

INTRODUCTION

This booklet contains Rules and Regulations which have been adopted by the Board of License Commissioners for Caroline County, Maryland (hereinafter Board). The Board is an agency which regulates and controls the sale and distribution of alcoholic beverages within Caroline County. The Board has the authority to approve or disapprove applications for licenses to sell alcoholic beverages and to revoke, suspend and/or fine licensees who violate the liquor laws. In carrying out its function, the Board is governed by the laws of the State of Maryland relating to alcoholic beverages, by the Rules and Regulations contained in this booklet, and by relevant rules of law relating to administrative agencies.

The laws of the State of Maryland relating to alcoholic beverages are found in Article 2B of the Annotated Code of Maryland. Article 2B is a statutory scheme which contains provisions that apply statewide as well as provisions which only apply locally. License holders and other interested persons are encouraged to obtain a copy of Article 2B and to familiarize themselves with it. A copy of Article 2B may be obtained from the Comptroller of the Treasury, Alcohol and Tobacco Tax Division, Louis L. Goldstein Treasury Building, P.O. Box 2999, Annapolis, Maryland 21404-2999, or by telephone at 410.260.7314.

The Board of License Commissioners for Caroline County, Maryland, pursuant to the power invested in it by Section 16-301 (a) of Article 2B of the Annotated Code of Maryland, hereby repeals and re-enacts its Rules and Regulations effective January 15, 2003.

The foregoing Rules and Regulations have been revised and adopted this 23rd day of September, 2015. The effective date is January 1, 2016.

BOARD OF LICENSE COMMISSIONERS

ATTEST:

Carol H. Webster, Chair

Gregory Eigenbrode, Commissioner

Nicholas A. Loukides, Commissioner

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Assistant Director of Codes

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CHAPTER 1

DEFINITIONS

- 1.01 ALCOHOLIC BEVERAGES** – alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt or fermented liquor, liquid, or compound, by whatever name called, which contains one-half of one percent or more of alcohol by volume, which is fit for beverage purposes. This does not include a confectionery food product that contains up to 5 percent of alcohol by volume and is regulated by the Department of Health and Mental Hygiene under § 21-209 of the Health – General Article.
- 1.02 ALCOHOLIC BEVERAGE INSPECTOR** – a Codes Enforcement Officer for Caroline County, Maryland assigned to the position of alcoholic beverage inspector.
- 1.03 BOARD or LOCAL LICENSING BOARD** – the Board of License Commissioners of Caroline County, Maryland.
- 1.04 CLUB** – an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit. The Board shall judge whether such an establishment is operated in good faith.
- 1.05 COMPTROLLER** – the Comptroller of the Treasury of the State of Maryland.
- 1.06 HOTEL** – an establishment which accommodates the public which is equipped with not less than ten bedrooms and a dining room with facilities for preparing and serving regular meals and in which the average daily receipts from the hire of rooms and the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.
- 1.07 LICENSEE or LICENSE HOLDER** – the holder of any license or permit issued under the provisions of Article 2B or of any other law of the State of Maryland and includes a county liquor control board and a county dispensary.
- 1.08 PECUNIARY INTEREST** – All license holders must be financially interested (minimum of 10%) in the business to be licensed. A license for the use of a corporation shall be issued to three officers of such corporation, all holding a 10% pecuniary interest, as individuals. The pecuniary interest must be a fair market value amount for stock (more than \$10.00 and/or a total investment of not less than \$100.00).
- 1.09 PREMISES, LICENSED** – includes any building, parking lot, terrace or grounds used in connection with the operation of the business conducted under the license, as defined and approved in the site plan submitted with the original license application or as amended and approved by the Board.
- 1.10 RESTAURANT** – an establishment which accommodates the public which is equipped with a dining room with facilities for preparing and serving regular meals and in which the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.
- 1.11 TAXPAYER** – an individual who owns real property in the individuals own name, either individually or jointly with others, and pays real property taxes to Caroline County, Maryland.
- 1.12 TIME** – Eastern Standard (EST) or Eastern Daylight (EDT) time.
- 1.13 WINE, LIGHT** – a fermented beverage containing 22% or less of alcohol by volume.
- 1.14 WINE, SPARKLING** – champagne or any artificially carbonated wine.

CHAPTER 2

GENERAL PROVISIONS

2.01 ALCOHOL AWARENESS

- a) **CERTIFICATION** - The licensee or a person employed in a supervisory capacity designated by the licensee must be certified in an approved Alcohol Awareness Program certified by the State Comptroller. A copy of their certification must also be submitted along with the annual renewal application. An up-to-date valid certificate must be kept at the establishment and presented to the proper authority upon request.
- b) **ABSENCE** – In Caroline County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide emergency, if the absence lasts for not more than two (2) hours.
- c) **LOG BOOK** – The licensee is required to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence, in the form required by the Board.

2.02 CHANGES TO THE LICENSED PREMISES

Any licensee proposing to expand or reduce the size of the licensed premises or establishment must submit a written request to the Board along with a copy of the proposed plans. The licensee must obtain the Board's approval of the plans before any construction or alteration begins. Upon completion of the modifications and the release of any necessary permits, zoning approval, or any required inspections, the Board will issue a final written approval. No license holder shall make any alteration or addition to a licensed premise or change the manner in which alcoholic beverages are dispensed without first obtaining permission from the Board.

2.03 APPEALS

Licensees desiring to appeal any Board decision must file an appeal to the Circuit Court for Caroline County, Maryland within thirty (30) days after the date of the written decision. The party filing the appeal must pay for the transcription of testimony. The order for such transcription must be placed within five (5) days after the appeal is filed.

2.04 BORROWING ALCOHOL FROM ANOTHER LICENSEE

A licensee may not borrow or loan alcoholic beverages to another licensee.

2.05 CARDING, STANDARDS FOR

The licensee or employee of the licensee may accept, as proof of a person's age:

- (i) If the person is a resident of the State, the person's driver's license or identification card as provided for in the Maryland Vehicle Law; or
- (ii) A United States military identification card.

The Licensee may refuse service if the license presented is not issued by the State of Maryland; or is in the vertical format.

2.06 CHANGE IN INFORMATION

Any change in the original application information or subsequent renewal application information in the files of the Board (i.e. change of address, phone number, death of a Licensee, formation or dissolution of a Corporation, change of name by marriage or change of Officers/Licensee/Manager and/or any other information necessary for the records), these changes are to be immediately reported to the Board; and instructions will be given as to the proper procedure to be followed in each of the aforesaid changes. This

information is required in writing to the Board within ten (10) business days from the date of the occurrence or change. A Licensee desiring to resign from the License must notify the Board in writing.

2.07 CLASS B OR H (RESTAURANT) LICENSE HOLDERS

Restaurant licenses shall be issued in a permanent building equipped with sufficient dining and kitchen facilities for preparing and serving regular meals to the general public. A menu shall be maintained, advertising the serving of a variety of foods. Average daily receipts from the sale of food and nonalcoholic beverages shall comprise at least 51 percent of the average daily receipts from the sale of alcoholic beverages. These records must be kept in the establishment at all times and open for inspection by any duly authorized representative of the Comptroller or the Board at all times during regular business hours. Licensees are required to complete a Statement of Purchases and Sales of Alcoholic Beverages and Food. This report must be submitted along with the annual renewal application. Quarterly reports may be required if the Board deems them necessary.

2.08 CONSUMPTION/POSSESSION ON PREMISES

(a) No licensee or their employees shall have in their possession at any place on the licensed premises any alcoholic beverages which their license does not permit the licensee to sell. No licensee or their employees shall keep upon the licensed premises any alcoholic beverages except those so purchased.

(b) It shall be unlawful for any person to drink on the licensed premises, or for any license holder to permit any person to drink any alcoholic beverages not purchased from the license holder on said premises.

Exception: A restaurant, club or hotel which holds a Class B or Class C license that allows the sale of wine may allow an individual to consume wine not purchased from or provided by the license holder only if:

(i) The wine is consumed with a meal during the hours of sale specified by the license;

(ii) The individual receives the approval of the license holder;

(iii) The wine is not available for sale on the license holder's wine list; and

(iv) The license holder obtains a permit from the Board before allowing an individual the privilege of consuming wine not purchased from or provided by the license holder.

(c) A license holder that allows an individual the privilege of consuming wine specified in subparagraph (b) of this section may determine and charge the individual a fee for the privilege, on which a sales tax shall be imposed.

(d) The license holder shall dispose of wine described above that remains after the meal is finished.

(e) The individual may remove from the licensed premises a bottle of wine, the contents of which are only partially consumed with the meal, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle. A bottle of wine that is removed from the licensed premises is an "open container" for purposes of § 10-125 of the Criminal Law Article.

(f) A license holder may not allow an individual who is under 21 years old or who is visibly under the influence of an alcoholic beverage the privilege of consuming wine described under subparagraph (b) of this section.

2.09 CONVICTIONS RELATING TO ALCOHOL OR DRUGS

Any licensee who is convicted of violating any drug law, driving while intoxicated, driving under the influence of drugs or alcoholic beverages will subject the licensee to a possible fine and/or suspension or revocation pursuant to a hearing in accordance with Article 2B, Section 10-403.

2.10 CRIMINAL HISTORY RECORDS CHECK

A Criminal History Records Check Report for all applicants applying for new or transfer application must be received by the Board prior to an application for an alcoholic beverage license being presented for hearing. The Board may require applicants for license renewals to meet these requirements upon filing an application for renewal if there is reason to believe that during the license year a license holder has been convicted of any offense against the laws of the State or of the United States which in the judgement of the Board is of such a nature as to render such person unfit or disqualified to obtain said renewal; provided that in such a case a public hearing shall be held by the Board prior to renewal at which all relevant facts and circumstances of such offense may be inquired into.

2.11 DELIVERY

Except for caterers, licensees may not deliver alcoholic beverages off the licensed premises. Unless specifically authorized, all off premise sales must be in factory sealed containers only.

2.12 DISORDERLY CONDUCT

All licensees shall operate their establishments in such a manner as to avoid disturbance of the peace, safety and tranquility of the neighborhood in which the place of business is located. All unnecessary noises, including playing of music, radio, television, singing, loud talking at unreasonable times are prohibited. Congregation of patrons in a noisy, unruly, or disturbing manner after leaving the interior portion of the licensed premises shall be prohibited.

2.13 DISPLAY OF LICENSE

Every licensee shall frame their license under glass and display in their place of business in a conspicuous and easily read manner.

2.14 DISPOSAL OF EMPTY CONTAINERS, NO REFILLING

No retail dealer or his agent or employee shall reuse or refill any container of alcoholic beverages with any substance whatever after such container has been fully or partially emptied of its original contents; nor shall any licensee adulterate, dilute, or fortify the contents of any such bottle or container. On premise sale licensees are required to properly dispose of all containers of alcoholic beverages after the original contents are emptied. The bottles cannot be reused, used for mixing, or used for ornament or decoration.

2.15 DRINKS CARRIED OUTSIDE

No bottles, cans or mixed drinks of alcoholic beverages may be purchased and/or opened inside an establishment and taken outside for consumption unless that outside area is approved by the Board as part of the licensed premises.

2.16 ELECTION DAYS

In Caroline County all licensees may be open to sell alcoholic beverages on the day of any general, special or primary election held in the State of Maryland according to the hours designated on their license.

2.17 EMPLOYEES

- a) **AGE TO SELL** – A person under age 18 may not be engaged in the sale, service, delivery or handling of alcoholic beverages. Any holder of a Class D, Beer, Wine & Liquor license, may not employ a person under age 21 in the sale of alcoholic beverages. A person between ages 18 and 21 may be employed in the sale, service, delivery or handling of beer and light wine. This is intended to mean that not even a family member under the age of eighteen (18) may be engaged in the sale or dispensing of alcoholic beverages.
- b) **RECORDS** – Licensees shall maintain records containing the legal names, aliases, addresses, ages, and social security numbers of all persons employed by them. Such records shall be open for inspection at any time by duly authorized representatives of the Board, all police departments, and other

governmental agencies. Employees shall be defined to mean all permanent, full and part time employees as well as all temporary or casual labor who handles alcoholic beverages.

- c) **CONSUMPTION OR INTOXICATION WHILE ON DUTY** – In order for licensees and their employees to be able to determine and control the amount of alcohol to be sold and consumed by the public, neither the licensee nor any of their employees shall consume or be under the influence of any alcoholic beverages anywhere at the establishment while on duty. This includes any and all breaks. No licensee or employee may be on duty at any time, for any reason, while intoxicated, regardless of where the alcoholic beverages were consumed.

2.18 FEES

All fees must be paid by cash, check, money order or credit card and paid to the order of the Caroline County Commissioners. All fines must be paid by cashier's check or money order.

2.19 FREE FOOD/MERCHANDISE/PRIZES

No licensee may give or offer to give any free food, merchandise or coupons of any kind for the purpose of inducing or influencing the prospective patron to purchase alcoholic beverages in any quantity for consumption on the premises of such licensee, except as permitted in writing by the Board. No alcoholic beverages may be sold or given away as prizes in connection with the playing of any claw, pin ball, slot machine or other similar devices such as punch cards, drawings or the winner of any games nor to participants in any contest, whether amateur or professional. No licensee may offer or advertise free alcoholic beverages. Snack foods such as pretzels, potato chips, peanuts, cheese, crackers, etc. may be placed on the counters for the use of patrons without charge.

2.20 GAMBLING/GAMES OF CHANCE OR SKILL/DRINKING GAMES

- a) A Class A, Beer, Wine, or Liquor licensee may not allow persons under the age of 18 to engage in pool, billiards, shuffleboard, or the playing of pinball or console machines, or in any other game of chance or skill in the licensed establishment unless those persons under 18 are accompanied by a parent or legal guardian.
- b) A licensee, owner, manager, operator or employee may not allow the establishment to be used for any illegal gambling activity.
- c) A licensee, owner, manager, operator or employee may not allow beer pong or other drinking games to be conducted on the licensed premises.

2.21 GRANTING OF LICENSE/TIME LIMIT OF APPROVAL

Any transfer or new license conditional approval granted by the Board is valid for than thirty (30) days from the date of the hearing unless the Board establishes some other deadline when granting its conditional approval. If the license is not issued within that time period, the conditional approval of the license will be revoked unless the applicant requests and receives an extension of time from the Board. It is solely within the Board's discretion to approve or deny an extension of time. The license must not be issued until the applicant is fully ready for use and all other approvals have been received.

2.22 HEARINGS AND CONFERENCES

All licensees or applicants for a license must be present during any hearing or conference scheduled by the Board. A licensee may submit a request to the Board to postpone a scheduled hearing or conference within five (5) business days of the date of the hearing or conference. If the Board approves the request, all administrative costs associated with the rescheduling of the hearing must be paid prior to rescheduling the hearing or conference.

2.23 INSPECTIONS

All license holders, their agents and employees, must cooperate with representatives of the State Comptroller, his/her duly authorized deputies, inspectors and clerks, the Board of License Commissioners for Caroline County, its duly authorized agents and employees, the Maryland State Police and any peace officer, Fire Authorities, Health Department, Department of Planning & Codes, the Grand Jury, and representatives of other authorized agencies whenever any of these persons are on the licensed premises on official business and shall comply with any reasonable order of such authorities or other public authority designated to promote the health, safety and general welfare of the public at large.

2.24 LIENS AGAINST LICENSES NOT RECOGNIZED

In Caroline County licenses issued under Article 2B of the Annotated Code of Maryland shall not be subject to writs of execution by a judgement creditor of a licensee nor shall said licenses be subject to a distraint for rent.

2.25 MANAGER, CHANGE OF

The Board must be notified within five (5) days of a change of the manager of an establishment. The notice must include the name, home address and home telephone number or cell phone number of the new manager. The notice to the Board must be signed by a licensee. The manager must be a responsible person who can be called upon to answer questions from the Board, have access to employee records and invoices, and who will be at the establishment a majority of the time. Any employee left alone by the licensee shall be considered the manager or supervisor.

2.26 MINORS UNDER 21 YEARS OF AGE

No licensee or any of their employees, shall sell or furnish any alcoholic beverages at any time to a minor under twenty-one years of age, either for his own use or the use of any other person.

2.27 INTOXICATED PERSONS

No licensee or any of their employees, shall sell, barter, furnish or give any intoxicating beverages to any person who, at the time of such sale or delivery, is visibly under the influence of any alcoholic beverage.

2.28 OTHER PERMITS, LICENSES AND APPROVALS

- a) **FIRE MARSHAL** – The Fire Marshal must approve any new or transfer application prior to the issuance of any alcoholic beverage license. Licensees must completely comply with all Fire Marshal orders.
- b) **HEALTH DEPARTMENT** – Any new or transfer application for any Class B or H on-sale license must meet all Health Department requirements prior to the issuance of any alcoholic beverage license. If the Health Department closes a Class B or H establishment for any reason, the license must be returned to the Board until the Health Department allows the establishment to re-open to prepare and serve food. All licensees are strictly accountable for enforcing and observing all health regulations in effect in Caroline County or any incorporated municipality in which the establishment is located, concerning the proper sanitation of eating and drinking establishments.
- c) **OCCUPANCY PERMIT** – Before any new license is issued, the Board must receive a copy of the occupancy permit.
- d) **SALES & USE TAX LICENSE** - Every licensee shall supply the Board with a copy of their Maryland Sales & Use Tax License; said license shall be issued prior to the issuance of any alcoholic beverage license by the Board.
- e) **TAXES** – Applicants for a new or transfer of an existing license must keep current all State and local tax obligations, including but not limited to, State sales and use tax, withholding tax and admissions tax.

- f) **TRADER'S LICENSE** – Applicants for either a new license or a transfer must submit a valid trader's license issued by the Clerk of the Court for the operation of the business to be conducted if the license is granted by the Board.
- g) **WORKERS' COMPENSATION** – Applicants for a new or transfer of an existing license must submit proof of Workers' Compensation insurance or indicate on the application that the applicant is not required to provide coverage. This coverage must be kept current.
- h) **ZONING** - No license shall be issued nor shall the premises be used in any way which violates any zoning or other statutory land use restriction. Licensees must comply with all zoning regulations.

2.29 OUTSIDE AREAS

Every licensee is responsible for policing the immediate area outside of the establishment. Loitering and drinking outside of the licensed premise area is prohibited. Unless licensees obtain written permission from the Board, tables are allowed outside for the consumption of food only, and alcoholic beverages are not to be dispensed or consumed outside regardless of where the alcoholic beverages are purchased. All licensees must strictly enforce this requirement. Every licensee is responsible for removing litter, trash, cans, bottles, etc. from the outside of the establishment and the parking lot.

2.30 OUTSIDE SOLICITATION

No licensee shall employ any solicitor or salesman for the purpose of soliciting orders for alcoholic beverages outside the licensed place of business and no sale may be consummated outside the licensed place of business as designated on your original application.

2.31 PRIVATE PARTIES (OTHER THAN CLUB LICENSES)

Written approval from the Board for a private party where the establishment will be closed to the general public is required. The request must be submitted at least two (2) weeks before the event and must include the date and time needed and the reason for the request. The Board's Rules and Regulations apply to these parties.

2.32 PROHIBITED HOURS OF CONSUMPTION

No person shall consume any alcoholic beverages on any premises open to the general public between the hours of two o'clock a.m. and six o'clock a.m. and no licensee, owner or operator shall knowingly permit such consumption. By 2:00 a.m. all patrons must be out of the establishment and all tables and counters must be clear of bottles, glasses or cups containing any alcoholic beverages after the 2:00 a.m. closing hour. Last call should not be later than 1:45 a.m. and patrons should be advised to leave by 2:00 a.m. Owners and employees must finish their work and be out of the establishment within a reasonable time. Bands may remain long enough to pack and load their equipment.

2.33 PROTESTS, NEW OR TRANSFER LICENSES

The signers of any protest against the issuance or transfer of any license must state their full name and address, the location of the premises, and the reasons for protest. All persons who are speaking must either appear in person at the hearing or sign a sworn affidavit.

2.34 PURCHASES/SALES FROM ANOTHER RETAIL DEALER PROHIBITED

- (a) No retail dealer is permitted to purchase alcoholic beverages except from a duly licensed manufacturer, wholesaler, or private bulk sale permit holder or nonresident winery permit holder.
- (b) No retail dealer shall sell alcoholic beverages to another retail dealer any alcoholic beverages except to the holder of a Special Class C or temporary license holder.

2.35 RAFFLES

Absent express written approval by the Board, no licensee may sell or give chances or otherwise raffle any bottle containing alcoholic beverages or a gift certificate to purchase alcoholic beverages whether the proceeds are for profit or non-profit or charitable purposes.

2.36 RECORDS

All licensees shall maintain accurate records of their transactions in alcoholic beverages. These records must be kept on the premises where alcoholic beverages are sold for at least two years, and made available for inspection by authorized personnel of the Comptroller's Office and the Board of License Commissioners.

2.37 RELOCATION OF ESTABLISHMENT

A licensee who intends to transfer the location of the business must complete an application for a transfer.

2.38 RENEWAL APPLICATIONS

Applications for renewal of alcoholic beverage licenses must be filed with the Board of License Commissioners for Caroline County at least thirty (30) days prior to expiration of present license. Any renewal filed late will be subject to a \$50.00 fine for each calendar day. The application must be the original provided by the Board. Photocopied or faxed copies will not be accepted. No revision in licensees, classification, location, etc. may be processed on a renewal application. All such revisions or applications for transfer must be finalized by March 1st or after May 1st renewal has been issued. All State (Retail Sales, Employee Withholding, Amusement, and Admission) and County taxes must be paid before the renewal license is issued.

2.40 RESIDENCY

Individuals, all partners in a partnership, at least one officer of a corporation, and at least one authorized licensee on behalf of a limited liability company must be a Caroline County resident for the two years immediately prior to the filing of the application, a registered voter and a taxpayer, and must remain a resident of Caroline County, a registered voter and a taxpayer while a licensee, if the licensee is the only qualified Caroline County resident.

2.41 RESIGNATION OF A LICENSEE

When the establishment has more than one licensee, no licensee can resign without the Board's approval. A licensee who wishes to resign must first give notice to the Board of this intention. The Board must promptly notify the licensees and meet with them to consider this request. The Board will grant the request unless it finds good cause to the contrary. The pendency of a violation hearing constitutes a good cause.

2.42 RESPONSIBILITY

The licensee shall be personally responsible for the operation of the licensed premises and shall be responsible for violations committed not only by him/her but also by his/her agents, employees and operators.

2.43 RESTRICTED AREAS IN RESTAURANTS AND CLUBS

No person under the age of 17 is allowed at the bar, with or without a parent.

2.44 RULES AND REGULATIONS MANUAL

Every licensee must keep the Rules and Regulations manual near the cash register, bar or area where they are easily accessible for reference. All employees must read these Regulations so they are familiar with them.

2.45 SALE OF BUSINESS

Any licensee who is in the process of selling his business must notify the Board to allow ample time to obtain necessary information relating to the sale, the prospective buyer, and the location. Each sale of a business requires an application for transfer. A licensee who sells the business and ceases operations without receiving the Board's approval for a transfer of the license will be required to show cause why the Board should not issue a fine and/or suspension, or revocation.

2.46 SIGNAGE

- a) All Class D – Beer, Wine & Liquor (Taverns) license holders shall post upon the outside of the entrance to their establishment, clearly visible signs stating "NO ONE UNDER 21 YEARS OF AGE ALLOWED" in large bold type except those Class D license holders that do not serve liquor as provided for in Section 4.01(d) and 4.03(d).
- b) All establishments shall have signage posted upon the outside of the entrance to their establishment, clearly visible signs stating "NO ALCOHOLIC BEVERAGE SALES TO PERSONS UNDER 21 YEARS OF AGE" in large bold type.

2.47 SITE PLAN FOR LICENSED PREMISE

A site plan indicating the licensed premise area of the establishment is required upon application for any alcoholic beverage license. The site plan will indicate all areas approved for the sale, service and storage of alcohol and any areas that are restricted. Any change to the approved site plan must be submitted and approved in writing by the Board.

2.48 SPECIAL AND TEMPORARY LICENSES

Special and Temporary Licenses shall be required for any qualified, bona fide religious, fraternal, veterans, political, civic or other nonprofit organization when such organizations are having a function at which there will be a cash bar or admission charge or both, provided that the application and fee for the license is filed with the Board at least five (5) days prior to the effective date of the license.

2.49 SPECIAL USE OF LICENSED PREMISES

Any licensee desiring to use the establishment for any type of special show, event or activity for any reason other than for what it is normally intended must submit a written request and receive written approval from the Board.

2.50 STORAGE

No licensee shall store or keep any alcoholic beverages anywhere other than on their licensed premises or any other storage area permitted by the Comptroller's Office.

2.51 SUBSTITUTION OF OFFICERS

Any club holding a Class C license may, during any license year, substitute the name of any one officer for the name of any other officer on the license when the depleted officer has died, retired, been removed from office, or no longer holds an office in the club. The club shall file a Request to Change Officer Form showing the substitution along with a copy of the club minutes documenting such change.

2.52 TAVERN

No Class "D" license holder, shall permit any person under the age of twenty-one years in or on said premises at any time when said establishment is open for business except those Class D license holders that do not serve liquor as provided for in Section 4.01(d) and 4.03(d); and each employee shall take full responsibility to see that all persons under the age of twenty-one are excluded therefrom.

2.53 TEMPORARY CLOSING

A holder of any alcoholic beverage license may not close their business for a continuous period of more than ten (10) days without written application in advance to the Board of License Commissioners. Upon written request, the Board may grant a postponement of the expiration for an additional period not to exceed twenty (20) days, to avoid undue hardship. Any establishment closed more than 10 consecutive days without the Board's approval will be considered vacated and the license will become null and void.

2.54 TRADE NAME

No licensee may change the name of his establishment without prior approval from the Board of License Commissioners. The trade name shall be displayed prominently on the outside of the licensed establishment.

2.55 TRANSFER OF LICENSE

No license holder is permitted to transfer an Alcoholic Beverage License without first filing an application for transfer with the Board of License Commissioners. Prior to the application for transfer of any license, the business to which the license was first issued in its entirety, must be under a purchase agreement or contract of sale. Application for transfer must be filed as in the case of a new license.

A licensee selling his business who wants to have the purchasers operate the business until the transfer is complete, may do so by submitting a notarized statement. This can only be done once the application for transfer has been received by the Board and has been advertised at least once. This statement must include the name of the licensee(s), license number, address, and the names of the applicants who will be operating the business. The statement must be signed by all those appearing on the present license and notarized. All accounts associated with the business must remain in the name of the current licensee. The current licensee is responsible for all actions of the purchasers or anyone acting on behalf of the purchasers until the Board approves the transfer of the license.

2.56 UNLAWFUL SALES

No licensee shall sell or otherwise distribute any alcoholic beverages to any person if there is reason to suspect that such person intends to unlawfully distribute such alcoholic beverages.

CHAPTER 3

TEMPORARY LICENSES

3.01 SPECIAL ONE-DAY AND MULTIPLE EVENT LICENSES

The Board may grant special licenses of any class, except manufacturer's and wholesaler's, which entitle the holder to exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

Whenever a special one-day license is issued, the holders of wholesale licenses may enter into an agreement with the holder of a special one-day license to deliver beer or wine two days prior to the effective date, and to accept returns two days after the expiration date of the special license. Delivery of the beer or wine only may be made if the holder of the special license has in hand the special license at the time of delivery.

A special license may not be granted to any organization more than 12 times in any calendar year. Instead of purchasing individual event licenses for a particular class of license, an applicant may purchase a special multiple event license for the same class of license. The total number of days for which special multiple event licenses may be issued to a single applicant may not exceed 40 days per calendar year.

The applicant shall pay in advance the fee for a special multiple event license. The Board may not issue a refund if the holder of the license in a calendar year holds fewer than the number of events that the holder is entitled to conduct. The fees are:

1. \$250 for not more than 10 events per year;
2. \$500 for not more than 20 events per year;
3. \$750 for not more than 30 events per year; and
4. \$1,000 for not more than 40 events per year.

A special multiple event license shall be issued for one premises only and to the same applicant for all events for which the license is issued, unless the Board in writing approves a substitute applicant. The Board may hold a hearing before approving a substitute applicant.

3.02 ALCOHOL AWARENESS

A server who is currently certified as having completed an alcohol awareness program shall be on the premises for which a one-day temporary or special multiple event license is issued whenever alcoholic beverages are served under the license.

3.03 SPECIAL CONDITIONS

Any and all conditions imposed by the Board for the granting of a temporary license must be adhered to.

3.04 STORAGE

Alcoholic beverages may not be stored on the premises once the event had concluded.

Exception for volunteer fire companies only:

- a) Alcoholic beverages may be stored on the licensed premises in between individual licensed events if the alcoholic beverages:
 - (i) Are in a locked and secured location that has been approved by the Board; and
 - (ii) Are not sold or consumed except during licensed event hours.

- b) A license holder shall keep complete and accurate records of all alcoholic beverages purchased and sold on the licensed premises. The records shall be:
 - (i) Maintained on the licensed premises for two (2) years;
 - (ii) Available for inspection by authorized personnel of the Comptroller's Office and the Board of License Commissioners; and
 - (iii) The records shall include a completed pre- and post-inventory of all alcoholic beverages for each individual event.
- c) Authorized personnel of the Comptroller's Office and the Board of License Commissioners may inspect the premises of a license holder during an event and with appropriate notice to the license holder, on a day when there is not an event.

3.05 BEER AND WINE TASTING AND SAMPLING

The Board may issue a one-day Class BWTS beer and wine (on-premises) tasting or sampling license. A Class BWTS license may only be issued to a holder of a current alcoholic beverages license or an organization that qualifies for a special Class C beer or Class C beer and wine license. A Class BWTS license may not be granted to a person more than 26 times in a calendar year. The license fee is \$50. The Board need not publish an application for a Class BWTS license before granting the license.

3.06 NO CHARGE

A Class BWTS license authorizes the holder to permit the consumption of wine or beer for tasting or sampling, if the alcoholic beverages are given to consumers at no charge.

3.07 CONSUMPTION

- (a) A person may consume wine or beer in a quantity not exceeding:
 - (i) **WINE** – 1 ounce from a single brand of wine, and 4 ounces from all brands in a single day; and
 - (ii) **BEER** – 3 ounces from a single brand of beer, and 8 ounces from all brands in a single day.
- (b) All consumption of alcoholic beverages shall occur on the license premises of the holder of the Class BWTS license as approved by the Board.

3.08 DISPOSAL OF UNCONSUMED ALCOHOL

At the end of the day for which a Class BWTS license is valid, the license holder shall dispose of unconsumed alcoholic beverages remaining in a container opened for tasting or sampling.

CHAPTER 4

LICENSE TYPES

4.01 BEER LICENSES

- (a) **CLASS A OFF SALE** – the holder of the license may keep for sale and sell beer at retail in any quantity to any consumers at the place described in the license. The holder shall deliver the beer in a sealed package or container, which may not be opened nor its contents consumed on the premises where sold.
- (b) **CLASS B ON SALE (HOTELS AND RESTAURANTS)** – the holder of the license may keep for sale and sell beer at retail at any hotel or restaurant at the place described in the license for consumption on the premises or elsewhere.
- (c) **CLASS C ON SALE (CLUBS)** – the holder of the license may keep for sale and sell beer at retail to bona fide members and their guests, at any club, at the place described in the license for consumption on the premises only.
- (d) **CLASS D ON SALE** – the holder of the license may keep for sale and sell beer at retail at the place described in the license. The beer may be consumed on the premises or elsewhere, but a license may not be issued for any drugstore. The following restrictions apply:
 - (i) Hours of sales are from 6:00 a.m. to 12:00 midnight;
 - (ii) Must sell or serve small plates of food or other items such as sandwiches, bread and baked goods, soups, fruits, salads, or other similar type café-style items; and
 - (iii) Patrons under the age of 21 years are permitted on the premises.

4.02 LIGHT WINE LICENSES (must hold a Class 4 manufacturers license)

- (a) **CLASS A OFF SALE** – the holder may keep for sale and sell light wines produced at the winery in any quantity to any consumer at retail at the place described in the license. The light wine shall be delivered in a sealed package or container which may not be opened or the contents consumed on the licensed premises.

4.03 BEER & WINE LICENSES

- (a) **CLASS A OFF SALE** – the holder may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.
- (b) **CLASS B ON SALE (HOTELS, RESTAURANTS & INNS)** – the holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license for consumption on the premises or elsewhere.
- (c) **CLASS H ON SALE (HOTELS AND RESTAURANTS)** – the holder may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license for consumption on the premises.
- (d) **CLASS D ON SALE** – the holder may keep for sale and sell beer and light wines at retail at the place described in the license for consumption on the premises or elsewhere. The license may not be issued for any drugstore. The following restrictions apply:
 - (i) Hours of sales are from 6:00 a.m. to 12:00 midnight;

- (ii) Must sell or serve small plates of food or other items such as sandwiches, bread and baked goods, soups, fruits, salads, or other similar type café-style items; and
- (iii) Patrons under the age of 21 years are permitted on the premises.

4.04 BEER, WINE & LIQUOR LICENSES

- (a) CLASS A OFF SALE** – the holder may keep for sale and sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.
- (b) CLASS B ON SALE (HOTELS AND RESTAURANTS)** – the holder may keep for sale, sell and serve liquors, wines and beers by the drink only at any bona fide hotel or restaurant and only upon the premises at the place described in the license.
- (c) CLASS C ON SALE (CLUBS)** – the holder may keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license for consumption on the premises only. A license may only be issued for the following premises:
 - a bona fide nonprofit country club;
 - a nonprofit yacht club; or
 - a veterans organization composed solely of members.The club or organization shall:
 - operate solely for the use of its own members and their guests who shall accompany the members;
 - meet in a clubhouse that is used for no other purpose and has 100 or more bona fide members paying whatever dues were required in the year immediately preceding the year for which the license is issued; and
 - for organizations composed exclusively of members who serve in the armed forces of the United States, which are affiliated with a national organization, have 50 or more bona fide members paying whatever dues were required by its national organization in the year immediately preceding the year for which the license is issued.
- (d) CLASS D ON SALE (TAVERNS)** – the holder may keep for sale and sell beer, wine and liquor at retail at the place described in the license, for consumption on the premises only. A license may not be issued for any drugstore.