

RESOLUTION NO. 2021-01

A RESOLUTION OF THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS ADOPTING RULES AND REGULATIONS FOR THE SALE FOR OFF-PREMISES CONSUMPTION AND DELIVERY OF ALCOHOLIC BEVERAGES

RECITALS

WHEREAS, pursuant to Md. Code Ann., Alcoholic Beverages § 4-1107, effective July 1, 2021, local licensing boards are authorized to adopt regulations to authorize restaurants, bars, and taverns to sell for off-premises consumption and deliver alcoholic beverages, subject to certain conditions; and

WHEREAS, pursuant to § 11-3 of the Talbot County Code (the “County Code”), the Talbot County Board of Liquor License Commissioners (the “Board”) is authorized to adopt written rules and regulations as it deems necessary to carry out the provisions of Chapter 11 (Alcoholic Beverages) of the County Code (i.e., to regulate the retail sale of alcoholic beverages within Talbot County pursuant Md. Code Ann., Alcoholic Beverages § 30-103), subject to approval of the Talbot County Council (the “County Council”); and

WHEREAS, in consideration of the foregoing, the Board is desirous of adopting rules and regulations for the sale for off-premises consumption and delivery of alcoholic beverages, which it believes necessary and appropriate to promote economic recovery in the Talbot County restaurant industry in the wake of the COVID-19 pandemic while protecting the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS, that pursuant to the authority set forth in Md. Code Ann., Alcoholic Beverages § 4-1107, the following rules and regulations are hereby adopted:

1. These Rules and Regulations shall only apply to holders of the following licenses (collectively, the “Eligible Licenses”):

- a. Class B (on-sale) License;
- b. Class C (on-sale) License;
- c. Class F-A (on-sale) License;
- d. Class B-R (off-sale) when coupled with a Class F-A (on-sale) License; and
- e. Class I (on- and off-sale) License.

2. The holder of an Eligible License shall submit a written application on the form attached hereto as Exhibit A, signed by all Licensees, for a letter of authorization from the Board to sell, for off-premises consumption and delivery:

a. For holders of an Eligible License that authorizes the sale of alcoholic beverages for on-premises consumption only, any alcoholic beverages authorized for sale under their license; or

b. For holders of an Eligible License that authorizes the sale of alcoholic beverages for on- and off-premises consumption, any cocktails or mixed drinks authorized for sale under their license.

3. The holder of an Eligible License shall not sell for off-premises consumption or deliver alcoholic beverages under these Rules and Regulations without holding a letter of authorization from the Board. Such letter must be kept on the licensed premises and available for inspection.

4. The following restrictions apply to all alcoholic beverages sold for off-premises consumption or delivery:

a. Liquor may not be sold by the bottle.

b. Mixed drinks, cocktails, and draft beer shall not exceed sixteen ounces (16 oz.) per Licensee-prepared container.

c. Wine by the glass shall be limited to nine ounces (9 oz.) per container.

d. No more than two (2) Licensee-prepared containers may be sold per transaction.

e. No more than one (1) six-pack of beer or one (1) bottle of wine may be sold per transaction.

f. Alcoholic beverages sold for off-premises consumption or delivery shall be in the manufacturer's original sealed container or in a container closed with a cap, cork, seal, or lid with no holes for straws or sipping.

g. Manufacturer-sealed containers and Licensee-prepared containers may not be sold in the same transaction.

h. Alcoholic beverages sold for off-premises consumption or delivery must be purchased with prepared food from the Licensee's menu other than prepackaged snacks.

i. Alcoholic beverages may only be sold for off-premises consumption or delivered to individuals twenty-one (21) years of age or older that provide valid identification as proof of age.

j. No alcoholic beverages may be sold for off-premises consumption or delivered after 11:00 p.m.

k. All deliveries of alcoholic beverages shall be made from the licensed premises to the individual purchasing the alcoholic beverage by the Licensee or the Licensee's employee, who shall be at least twenty-one (21) years of age and certified in an alcohol awareness program. The Licensee shall maintain a log of all alcoholic beverages delivered in the form attached hereto as Exhibit B for a period of two (2) years from the date of delivery, which shall be available for inspection.

l. Alcoholic beverages shall not be delivered to another premises licensed to sell alcoholic beverages or to an address outside Talbot County.

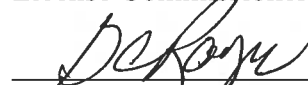
6. The Board shall have the authority to revoke any authorization granted hereunder for any violation of these Rules and Regulations and/or for any violation of Chapter 11 (Alcoholic Beverages) of the County Code.

7. These Rules and Regulations shall take effect immediately upon approval by the Talbot County Council pursuant to § 11-3 of the County Code.

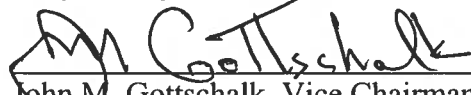
8. These Rules and Regulations and any authorizations issued hereunder shall expire and be of no further force and effect after June 30, 2023.

APPROVED this 23rd day of August, 2021:

Talbot County Board of Liquor
License Commissioners



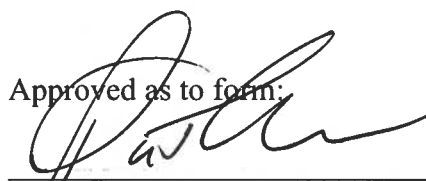
Gary C. Royer, Chairman



John M. Gottschalk, Vice Chairman



Edward M. Bridges, Jr., Commissioner

Approved as to form:


Patrick W. Thomas, Acting County Attorney

Effective Date: 9/14/21