next after its issuance, except
1355 temporary licenses and special licenses, which
1356 shall expire as otherwise provided.

1357 **E. Pro-rata license fees**

1358 The fee for every license issued for a period of
1359 less than one year (except temporary or special
1360 licenses) shall be subject to the annual fee if
1361 issued during the first three months of the
1362 license year; 3/4 of the annual fee if issued
1363 during the second quarter of the license year;
1364 1/2 of the annual fee if issued during the third
1365 quarter of the license year; and 1/4 of the

1366 annual license fee if issued during the fourth
1367 quarter of the license year.

1368

1369 **F. Successive applications**

1370 If a license is refused, no application for the
1371 same license shall be considered from the
1372 same applicant for the same premises for a
1373 period of one year.

1374 **§ 11-11 General procedures for renewal of**
1375 **licenses**

1376 **A. Application for renewal**

1377 The holder or holders of any expiring license
1378 other than special licenses issued under the
1379 provisions of this chapter shall, not less than
1380 30 nor more than 90 days before the first day
1381 of May of each year, file a written
1382 application, duly verified by oath, for the
1383 renewal of the license with the Board. The
1384 renewal application shall state either that the
1385 facts in the original application are
1386 unchanged or shall clearly and completely
1387 identify all such changes, based on which the
1388 Board may, in its discretion, treat the renewal
1389 application as a new application. The renewal
1390 application shall be accompanied by a
1391 statement, signed by the owner of the
1392 premises, consenting to the renewal of the
1393 license and to search and seizure as in the
1394 case of the original application. A statement
1395 of consent shall not be required if the owner
1396 has previously signed such a statement in
1397 connection with an original application or
1398 previous renewal application giving consent
1399 for the term of the owner's lease with the
1400 applicant. Upon the filing of the renewal
1401 application and the payment of the prescribed
1402 annual fee, the holder or holders of an
1403 expiring license shall be entitled to a new
1404 license for another year without the filing of
1405 further statements or the furnishing of any
1406 further information, unless such information
1407 is specifically requested by the Board.
1408 Renewal licenses shall be administratively
1409 approved without a hearing before the Board,
1410 unless a protest signed by not less than 10
1411 residents or property owners in the County
1412 election district in which the licensed place of
1413 business is located has been filed against the
1414 granting of a renewal license at least 30 days
1415 before the expiration of the license for which

1416 renewal is sought. The Board may, upon its
1417 own initiative, after notice to the applicant,
1418 treat a renewal application as an original
1419 application. In the event of a protest or in the
1420 event that the Board determines, in the
1421 exercise of its discretion, to treat a renewal
1422 application as an original application, then
1423 the application shall be heard and determined
1424 as in the case of an original application. In
1425 such cases, the Board may consider evidence
1426 concerning the impact of the licensed
1427 establishment upon the peace and repose of
1428 the community. A factual finding, based upon
1429 clear and convincing evidence that the
1430 licensed establishment has significantly and
1431 regularly intruded upon the peace and repose
1432 of the neighboring property owners so as to
1433 have a deleterious impact upon the public
1434 health, safety and welfare, shall be a
1435 sufficient basis for denial of the renewal
1436 application or the limitation of the hours of
1437 operation of the license holder by the Board.

1438 **B. At the time of renewal of either a Class C or**
1439 **a Class G license, the individuals listed as**
1440 **holding the license on behalf of a club may,**
1441 **at the discretion of the Board, be deleted, or**
1442 **the names of additional individuals may be**
1443 **added to or substituted for any or all of the**
1444 **original license holders without the necessity**
1445 **of filing a formal application for transfer;**
1446 **provided, however, that the proposed license**
1447 **holders are otherwise qualified, and further**
1448 **provided that the President or Chief**
1449 **Executive Officer of the club shall certify that**
1450 **the individuals are authorized to act on behalf**
1451 **of the club. When a renewal application**
1452 **contains a request to add, delete or substitute**
1453 **individual license holders, the Board may**
1454 **approve the application, or require the filing**
1455 **of an application for transfer as provided in**
1456 **§ 11-12C hereof.**

1457 **C. The procedural rules for a renewal hearing**
1458 **shall follow those set forth in § 11-10A**
1459 **hereof. Any person aggrieved by the decision**
1460 **of the Board who appeared at the renewal**
1461 **hearing before the Board shall have 30 days**
1462 **after the issuance of the Board's decision to**
1463 **appeal the decision to the Circuit Court for**
1464 **Talbot County.**

1465 **§ 11-12 Rights and duties of license holders**

1466 **A. License not property**

1467 Licenses issued under the provisions of this
1468 chapter shall not be regarded as property or as
1469 conferring any property rights. All such
1470 licenses shall be subject to suspension,
1471 restriction or revocation and to all rules and
1472 regulations that may be adopted as herein
1473 provided.

1474 **B. Duplicates for lost licenses**

1475 Whenever a license issued under the
1476 provisions of this chapter has been lost or
1477 destroyed, the official issuing such licenses
1478 shall have the power, upon application under
1479 oath and upon payment of a fee of \$10, to
1480 issue another license, upon which shall be
1481 endorsed the word "duplicate" in addition to
1482 all of the information which appeared upon the
1483 original license.

1484 **C. Transfer of licenses**

(1) General procedure.

1485 Any holder of a license under the provisions of
1486 this chapter, including a receiver or trustee for
1487 the benefit of creditors, may, in the discretion
1488 of the Board, be permitted to transfer his place
1489 of business to some other location and/or
1490 transfer his stock-in-trade to another person,
1491 provided that an application for such transfer
1492 and/or sale shall be made and approved by the
1493 Board, and that a bulk transfer permit is
1494 obtained where the stock of alcoholic
1495 beverages is to be transferred, whether by sale,
1496 gift, inheritance, assignment or otherwise and
1497 irrespective of whether or not consideration is
1498 paid. Except as provided in Subsection C(2)
1499 hereof or in § 11-11, the new location and/or
1500 assignee shall be approved as in the case of an
1501 original application for a license. Such transfer
1502 and/or assignment, when made, shall be
1503 reflected in the issuance of a new license or
1504 endorsed upon the original license by the
1505 official issuing the same upon payment of a
1506 fee of \$10, in addition to the application fee,
1507 which shall be paid at the time of the filing of
1508 the application for transfer and/or sale. This
1509 section shall permit the transfer of class of
1510 license, location and the assignment of license
1511 in the same application.

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

1512 When the entity which owns the business and
1513 the location of the business for which a license
1514 has been issued are to remain the same, no
1515 more than two, but less than all, of the persons
1516 listed on the license may be deleted and other
1517 persons may be substituted therefor by the
1518 submission of an application for review by the
1519 Board. The Board may provide a special
1520 application form for this purpose, which shall
1521 solicit all of the information relating to the
1522 new applicant which would be required of an
1523 original applicant, require the approval of the
1524 owners of the premises, require the certificate
1525 provided in § 11-8A, and require the consent
1526 of all license holders and of the persons whose
1527 names are to be added to the license.
1528 Additional persons may be added to those
1529 persons already listed on the license, and
1530 persons listed on the license may be deleted
1531 therefrom, in the manner provided herein,
1532 provided that the minimum number of persons
1533 required for said license shall be maintained.
1534 The Board may, in its discretion, either
1535 administratively approve said application, or
1536 cause notice of the application to be published
1537 and a hearing to be conducted as in the case of
1538 an original application.

1539 **D. License holder vacating premises**

1540 On the 10th day after the holder of any license
1541 issued under the provisions of this chapter
1542 shall have vacated or been evicted from the
1543 premises for which said license was issued,
1544 said license shall expire unless an application
1545 for a transfer thereof to another location or
1546 assignment to another person has been
1547 approved or is then pending; provided,
1548 however, that the official authorized to issue
1549 licenses may, in his discretion, postpone such
1550 expiration for an additional period, not
1551 exceeding 20 days in any case, to avoid any
1552 undue hardship.

1553 **E. Display of licenses**

1554 Every person receiving a license under the
1555 provisions of this chapter shall frame the
1556 license under glass and place the framed
1557 license so that it shall at all times be
1558 conspicuous and easily read in the place of
1559 business.

1560 **F. Availability of ordinance**

1561 Every license holder shall keep a copy of this
1562 chapter in an area in the licensed premises
1563 where it is easily accessible for reference when
1564 necessary. It is the responsibility of the license
1565 holder to ensure that all employees or agents
1566 of the license holder are advised of the
1567 provisions of this chapter. The Board shall
1568 provide to each license holder on an annual
1569 basis either a complete copy of the current
1570 version of this chapter, or at their election, a
1571 copy of only those sections that have been
1572 amended during the previous year. [Amended
1573 4-13-1999 by Bill No. 704]

1574 **G. Death of license holder**

1575 (1) Upon the death of an individual license
1576 holder, the license shall expire upon the close
1577 of the 90th day following the date of death
1578 except as herein otherwise provided. In cases
1579 where the deceased is the proprietor of the
1580 licensed premises, upon application to the
1581 Board and upon the payment of a fee of \$10
1582 made by the personal representatives of the
1583 deceased license holder, a certificate of
1584 permission may be granted for the
1585 continuation of the business in the name of the
1586 personal representatives for the benefit of the
1587 estate of the deceased for a period not
1588 exceeding the balance of the current license
1589 year, or the closing of the estate, whichever
1590 occurs first. In the event the estate has not
1591 been closed upon the expiration of the license
1592 year, the personal representatives may apply
1593 for renewal of the license, and upon payment
1594 of the required annual license fee, a renewal
1595 license may be granted; provided, however,
1596 that no application for a renewal license
1597 hereunder may be made more than 18 months
1598 after the death of the license holder. Such
1599 certificates of permission and renewal licenses
1600 will be subject to the right of protest,
1601 revocation, suspension, and restriction as in
1602 other cases, and during the continuation
1603 period, the license holder and the personal
1604 representative of the deceased shall be subject
1605 to all of the provisions of this chapter. The
1606 personal representatives to which a certificate
1607 has been granted may assign or transfer the
1608 license for the benefit of the estate, and upon
1609 the approval of the application for the transfer
1610 or assignment, the license shall be considered
1611 reinstated upon the payment of the balance of
1612 the license fee which is due until the expiration
1613 of the license year.

1614 (2) If the licensed premises are operated for
1615 the benefit of a corporation, limited liability
1616 company or partnership, another individual
1617 license holder may be substituted for the
1618 deceased upon the filing of an application as
1619 provided for herein, and the premises may
1620 continue to sell alcoholic beverages pending
1621 approval of the new license holder.

1622 (3) An application for substitution of another
1623 license holder for the deceased license holder
1624 shall be made within 90 days of the date of
1625 death. Upon the filing of such an application,
1626 and until a decision is made and issued as
1627 provided herein, the license shall continue in
1628 full force and effect, subject to all other
1629 provisions of this chapter.

1630 **H. Hours of operation**

1631 The hours during which the privileges conferred
1632 by a license may be exercised shall be defined
1633 as either Eastern standard or daylight saving
1634 time, whichever is in effect on the date in
1635 question.

1636 **§ 11-13 Restrictions upon license holders**

1637 **A. General provisions**

1638 License holders are required to comply with
1639 all applicable provisions of this chapter and
1640 with all provisions of state law applicable to
1641 Talbot County by virtue of § 11-20 of this
1642 chapter, Article 2B, § 18-101, Annotated Code
1643 of Maryland, or Article 25, § 3(ee), Annotated
1644 Code of Maryland. Violation of any such pro-
1645 vision is a misdemeanor, and in addition to
1646 any criminal penalty, may result in adminis-
1647 trative sanctions including revocation or sus-
1648 pension of any license issued pursuant to this
1649 chapter or the imposition of a fine, or any
1650 combination thereof.

1651 **B. Service by minors restricted**

1652 (1) No license holder shall allow a person to
1653 act in the capacity of a bartender who is not at
1654 least 21 years of age. For the purposes of this
1655 section, a "bartender" is any person who mixes
1656 or pours drinks for consumption on the
1657 licensed premises.

1658 (2) No license holder shall allow a person to
1659 act in the capacity of waiter or waitress who is

1660	required to take orders for alcoholic beverages	1705	operated, unless the entity is a fraternal,
1661	unless said waiter or waitress is at least 18	1706	religious or veterans nonprofit organization
1662	years of age.	1707	with a license to operate the slot machine(s)
		1708	issued by the Sheriff of Talbot County.
1663	(3) No license holder of a beer and light		
1664	wine license shall allow a person to act in the		
1665	capacity of a sales clerk authorized to sell or		
1666	offer for sale beer or light wine at retail who is	1709	F. Alcohol Awareness Training
1667	not at least 18 years of age.		
1668	(4) No license holder of a beer, wine and	1710	All employees involved in the sale of alcoholic
1669	liquor license shall allow a person to act in the	1711	beverages shall successfully complete training
1670	capacity of a sales clerk authorized to sell or	1712	in an Alcohol Awareness Program within one
1671	offer for sale beer, wine or liquor at retail who	1713	hundred eighty (180) days of the date of hire.
1672	is not at least 21 years of age.	1714	The Liquor Inspector may grant an extension
		1715	not to exceed sixty (60) days for Licensees
1673	C. Sales to minors and intoxicated persons	1716	with less than three (3) employees whose
1674	prohibited	1717	businesses would suffer undue hardship, due
		1718	to circumstances beyond the Licensee's
1675	(1) No license holder under the provisions of	1719	reasonable control. Any request for a waiver
1676	this chapter or any of the license holder's	1720	must be submitted in writing within thirty (30)
1677	employees or agents shall sell or furnish any	1721	days and contain all grounds in support of the
1678	alcoholic beverages at any time to any person	1722	request.
1679	except in conformance with the age limitations	1723	
1680	as established from time to time by the State of	1724	(1) For purposes of this section, "Approved
1681	Maryland.	1725	Alcohol Awareness Program," has the
		1726	meaning and is subject to the
1682	(2) No license holder or any of the license	1727	requirements and time limitations set
1683	holder's employees or agents shall sell or	1728	forth in Article 2B § 13-101, Md. Ann.
1684	furnish any alcoholic beverages to any person	1729	Code, as amended from time to time.
1685	who at the time of such sale or delivery is		
1686	visibly under the influence of any alcoholic	1730	(2) Nothing in this section relieves the
1687	beverage.	1731	licensee from compliance with any other
		1732	applicable State requirements regarding
1688	(3) A violation of this section by an	1733	alcohol awareness training.
1689	employee or agent of a license holder shall be		
1690	deemed a violation by the license holder, who	1734	(3) This section may not be construed to
1691	shall be responsible for all alcoholic beverage	1735	create or enlarge any civil cause of action
1692	sales in or upon the licensed premises.	1736	or criminal proceeding against a licensee.
		1737	
1693	D. Noise regulations	1738	(4) Penalties. The Board shall impose the
		1739	following penalties on any licensee who
1694	The Board may regulate the time and noise	1740	violates this section within any seven (7)
1695	level of the playing of mechanical music		year period:
1696	boxes, live music, and sound-making devices	1741	(a) 1st offense, \$50.00 fine;
1697	that are used on licensed premises where the		
1698	sound disturbs the peace, tranquility, safety,	1742	(b) 2nd offense, \$200.00 to \$500.00
1699	and health of the surrounding neighborhood.	1743	fine;
1700	E. Slot machine restriction	1744	(c) 3rd offense, 2-5 day suspension;
		1745	and,
1701	The Board shall be prohibited from issuing a		
1702	license under the provisions of this chapter to	1746	(d) 4th or subsequent offense, 10-30 day
1703	any entity at any place at which one or more	1747	suspension.
1704	slot machines are located, maintained, or		

<p>1748 § 11-14 Revocation and suspension of licenses</p> <p>1749 A. General provisions</p> <p>1750 (1) Any license issued under the provisions</p> <p>1751 of this chapter may be revoked or suspended</p> <p>1752 by the Board for any cause which in the</p> <p>1753 judgment of the Board is necessary to promote</p> <p>1754 the peace or safety of the community in which</p> <p>1755 the place of business is situated. A license may</p> <p>1756 be revoked or suspended, and/or a fine</p> <p>1757 imposed by the Board based upon, but not</p> <p>1758 limited to, any of the following findings:</p> <p>1759 (a) Conviction of the license holder for</p> <p>1760 violation of any of the provisions of this</p> <p>1761 chapter or of applicable state law regulating</p> <p>1762 the retail sale of alcoholic beverages.</p> <p>1763 (b) Any finding of fact in a criminal</p> <p>1764 proceeding that would be sufficient to sustain</p> <p>1765 a judgment or verdict of guilt for any violation</p> <p>1766 of this chapter or applicable state law</p> <p>1767 regulating the retail sale of alcoholic</p> <p>1768 beverages, regardless of whether that finding</p> <p>1769 is stricken and probation before judgment is</p> <p>1770 granted.</p> <p>1771 (c) Failure or refusal of any license holder to</p> <p>1772 comply with any provisions of this chapter or</p> <p>1773 any applicable state law, or any rule or</p> <p>1774 regulation that may be adopted pursuant to this</p> <p>1775 chapter.</p> <p>1776 (d) The making of any material false</p> <p>1777 statement in any application for a license.</p> <p>1778 (e) A conviction of one or more of the</p> <p>1779 clerks, agents, or employees of a license</p> <p>1780 holder for the violation of any of the</p> <p>1781 provisions of this chapter or applicable state</p> <p>1782 law on the licensed premises.</p> <p>1783 (f) A finding by the Board that one or more</p> <p>1784 of the clerks, agents, or employees of a license</p> <p>1785 holder violated any of the provisions of this</p> <p>1786 chapter or of applicable state law on the</p> <p>1787 licensed premises.</p> <p>1788 (g) Three or more violations of any</p> <p>1789 provision of Chapter 159, Article I, Talbot</p> <p>1790 County Code, Smoking. For purposes of this</p> <p>1791 subsection, the Board may not amend, modify,</p> <p>1792 or decline to impose the requisite suspension</p> <p>1793 upon any licensee for the period designated in</p>	<p>1794</p> <p>1795</p> <p>1796</p> <p>1797</p> <p>1798</p> <p>1799</p> <p>1800</p> <p>1801</p> <p>1802</p> <p>1803</p> <p>1804</p> <p>1805</p> <p>1806</p> <p>1807</p> <p>1808</p> <p>1809</p> <p>1810</p> <p>1811</p> <p>1812</p> <p>1813</p> <p>1814</p> <p>1815</p> <p>1816</p> <p>1817</p> <p>1818</p> <p>1819</p> <p>1820</p> <p>1821</p> <p>1822</p> <p>1823</p> <p>1824</p> <p>1825</p> <p>1826</p> <p>1827</p> <p>1828</p> <p>1829</p> <p>1830</p> <p>1831</p> <p>1832</p> <p>1833</p> <p>1834</p> <p>1835</p> <p>1836</p>	<p>§ 159-9C(2) following a determination that the</p> <p>requisite violations have occurred. [Added 2-</p> <p>3-2004 by Bill No. 934]</p> <p>(2) For purposes of this section a conviction</p> <p>is deemed to have occurred whenever a person</p> <p>accused of a crime pleads guilty or nolo</p> <p>contendere or is found guilty of an offense.</p> <p>(3) The following shall each be prima facie</p> <p>evidence of a violation:</p> <p>(a) A sale or delivery of an alcoholic</p> <p>beverage by a license holder before or after the</p> <p>hours during which the privileges conferred by</p> <p>the applicable license may be exercised.</p> <p>(b) An open container holding more than a</p> <p>trace of an alcoholic beverage, prior to or more</p> <p>than 30 minutes after the hours during which</p> <p>the privileges conferred by the applicable</p> <p>license may be exercised.</p> <p>(c) Live entertainment or playing of</p> <p>electronic entertainment other than during the</p> <p>hours in which the privileges conferred by the</p> <p>applicable license may be exercised.</p> <p>(d) Presence of person(s) on the premises</p> <p>prior to or more than 30 minutes after the</p> <p>hours during which the privileges conferred by</p> <p>the applicable license may be exercised, other</p> <p>than by those listed below:</p> <p>[1] The owner, license holder or their agents</p> <p>or employees actually engaged in cleaning or</p> <p>preparing for the next day's operation.</p> <p>[2] Entertainers actually engaged in</p> <p>preparing for opening or closing down after a</p> <p>performance.</p> <p>[3] Delivery personnel actually making</p> <p>deliveries.</p> <p>(e) The sale, delivery or furnishing of an</p> <p>alcoholic beverage by a license holder, clerk,</p> <p>agent or employee of a license holder to a</p> <p>minor on the licensed premises.</p> <p>B. Procedure for revocation or suspension</p> <p>(1) The Board may, on its own initiative, or</p> <p>upon complaints by local citizens, or upon a</p> <p>complaint by the State's Attorney, any peace</p>
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1837	officer, or the County Health Officer, revoke	1889	legal age to purchase or be supplied alcoholic
1838	or suspend any license issued under the	1890	beverages. The granting of probation before
1839	provisions of this chapter or impose a	1891	judgment to a license holder or employee or
1840	monetary fine upon any license holder, or	1892	agent of a license holder for any alleged
1841	both. Such action shall not be taken until the	1893	violation of this chapter or applicable state
1842	Board has conducted a hearing upon the	1894	law does not bar the Board from proceeding
1843	complaint, notice of which shall be mailed or	1895	against the license holder for the violation.
1844	delivered to the license holder at least 10 days		
1845	before the hearing. Revocation or suspension	1896	C. In lieu of suspending or revoking an
1846	hearings shall be conducted pursuant to § 11-	1897	alcoholic beverages license pursuant to the
1847	10A of this chapter, except that the notification	1898	terms of this chapter, the Board may hold any
1848	provisions thereof shall not apply. In addition,	1899	suspension in abeyance and impose a fine for
1849	in a hearing under this section, the person or	1900	any violation of this chapter subject to the
1850	entity making the complaint to the Board shall	1901	following conditions:
1851	be the first to present evidence to the Board;		
1852	the license holder shall then present its	1902	(1) The Board determines that the public
1853	evidence, to be followed by any further	1903	welfare and safety will not be impaired by
1854	evidence to be presented by the complainant.	1904	allowing the license holder to operate during
1855	The Board may permanently revoke or	1905	the suspension period and that payment of the
1856	suspend a license for any period, or impose a	1906	fine will achieve the desired disciplinary
1857	fine, at its discretion, upon a finding that any	1907	purposes.
1858	provision of this chapter or any applicable		
1859	state law has been violated, or upon a finding	1908	(2) The fine assessed by the Board under this
1860	based upon clear and convincing evidence that	1909	subsection shall not exceed \$1,000 for each
1861	the continued licensing of the premises in	1910	violation.
1862	question constitutes a danger to the public		
1863	health, safety, or welfare.	1911	(3) All moneys collected under this
		1912	subsection shall be deposited into the general
1864	(2) Within 30 days of the hearing, the Board	1913	funds of Talbot County.
1865	shall issue its decision, setting forth its		
1866	findings, determination of any violations, and	1914	(4) The Board shall have promulgated such
1867	imposition of any penalty, sanction or fine. If	1915	rules and regulations as it deems necessary to
1868	no decision is issued by the Board within 30	1916	carry out the purposes of this subsection
1869	days of the hearing, a finding of "no violation"	1917	including any conditions to be imposed on the
1870	shall result.	1918	license holder as a condition of holding any
		1919	such suspension in abeyance.
1871	§ 11-15 Violations and penalties		
1872	A. Any person or license holder violating the	1920	§ 11-16 Bottle club restrictions; drive-through
1873	provisions of this chapter shall be guilty of a	1921	sales
1874	misdemeanor and, upon conviction thereof,		
1875	shall be subject to a fine of not more than	1922	A. It shall be unlawful in Talbot County for any
1876	\$1,000 or to imprisonment for not more than	1923	bottle club to sell, serve, give, dispense, keep
1877	six months, or to both such fine and	1924	or allow to be consumed on its premises, or
1878	imprisonment; provided, however, that if	1925	on premises under its control or possession,
1879	applicable state law provides a greater	1926	any alcoholic beverages, setups or other
1880	penalty, the penalty provided by state law	1927	component parts of mixed alcoholic drinks.
1881	shall prevail.	1928	As used in this subsection, the term "bottle
		1929	club" shall mean any club which serves, sells,
1882	B. Anyone charged with selling or furnishing	1930	gives, or dispenses alcoholic beverages to its
1883	alcoholic beverages to a person not of legal	1931	members or guests, or which keeps for its
1884	age in violation of § 11-13C shall be found	1932	members or guests any alcoholic beverages,
1885	not guilty of said violation if such person	1933	or which allows to be consumed on its
1886	establishes to the satisfaction of the jury, or	1934	premises any alcoholic beverages, by its
1887	the court sitting as a jury, that he used due	1935	members or guests, which beverages have
1888	caution to establish that such person was of	1936	been reserved or purchased by the members
		1937	or guests; or any club at which patrons are

1938 served, given, or allowed to consume
 1939 alcoholic beverages after legal closing hours
 1940 from any supplies that the patrons have
 1941 previously purchased or reserved; or any club
 1942 that sells, dispenses, serves, keeps, or allows
 1943 to be consumed any setups or other
 1944 component parts of mixed alcoholic drinks to
 1945 its members or guests.

1946 B. Drive-through sales prohibited. A licensee
 1947 shall not sell, offer to sell, or dispense
 1948 alcoholic beverages for off-premises
 1949 consumption through a facility commonly
 1950 known as a "walk-up" or "drive-through"
 1951 window. [Added 4-13-1999 by Bill No. 705]

1952 **§ 11-17 Enforcement**

1953 **A. Notification requirements**

1954 To aid in the enforcement of this chapter, it
 1955 shall be the responsibility of all law
 1956 enforcement personnel, including members of
 1957 the Maryland State Police, the Talbot County
 1958 Sheriff's Department, the Talbot County
 1959 State's Attorney's Office, the Natural
 1960 Resources Police, and each of the municipal
 1961 police departments in Talbot County, to notify
 1962 the Board of any violation citations issued to
 1963 any license holder under the provisions of this
 1964 chapter, within 48 hours of the issuance of the
 1965 citation. The Board shall notify law
 1966 enforcement personnel, including members of
 1967 the Maryland State Police, the Talbot County
 1968 Sheriff's Department, the Talbot County
 1969 State's Attorney's Office, the Natural
 1970 Resources Police, and the appropriate mun-
 1971 icipal police department, of any license issued
 1972 under the provisions of this chapter which is
 1973 revoked or suspended, or of any fines which
 1974 are imposed for a violation of this chapter.

1975 **B. Chemical test report**

1976 For the purpose of establishing that physical
 1977 evidence in a criminal proceeding or
 1978 administrative hearing under the provisions of
 1979 this chapter contains or constitutes alcohol or
 1980 an alcoholic beverage, a report signed by the
 1981 chemist or analyst who performed the test or
 1982 tests as to its nature is prima facie evidence
 1983 that the material delivered to him was properly
 1984 tested under procedures approved by the
 1985 Department of Health and Mental Hygiene,
 1986 that those procedures are legally reliable, that
 1987 the material was delivered to him by the

1988 officer or person stated in the report, and that
 1989 the material was or contained alcohol, without
 1990 the necessity of the chemist or analyst
 1991 personally appearing in court, or at any
 1992 hearing, provided the report identifies the
 1993 chemist or analyst as an individual certified by
 1994 the Department of Health and Mental Hygiene,
 1995 the Maryland State Police Department, the
 1996 Baltimore City Police Department, or any
 1997 County police department employing analysts
 1998 of controlled dangerous substances or alcohol,
 1999 as qualified under standards approved by the
 2000 Department of Health and Mental Hygiene to
 2001 analyze those substances, states that he made
 2002 an analysis of the substance under approved
 2003 procedures and also states that the substance,
 2004 in his opinion, is or contains alcohol. Nothing
 2005 in this section precludes the right of any party
 2006 to introduce any evidence supporting or
 2007 contradicting the evidence contained in or the
 2008 presumptions raised by the report.

2009 **C. Chain of custody**

2010 (1) In this section, "chain of custody" means
 2011 the seizing officer; the packaging officer, if the
 2012 packaging officer is not also the seizing
 2013 officer; and the chemist or person who actually
 2014 touched the substance and not merely the outer
 2015 sealed package in which the substance was
 2016 placed by the law enforcement agency before
 2017 or during the analysis of the substance.

2018 (2) "Chain of custody" does not include a
 2019 person who handled the substance in any form
 2020 after analysis of the substance.

2021 (3) For the purpose of establishing, in a
 2022 criminal proceeding or an administrative
 2023 hearing under the provisions of this chapter,
 2024 the chain of physical custody or control of
 2025 evidence consisting of or containing a
 2026 substance tested or analyzed to determine
 2027 whether it is or contains alcohol, a statement
 2028 signed by each successive person in the chain
 2029 of custody that the person delivered it to the
 2030 other person indicated on or about the date
 2031 stated is prima facie evidence that the person
 2032 had custody and made the delivery as stated,
 2033 without the necessity of a personal appearance
 2034 in court by the person signing the statement.
 2035 The statement shall contain a sufficient
 2036 description of the material or its container so
 2037 as to distinguish it as the particular item in
 2038 question and shall state that the material was

2039 delivered in essentially the same condition as
2040 received.

2041 (4) Nothing in this section precludes the
2042 right of any party to introduce any evidence
2043 supporting or contradicting the evidence
2044 contained in or the presumption raised by the
2045 statement.

2046 **D. Presence of chemist or analyst at criminal**
2047 **proceeding**

2048 (1) In a criminal proceeding under the
2049 provisions of this chapter, the prosecution
2050 shall, upon written demand of a defendant
2051 filed in the proceedings at least five days prior
2052 to a trial in the proceeding, require the
2053 presence of the chemist, analyst, or any person
2054 in the chain of custody as a prosecution
2055 witness.

2056 (2) The provisions of § 11-17B and C
2057 concerning prima facie evidence do not apply
2058 to the testimony of that witness. The
2059 provisions of §§ 11-17 B and C are applicable
2060 in a criminal proceeding only when a copy of
2061 the report or statement to be introduced is
2062 mailed, delivered, or made available to counsel
2063 for the defendant or to the defendant
2064 personally when the defendant is not
2065 represented by counsel, at least 10 days prior
2066 to the introduction of the report or statement at
2067 trial.

2068 (3) Nothing contained in this section shall
2069 prevent the defendant from summoning a
2070 witness mentioned in this section as a witness
2071 for the defense.

2072 (4) At an administrative proceeding, the
2073 reports described in Subsections B and C
2074 above shall be prima facie evidence without
2075 the presence of the chemist, analyst, or any
2076 person in the chain of custody. Nothing in this
2077 section prevents the license holder or any other
2078 party from summoning the chemist, analysts or
2079 any other person in the chain of custody.

2080 E. Physical evidence. For the purpose of
2081 establishing that physical evidence in a
2082 criminal proceeding or an administrative
2083 hearing under the provisions of this chapter
2084 contains or constitutes alcohol, a sealed
2085 container in its original unopened condition
2086 which has a label which states that it contains
2087 alcohol or is an alcoholic beverage is prima

2088 facie evidence that the contents of the
2089 container are or include alcohol or an alcoholic
2090 beverage.

2091 **§ 11-17-1.1 Alcoholic beverages inspector**

2092 **A. Appointment**

2093 The County Manager, with the approval of the
2094 Council, shall appoint an alcoholic beverages
2095 inspector and such deputies or assistants as the
2096 Council may authorize from time to time. The
2097 inspector, his deputies and assistants, shall be
2098 known as the "Talbot County alcoholic
2099 beverages inspector" or "inspector." After
2100 appointment, an inspector shall serve at-will,
2101 and may be discharged by the County
2102 Manager at any time with or without cause.

2103 (1) The budget for alcoholic beverages
2104 inspections and Code enforcement shall
2105 be set by the Council in the Annual
2106 Budget and Appropriation Ordinance.

2107 (2) The inspector shall report to the
2108 Department of Administrative Services.

2109 **B. Qualifications**

2110 (1) An inspector shall not have been
2111 convicted of a felony or a crime of moral
2112 turpitude.

2113 (2) A person may not qualify nor continue
2114 service as an inspector if the inspector or
2115 the inspector's immediate family has any
2116 personal or financial interest, either
2117 directly or indirectly, in any license,
2118 licensee, or in any premises licensed
2119 under the provisions of this Chapter, or
2120 in any business wholly or partially
2121 devoted to the manufacture, distribution,
2122 or sale of alcoholic beverages.

2123 (3) An inspector may not, during the entire
2124 term of his appointment, hold any other
2125 public office, federal, State or local.

<p>2126 (4) Before a person qualifies as an inspector, 2127 the person shall:</p> <p>2128 i. Make an oath to faithfully perform the 2129 duties entrusted to him as an alcoholic 2130 beverages inspector pursuant to this 2131 Chapter, as provided in Article I, § 9 2132 of the Constitution of Maryland; and,</p> <p>2133 ii. Furnish bond in the penalty sum of 2134 \$10,000 to the Board and the County 2135 Council jointly, conditioned "that the 2136 inspector shall well and faithfully 2137 execute the office of Talbot County 2138 alcoholic beverages inspector in all 2139 things appertaining thereto". The cost 2140 of the bond shall be paid by the 2141 county.</p> <p>2142 § 11-17-1.2 Prohibited activities</p> <p>2143 An inspector may not, during the entire term 2144 of his appointment:</p> <p>2145 (1) Solicit or receive directly or indirectly 2146 any commission, remuneration or gift 2147 whatsoever from any:</p> <p>2148 (i) Person or corporation engaged in the 2149 manufacture, distribution, or sale of 2150 beer, wine, or other alcoholic 2151 beverages;</p> <p>2152 (ii) Agent or employee of that person or 2153 corporation; or</p> <p>2154 (iii) Licensee licensed under the 2155 provisions of this Chapter or the 2156 alcoholic beverage laws of the State of 2157 Maryland.</p> <p>2158 (2) Engage in any occupation, business, or 2159 profession in any way connected or 2160 associated with the manufacture, 2161 distribution, or sale of alcoholic 2162 beverages; and us</p> <p>2163 (3) Transact any business of any kind 2164 whatsoever beyond their official duties 2165 with any licensee, or in connection with 2166 the operation of any establishment 2167 licensed for the manufacture, 2168 distribution, or sale of alcoholic 2169 beverages.</p>	<p>2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213</p>	<p>(4) Have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, or in any other manner, in or on any premises where alcoholic beverages are manufactured, distributed, or sold;</p> <p>(5) Have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages; or</p> <p>(6) Own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured, distributed, or sold or in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages.</p> <p>§ 11-17-1.3 Powers</p> <p>For the purpose administration and enforcement of the alcoholic beverages laws before the Board, the inspector shall have the power to:</p> <p>(1) Enforce all alcoholic beverages laws;</p> <p>(2) Investigate all complaints and violations of the alcoholic beverages laws;</p> <p>(3) Investigate all applicants for an alcoholic beverages license or transfer of license;</p> <p>(4) Serve summonses and subpoenas, conduct inspections, and investigate violations of this Chapter;</p> <p>(5) Issue civil citations as provided in § 10- 119 of the Criminal Law Article, Md. Ann. Code, upon probable cause to believe that the person charged is committing or has committed a Code violation;</p> <p>(6) Initiate administrative proceedings before the Board to revoke, suspend, or restrict a license;</p> <p>(7) Visit and inspect at unannounced times every licensed premises in the county as directed by the Department of Administrative Services;</p>
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2214 (8) Report all violations of the alcoholic
 2215 beverages laws to the Board and to the
 2216 local jurisdiction in which the licenses
 2217 premises are located; and,

2218 (9) Give monthly written reports to the
 2219 Department of Administrative Services
 2220 covering all:

2221 (i) Inspection activities;

2222 (ii) Complaints; and,

2223 (iii) Violations, either observed or
 2224 reported

2225 (10) Promote alcohol education and
 2226 awareness training; and,

2227 (11) Such other duties regarding admin-
 2228 istration and enforcement of Chapter 11,
 2229 Talbot County Code, *Alcoholic*
 2230 *Beverages*, as the County Manager may
 2231 prescribe from time to time.

2232 **§11-17-1.4 Commission, Profit, or**
 2233 **Remuneration Prohibited**

2234 No person or corporation engaged in the
 2235 manufacture, distribution, or sale of beer,
 2236 wine, or other alcoholic beverages, nor any
 2237 licensee licensed under the provisions of this
 2238 Chapter, including any agent or employee of
 2239 that person, corporation, or licensee, either
 2240 directly or indirectly, may offer to pay any
 2241 commission, profit, or remuneration, or make
 2242 any gift to any commissioner, alcoholic
 2243 beverages inspector, or employee of the
 2244 Board or to anyone on behalf of that
 2245 commissioner, inspector, or employee of the
 2246 Board, nor may any commissioner or
 2247 employee of the Board solicit or receive,
 2248 directly or indirectly, any such commission,
 2249 profit, remuneration, or gift whatsoever.
 2250 Upon a finding of a violation of this section
 2251 by a licensee, the license shall be revoked.
 2252 Upon a finding of a violation of this section
 2253 by any other person on behalf of or
 2254 concerning any license or licensee, the
 2255 license shall be revoked unless the Board
 2256 shall find that said action was unauthorized,
 2257 in which case the license shall be suspended
 2258 for a period of not less than 30 days nor more
 2259 than one year.

2260 **§ 11-17-1.5 Inspections; beverages as evidence**

2261 The Alcoholic Beverages Inspector, and his
 2262 duly authorized deputies or assistants, any
 2263 peace officer of the county, and any peace
 2264 officer of the town in which the premises are
 2265 located, or any of them, shall be fully
 2266 authorized to inspect and search, without
 2267 warrant, at all hours, any building and
 2268 premises in which any alcoholic beverages
 2269 are authorized to be kept, transported,
 2270 manufactured, or sold under a license or
 2271 permit issued under the provisions of this
 2272 Chapter, and any evidence discovered during
 2273 any such inspections shall be admissible in
 2274 any prosecution for the violation of the
 2275 provisions of this Chapter, and in any hearing
 2276 for revocation, suspension, or restriction of
 2277 the alcoholic beverage license or permit. Any
 2278 alcoholic beverages taken as evidence shall
 2279 be returned to the license or permit holder if
 2280 he be adjudged not guilty; otherwise they
 2281 shall be sold to license holders, turned over to
 2282 State institutions for medicinal use, or
 2283 destroyed. Receipts from such sales shall be
 2284 credited to the general fund of the County.

2285 **§ 11-18 Appeals**

2286 **A. General provisions**

2287 (1) Appeals from decisions of the Board
 2288 shall be to the Circuit Court for Talbot County,
 2289 in accordance with the Maryland Rules of
 2290 Procedure applicable to administrative
 2291 appeals.

2292 (2) The decision approving, suspending,
 2293 revoking, restricting, or refusing to approve,
 2294 suspend, revoke or restrict any license or
 2295 licensee shall be subject to appeal in the
 2296 manner provided in this section.

2297 **B. Who may appeal**

2298 A licensee, a license applicant, or a group of
 2299 not less than 10 persons who reside in Talbot
 2300 County may appeal a final decision of the
 2301 Board to the Circuit Court if the licensee,
 2302 license applicant, or the group is aggrieved by
 2303 the decision and has appeared at the hearing of
 2304 the Board either:

2305 (1) In person or by representative; or

2306 (2) By the submission of a written document
2307 that was introduced at the hearing.

2308 **C. Court costs**

2309 The Clerk of the Circuit Court, before
2310 docketing an appeal, shall first collect, from
2311 the person or persons so appealing, all court
2312 costs and a statement from the Board that the
2313 costs for getting records and transcripts of
2314 proceedings of the hearing before the Board
2315 have been paid. Costs may not be assessed
2316 against the Board.

2317 **D. Scope of appeal**

2318 (1) Upon the hearing of such appeal, the
2319 action of the Board shall be presumed by the
2320 court to be proper and to best serve the public
2321 interest. The burden of proof shall be upon the
2322 petitioner to show that the decision
2323 complained of was against the public interest
2324 and that the Board's discretion in rendering its
2325 decision was not honestly and fairly exercised,
2326 or that such decision was arbitrary, or procured
2327 by fraud, or unsupported by any substantial
2328 evidence, or was unreasonable, or that such
2329 decision was beyond the powers of the Board
2330 and was illegal. The case shall be heard by the
2331 court without the intervention of a jury. If in
2332 the opinion of the court it is impracticable to
2333 determine the question presented to the court,
2334 in the case on appeal, without the hearing of
2335 additional evidence, or if in the opinion of the
2336 court any qualified litigant has been deprived
2337 of the opportunity to offer evidence, or if the
2338 interests of justice otherwise require that
2339 further evidence should be taken, the court
2340 may hear such additional testimony to such
2341 extent and in such manner as may be necessary
2342 or may remand the case to the Board for that
2343 purpose.

2344 (2) In such actions of appeal the Board may
2345 be represented by its attorney.

2346 (3) The Board's decision shall be affirmed,
2347 modified, reversed, or remanded to the Board.
2348 Costs shall be awarded as in other civil cases.

2349 **E. Further appeals**

2350 Further appeals shall be governed by the
2351 provisions of Article 2B, § 16-101, Annotated
2352 Code of Maryland.

2353 **§ 11-19 Supplemental municipal regulation**

2354 Municipalities within Talbot County may
2355 restrict the retail sale of alcoholic beverages
2356 within their respective jurisdictions through
2357 adoption of local zoning ordinances.
2358 Enforcement of any ordinance so enacted shall
2359 be the responsibility of the municipality.

2360 **§ 11-20 Conflict with other regulations**

2361 Any law enacted by the Talbot County
2362 Council pursuant to the grant of express
2363 powers in Article 25, § 3(ee), or Article 2B,
2364 § 18-101, Annotated Code of Maryland, shall
2365 prevail over any provision of the Code of
2366 Public General Laws of Maryland regulating
2367 the retail sale of alcoholic beverages.
2368 However, unless and until the Talbot County
2369 Council enacts a law which is contrary to a
2370 provision of the Code of Public General Laws
2371 regulating the retail sale of alcoholic bev-
2372 erages, the provisions of the Code of Public
2373 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).

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