

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2012 Legislative Session, Legislative Day No. : February 14, 2012

Bill No.: 1215

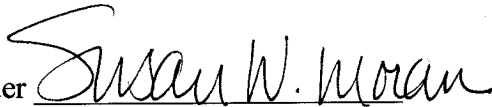
Expiration Date: April 19, 2012

Introduced by: Mr. Bartlett, Mr. Hollis, Mr. Pack, Ms. Price

CURATIVE LEGISLATION TO CORRECT REFERENCES TO EXISTING LAW IN BILL 1212, ADOPTED JANUARY 10, 2012, AS AMENDED, THAT REPEALED AND RE-ENACTED CHAPTER 11, TALBOT COUNTY CODE, *ALCOHOLIC BEVERAGES*; TO CORRECT REFERENCES TO EXISTING LAW IN BILL 1212 THAT OMITTED PRE-EXISTING AMENDMENTS TO CHAPTER 11, NAMELY BILLS 1185 AND 1197 REGARDING ALCOHOL AWARENESS TRAINING AND APPOINTMENT OF THE TALBOT COUNTY ALCOHOLIC BEVERAGES INSPECTOR, RESPECTIVELY; MAKING THIS CURATIVE LEGISLATION RETROACTIVE, AND MAKING THIS AN EMERGENCY BILL

By the Council: February 14, 2012

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, March 6, 2012 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order 
Susan W. Moran, Secretary

CURATIVE LEGISLATION TO CORRECT REFERENCES TO EXISTING LAW IN BILL 1212, ADOPTED JANUARY 10, 2012, AS AMENDED, THAT REPEALED AND RE-ENACTED CHAPTER 11, TALBOT COUNTY CODE, *ALCOHOLIC BEVERAGES*; TO CORRECT REFERENCES TO EXISTING LAW IN BILL 1212 THAT OMITTED PRE-EXISTING AMENDMENTS TO CHAPTER 11, NAMELY BILLS 1185 AND 1197 REGARDING ALCOHOL AWARENESS TRAINING AND APPOINTMENT OF THE TALBOT COUNTY ALCOHOLIC BEVERAGES INSPECTOR, RESPECTIVELY; MAKING THIS CURATIVE LEGISLATION RETROACTIVE, AND MAKING THIS AN EMERGENCY BILL

1 **WHEREAS**, Bill 1212 was enacted on January 10, 2012 to repeal and re-enact Chapter 11,
2 Talbot County Code, *Alcoholic Beverages*; and,
3

4 **WHEREAS**, Bill 1212 was drafted based on the then most-current CD provided by General
5 Code Publishers, the County's code publishing service, using the digital file for Chapter 11; and,
6

7 **WHEREAS**, that CD had not been updated to include amendments to Chapter 11 enacted by
8 Bills 1185 and 1197, and as a result the laws adopted by those Bills were inadvertently omitted
9 from reference to existing law as drafted in Bill 1212; and,
10

11 **WHEREAS**, the title and text of Bill 1212 disclose no legislative intent to repeal the measures
12 enacted by Bill 1185, relating to alcohol awareness training generally, and Bill 1197, relating to
13 the Talbot County alcoholic beverages inspector generally; and,
14

15 **WHEREAS**, Bill 1212, as corrected and enrolled by the County Secretary to properly reference
16 existing law to include Bills 1185 and 1197, is attached hereto and incorporated by reference
17 herein. In accordance with Talbot County Rules of Procedure VII D, the County Secretary has
18 corrected this erroneous reference to existing law on the enrolled copy of Bill 1212, which is the
19 official text of the ordinance as adopted; and,
20

21 **WHEREAS**, by this curative legislation the County Council intends to validate and ratify the
22 corrections made by the County Secretary to Bill 1212 as corrected and enrolled, and to
23 eliminate all possible doubt about the official text of Chapter 11; and,
24

25 **WHEREAS**, consistent with the practice of the Maryland General Assembly when, at the
26 conclusion of the annual legislative session, it adopts curative legislation, the Council desires to
27 adopt this curative bill as emergency legislation to become effective immediately upon adoption.
28

29 **SECTION 1: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY,**
30 **MARYLAND**, in accordance with requirements for emergency legislation in County Charter, §
31 213 (b), for the reasons set forth above, which are incorporated by reference herein, the County
32 Council hereby declares that an emergency exists due to uncertainty between Bill 1212 as
33 drafted, and as corrected and enrolled.

34 SECTION 2: BE IT FURTHER ENACTED, that this curative legislation is adopted to ratify,
35 confirm, and memorialize that Bill 1212, as corrected and enrolled, is the official text of Chapter
36 11. Those portions of existing law previously enacted by Bills 1185 and 1197, were, are, and
37 remain unaffected by adoption of Bill 1212, and accordingly continue in full force and effect,
38 without change or interruption.

39
40 SECTION 3: BE IT FURTHER ENACTED, in accordance with the holding by the Court of
41 Appeals in *County Council for Prince George's County v. Carl Freeman Associates, Inc.* 281
42 Md. 70 (1977), this ordinance, because it is curative legislation only, is intended to have
43 retrospective application so long as there is no interference with vested rights or contractual
44 obligations; and,

45
46 SECTION 4: BE IT FURTHER ENACTED, this act is an emergency measure that is necessary
47 for the immediate preservation of the public health, safety, or welfare. If passed by an affirmative
48 vote of four-fifths (4/5) of the members of the full Council, this act shall take effect on the date
49 of its passage; if adopted not by four-fifths (4/5) majority, but by a simple majority of the full
50 Council, it shall nevertheless be retroactive in its application and shall take effect sixty (60) days
51 from the date of its passage.

52
53 SECTION 5: BE IT FURTHER ENACTED, that if any provision of this Ordinance or the
54 application thereof to any person or circumstance is held invalid for any reason in a court of
55 competent jurisdiction, the invalidity does not affect other provisions or any other application of
56 this Ordinance which can be given effect without the invalid provision or application, and for
57 this purpose the provisions of this Ordinance are declared severable.

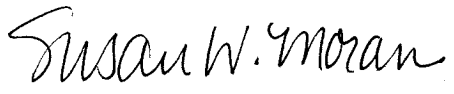
PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1215 having been published, a public hearing was held on Tuesday, March 6, 2012 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: March 6, 2012

By Order 
Susan W. Moran, Secretary

Pack	-	Aye
Hollis	-	Aye
Bartlett	-	Aye
Price	-	Aye
Duncan	-	Nay

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2011 Legislative Session, Legislative Day No. : November 8, 2011

Bill No.: 1212 *AS AMENDED*

Expiration Date: January 12, 2012

Introduced by: Mr. Bartlett, Mr. Hollis, Mr. Pack

A BILL TO REPEAL AND REENACT CHAPTER 11, ALCOHOLIC BEVERAGES, TALBOT COUNTY CODE, TO ELIMINATE THE EXISTING CLASS "F" LICENSE CLASSIFICATION AND REPLACE IT WITH CLASS "B-R" AND CLASS "F-A" LICENSE CLASSIFICATIONS; TO PROVIDE THAT ALL EXISTING HOTELS AND RESTAURANTS HOLDING AN ALCOHOLIC BEVERAGE LICENSE SHALL BE ENTITLED TO RECEIVE A CATERER'S ENDORSEMENT BY APPLYING FOR SAME, UNLESS THEY AFFIRMATIVELY DECLINE TO DO SO, TO REQUIRE SUPERMARKETS THAT APPLY FOR A CLASS "A" (OFF-SALE, BEER AND LIGHT WINE LICENSE), AFTER THE EFFECTIVE DATE OF THIS ORDINANCE TO OFFER ALCOHOLIC BEVERAGES FOR SALE ONLY IN A SEPARATE AREA DIVIDED FROM THE MAIN STORE BY A WALL OR PARTITION, TO GRANDFATHER EXISTING SUPERMARKETS FROM HAVING TO COMPLY WITH THIS REQUIREMENT, TO PROHIBIT ISSUANCE OF NEW CLASS "E" LICENSES (OFF-SALE, BEER, WINE, AND LIQUOR) FOR ANY USE EXCEPT ALCOHOL DISPENSARIES, TO GRANDFATHER ALL EXISTING CLASS "E" LICENSES, EXCEPT FOR PHARMACIES, AND TO GRANDFATHER EXISTING PHARMACIES HOLDING A CLASS "E" LICENSE, AT THE EXISTING LOCATION PROVIDED ALL ALCOHOLIC BEVERAGES SHALL BE OFFERED FOR SALE EXCLUSIVELY WITHIN AN ENCLOSED AREA NOT EXCEEDING 25% OF THE SALES AREA, SEPARATED FROM THE MAIN SALES AREA BY PERMANENT WALLS OR PARTITIONS AT LEAST 8 FEET HIGH, AND ALL SUCH SALES SHALL BE PROCESSED THROUGH A SEPARATE CASHIER; TO PROHIBIT NEW ALCOHOLIC BEVERAGE LICENSES TO BE ISSUED TO PHARMACIES, TO GRANDFATHER EXISTING GAS STATIONS WITH CLASS "A" LICENSES AND PROHIBIT NEW OFF-SALE LICENSES TO GAS STATIONS; TO AUTHORIZE GAS STATIONS WITH A PRE-EXISTING CLASS "A" OFF-SALE BEER AND LIGHT

WINE LICENSE TO REAPPLY FOR A CLASS "A" LICENSE WITHIN ONE YEAR; TO REQUIRE CLASS "D" LICENSES (ON-AND-OFF SALE, MARINAS), TO SELL AND SERVE ALCOHOL ONLY IN CAFÉS, TO ESTABLISH A MARKET-TEST FORMULA FOR ISSUANCE OF NEW OFF-SALE LICENSES TO CLARIFY ACCOMMODATION OF THE PUBLIC AND TO PERMIT ISSUANCE OF A NEW OFF-SALE LICENSE WHEN THE TOTAL POPULATION WITHIN THE SERVICE AREA EQUALS OR EXCEEDS 750 PERSONS, TO EXEMPT SUPERMARKETS FROM THIS REQUIREMENT; TO ENACT NEW DEFINITIONS FOR "ALCOHOL DISPENSARIES" "CAFÉS" AND "GAS STATIONS"; TO AMEND THE DEFINITION OF "SUPERMARKET"; TO ELIMINATE THE DEFINITION OF "CHAIN STORE"; TO RESTRICT THE ISSUANCE OF ALCOHOLIC BEVERAGES LICENSES TO SPECIFIED USES; TO AMEND THE "B-T" LICENSE (NON-PROFIT THEATERS) , TO ALLOW THE SALE OF LIQUOR ON THE PREMISES IN ADDITION TO BEER AND WINE; AND GENERALLY CONCERNING THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN TALBOT COUNTY

By the Council: November 8, 2011

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 6, 2011, at 2:00 p.m., on Tuesday, December 13, 2011 at 6:30 p.m. on Amendments only as introduced on Tuesday, December 6, 2011, and on Tuesday, January 10, 2012 at 2:00 p.m. on Amendments only as introduced on Tuesday, December 6, 2011 and as introduced on Tuesday, December 13, 2011 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran
Susan W. Moran, Secretary

A BILL TO REPEAL AND REENACT CHAPTER 11, ALCOHOLIC BEVERAGES, TALBOT COUNTY CODE, TO ELIMINATE THE EXISTING CLASS "F" LICENSE CLASSIFICATION AND REPLACE IT WITH CLASS "B-R" AND CLASS "F-A" LICENSE CLASSIFICATIONS; TO PROVIDE THAT ALL EXISTING HOTELS AND RESTAURANTS HOLDING AN ALCOHOLIC BEVERAGE LICENSE SHALL BE ENTITLED TO RECEIVE A CATERER'S ENDORSEMENT BY APPLYING FOR SAME, UNLESS THEY AFFIRMATIVELY DECLINE TO DO SO, TO REQUIRE SUPERMARKETS THAT APPLY FOR A CLASS "A" (OFF-SALE, BEER AND LIGHT WINE LICENSE), AFTER THE EFFECTIVE DATE OF THIS ORDINANCE TO OFFER ALCOHOLIC BEVERAGES FOR SALE ONLY IN A SEPARATE AREA DIVIDED FROM THE MAIN STORE BY A WALL OR PARTITION, TO GRANDFATHER EXISTING SUPERMARKETS FROM HAVING TO COMPLY WITH THIS REQUIREMENT, TO PROHIBIT ISSUANCE OF NEW CLASS "E" LICENSES (OFF-SALE, BEER, WINE, AND LIQUOR) FOR ANY USE EXCEPT ALCOHOL DISPENSARIES, TO GRANDFATHER ALL EXISTING CLASS "E" LICENSES, EXCEPT FOR PHARMACIES, AND TO GRANDFATHER EXISTING PHARMACIES HOLDING A CLASS "E" LICENSE, AT THE EXISTING LOCATION PROVIDED ALL ALCOHOLIC BEVERAGES SHALL BE OFFERED FOR SALE EXCLUSIVELY WITHIN AN ENCLOSED AREA NOT EXCEEDING 25% OF THE SALES AREA, SEPARATED FROM THE MAIN SALES AREA BY PERMANENT WALLS OR PARTITIONS AT LEAST 8 FEET HIGH, AND ALL SUCH SALES SHALL BE PROCESSED THROUGH A SEPARATE CASHIER; TO PROHIBIT NEW ALCOHOLIC BEVERAGE LICENSES TO BE ISSUED TO PHARMACIES, TO GRANDFATHER EXISTING GAS STATIONS WITH CLASS "A" LICENSES AND PROHIBIT NEW OFF-SALE LICENSES TO GAS STATIONS; TO AUTHORIZE GAS STATIONS WITH A PRE-EXISTING CLASS "A" OFF-SALE BEER AND LIGHT WINE LICENSE TO REAPPLY FOR A CLASS "A" LICENSE WITHIN ONE YEAR; TO REQUIRE CLASS "D" LICENSES (ON-AND-OFF SALE, MARINAS), TO SELL AND SERVE ALCOHOL ONLY IN CAFÉS, TO ESTABLISH A MARKET-TEST FORMULA FOR ISSUANCE OF NEW OFF-SALE LICENSES TO CLARIFY ACCOMMODATION OF THE PUBLIC AND TO PERMIT ISSUANCE OF A NEW OFF-SALE LICENSE WHEN THE TOTAL POPULATION WITHIN THE SERVICE AREA EQUALS OR EXCEEDS 750 PERSONS, TO EXEMPT SUPERMARKETS FROM THIS REQUIREMENT; TO ENACT NEW DEFINITIONS FOR "ALCOHOL DISPENSARIES" "CAFÉS" AND "GAS STATIONS"; TO AMEND THE DEFINITION OF "SUPERMARKET"; TO ELIMINATE THE DEFINITION OF "CHAIN STORE"; TO RESTRICT THE ISSUANCE OF ALCOHOLIC BEVERAGES LICENSES TO SPECIFIED USES; TO AMEND THE "B-T" LICENSE (NON-PROFIT THEATERS) , TO ALLOW THE SALE OF LIQUOR ON THE PREMISES IN ADDITION TO BEER AND WINE; AND GENERALLY CONCERNING THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN TALBOT COUNTY

KEY

- Boldface**..... Heading or defined term.
- Underlining..... Added to existing law by original bill.
- ~~Strikethrough~~..... Deleted from existing law by original bill.
- Double underlining..... Added to bill by amendment.
- ~~Double strikethrough~~Deleted from bill by amendment.
- * * *Existing law unaffected.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

Chapter 11, Talbot County Code, entitled “*Alcoholic Beverages*” shall be and is hereby repealed and reenacted as set forth on the attached Exhibit, entitled “*Alcoholic Beverages Ordinance, Talbot County Code, Ch. 11*” which is incorporated by reference herein.

SECTION TWO: BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

SECTION THREE: AND BE IT FURTHER ENACTED, That if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

Chapter 11

ALCOHOLIC BEVERAGES

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GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

§ 11-1 Title

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

4 § 11-1.1 Definitions

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

11 B. Café -- a limited food service facility not to
12 exceed 20 seats located in a marina that
13 regularly prepares and serves full meals,
14 which may include a sandwich menu.

15 C. Convenience store -- a small-scale retail
16 store less than 8,000 square feet located to
17 serve highway or neighborhood demand for
18 light food service, sandwiches, or snack
19 foods for immediate consumption or carry
20 out, having a limited selection of grocery
21 items, over-the-counter medicines,
22 cosmetics, and household supplies, licensed
23 or seeking a license to offer limited beer
24 and light wine items occupying not more
25 than twenty-five percent (25%) of the sales
26 area. Convenience stores do not include
27 locations that dispense petroleum products
28 for motor vehicles.

29 D. Hotel -- a lodging place offering overnight
30 sleeping accommodations with at least
31 twenty-five (25) bedrooms having a food
32 service facility that regularly prepares and
33 serves meals on the premises where
34 alcoholic beverages are to be sold.

35 E. Restaurant -- a food service facility with
36 capacity to seat at least twenty (20) persons,
37 counting any outdoor seating, regularly
38 serving at least two meals per day, which
39 may include a sandwich menu, that
40 maintains a kitchen staffed for serving food
41 that opens within one hour after the facility
42 opens and remains in continuous operation

43 until at least two hours before alcoholic
44 beverages are no longer served.

45 F. Supermarket -- a retail grocery or food store
46 that contains a sales area of not less than
47 16,900 square feet in which at least 80% of
48 the sales area is devoted to the retail sale of
49 food and food related products.

50 G. Theater, nonprofit -- a qualified business
51 organization operating as a nonprofit or
52 charitable organization under Maryland
53 law, or that has been determined to be an
54 exempt organization pursuant to Section
55 501 (c) (3) of the Internal Revenue Code
56 that is (1) housed within a building; (2) has
57 a minimum seating capacity of 100 persons;
58 and, (3) regularly presents live enter-
59 tainment as part of its schedule.

60 § 11-2 Purpose

61 The County Council declares that the purpose of
62 this chapter is to regulate the retail sale of
63 alcoholic beverages within Talbot County,
64 pursuant to the authority granted in § 18-101 of
65 Article 2B of the Annotated Code of Maryland.
66 The regulations, provisions, restrictions and
67 penalties contained in this chapter are for the
68 protection, health, welfare and safety of the
69 citizens of Talbot County.

70 § 11-3 Administration by Board of Liquor
71 License Commissioners

72 This chapter shall be administered and enforced
73 by the Talbot County Board of Liquor License
74 Commissioners (the "Board"). The Board may
75 adopt such written rules and regulations as it
76 deems necessary to carry out the provisions of this
77 chapter, subject to the approval of the County
78 Council. Chapter 60, Ethics, Talbot County Code,
79 shall apply to members of the Board.

80 § 11-4 Beer and light wine licenses

81 A. Beer and light wine license, Class A (off-
82 sale) alcohol dispensaries, supermarkets,
83 and convenience stores

84 (1) General provisions. A Class A beer and
85 light wine license shall be issued only to
86 alcohol dispensaries, supermarkets, and con-
87 venience stores, and shall authorize the holder
88 thereof to keep for sale and sell beer and light

89	wine, at retail, in any quantity to any consumers, at the place described in the license, in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold. Notwithstanding the limitation on the issuance of a Class A license to alcohol dispensaries, supermarkets, and convenience stores set forth above, any holder of a Class A license, lawfully issued and validly existing on the effective date of this ordinance shall be entitled to renew the same at the existing location provided that all such applications for renewal otherwise comply with all then-existing ordinance, laws, and regulations, as amended from time to time.	141	at the existing location without compliance therewith. Existing Class A licenses that are exempt from such requirement under this provision may be transferred to a new owner or location subject to the requirements of paragraph (4) at any new location and compliance with all of then-existing ordinances, laws, and regulations, as amended from time to time, but without regard to compliance with the market-test in § 11-8 D.
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100		151	B. Beer and light wine license, Class B (on-sale), hotels and restaurants
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103		153	(1) General provisions. A Class B beer and light wine license shall authorize the holder thereof to keep for sale and sell beer and light wine, at retail, at any hotel or restaurant, at the place described in the license, for consumption on the premises.
104		154	
	(2) Hours. The hours during which the privileges conferred by a Class A license may be exercised shall be from 6:00 a.m. to 12:00 midnight, except on Sunday the hours shall be from 8:00 a.m. to 12:00 midnight.	155	
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109		159	(2) From and after the effective date of this ordinance the application for issuance or renewal of a Class B license shall also include all information required to obtain a caterer's endorsement in accordance with § 11-6A. Subject to all requirements otherwise applicable to a caterer's endorsement, all Class B licenses issued or renewed after this ordinance becomes law shall include a caterer's endorsement as part of their issuance or renewal, unless the applicant affirmatively declines the same.
	(3) Light wine and beer tasting, alcohol dispensaries. Other provisions of this chapter to the contrary notwithstanding, the holder of a valid Class A license issued to an alcohol dispensary shall be authorized to serve not more than one ounce from no more than three bottles or containers of beer or light wine to any one person for sampling or tasting purposes. Once opened, any bottles or containers of beer or light wine to be sampled shall be accurately and specifically marked for sampling or tasting purposes only or shall be discarded and shall not be offered for sale. The contents of any bottle or container opened for sampling or tasting purposes shall not be mixed with any other bottle or container. Any beer or light wine sampling or tasting authorized by this section shall be permitted on the licensed premises only.	160	
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121		171	(3) Hours. The hours during which the privileges conferred by a Class B license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the following day, except on Sunday the hours shall be from 10:00 a.m. to 2:00 a.m. on the following day.
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128		177	C. Beer and light wine license, Class B-R (off-sale), hotels and restaurants
	(4) Class A licenses for any supermarket shall require that the alcoholic beverages be kept and offered for sale exclusively in an enclosed area separated from the main sales area by permanent walls or partitions at least 8 feet high.	178	
129			
130		179	(1) General provisions. A Class B-R beer and light wine license shall be issued only to hotels and restaurants and shall authorize the holder thereof to keep for sale and sell beer and light wine, at retail, at the place described in the license, in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.
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	(5) Notwithstanding the requirement for a separate sales area for alcoholic beverages set forth in paragraph (4) above, any supermarket holding a Class A license lawfully issued and validly existing on the effective date of this ordinance shall be entitled to renew the same	184	
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139		188	(2) Any holder of a Class F license, lawfully issued and validly existing on the effective
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190 date of this ordinance shall be entitled to
191 obtain a Class B-R license through the renewal
192 process at the existing location provided that
193 all such applications otherwise comply with all
194 then-existing ordinance, laws, and regulations,
195 as amended from time to time. Provided
196 further, that all such holders shall be entitled to
197 a B-R license without regard to the market-test
198 set forth in § 11-8 D.

199 (3) Hours. The hours during which the
200 privileges conferred by a Class B-R license
201 may be exercised shall be from 6:00 a.m. to
202 2:00 a.m. on the following day, except on
203 Sunday the hours shall be from 10:00 a.m. to
204 2:00 a.m. on the following day.

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

207 (1) General provisions. A Class C beer and
208 light wine license shall authorize the holder
209 thereof to keep for sale and sell beer and light
210 wine, at retail, to bona fide members and their
211 guests at any club, at the place described in the
212 license, for consumption on the premises only.
213 [Amended 12-14-1999 by Bill No. 742; 4-24-
214 2001 by Bill No. 811]

215 (2) Hours. The hours during which the
216 privileges conferred by a Class C license may
217 be exercised shall be from 6:00 a.m. to 12:00
218 midnight, except on Sunday the hours shall be
219 from 10:00 a.m. to 12:00 midnight.

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

222 (1) General provisions. A Class D beer and
223 light wine license shall authorize the holder
224 thereof to keep for sale and sell beer and light
225 wine, at retail, at any marina, at the place
226 described in the license, for consumption on
227 the premises and elsewhere. All sales and
228 consumption of alcoholic beverages on the
229 premises shall occur in a café regularly
230 preparing and serving full meals, which may
231 include a sandwich menu.

232 (2) Hours. The hours during which the
233 privileges conferred by a Class D license may
234 be exercised shall be from 6:00 a.m. to 12:00
235 midnight, except on Sunday the hours shall be
236 from 8:00 a.m. to 12:00 midnight.

237

238 **§ 11-5 Beer, wine and liquor licenses**

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

241 (1) General provisions. A Class E beer, wine
242 and liquor license shall be issued only to an
243 alcohol dispensary, and shall authorize the
244 holder thereof to keep for sale and sell all
245 alcoholic beverages, at retail, in any quantity
246 to any consumers, at the place described in the
247 license, in a sealed package or container,
248 which package or container shall not be
249 opened nor its contents consumed on the
250 premises where sold.

251 (2) Hours. The hours during which the
252 privileges conferred by a Class E license may
253 be exercised shall be from 6:00 a.m. to 12:00
254 midnight, except on Sunday the hours shall be
255 from 8:00 a.m. to 12:00 midnight.

256 (3) Wine and beer tasting, alcohol dispen-
257 saries. Other provisions of this chapter to the
258 contrary notwithstanding, the holder of a valid
259 Class E license that is also an alcohol
260 dispensary shall be authorized to serve not
261 more than one ounce from no more than three
262 bottles or containers of wine or beer to any one
263 person for sampling or tasting purposes. Once
264 opened, any bottles or containers of wine or
265 beer to be sampled shall be accurately and
266 specifically marked for sampling or tasting
267 purposes only or shall be discarded and shall
268 not be offered for sale. The contents of any
269 bottle or container opened for sampling or
270 tasting purposes shall not be mixed with any
271 other bottle or container. Any wine or beer
272 sampling or tasting authorized by this section
273 shall be permitted on the licensed premises
274 only.

275 (4) Notwithstanding the limitation on issuance
276 of Class E licenses to alcohol dispensaries in
277 paragraph (1) above, any holder of a Class E
278 license, except for any pharmacy, that was
279 lawfully issued and validly existing on the
280 effective date of this ordinance shall be
281 entitled to renew the same at the existing
282 location provided that all such applications for
283 renewal otherwise comply with all then-
284 existing ordinances, laws, and regulations, as
285 amended from time to time. Any such Class E
286 license held by or for the benefit of any
287 pharmacy shall be entitled to renew the same
288 at the existing location provided: all alcoholic

289 beverages shall be offered for sale exclusively
 290 within an enclosed area not exceeding 25% of
 291 the sales area, separated from the main sales
 292 area by permanent walls or partitions at least 8
 293 feet high, and all such sales shall be processed
 294 through a separate cashier within and dedi-
 295 cated to that area, and that all such
 296 applications for renewal otherwise comply
 297 with all then-existing ordinances, laws, and
 298 regulations, as amended from time to time.

299 (5) Notwithstanding the limitations and
 300 restrictions upon the issuance of new off-sale
 301 licenses set forth in § 11-8 D, any holder of a
 302 Class E license that was lawfully issued and
 303 validly existing on the effective date of this
 304 ordinance shall be entitled to renewal of such
 305 license as set forth in paragraph (4), above,
 306 without regard to compliance with the market-
 307 test in § 11-8 D.

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

310 (1) General provisions. A Class F beer, wine
 311 and liquor license shall authorize the holder
 312 thereof to keep for sale and sell all alcoholic
 313 beverages, at retail, at any hotel or restaurant
 314 qualified under Subsection B(2) hereof. All
 315 sales shall be for consumption on the premises
 316 only, at the place described in the license.
 317 Wine and beer may be sold for consumption
 318 on the premises and elsewhere.

319 (a) No new Class F licenses shall issue after
 320 the effective date of this ordinance. Upon
 321 expiration of an existing Class F license, all
 322 licensees holding a Class F license lawfully
 323 issued and validly existing on the effective
 324 date of this ordinance shall be entitled to apply
 325 for and obtain both a Class B-R license and a
 326 Class F-A license for the premises described in
 327 the Class F license provided that all such
 328 applications for renewal otherwise comply
 329 with all then-existing ordinances, laws, and
 330 regulations, as amended from time to time. (b)
 331 Upon the expiration of an existing Class F
 332 license, any renewal application for the place
 333 described in the existing license shall also
 334 include all information required to obtain a
 335 caterer's endorsement in accordance with §
 336 11-6A. Subject to all requirements otherwise
 337 applicable to a caterer's endorsement, all
 338 licensees holding an existing Class F license
 339 that was lawfully issued and validly existing
 340 on the effective date of this ordinance shall be

341 entitled to a caterer's endorsement as part of
 342 their renewal, unless the applicant affirma-
 343 tively declines the same.

344 (2) Requirements for license. A Class F
 345 license shall not be issued until all
 346 requirements for licensing have been met and
 347 the place described in the license is
 348 demonstrated to be:

349 (a) A hotel having 25 or more bedrooms and
 350 regularly preparing and serving food on the
 351 premises where alcoholic beverages are to be
 352 sold;

353 (b) A restaurant which seats at least 20
 354 persons, maintains a kitchen staffed for
 355 serving food and provides a menu for at least
 356 two meals per day on a regular basis, which
 357 may include a sandwich menu; or

358 (c) A restaurant which seats at least 20
 359 persons and maintains a kitchen staffed for
 360 serving food, which is open within one hour
 361 after the restaurant opens and is in continuous
 362 operation serving a full menu until at least two
 363 hours before the restaurant closes.

364 (3) Hours. The hours during which the
 365 privileges conferred by a Class F license may
 366 be exercised shall be from 6:00 a.m. to 2:00
 367 a.m. on the following day, except on Sunday
 368 the hours shall be from 10:00 a.m. to 2:00 a.m.
 369 on the following day.

370 (4) This section, § 11-5 B, including without
 371 limitation the Class F license classification,
 372 and each paragraph and sub-paragraph, shall
 373 be repealed and of no further force or effect
 374 upon the later of: (1) the expiration of all
 375 existing Class F licenses; and, (2) the issuance
 376 of Class B-R and Class F-A licenses to
 377 existing Class F licensees entitled to receive
 378 the same for the place described in the existing
 379 Class F license; and, (3) compliance with the
 380 requirements of Paragraph (1) (b), above,
 381 regarding issuance of caterer's endorsements;
 382 or, (4) expiration of the right to renew, without
 383 renewal, for existing Class F licenses such that
 384 the transition from Class F to Class B-R and
 385 Class F-A has been completed or waived for
 386 all existing Class F licensees.

387	C. Beer, wine and liquor license, Class F-A	436	and had 50 or more bona fide members paying
388	(on-sale), hotels and restaurants	437	whatever dues were required by its national
		438	organization in the year immediately
389	(1) General provisions. A Class F-A beer,	439	preceding the year for which the license is to
390	wine and liquor license shall be issued only to	440	be issued.
391	a hotel or restaurant and shall authorize the		
392	holder thereof to keep for sale and sell all	441	(3) Hours. The hours during which the
393	alcoholic beverages, at retail, for consumption	442	privileges conferred by a Class G license may
394	on the premises only, at the place described in	443	be exercised shall be from 6:00 a.m. to 2:00
395	the license.	444	a.m. on the following day, except on Sunday
		445	the hours shall be from 12:30 p.m. to 2:00 a.m.
		446	on the following day.
396	(a) The application for issuance or renewal of		
397	a Class F-A license shall include all	447	E. Beer, wine and liquor license, Class GC
398	information required to obtain a caterer's	448	(on-sale), golf courses
399	endorsement in accordance with § 11-6A.		
400	Subject to all requirements otherwise	449	(1) General provisions. A Class GC beer,
401	applicable to a caterer's endorsement, all Class	450	wine and liquor license shall authorize the
402	F-A licenses issued or renewed after the	451	holder thereof to keep for sale and sell all
403	effective date of this ordinance shall include a	452	alcoholic beverages, at retail, at any golf
404	caterer's endorsement as part of their issuance	453	course qualified under Subsection E(2) hereof,
405	or renewal, unless the applicant affirmatively	454	at the place described in the license, for
406	declines the same.	455	consumption on the premises only.
407	(2) Requirements for license. A Class F-A		
408	license shall not be issued until all	456	(2) Requirements for license. A Class GC
409	requirements for licensing have been met.	457	license shall be issued only to a golf course
		458	which is open to the public and has a golf
410	(3) Hours. The hours during which the	459	course with a minimum of 18 holes. A licensee
411	privileges conferred by a Class F-A license	460	may sell beer, wine and liquor for
412	may be exercised shall be from 6:00 a.m. to	461	consumption only on the land and in the
413	2:00 a.m. on the following day, except on	462	buildings, including the clubhouse, used for
414	Sunday the hours shall be from 10:00 a.m. to	463	golfing purposes. A patron need not be seated
415	2:00 a.m. on the following day.	464	to be served.
416	D. Beer, wine and liquor license, Class G	465	(3) Hours. The hours during which the
417	(on-sale), clubs	466	privileges conferred by a Class GC license
		467	may be exercised shall be from 7:00 a.m. to
418	(1) General provisions. A Class G beer, wine	468	10:00 p.m. each day.
419	and liquor license shall authorize the holder		
420	thereof to keep for sale and sell all alcoholic	469	F. Beer, wine and liquor license, Class B-F
421	beverages, at retail, at any club qualified under	470	(on-sale) banquet facility
422	Subsection D(2) hereof, at the place described		
423	in the license, for consumption on the premises	471	(1) General provisions. A Class B-F beer,
424	only.	472	wine and liquor license shall authorize the
		473	holder thereof to keep for sale and sell all
425	(2) Requirements for license. A Class G	474	alcoholic beverages, at retail, at any banquet
426	license shall be issued only to a club which is	475	facility qualified under Subsection F(2) hereof,
427	not operated for profit and which has had 50 or	476	at the place described in the license, for
428	more bona fide members paying dues of not	477	consumption on the premises only.
429	less than \$10 per annum per member for five		
430	consecutive years immediately preceding the	478	(2) Requirements for license. The Class B-F
431	year for which the license is to be issued. A	479	license shall not be issued until all
432	Class G license may be issued to a club	480	requirements for licensing have been met and
433	composed exclusively of members who served	481	the place described in the license is
434	in the Armed Forces of the United States,	482	demonstrated to be a banquet facility that:
435	which is affiliated with a national organization		

483	(a) Accommodates the public for banquets,	527	(2) Requirements for license. A Class B-T
484	parties, meetings, and similar functions; and	528	license shall not be issued until all
		529	requirements for licensing have been met.
485	(b) Contains a dining room with adequate	530	(3) Eligibility to purchase temporary license.
486	facilities for preparing and serving full-course	531	Other provisions of this chapter to the contrary
487	meals for at least 100 persons at one seating.	532	notwithstanding, a holder of a Class B-T
488	(3) The Class B-F beer, light wine and liquor	533	license shall not by virtue thereof be
489	license authorizes the holder to keep for sale,	534	prohibited from purchasing a special beer,
490	and sell at retail, beer, light wine, and liquor	535	wine and liquor license, nor shall any bona
491	for on-premises consumption only, provided	536	fide club, society, association or church be
492	that:	537	precluded from obtaining a special license for
		538	use on the theater premises, provided that the
493	(a) The beer, light wine, and liquor are only	539	holder of the Class B-T license for the
494	sold during the function;	540	premises consents to the use of the special
		541	license.
495	(b) The licensee may not sell alcoholic	542	(4) Hours. The hours during which the
496	beverages for off-premises consumption;	543	privileges conferred by a Class B-T license
		544	may be exercised shall be from 12:00 noon to
497	(c) The licensee may not permit alcoholic	545	12:00 midnight each day; provided, however,
498	beverages to be carried off the premises; and	546	that the sale and consumption of beer and light
		547	wine shall be restricted to a period of time
499	(d) Food is furnished at the function where	548	beginning two hours before any scheduled
500	the alcoholic beverages are provided.	549	entertainment and concluding one hour after
		550	said entertainment.
501	(4) The application for issuance or renewal of	551	§ 11-6 Endorsements
502	a Class B-F license shall include all infor-	552	A. Caterer's endorsement
503	mation required to obtain a caterers endorse-	553	(1) Caterer defined. In this section "caterer"
504	ment in accordance with § 11-6A. Subject to	554	means a Class B, Class B-F, B-R, or Class F-A
505	all requirements otherwise applicable to a	555	license holder who contracts to provide food
506	caterer's endorsement, all Class B-F licenses	556	and alcoholic beverages to sponsors of public
507	issued or renewed after the effective date of	557	or private events held at specific locations
508	this ordinance shall include a caterer's	558	within Talbot County off the licensed
509	endorsement as part of their issuance or	559	premises.
510	renewal, unless the applicant affirmatively		
511	declines the same.	560	(2) General provisions. A caterer's
512	(5) Hours. The hours during which the	561	endorsement shall be issued only to holders of
513	privileges conferred by a Class B-F license	562	a Class B, Class B-F, B-R, or a Class F-A
514	may be exercised shall be from 12:00 noon to	563	license. The endorsement shall authorize the
515	2:00 a.m. the following day, except on Sunday	564	holder thereof to sell the alcoholic beverages
516	the hours shall be from 12:00 noon to 12:00	565	permitted for the class of license at locations
517	midnight.	566	within Talbot County for which no other
		567	license has been issued. Other provisions of
518	G. Beer, wine and liquor license, Class B-T	568	this chapter to the contrary notwithstanding,
519	(on-sale), certain nonprofit theaters	569	the holder of a Class B, Class B-F, Class B-R
		570	or Class F-A license shall not be prohibited
520	(1) General provisions. A Class B-T beer,	571	from simultaneously holding a caterer's
521	wine, and liquor license shall be issued only to	572	endorsement, if otherwise approved. The
522	nonprofit theaters and shall authorize the	573	Board shall be authorized to issue a caterer's
523	holder thereof to keep for sale and sell beer,	574	endorsement to holders of a Class B, Class B-
524	wine, and liquor at retail, at the place	575	F, Class B-R, or Class F-A license who meet
525	described in the license, for consumption on	576	the requirements for issuance of the caterer's
526	the premises only.		

577 endorsement and who are otherwise entitled to
578 renewal of their license.

579 (3) Hours. The hours during which the
580 privileges conferred by a caterer's
581 endorsement may be exercised shall be the
582 same as the hours permitted for the class of
583 license.

584 (4) Requirement to provide food. The holder
585 of a caterer's endorsement shall provide food
586 as well as alcoholic beverages at catered
587 events.

588 (5) Location.

589 (a) The holder of a caterer's endorsement
590 shall not provide alcoholic beverages at the
591 same location for more than five
592 consecutive days or more than a total of 15
593 days in any calendar year without first
594 obtaining the written permission of the
595 Board.

596 (b) The holder of a caterer's endorsement
597 shall not provide alcoholic beverages at any
598 location which is owned or leased by the
599 license holder or in which the license
600 holder has any financial interest. This
601 subsection shall not be construed as
602 prohibiting catering alcoholic beverages at
603 any legitimate club or fraternal
604 organization to which the license holder
605 belongs or at the holder's residence.

606 **B. Special festival endorsement**

607 (1) Special festival defined. In this section
608 "special festival" means a special event held
609 on an irregularly scheduled basis for the
610 purpose of promoting wines or beers produced
611 by one or more wineries, vintners or
612 microbreweries.

613 (2) General provisions. A special festival
614 endorsement shall be issued only to holders of
615 Class A, B, E, or F licenses. The endorsement
616 shall authorize the holder thereof to sell or
617 serve beer or wine by the glass to patrons on
618 the site of the special festival during the
619 specified hours of the event and to sell at
620 retail, in any quantity, to patrons of the event,
621 wines or beer offered for tasting at the event,
622 in sealed packages or containers, which
623 packages or containers shall not be opened nor
624 the contents thereof consumed on the site of

625 the festival. Other provisions of this chapter to
626 the contrary notwithstanding, the holder of a
627 Class A, B, E or F license shall not be
628 prohibited from simultaneously holding a
629 special festival endorsement, if otherwise
630 approved. The Board shall be authorized to
631 utilize an abbreviated procedure for the
632 issuance of a special festival endorsement to
633 holders of a Class A, B, E or F license who are
634 in good standing at the time of the application.

635 (3) Hours. The hours during which the
636 privileges conferred by a special festival
637 endorsement may be exercised shall be the
638 same as the hours permitted for the class of
639 license.

640 (4) Limits on number of endorsements. A
641 special festival endorsement shall not be
642 issued for more than two consecutive days,
643 and no more than four endorsements shall be
644 issued to a license holder in any calendar year.

645 **§ 11-7 Special and temporary licenses**

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

648 (1) General provisions. A Class H special
649 beer and light wine license shall entitle the
650 holder thereof to keep for sale and sell beer
651 and light wine, at retail, at the place described
652 in the license, in conjunction with any bona
653 fide entertainment conducted by a club,
654 society, association or church, for consump-
655 tion on the premises only, for a period not
656 exceeding seven consecutive days from the
657 effective date of the license. The Board shall
658 be authorized to utilize an abbreviated
659 procedure for the issuance of a Class H
660 license.

661 (2) Hours. The hours during which the
662 privileges conferred by a Class H license may
663 be exercised shall be from 12:00 noon to 12:00
664 midnight each day; provided, however, that the
665 sale and consumption of beer and light wine
666 shall be restricted to a period of time
667 beginning two hours before the scheduled
668 entertainment and concluding one hour after
669 said entertainment.

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

672 (1) General provisions. A Class J special
 673 beer, wine and liquor license shall entitle the
 674 holder thereof to keep for sale and sell all
 675 alcoholic beverages, at retail, at the place
 676 described in the license, in conjunction with
 677 any bona fide entertainment conducted by a
 678 club, society, association or church, for
 679 consumption on the premises only, for a period
 680 not exceeding seven consecutive days from the
 681 effective date of the license. The Board shall
 682 be authorized to utilize an abbreviated
 683 procedure for the issuance of a Class J license.

684 (2) Hours. The hours during which the
 685 privileges conferred by a Class J license may
 686 be exercised shall be from 12:00 noon to 12:00
 687 midnight each day; provided, however, that the
 688 sale and consumption of beer, wine and liquor
 689 shall be restricted to a period of time
 690 beginning two hours before the scheduled
 691 entertainment and concluding one hour after
 692 said entertainment.

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

694 A disposal-of-stock license of any class shall
 695 entitle the holder thereof to exercise the
 696 privileges of the class of license for a period
 697 not exceeding 10 consecutive days, for the
 698 purpose of disposing of the license holder's
 699 stock of alcoholic beverages, in cases where a
 700 license has been revoked, canceled, suspended
 701 or renewal denied. A disposal-of-stock license
 702 shall authorize the sale of the license holder's
 703 stock at retail or to one or more holders of
 704 wholesale licenses, and such holders of
 705 wholesale licenses are hereby authorized to
 706 purchase such stock. The holder of a disposal-
 707 of-stock license is not authorized to purchase
 708 alcoholic beverages for the purpose of resale
 709 under this license.

710 **D. Temporary removal license**

711 A temporary removal license of any class shall
 712 entitle the holder thereof to temporarily move
 713 the licensed premises from one location to
 714 another, when the relocation is necessitated by
 715 fire or other catastrophe. The privileges of a
 716 temporary removal license may be exercised
 717 while the originally licensed premises are
 718 being restored, for a period to be established
 719 by the Board, but not to exceed six months. No

720 fee shall be charged for a temporary removal
 721 license, provided that any renewal fees which
 722 are due during the continuance of the license
 723 are paid on time. The Board shall be required
 724 to approve, as in the case of the original
 725 application, the new location to which the
 726 license holder temporarily relocates.

727 **§ 11-8 General provisions on issue of licenses**

728 **A. License requirements for corporation,**
 729 **limited liability company, partnership,**
 730 **club or association**

731 (1) A license application made for a
 732 corporation, limited liability company,
 733 partnership, club or other association (whether
 734 incorporated or unincorporated) shall also be
 735 applied for by and shall be issued to two or
 736 more individuals who are authorized to act for
 737 the entity and who are officers, directors,
 738 stockholders or employees of the corporation;
 739 members or employees of the limited liability
 740 company; partners of the partnership; or
 741 officers, directors or members of the club or
 742 association. If an entity has a sole owner, only
 743 that individual shall be required to apply for
 744 and be issued a license. The individual license
 745 holders shall be residents of Talbot County or
 746 a contiguous county. The application shall also
 747 set forth the names and addresses of all of the
 748 directors and officers of a corporation, club or
 749 association, all of the members of a limited
 750 liability company, or all of the partners of a
 751 partnership and shall be signed by the
 752 appropriate officers of the entity, as well as by
 753 the two or more individuals to whom the
 754 license shall be issued for the use of the entity.
 755 Every application for a license shall disclose
 756 the name, all trade names and all addresses of
 757 the corporation, limited liability company,
 758 partnership, club or association, as well as the
 759 name and business and home address of the
 760 individual applicants.

761 (2) The individual license holders and the
 762 corporation, limited liability company, partner-
 763 ship, club or association shall assume all
 764 responsibilities, individually, jointly and
 765 severally, and shall be subject to all of the
 766 penalties, conditions and restrictions imposed
 767 upon license holders under the provisions of
 768 this chapter.

769	B. No more than two licenses for same	817	within one (1) year after the effective date
770	person	818	of this ordinance.
771	No more than two licenses provided by this	819	(2) Except for Class A licenses for super-
772	chapter, except by way of renewal, shall be	820	markets, off-sale licenses are subject to the
773	issued to any individual or to any person for	821	following requirements. The Board shall limit
774	the use of any corporation, limited liability	822	and restrict the number of new off-sale
775	company, partnership, club or association.	823	licenses as set forth in this section.
776	C. Zoning restrictions	824	(a) The Board may issue a new off-sale
777	No license provided by this chapter shall be	825	license if the total population within the
778	issued or utilized in a manner which will result	826	service area equals or exceeds 750
779	in a violation of any zoning ordinance or other	827	persons for all existing off-sale licenses
780	statutory land use restriction of the County or	828	and the newly proposed license.
781	the incorporated municipality in which the	829	(b) The service area shall be determined as
782	place of business proposed to be licensed is	830	follows:
783	located. No new license shall be issued for any	831	i. For a proposed urban location, the
784	use not specifically provided in this chapter.	832	service area shall include all census
785	To the extent of any inconsistency between the	833	blocks within a radius of two (2)
786	definitions of use in this chapter and any land-	834	miles from the site of the proposed
787	use ordinance, the definitions that are more	835	new license;
788	restrictive or stringent shall prevail.		
789	D. Restriction upon off-sale licenses, market-	836	ii. For a proposed rural location, the
790	test, grandfathering	837	service area shall include all census
		838	blocks within a radius of five (5)
791	(1) New off-sale licenses shall be issued	839	miles from the site of the proposed
792	only to alcohol dispensaries, supermarkets,	840	new license.
793	restaurants, cafes, hotels, and convenience		
794	stores.	841	(3) All census blocks in Talbot County from
		842	the most recent decennial census within,
795	(a) Notwithstanding the limitation in Para-	843	intersected by, or touching the service area
796	graph D. (1) on issuance of new off-sale	844	shall be used to determine the total
797	licenses, any holder of an off-sale license,	845	population within the service area.
798	except for any pharmacy, that was		
799	lawfully issued and validly existing on the	846	(4) For purposes of this section, an urban
800	effective date of this ordinance shall be	847	location is a proposed site within a
801	entitled to renew the same at the existing	848	municipality and a rural location is a
802	location provided that all such appli-	849	proposed site outside a municipality.
803	cations for renewal otherwise comply with		
804	all then-existing ordinances, laws, and	850	(5) The formula for determining whether a
805	regulations, as amended from time to	851	new off sale license may be issued is:
806	time. Pharmacies shall be governed by the		
807	provisions in § 11-5 A. (4) and (5).	852	$R = P - (750 \times N)$ where:
808	(b) Notwithstanding the limitation in Para-	853	R -- Remainder (must be equal to or
809	graph D. (1) on issuance of new off-sale	854	greater than 750 for new off-sale
810	licenses, a gas station for which a Class A	855	license).
811	off-sale beer and light wine license had	856	P -- Total population within service area.
812	been issued, but which is no longer in full	857	N -- Total number of existing off-sale
813	force and effect on the effective date of	858	licenses, (Class A, B-R, D, E, , and
814	this ordinance due to voluntary non-	859	F) within the service area,
815	renewal, may re-apply for a new Class A	860	excluding the proposed new off-
816	license for the same location at any time		

861	sale license and excluding existing	909	H. A statement that none of the individual
862	Class A licenses for supermarkets.	910	applicants have ever been convicted of a
863		911	felony or of a misdemeanor involving moral
864	(6) New off-sale licenses shall be at least	912	turpitude and a further statement as to
865	500 feet from public or private schools,	913	whether any of them have ever been
866	public parks, and correctional facilities.	914	adjudged guilty of violating the laws
867	Licenses holding off-sale licenses lawfully	915	governing the sale of alcoholic beverages,
868	issued and validly existing on the effective	916	controlled dangerous substances, or
869	date of this ordinance shall be permitted to	917	gambling in the State of Maryland, any other
870	renew and maintain such licenses at existing	918	state, or of the United States or any foreign
871	locations provided that all such applications	919	country. The Board shall have the authority
872	for renewal otherwise comply with all then-	920	to obtain criminal records on any applicant
873	existing ordinances, laws, and regulations, as	921	for an alcoholic beverage license prior to the
874	amended from time to time.	922	issuance of the license and the applicant, as
875		923	part of the application, shall provide
876	(7) In addition to the requirements of this	924	whatever consents, authorizations, or
877	section, an applicant for a new off-sale	925	releases of information are necessary for this
878	license must meet all other applicable criteria.	926	purpose.
879			
880	§ 11-9 License application filing requirements	927	I. A statement that each individual applicant has
		928	a pecuniary interest in, employment
881	Every application for a new license shall be	929	relationship with, or is authorized to act on
882	made to the Board and shall be accompanied by	930	behalf of the entity seeking the license,
883	the specified application and license fees. The	931	including the nature of each applicant's
884	application shall contain the following:	932	relationship to any entity having an interest in
		933	the business.
885	A. The class of license desired.		
		934	J. A statement that none of the individual
886	B. The name and residence of each individual	935	applicants have had a license for the sale of
887	applicant and how long each has resided at	936	alcoholic beverages revoked.
888	the stated address and the name and address		
889	of any entity on behalf of which the	937	K. A statement identifying any other premises
890	individual applicants seek a license.	938	or entity holding a liquor license in which any
		939	of the individual applicants or the entity they
891	C. A statement that each individual applicant is	940	represent have an interest and identifying any
892	a resident of Talbot County or a contiguous	941	other license issued pursuant to this chapter
893	County.	942	from which any of the individual applicants
		943	or the entity receives any revenue directly or
894	D. A statement that each individual applicant is	944	indirectly.
895	a citizen of the United States, including the		
896	place of birth of each applicant and, if a	945	L. A statement as to whether any of the
897	naturalized citizen, when and where	946	individual applicants or the entity have ever
898	naturalized.	947	had a license for the sale of alcoholic
		948	beverages and, if so, in what state and at what
899	E. A statement that each individual applicant is	949	location.
900	not less than 21 years of age.		
		950	M. A statement that no manufacturer, brewer,
901	F. The particular place for which the license is	951	distiller or wholesaler of alcoholic beverages
902	desired, designating the street name and	952	has any financial interest, directly or
903	number, and also a description of the portion	953	indirectly, in the premises or business of the
904	of the building in which the business will be	954	applicant and that the applicant will not
905	conducted.	955	thereafter convey or grant to any such
		956	manufacturer, brewer, distiller or wholesaler
906	G. The name of the owner of the premises	957	any such interest, except as otherwise
907	upon which the business sought to be	958	permitted in this chapter, and that the
908	licensed is to be carried on.	959	applicant, at the time of making the

960	application, has no indebtedness or other	1014	retail dealer in alcoholic beverages. The
961	financial obligations and will not thereafter	1015	requirements of this section do not apply to
962	incur any such indebtedness or other financial	1016	applications for special or temporary (Class H
963	obligations, directly or indirectly, to any	1017	and Class J) licenses.
964	manufacturer, brewer, distiller or wholesaler		
965	of alcoholic beverages other than for the	1018	P. Proof of a valid food service facility permit
966	purchase of alcoholic beverages.	1019	from the Talbot County Health Department
		1020	must be shown for those classes of licenses
967	N. A statement, duly executed and	1021	(Class F and Class F-A) which require the
968	acknowledged by the owner of the premises	1022	servicing of food as a condition of the license
969	upon which the business is to be conducted,	1023	or where the applicant is engaged in a
970	assenting to the granting of the license	1024	business which requires such a permit.
971	applied for and authorizing the Comptroller		
972	of the State of Maryland, his duly authorized	1025	Q. Proof of compliance with the current
973	deputies, inspectors and clerks, the Talbot	1026	provisions of the State Fire Prevention Code
974	County Board of Liquor License	1027	from the Office of the State Fire Marshal.
975	Commissioners, its duly authorized agents		
976	and employees, any Talbot County Alcoholic	1028	§ 11-10 Procedure for issuance of licenses
977	Beverages Inspector, deputy, or assistant, any		
978	peace officer of Talbot County and any peace	1029	A. General provisions
979	officer of any incorporated municipality in		
980	which the business is to be conducted to	1030	(1) Published notice. Before the Board shall
981	inspect and search, without warrant, the	1031	approve any new license, the Board shall cause
982	premises upon which the business is to be	1032	a notice of such application to be published
983	conducted, and any and all parts of the	1033	once a week for two successive weeks in a
984	building in which the business is to be	1034	newspaper of general circulation in Talbot
985	conducted, at any and all hours. The	1035	County. The notice shall specify the names of
986	statement shall contain an acknowledgment	1036	the individual applicants and any entity they
987	that any evidence discovered during any	1037	represent, the type of license applied for and
988	lawful inspection of licensed buildings or	1038	the location of the place of business proposed
989	premises shall be admissible in any	1039	to be licensed as well as the date, time and
990	prosecution for violation of this Chapter, and	1040	location fixed by the Board for a hearing upon
991	shall be admissible in any hearing for	1041	the application. The hearing shall be not less
992	revocation, suspension, or restriction of the	1042	than seven days nor more than 30 days after
993	license of the person, firm, corporation or	1043	the last publication.
994	association who has obtained a license to sell		
995	alcoholic beverages in such building or	1044	(2) Posting of property.
996	premises.		
		1045	(a) Whenever a hearing upon a license
997	O. A certificate signed by at least 10 citizens,	1046	application is scheduled, the place of business
998	who shall be owners of real estate and	1047	proposed to be licensed shall be posted at least
999	registered voters of the precinct in which the	1048	15 days prior to the hearing date by the
1000	business is to be conducted, setting forth the	1049	erection of a sign to be furnished by the Board.
1001	length of time each has been acquainted with	1050	Such sign shall be erected by the person(s)
1002	the applicant or, in the case of a corporation,	1051	making application, within ten feet of
1003	with the individuals making the application.	1052	whatever boundary line of the property abuts
1004	The certificate must state that the signers	1053	the most traveled public road and, if no public
1005	thereof have examined the application and	1054	road abuts thereon, then facing in such a
1006	have good reason to believe that all the	1055	manner as most readily may be seen by the
1007	statements contained in the application are	1056	public, as designated by the Board. The
1008	true, that they are of the opinion that the	1057	bottom of the sign shall not be less than three
1009	applicant is a suitable person to obtain the	1058	feet from the ground. The sign furnished by
1010	license, and that they are familiar with the	1059	the Board shall not be less than two feet high
1011	premises upon which the proposed business is	1060	and two feet wide, and shall bear the words:
1012	to be conducted and believe the premises are	1061	NOTICE - APPLICATION HAS BEEN
1013	suitable for the conduct of the business of a	1062	MADE FOR A LIQUOR LICENSE AT THIS

1063 LOCATION. Talbot County Board of Liquor
1064 License Commissioners (410) 770-8019.

1065 (b) At the hearing, it shall be the duty of the
1066 applicant to prove by affidavit that he has fully
1067 complied with this provision and has contin-
1068 uously maintained the sign in compliance with
1069 this provision up to the time of the hearing.
1070 Any sign required to be posted by this pro-
1071 vision shall be maintained in a visible location
1072 and free from obstruction until after the public
1073 hearing is held, and such sign shall be re-
1074 moved within five days after the public
1075 hearing.

1076 (3) Notice to local jurisdiction and adjacent
1077 property owners. Whenever a hearing upon a
1078 license application is scheduled, the Board
1079 shall give at least 15 days' notice of the time
1080 and place of such hearing to be mailed by
1081 regular United States mail, first class postage
1082 prepaid, to the applicant, to the governing
1083 body of the local jurisdiction in which the
1084 place of business proposed to be licensed is
1085 located, and to the owners of all property
1086 contiguous to the place of business proposed
1087 to be licensed and of all properties opposite
1088 said property measured at right angles to any
1089 intervening road or street. It shall be the
1090 responsibility of the applicant to furnish the
1091 Board with a complete, accurate and up-to-
1092 date list of all such property owners. The
1093 notice shall be directed to the address to which
1094 the real estate tax bill on the property is sent.
1095 The notice shall contain the same information
1096 as the published notice required in Subsection
1097 A(1) hereof. For purposes of this section the
1098 term "contiguous property owner" is to include
1099 owners of property within 1,000 feet of the
1100 subject property, whose line of sight to the
1101 subject property is entirely over water. Failure
1102 of a person to receive the notice prescribed in
1103 this section shall not impair the validity of the
1104 hearing.

1105 (4) Hearing. At the time fixed by the notice
1106 for a hearing upon an application or upon the
1107 continuance of any such hearing, the
1108 individual applicants and representatives of the
1109 entity seeking a license shall have the first
1110 opportunity to be heard by the Board and to
1111 present evidence to the Board; provided,
1112 however, that the Board may stipulate that
1113 after the expiration of a reasonable
1114 predetermined amount of time the applicant's
1115 presentation may be interrupted to permit

1116 opponents an opportunity to be heard.
1117 Thereafter, any interested person in attendance
1118 shall be heard by the Board on either side of
1119 the question. The applicant shall have the final
1120 opportunity to address the Board at the
1121 conclusion of all testimony or evidence. The
1122 Board shall make an adequate record of its
1123 proceedings so as to permit judicial review.
1124 The costs of reproduction of the record shall
1125 be borne by the person seeking the copy.

1126 (5) Findings.

1127 (a) If the Board determines that the granting
1128 of the license is not necessary for the
1129 accommodation of the public, or that the
1130 applicants are not fit persons to receive the
1131 license applied for, or have made a material
1132 false statement in the application, or have
1133 practiced fraud in connection with said
1134 application, or that the operation of the
1135 business, if the license is granted, will unduly
1136 disturb the peace of the residents of the
1137 neighborhood in which the place of business is
1138 to be located, or the applicant for an off-sale
1139 license does not satisfy the requirements of §
1140 11-8 D, or that there are other substantial
1141 reasons in the discretion of the Board why the
1142 license should not be issued, then the
1143 application shall be disapproved and the
1144 license applied for shall be refused. If no such
1145 findings are made by the Board, then the
1146 Board shall approve the application and issue
1147 the license upon the applicant's payment of the
1148 required fee.

1149 (b) Within 30 days of the conclusion of the
1150 hearing, the Board shall issue a written
1151 decision setting forth its factual
1152 determinations, its decision concerning the
1153 license in question, and the basis for its
1154 decision.

1155 (c) Any person aggrieved by the decision of
1156 the Board who appeared at the hearing before
1157 the Board shall have 30 days after the issuance
1158 of the Board's decision to appeal the decision
1159 to the Circuit Court for Talbot County.

1160 **B. License and application fees**

1161 The license and application fees applicable to
1162 each class of license shall be established by the
1163 County Council of Talbot County in the
1164 Annual Budget and Appropriation Ordinance.
1165 All fees collected under this chapter shall be

1166 remitted to the Talbot County Finance Office.
 1167 The salaries of the Board, together with the
 1168 necessary office, clerical and investigational
 1169 expenses of the Board, shall be paid by the
 1170 County Council, as approved in the Annual
 1171 Budget and Appropriation Ordinance adopted
 1172 by the County Council. The balance of all fee
 1173 revenue collected under this chapter, which is
 1174 not expended on the approved salaries and
 1175 expenses of the Board, shall be devoted to the
 1176 general purposes of the County as approved by
 1177 the County Council.

1178 **C. Refund of license fees**

1179 No holder of any class of license shall be
 1180 entitled to a refund of the unused portion of
 1181 the fee paid for a license upon surrender
 1182 thereof, except:

1183 (1) In the event of receivership or
 1184 bankruptcy of the business if a transfer is not
 1185 requested, and in such case the refund shall be
 1186 made for the benefit of the creditors of the
 1187 license holder;

1188 (2) In the event of the death of the license
 1189 holder, and in such case the refund shall be
 1190 made for the benefit of the estate of the
 1191 deceased license holder;

1192 (3) In the event that the license holder has
 1193 volunteered for or been called into the Armed
 1194 Forces of the United States;

1195 (4) In the event that a license holder of one
 1196 class surrenders the license and obtains a
 1197 license of another class carrying a higher fee,
 1198 in which case, the refund shall be deducted
 1199 from the amount of the fee to be paid for the
 1200 newly obtained license; or

1201 (5) In the event that the licensed premises
 1202 are taken by the federal government, the state
 1203 or any city or municipality for public use.

1204 **D. License forms; date of issue and**
 1205 **expiration**

1206 Only licenses authorized under the provisions
 1207 of this chapter may be issued by the Board.
 1208 Every license issued shall be upon forms
 1209 prescribed by the Board. Each license shall be
 1210 dated as of the date of issue and shall expire on
 1211 the April 30 next after its issuance, except

1212 temporary licenses and special licenses, which
 1213 shall expire as otherwise provided.

1214 **E. Pro-rata license fees**

1215 The fee for every license issued for a period of
 1216 less than one year (except temporary or special
 1217 licenses) shall be subject to the annual fee if
 1218 issued during the first three months of the
 1219 license year; 3/4 of the annual fee if issued
 1220 during the second quarter of the license year;
 1221 1/2 of the annual fee if issued during the third
 1222 quarter of the license year; and 1/4 of the
 1223 annual license fee if issued during the fourth
 1224 quarter of the license year.

1225 **F. Successive applications**

1226 If a license is refused, no application for the
 1227 same license shall be considered from the
 1228 same applicant for the same premises for a
 1229 period of one year.

1230 **§ 11-11 General procedures for renewal of**
 1231 **licenses**

1232 **A. Application for renewal**

1233 The holder or holders of any expiring license
 1234 other than special licenses issued under the
 1235 provisions of this chapter shall, not less than
 1236 30 nor more than 90 days before the first day
 1237 of May of each year, file a written
 1238 application, duly verified by oath, for the
 1239 renewal of the license with the Board. The
 1240 renewal application shall state either that the
 1241 facts in the original application are
 1242 unchanged or shall clearly and completely
 1243 identify all such changes, based on which the
 1244 Board may, in its discretion, treat the renewal
 1245 application as a new application. The renewal
 1246 application shall be accompanied by a
 1247 statement, signed by the owner of the
 1248 premises, consenting to the renewal of the
 1249 license and to search and seizure as in the
 1250 case of the original application. A statement
 1251 of consent shall not be required if the owner
 1252 has previously signed such a statement in
 1253 connection with an original application or
 1254 previous renewal application giving consent
 1255 for the term of the owner's lease with the
 1256 applicant. Upon the filing of the renewal
 1257 application and the payment of the prescribed
 1258 annual fee, the holder or holders of an
 1259 expiring license shall be entitled to a new
 1260 license for another year without the filing of

1261 further statements or the furnishing of any
 1262 further information, unless such information
 1263 is specifically requested by the Board.
 1264 Renewal licenses shall be administratively
 1265 approved without a hearing before the Board,
 1266 unless a protest signed by not less than 10
 1267 residents or property owners in the County
 1268 election district in which the licensed place of
 1269 business is located has been filed against the
 1270 granting of a renewal license at least 30 days
 1271 before the expiration of the license for which
 1272 renewal is sought. The Board may, upon its
 1273 own initiative, after notice to the applicant,
 1274 treat a renewal application as an original
 1275 application. In the event of a protest or in the
 1276 event that the Board determines, in the
 1277 exercise of its discretion, to treat a renewal
 1278 application as an original application, then
 1279 the application shall be heard and determined
 1280 as in the case of an original application. In
 1281 such cases, the Board may consider evidence
 1282 concerning the impact of the licensed
 1283 establishment upon the peace and repose of
 1284 the community. A factual finding, based upon
 1285 clear and convincing evidence that the
 1286 licensed establishment has significantly and
 1287 regularly intruded upon the peace and repose
 1288 of the neighboring property owners so as to
 1289 have a deleterious impact upon the public
 1290 health, safety and welfare, shall be a
 1291 sufficient basis for denial of the renewal
 1292 application or the limitation of the hours of
 1293 operation of the license holder by the Board.

1294 B. At the time of renewal of either a Class C or
 1295 a Class G license, the individuals listed as
 1296 holding the license on behalf of a club may,
 1297 at the discretion of the Board, be deleted, or
 1298 the names of additional individuals may be
 1299 added to or substituted for any or all of the
 1300 original license holders without the necessity
 1301 of filing a formal application for transfer;
 1302 provided, however, that the proposed license
 1303 holders are otherwise qualified, and further
 1304 provided that the President or Chief
 1305 Executive Officer of the club shall certify that
 1306 the individuals are authorized to act on behalf
 1307 of the club. When a renewal application
 1308 contains a request to add, delete or substitute
 1309 individual license holders, the Board may
 1310 approve the application, or require the filing
 1311 of an application for transfer as provided in
 1312 § 11-12C hereof.

1313 C. The procedural rules for a renewal hearing
 1314 shall follow those set forth in § 11-10A

1315 hereof. Any person aggrieved by the decision
 1316 of the Board who appeared at the renewal
 1317 hearing before the Board shall have 30 days
 1318 after the issuance of the Board's decision to
 1319 appeal the decision to the Circuit Court for
 1320 Talbot County.

1321 **§ 11-12 Rights and duties of license holders**

1322 **A. License not property**

1323 Licenses issued under the provisions of this
 1324 chapter shall not be regarded as property or as
 1325 conferring any property rights. All such
 1326 licenses shall be subject to suspension,
 1327 restriction or revocation and to all rules and
 1328 regulations that may be adopted as herein
 1329 provided.

1330 **B. Duplicates for lost licenses**

1331 Whenever a license issued under the
 1332 provisions of this chapter has been lost or
 1333 destroyed, the official issuing such licenses
 1334 shall have the power, upon application under
 1335 oath and upon payment of a fee of \$10, to
 1336 issue another license, upon which shall be
 1337 endorsed the word "duplicate" in addition to
 1338 all of the information which appeared upon the
 1339 original license.

1340 **C. Transfer of licenses**

(1) General procedure.

1341 Any holder of a license under the provisions of
 1342 this chapter, including a receiver or trustee for
 1343 the benefit of creditors, may, in the discretion
 1344 of the Board, be permitted to transfer his place
 1345 of business to some other location and/or
 1346 transfer his stock-in-trade to another person,
 1347 provided that an application for such transfer
 1348 and/or sale shall be made and approved by the
 1349 Board, and that a bulk transfer permit is
 1350 obtained where the stock of alcoholic
 1351 beverages is to be transferred, whether by sale,
 1352 gift, inheritance, assignment or otherwise and
 1353 irrespective of whether or not consideration is
 1354 paid. Except as provided in Subsection C(2)
 1355 hereof or in § 11-11, the new location and/or
 1356 assignee shall be approved as in the case of an
 1357 original application for a license. Such transfer
 1358 and/or assignment, when made, shall be
 1359 reflected in the issuance of a new license or
 1360 endorsed upon the original license by the
 1361 official issuing the same upon payment of a

1362 fee of \$10, in addition to the application fee,
 1363 which shall be paid at the time of the filing of
 1364 the application for transfer and/or sale. This
 1365 section shall permit the transfer of class of
 1366 license, location and the assignment of license
 1367 in the same application.

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

1368 When the entity which owns the business and
 1369 the location of the business for which a license
 1370 has been issued are to remain the same, no
 1371 more than two, but less than all, of the persons
 1372 listed on the license may be deleted and other
 1373 persons may be substituted therefor by the
 1374 submission of an application for review by the
 1375 Board. The Board may provide a special
 1376 application form for this purpose, which shall
 1377 solicit all of the information relating to the
 1378 new applicant which would be required of an
 1379 original applicant, require the approval of the
 1380 owners of the premises, require the certificate
 1381 provided in § 11-8A, and require the consent
 1382 of all license holders and of the persons whose
 1383 names are to be added to the license.
 1384 Additional persons may be added to those
 1385 persons already listed on the license, and
 1386 persons listed on the license may be deleted
 1387 therefrom, in the manner provided herein,
 1388 provided that the minimum number of persons
 1389 required for said license shall be maintained.
 1390 The Board may, in its discretion, either
 1391 administratively approve said application, or
 1392 cause notice of the application to be published
 1393 and a hearing to be conducted as in the case of
 1394 an original application.

1395 **D. License holder vacating premises**

1396 On the 10th day after the holder of any license
 1397 issued under the provisions of this chapter
 1398 shall have vacated or been evicted from the
 1399 premises for which said license was issued,
 1400 said license shall expire unless an application
 1401 for a transfer thereof to another location or
 1402 assignment to another person has been
 1403 approved or is then pending; provided,
 1404 however, that the official authorized to issue
 1405 licenses may, in his discretion, postpone such
 1406 expiration for an additional period, not
 1407 exceeding 20 days in any case, to avoid any
 1408 undue hardship.

1409 **E. Display of licenses**

1410 Every person receiving a license under the
 1411 provisions of this chapter shall frame the
 1412 license under glass and place the framed
 1413 license so that it shall at all times be
 1414 conspicuous and easily read in the place of
 1415 business.

1416 **F. Availability of ordinance**

1417 Every license holder shall keep a copy of this
 1418 chapter in an area in the licensed premises
 1419 where it is easily accessible for reference when
 1420 necessary. It is the responsibility of the license
 1421 holder to ensure that all employees or agents
 1422 of the license holder are advised of the
 1423 provisions of this chapter. The Board shall
 1424 provide to each license holder on an annual
 1425 basis either a complete copy of the current
 1426 version of this chapter, or at their election, a
 1427 copy of only those sections that have been
 1428 amended during the previous year. [Amended
 1429 4-13-1999 by Bill No. 704]

1430 **G. Death of license holder**

1431 (1) Upon the death of an individual license
 1432 holder, the license shall expire upon the close
 1433 of the 90th day following the date of death
 1434 except as herein otherwise provided. In cases
 1435 where the deceased is the proprietor of the
 1436 licensed premises, upon application to the
 1437 Board and upon the payment of a fee of \$10
 1438 made by the personal representatives of the
 1439 deceased license holder, a certificate of
 1440 permission may be granted for the
 1441 continuation of the business in the name of the
 1442 personal representatives for the benefit of the
 1443 estate of the deceased for a period not
 1444 exceeding the balance of the current license
 1445 year, or the closing of the estate, whichever
 1446 occurs first. In the event the estate has not
 1447 been closed upon the expiration of the license
 1448 year, the personal representatives may apply
 1449 for renewal of the license, and upon payment
 1450 of the required annual license fee, a renewal
 1451 license may be granted; provided, however,
 1452 that no application for a renewal license
 1453 hereunder may be made more than 18 months
 1454 after the death of the license holder. Such
 1455 certificates of permission and renewal licenses
 1456 will be subject to the right of protest,
 1457 revocation, suspension, and restriction as in
 1458 other cases, and during the continuation
 1459 period, the license holder and the personal

1460 representative of the deceased shall be subject
 1461 to all of the provisions of this chapter. The
 1462 personal representatives to which a certificate
 1463 has been granted may assign or transfer the
 1464 license for the benefit of the estate, and upon
 1465 the approval of the application for the transfer
 1466 or assignment, the license shall be considered
 1467 reinstated upon the payment of the balance of
 1468 the license fee which is due until the expiration
 1469 of the license year.

1470 (2) If the licensed premises are operated for
 1471 the benefit of a corporation, limited liability
 1472 company or partnership, another individual
 1473 license holder may be substituted for the
 1474 deceased upon the filing of an application as
 1475 provided for herein, and the premises may
 1476 continue to sell alcoholic beverages pending
 1477 approval of the new license holder.

1478 (3) An application for substitution of another
 1479 license holder for the deceased license holder
 1480 shall be made within 90 days of the date of
 1481 death. Upon the filing of such an application,
 1482 and until a decision is made and issued as
 1483 provided herein, the license shall continue in
 1484 full force and effect, subject to all other
 1485 provisions of this chapter.

1486 **H. Hours of operation**

1487 The hours during which the privileges conferred
 1488 by a license may be exercised shall be defined
 1489 as either Eastern standard or daylight saving
 1490 time, whichever is in effect on the date in
 1491 question.

1492 **§ 11-13 Restrictions upon license holders**

1493 **A. General provisions**

1494 License holders are required to comply with
 1495 all applicable provisions of this chapter and
 1496 with all provisions of state law applicable to
 1497 Talbot County by virtue of § 11-20 of this
 1498 chapter, Article 2B, § 18-101, Annotated Code
 1499 of Maryland, or Article 25, § 3(ee), Annotated
 1500 Code of Maryland. Violation of any such pro-
 1501 vision is a misdemeanor, and in addition to
 1502 any criminal penalty, may result in adminis-
 1503 trative sanctions including revocation or sus-
 1504 pension of any license issued pursuant to this
 1505 chapter or the imposition of a fine, or any
 1506 combination thereof.

1507 **B. Service by minors restricted**

1508 (1) No license holder shall allow a person to
 1509 act in the capacity of a bartender who is not at
 1510 least 21 years of age. For the purposes of this
 1511 section, a "bartender" is any person who mixes
 1512 or pours drinks for consumption on the
 1513 licensed premises.

1514 (2) No license holder shall allow a person to
 1515 act in the capacity of waiter or waitress who is
 1516 required to take orders for alcoholic beverages
 1517 unless said waiter or waitress is at least 18
 1518 years of age.

1519 (3) No license holder of a beer and light
 1520 wine license shall allow a person to act in the
 1521 capacity of a sales clerk authorized to sell or
 1522 offer for sale beer or light wine at retail who is
 1523 not at least 18 years of age.

1524 (4) No license holder of a beer, wine and
 1525 liquor license shall allow a person to act in the
 1526 capacity of a sales clerk authorized to sell or
 1527 offer for sale beer, wine or liquor at retail who
 1528 is not at least 21 years of age.

1529 **C. Sales to minors and intoxicated persons**
 1530 **prohibited**

1531 (1) No license holder under the provisions of
 1532 this chapter or any of the license holder's
 1533 employees or agents shall sell or furnish any
 1534 alcoholic beverages at any time to any person
 1535 except in conformance with the age limitations
 1536 as established from time to time by the State of
 1537 Maryland.

1538 (2) No license holder or any of the license
 1539 holder's employees or agents shall sell or
 1540 furnish any alcoholic beverages to any person
 1541 who at the time of such sale or delivery is
 1542 visibly under the influence of any alcoholic
 1543 beverage.

1544 (3) A violation of this section by an
 1545 employee or agent of a license holder shall be
 1546 deemed a violation by the license holder, who
 1547 shall be responsible for all alcoholic beverage
 1548 sales in or upon the licensed premises.

1549 **D. Noise regulations**

1550 The Board may regulate the time and noise
 1551 level of the playing of mechanical music

1552	boxes, live music, and sound-making devices	1598	(b) 2nd offense, \$200.00 to \$500.00
1553	that are used on licensed premises where the	1599	fine;
1554	sound disturbs the peace, tranquility, safety,	1600	(c) 3rd offense, 2-5 day suspension;
1555	and health of the surrounding neighborhood.	1601	and,
1556	E. Slot machine restriction	1602	(d) 4th or subsequent offense, 10-30 day
1557	The Board shall be prohibited from issuing a	1603	suspension.
1558	license under the provisions of this chapter to	1604	§ 11-14 Revocation and suspension of licenses
1559	any entity at any place at which one or more	1605	A. General provisions
1560	slot machines are located, maintained, or	1606	(1) Any license issued under the provisions
1561	operated, unless the entity is a fraternal,	1607	of this chapter may be revoked or suspended
1562	religious or veterans nonprofit organization	1608	by the Board for any cause which in the
1563	with a license to operate the slot machine(s)	1609	judgment of the Board is necessary to promote
1564	issued by the Sheriff of Talbot County.	1610	the peace or safety of the community in which
1565	F. Alcohol Awareness Training	1611	the place of business is situated. A license may
1566	All employees involved in the sale of alcoholic	1612	be revoked or suspended, and/or a fine
1567	beverages shall successfully complete training	1613	imposed by the Board based upon, but not
1568	in an Alcohol Awareness Program within one	1614	limited to, any of the following findings:
1569	hundred eighty (180) days of the date of hire.	1615	(a) Conviction of the license holder for
1570	The Liquor Inspector may grant an extension	1616	violation of any of the provisions of this
1571	not to exceed sixty (60) days for Licensees	1617	chapter or of applicable state law regulating
1572	with less than three (3) employees whose	1618	the retail sale of alcoholic beverages.
1573	businesses would suffer undue hardship, due	1619	(b) Any finding of fact in a criminal
1574	to circumstances beyond the Licensee's	1620	proceeding that would be sufficient to sustain
1575	reasonable control. Any request for a waiver	1621	a judgment or verdict of guilt for any violation
1576	must be submitted in writing within thirty (30)	1622	of this chapter or applicable state law
1577	days and contain all grounds in support of the	1623	regulating the retail sale of alcoholic
1578	request.	1624	beverages, regardless of whether that finding
1579		1625	is stricken and probation before judgment is
1580	(1) For purposes of this section, "Approved	1626	granted.
1581	Alcohol Awareness Program," has the	1627	(c) Failure or refusal of any license holder to
1582	meaning and is subject to the	1628	comply with any provisions of this chapter or
1583	requirements and time limitations set	1629	any applicable state law, or any rule or
1584	forth in Article 2B § 13-101, Md. Ann.	1630	regulation that may be adopted pursuant to this
1585	Code, as amended from time to time.	1631	chapter.
1586	(2) Nothing in this section relieves the	1632	(d) The making of any material false
1587	licensee from compliance with any other	1633	statement in any application for a license.
1588	applicable State requirements regarding	1634	(e) A conviction of one or more of the
1589	alcohol awareness training.	1635	clerks, agents, or employees of a license
1590	(3) This section may not be construed to	1636	holder for the violation of any of the
1591	create or enlarge any civil cause of action	1637	provisions of this chapter or applicable state
1592	or criminal proceeding against a licensee.	1638	law on the licensed premises.
1593	(4) Penalties. The Board shall impose the	1639	(f) A finding by the Board that one or more
1594	following penalties on any licensee who	1640	of the clerks, agents, or employees of a license
1595	violates this section within any seven (7)	1641	holder violated any of the provisions of this
1596	year period:		
1597	(a) 1st offense, \$50.00 fine;		

1642 chapter or of applicable state law on the
1643 licensed premises.

1644 (g) Three or more violations of any
1645 provision of Chapter 159, Article I, Talbot
1646 County Code, Smoking. For purposes of this
1647 subsection, the Board may not amend, modify,
1648 or decline to impose the requisite suspension
1649 upon any licensee for the period designated in
1650 § 159-9C(2) following a determination that the
1651 requisite violations have occurred. [Added 2-
1652 3-2004 by Bill No. 934]

1653 (2) For purposes of this section a conviction
1654 is deemed to have occurred whenever a person
1655 accused of a crime pleads guilty or nolo
1656 contendere or is found guilty of an offense.

1657 (3) The following shall each be prima facie
1658 evidence of a violation:

1659 (a) A sale or delivery of an alcoholic
1660 beverage by a license holder before or after the
1661 hours during which the privileges conferred by
1662 the applicable license may be exercised.

1663 (b) An open container holding more than a
1664 trace of an alcoholic beverage, prior to or more
1665 than 30 minutes after the hours during which
1666 the privileges conferred by the applicable
1667 license may be exercised.

1668 (c) Live entertainment or playing of
1669 electronic entertainment other than during the
1670 hours in which the privileges conferred by the
1671 applicable license may be exercised.

1672 (d) Presence of person(s) on the premises
1673 prior to or more than 30 minutes after the
1674 hours during which the privileges conferred by
1675 the applicable license may be exercised, other
1676 than by those listed below:

1677 [1] The owner, license holder or their agents
1678 or employees actually engaged in cleaning or
1679 preparing for the next day's operation.

1680 [2] Entertainers actually engaged in
1681 preparing for opening or closing down after a
1682 performance.

1683 [3] Delivery personnel actually making
1684 deliveries.

1685 (e) The sale, delivery or furnishing of an
1686 alcoholic beverage by a license holder, clerk,
1687 agent or employee of a license holder to a
1688 minor on the licensed premises.

1689 **B. Procedure for revocation or suspension**

1690 (1) The Board may, on its own initiative, or
1691 upon complaints by local citizens, or upon a
1692 complaint by the State's Attorney, any peace
1693 officer, or the County Health Officer, revoke
1694 or suspend any license issued under the
1695 provisions of this chapter or impose a
1696 monetary fine upon any license holder, or
1697 both. Such action shall not be taken until the
1698 Board has conducted a hearing upon the
1699 complaint, notice of which shall be mailed or
1700 delivered to the license holder at least 10 days
1701 before the hearing. Revocation or suspension
1702 hearings shall be conducted pursuant to § 11-
1703 10A of this chapter, except that the notification
1704 provisions thereof shall not apply. In addition,
1705 in a hearing under this section, the person or
1706 entity making the complaint to the Board shall
1707 be the first to present evidence to the Board;
1708 the license holder shall then present its
1709 evidence, to be followed by any further
1710 evidence to be presented by the complainant.
1711 The Board may permanently revoke or
1712 suspend a license for any period, or impose a
1713 fine, at its discretion, upon a finding that any
1714 provision of this chapter or any applicable
1715 state law has been violated, or upon a finding
1716 based upon clear and convincing evidence that
1717 the continued licensing of the premises in
1718 question constitutes a danger to the public
1719 health, safety, or welfare.

1720 (2) Within 30 days of the hearing, the Board
1721 shall issue its decision, setting forth its
1722 findings, determination of any violations, and
1723 imposition of any penalty, sanction or fine. If
1724 no decision is issued by the Board within 30
1725 days of the hearing, a finding of "no violation"
1726 shall result.

1727 **§ 11-15 Violations and penalties**

1728 A. Any person or license holder violating the
1729 provisions of this chapter shall be guilty of a
1730 misdemeanor and, upon conviction thereof,
1731 shall be subject to a fine of not more than
1732 \$1,000 or to imprisonment for not more than
1733 six months, or to both such fine and
1734 imprisonment; provided, however, that if
1735 applicable state law provides a greater

1736 penalty, the penalty provided by state law
1737 shall prevail.

1738 B. Anyone charged with selling or furnishing
1739 alcoholic beverages to a person not of legal
1740 age in violation of § 11-13C shall be found
1741 not guilty of said violation if such person
1742 establishes to the satisfaction of the jury, or
1743 the court sitting as a jury, that he used due
1744 caution to establish that such person was of
1745 legal age to purchase or be supplied alcoholic
1746 beverages. The granting of probation before
1747 judgment to a license holder or employee or
1748 agent of a license holder for any alleged
1749 violation of this chapter or applicable state
1750 law does not bar the Board from proceeding
1751 against the license holder for the violation.

1752 C. In lieu of suspending or revoking an
1753 alcoholic beverages license pursuant to the
1754 terms of this chapter, the Board may hold any
1755 suspension in abeyance and impose a fine for
1756 any violation of this chapter subject to the
1757 following conditions:

1758 (1) The Board determines that the public
1759 welfare and safety will not be impaired by
1760 allowing the license holder to operate during
1761 the suspension period and that payment of the
1762 fine will achieve the desired disciplinary
1763 purposes.

1764 (2) The fine assessed by the Board under this
1765 subsection shall not exceed \$1,000 for each
1766 violation.

1767 (3) All moneys collected under this
1768 subsection shall be deposited into the general
1769 funds of Talbot County.

1770 (4) The Board shall have promulgated such
1771 rules and regulations as it deems necessary to
1772 carry out the purposes of this subsection
1773 including any conditions to be imposed on the
1774 license holder as a condition of holding any
1775 such suspension in abeyance.

1776 § 11-16 Bottle club restrictions; drive-through
1777 sales

1778 A. It shall be unlawful in Talbot County for any
1779 bottle club to sell, serve, give, dispense, keep
1780 or allow to be consumed on its premises, or
1781 on premises under its control or possession,
1782 any alcoholic beverages, setups or other
1783 component parts of mixed alcoholic drinks.

1784 As used in this subsection, the term "bottle
1785 club" shall mean any club which serves, sells,
1786 gives, or dispenses alcoholic beverages to its
1787 members or guests, or which keeps for its
1788 members or guests any alcoholic beverages,
1789 or which allows to be consumed on its
1790 premises any alcoholic beverages, by its
1791 members or guests, which beverages have
1792 been reserved or purchased by the members
1793 or guests; or any club at which patrons are
1794 served, given, or allowed to consume
1795 alcoholic beverages after legal closing hours
1796 from any supplies that the patrons have
1797 previously purchased or reserved; or any club
1798 that sells, dispenses, serves, keeps, or allows
1799 to be consumed any setups or other
1800 component parts of mixed alcoholic drinks to
1801 its members or guests.

1802 B. Drive-through sales prohibited. A licensee
1803 shall not sell, offer to sell, or dispense
1804 alcoholic beverages for off-premises
1805 consumption through a facility commonly
1806 known as a "walk-up" or "drive-through"
1807 window. [Added 4-13-1999 by Bill No. 705]

1808 § 11-17 Enforcement

1809 A. Notification requirements

1810 To aid in the enforcement of this chapter, it
1811 shall be the responsibility of all law
1812 enforcement personnel, including members of
1813 the Maryland State Police, the Talbot County
1814 Sheriff's Department, the Talbot County
1815 State's Attorney's Office, the Natural
1816 Resources Police, and each of the municipal
1817 police departments in Talbot County, to notify
1818 the Board of any violation citations issued to
1819 any license holder under the provisions of this
1820 chapter, within 48 hours of the issuance of the
1821 citation. The Board shall notify law
1822 enforcement personnel, including members of
1823 the Maryland State Police, the Talbot County
1824 Sheriff's Department, the Talbot County
1825 State's Attorney's Office, the Natural
1826 Resources Police, and the appropriate mun-
1827 icipal police department, of any license issued
1828 under the provisions of this chapter which is
1829 revoked or suspended, or of any fines which
1830 are imposed for a violation of this chapter.

1831 B. Chemical test report

1832 For the purpose of establishing that physical
1833 evidence in a criminal proceeding or

1834 administrative hearing under the provisions of
 1835 this chapter contains or constitutes alcohol or
 1836 an alcoholic beverage, a report signed by the
 1837 chemist or analyst who performed the test or
 1838 tests as to its nature is prima facie evidence
 1839 that the material delivered to him was properly
 1840 tested under procedures approved by the
 1841 Department of Health and Mental Hygiene,
 1842 that those procedures are legally reliable, that
 1843 the material was delivered to him by the
 1844 officer or person stated in the report, and that
 1845 the material was or contained alcohol, without
 1846 the necessity of the chemist or analyst
 1847 personally appearing in court, or at any
 1848 hearing, provided the report identifies the
 1849 chemist or analyst as an individual certified by
 1850 the Department of Health and Mental Hygiene,
 1851 the Maryland State Police Department, the
 1852 Baltimore City Police Department, or any
 1853 County police department employing analysts
 1854 of controlled dangerous substances or alcohol,
 1855 as qualified under standards approved by the
 1856 Department of Health and Mental Hygiene to
 1857 analyze those substances, states that he made
 1858 an analysis of the substance under approved
 1859 procedures and also states that the substance,
 1860 in his opinion, is or contains alcohol. Nothing
 1861 in this section precludes the right of any party
 1862 to introduce any evidence supporting or
 1863 contradicting the evidence contained in or the
 1864 presumptions raised by the report.

1865 **C. Chain of custody**

1866 (1) In this section, "chain of custody" means
 1867 the seizing officer; the packaging officer, if the
 1868 packaging officer is not also the seizing
 1869 officer; and the chemist or person who actually
 1870 touched the substance and not merely the outer
 1871 sealed package in which the substance was
 1872 placed by the law enforcement agency before
 1873 or during the analysis of the substance.

1874 (2) "Chain of custody" does not include a
 1875 person who handled the substance in any form
 1876 after analysis of the substance.

1877 (3) For the purpose of establishing, in a
 1878 criminal proceeding or an administrative
 1879 hearing under the provisions of this chapter,
 1880 the chain of physical custody or control of
 1881 evidence consisting of or containing a
 1882 substance tested or analyzed to determine
 1883 whether it is or contains alcohol, a statement
 1884 signed by each successive person in the chain
 1885 of custody that the person delivered it to the

1886 other person indicated on or about the date
 1887 stated is prima facie evidence that the person
 1888 had custody and made the delivery as stated,
 1889 without the necessity of a personal appearance
 1890 in court by the person signing the statement.
 1891 The statement shall contain a sufficient
 1892 description of the material or its container so
 1893 as to distinguish it as the particular item in
 1894 question and shall state that the material was
 1895 delivered in essentially the same condition as
 1896 received.

1897 (4) Nothing in this section precludes the
 1898 right of any party to introduce any evidence
 1899 supporting or contradicting the evidence
 1900 contained in or the presumption raised by the
 1901 statement.

1902 **D. Presence of chemist or analyst at criminal**
 1903 **proceeding**

1904 (1) In a criminal proceeding under the
 1905 provisions of this chapter, the prosecution
 1906 shall, upon written demand of a defendant
 1907 filed in the proceedings at least five days prior
 1908 to a trial in the proceeding, require the
 1909 presence of the chemist, analyst, or any person
 1910 in the chain of custody as a prosecution
 1911 witness.

1912 (2) The provisions of § 11-17B and C
 1913 concerning prima facie evidence do not apply
 1914 to the testimony of that witness. The
 1915 provisions of §§ 11-17 B and C are applicable
 1916 in a criminal proceeding only when a copy of
 1917 the report or statement to be introduced is
 1918 mailed, delivered, or made available to counsel
 1919 for the defendant or to the defendant
 1920 personally when the defendant is not
 1921 represented by counsel, at least 10 days prior
 1922 to the introduction of the report or statement at
 1923 trial.

1924 (3) Nothing contained in this section shall
 1925 prevent the defendant from summoning a
 1926 witness mentioned in this section as a witness
 1927 for the defense.

1928 (4) At an administrative proceeding, the
 1929 reports described in Subsections B and C
 1930 above shall be prima facie evidence without
 1931 the presence of the chemist, analyst, or any
 1932 person in the chain of custody. Nothing in this
 1933 section prevents the license holder or any other
 1934 party from summoning the chemist, analysts or
 1935 any other person in the chain of custody.

1936	E. Physical evidence. For the purpose of	1982	(4) Before a person qualifies as an inspector,
1937	establishing that physical evidence in a	1983	the person shall:
1938	criminal proceeding or an administrative		
1939	hearing under the provisions of this chapter	1984	i. Make an oath to faithfully perform the
1940	contains or constitutes alcohol, a sealed	1985	duties entrusted to him as an alcoholic
1941	container in its original unopened condition	1986	beverages inspector pursuant to this
1942	which has a label which states that it contains	1987	Chapter, as provided in Article I, § 9
1943	alcohol or is an alcoholic beverage is prima	1988	of the Constitution of Maryland; and,
1944	facie evidence that the contents of the		
1945	container are or include alcohol or an alcoholic	1989	ii. Furnish bond in the penalty sum of
1946	beverage.	1990	\$10,000 to the Board and the County
		1991	Council jointly, conditioned "that the
1947	§ 11-17-1.1 Alcoholic beverages inspector	1992	inspector shall well and faithfully
		1993	execute the office of Talbot County
1948	A. Appointment	1994	alcoholic beverages inspector in all
		1995	things appertaining thereto". The cost
1949	The County Manager, with the approval of the	1996	of the bond shall be paid by the
1950	Council, shall appoint an alcoholic beverages	1997	county.
1951	inspector and such deputies or assistants as the		
1952	Council may authorize from time to time. The	1998	§ 11-17-1.2 Prohibited activities
1953	inspector, his deputies and assistants, shall be		
1954	known as the "Talbot County alcoholic	1999	An inspector may not, during the entire term
1955	beverages inspector" or "inspector." After	2000	of his appointment:
1956	appointment, an inspector shall serve at-will,		
1957	and may be discharged by the County	2001	(1) Solicit or receive directly or indirectly
1958	Manager at any time with or without cause.	2002	any commission, remuneration or gift
		2003	whatsoever from any:
1959	(1) The budget for alcoholic beverages		
1960	inspections and Code enforcement shall	2004	(i) Person or corporation engaged in the
1961	be set by the Council in the Annual	2005	manufacture, distribution, or sale of
1962	Budget and Appropriation Ordinance.	2006	beer, wine, or other alcoholic
		2007	beverages;
1963	(2) The inspector shall report to the		
1964	Department of Administrative Services.	2008	(ii) Agent or employee of that person or
		2009	corporation; or
1965	B. Qualifications		
		2010	(iii) Licensee licensed under the
1966	(1) An inspector shall not have been	2011	provisions of this Chapter or the
1967	convicted of a felony or a crime of moral	2012	alcoholic beverage laws of the State of
1968	turpitude.	2013	Maryland.
1969	(2) A person may not qualify nor continue	2014	(2) Engage in any occupation, business, or
1970	service as an inspector if the inspector or	2015	profession in any way connected or
1971	the inspector's immediate family has any	2016	associated with the manufacture,
1972	personal or financial interest, either	2017	distribution, or sale of alcoholic
1973	directly or indirectly, in any license,	2018	beverages; and us
1974	licensee, or in any premises licensed		
1975	under the provisions of this Chapter, or	2019	(3) Transact any business of any kind
1976	in any business wholly or partially	2020	whatsoever beyond their official duties
1977	devoted to the manufacture, distribution,	2021	with any licensee, or in connection with
1978	or sale of alcoholic beverages.	2022	the operation of any establishment
		2023	licensed for the manufacture,
1979	(3) An inspector may not, during the entire	2024	distribution, or sale of alcoholic
1980	term of his appointment, hold any other	2025	beverages.
1981	public office, federal, State or local.		

- | | | | |
|------|---|------|--|
| 2026 | (4) Have any interest, direct or indirect, | 2070 | (8) Report all violations of the alcoholic |
| 2027 | either proprietary or by means of any | 2071 | beverages laws to the Board and to the |
| 2028 | loan, mortgage or lien, or in any other | 2072 | local jurisdiction in which the licenses |
| 2029 | manner, in or on any premises where | 2073 | premises are located; and, |
| 2030 | alcoholic beverages are manufactured, | | |
| 2031 | distributed, or sold; | 2074 | (9) Give monthly written reports to the |
| | | 2075 | Department of Administrative Services |
| 2032 | (5) Have any interest, direct or indirect, in | 2076 | covering all: |
| 2033 | any business wholly or partially devoted | | |
| 2034 | to the manufacture, distribution, or sale | 2077 | (i) Inspection activities; |
| 2035 | of alcoholic beverages; or | | |
| | | 2078 | (ii) Complaints; and, |
| 2036 | (6) Own any stock in any corporation which | | |
| 2037 | has any interest, proprietary or otherwise, | 2079 | (iii) Violations, either observed or |
| 2038 | direct or indirect, in any premises where | 2080 | reported |
| 2039 | alcoholic beverages are manufactured, | | |
| 2040 | distributed, or sold or in any business | 2081 | (10) Promote alcohol education and |
| 2041 | wholly or partially devoted to the | 2082 | awareness training; and, |
| 2042 | manufacture, distribution, or sale of | | |
| 2043 | alcoholic beverages. | 2083 | (11) Such other duties regarding admin- |
| | | 2084 | istration and enforcement of Chapter 11, |
| 2044 | § 11-17-1.3 Powers | 2085 | Talbot County Code, <i>Alcoholic</i> |
| | | 2086 | <i>Beverages</i> , as the County Manager may |
| 2045 | For the purpose administration and | 2087 | prescribe from time to time. |
| 2046 | enforcement of the alcoholic beverages laws | | |
| 2047 | before the Board, the inspector shall have the | 2088 | § 11-17-1.4 Commission, Profit, or |
| 2048 | power to: | 2089 | Remuneration Prohibited |
| | | | |
| 2049 | (1) Enforce all alcoholic beverages laws; | 2090 | No person or corporation engaged in the |
| | | 2091 | manufacture, distribution, or sale of beer, |
| 2050 | (2) Investigate all complaints and violations | 2092 | wine, or other alcoholic beverages, nor any |
| 2051 | of the alcoholic beverages laws; | 2093 | licensee licensed under the provisions of this |
| | | 2094 | Chapter, including any agent or employee of |
| 2052 | (3) Investigate all applicants for an alcoholic | 2095 | that person, corporation, or licensee, either |
| 2053 | beverages license or transfer of license; | 2096 | directly or indirectly, may offer to pay any |
| | | 2097 | commission, profit, or remuneration, or make |
| 2054 | (4) Serve summonses and subpoenas, | 2098 | any gift to any commissioner, alcoholic |
| 2055 | conduct inspections, and investigate | 2099 | beverages inspector, or employee of the |
| 2056 | violations of this Chapter; | 2100 | Board or to anyone on behalf of that |
| | | 2101 | commissioner, inspector, or employee of the |
| 2057 | (5) Issue civil citations as provided in § 10- | 2102 | Board, nor may any commissioner or |
| 2058 | 119 of the Criminal Law Article, Md. | 2103 | employee of the Board solicit or receive, |
| 2059 | Ann. Code, upon probable cause to | 2104 | directly or indirectly, any such commission, |
| 2060 | believe that the person charged is | 2105 | profit, remuneration, or gift whatsoever. |
| 2061 | committing or has committed a Code | 2106 | Upon a finding of a violation of this section |
| 2062 | violation; | 2107 | by a licensee, the license shall be revoked. |
| | | 2108 | Upon a finding of a violation of this section |
| 2063 | (6) Initiate administrative proceedings | 2109 | by any other person on behalf of or |
| 2064 | before the Board to revoke, suspend, or | 2110 | concerning any license or licensee, the |
| 2065 | restrict a license; | 2111 | license shall be revoked unless the Board |
| | | 2112 | shall find that said action was unauthorized, |
| 2066 | (7) Visit and inspect at unannounced times | 2113 | in which case the license shall be suspended |
| 2067 | every licensed premises in the county as | 2114 | for a period of not less than 30 days nor more |
| 2068 | directed by the Department of | 2115 | than one year. |
| 2069 | Administrative Services; | | |

2116	§ 11-17-1.5 Inspections; beverages as evidence	2162	(2) By the submission of a written document
		2163	that was introduced at the hearing.
2117	The Alcoholic Beverages Inspector, and his	2164	C. Court costs
2118	duly authorized deputies or assistants, any	2165	The Clerk of the Circuit Court, before
2119	peace officer of the county, and any peace	2166	docketing an appeal, shall first collect, from
2120	officer of the town in which the premises are	2167	the person or persons so appealing, all court
2121	located, or any of them, shall be fully	2168	costs and a statement from the Board that the
2122	authorized to inspect and search, without	2169	costs for getting records and transcripts of
2123	warrant, at all hours, any building and	2170	proceedings of the hearing before the Board
2124	premises in which any alcoholic beverages	2171	have been paid. Costs may not be assessed
2125	are authorized to be kept, transported,	2172	against the Board.
2126	manufactured, or sold under a license or		
2127	permit issued under the provisions of this	2173	D. Scope of appeal
2128	Chapter, and any evidence discovered during	2174	(1) Upon the hearing of such appeal, the
2129	any such inspections shall be admissible in	2175	action of the Board shall be presumed by the
2130	any prosecution for the violation of the	2176	court to be proper and to best serve the public
2131	provisions of this Chapter, and in any hearing	2177	interest. The burden of proof shall be upon the
2132	for revocation, suspension, or restriction of	2178	petitioner to show that the decision
2133	the alcoholic beverage license or permit. Any	2179	complained of was against the public interest
2134	alcoholic beverages taken as evidence shall	2180	and that the Board's discretion in rendering its
2135	be returned to the license or permit holder if	2181	decision was not honestly and fairly exercised,
2136	he be adjudged not guilty; otherwise they	2182	or that such decision was arbitrary, or procured
2137	shall be sold to license holders, turned over to	2183	by fraud, or unsupported by any substantial
2138	State institutions for medicinal use, or	2184	evidence, or was unreasonable, or that such
2139	destroyed. Receipts from such sales shall be	2185	decision was beyond the powers of the Board
2140	credited to the general fund of the County.	2186	and was illegal. The case shall be heard by the
2141	§ 11-18 Appeals	2187	court without the intervention of a jury. If in
2142	A. General provisions	2188	the opinion of the court it is impracticable to
2143	(1) Appeals from decisions of the Board	2189	determine the question presented to the court,
2144	shall be to the Circuit Court for Talbot County,	2190	in the case on appeal, without the hearing of
2145	in accordance with the Maryland Rules of	2191	additional evidence, or if in the opinion of the
2146	Procedure applicable to administrative	2192	court any qualified litigant has been deprived
2147	appeals.	2193	of the opportunity to offer evidence, or if the
2148	(2) The decision approving, suspending,	2194	interests of justice otherwise require that
2149	revoking, restricting, or refusing to approve,	2195	further evidence should be taken, the court
2150	suspend, revoke or restrict any license or	2196	may hear such additional testimony to such
2151	licensee shall be subject to appeal in the	2197	extent and in such manner as may be necessary
2152	manner provided in this section.	2198	or may remand the case to the Board for that
		2199	purpose.
2153	B. Who may appeal	2200	(2) In such actions of appeal the Board may
		2201	be represented by its attorney.
2154	A licensee, a license applicant, or a group of	2202	(3) The Board's decision shall be affirmed,
2155	not less than 10 persons who reside in Talbot	2203	modified, reversed, or remanded to the Board.
2156	County may appeal a final decision of the	2204	Costs shall be awarded as in other civil cases.
2157	Board to the Circuit Court if the licensee,		
2158	license applicant, or the group is aggrieved by	2205	E. Further appeals
2159	the decision and has appeared at the hearing of	2206	Further appeals shall be governed by the
2160	the Board either:	2207	provisions of Article 2B, § 16-101, Annotated
		2208	Code of Maryland.
2161	(1) In person or by representative; or		

2209 **§ 11-19 Supplemental municipal regulation**

2210 Municipalities within Talbot County may
2211 restrict the retail sale of alcoholic beverages
2212 within their respective jurisdictions through
2213 adoption of local zoning ordinances.
2214 Enforcement of any ordinance so enacted shall
2215 be the responsibility of the municipality.

2216 **§ 11-20 Conflict with other regulations**

2217 Any law enacted by the Talbot County
2218 Council pursuant to the grant of express
2219 powers in Article 25, § 3(ee), or Article 2B,
2220 § 18-101, Annotated Code of Maryland, shall
2221 prevail over any provision of the Code of
2222 Public General Laws of Maryland regulating
2223 the retail sale of alcoholic beverages.
2224 However, unless and until the Talbot County
2225 Council enacts a law which is contrary to a
2226 provision of the Code of Public General Laws
2227 regulating the retail sale of alcoholic bev-
2228 erages, the provisions of the Code of Public
2229 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).

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1212 having been published, a public hearing was held on Tuesday, December 6, 2011 at 2:00 p.m., Tuesday, December 13, 2011 at 6:30 p.m., and Tuesday, January 10, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington St., Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: January 10, 2012 *AS AMENDED*

By Order 
Susan W. Moran, Secretary

Bartlett	-	Aye
Hollis	-	Aye
Pack	-	Aye
Price	-	Nay
Duncan	-	Nay