

Queen Anne's County



Board of License Commissioners Rules and Regulations Manual

Amended and Restated: 9/1/20

Revised 2/10/23

INTRODUCTION


This booklet contains Rules and Regulations which have been adopted by the Board of License Commissioners for Queen Anne's County, Maryland (hereinafter Board). The Board is an agency which regulates and controls the sale and distribution of alcoholic beverages within Queen Anne's 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 and regulations 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.

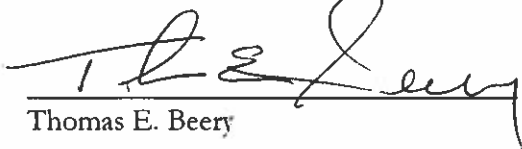
The laws of the State of Maryland relating to alcoholic beverages are found in the Alcoholic Beverages Article of the Annotated Code of Maryland. The Alcoholic Beverages Article is a statutory scheme which contains provisions that apply statewide as well as provisions which only apply locally. The local provisions that apply to Queen Anne's County are found under Title 27. License holders and other interested persons are encouraged to obtain a copy of the Alcoholic Beverages Article and to familiarize themselves with it. A copy of the Alcoholic Beverages Article 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.

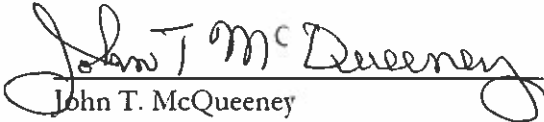
The Board of License Commissioners for Queen Anne's County, Maryland, pursuant to the power invested in it by § 27-206 of the Alcoholic Beverages Article of the Annotated Code of Maryland, hereby repeals any and all prior Rules and Regulations and enacts the herein Rules and Regulations. This publication is not intended to include all rules and regulations or address all laws governing alcoholic beverages laws in Queen Anne's County; rather, it is a compilation of the rules and regulations that most frequently arise in response to questions from licensees.

The foregoing Rules and Regulations have been revised and adopted this 1th day of September 2020. The effective date is September 1, 2020.

BOARD OF LICENSE COMMISSIONERS


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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 – an individual or individuals as identified in Maryland Annotated Code, Alcoholic Beverages Article § 6-202 and/or Alcoholic Beverages Article § 27-205.

1.03 BOARD or LOCAL LICENSING BOARD – the Board of License Commissioners of Queen Anne’s 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.

1.05 COMPLIANCE CHECK – A compliance check is a proactive enforcement approach to the problem of liquor sales to minor violations. A person under the age of 21 years is enlisted to attempt to purchase alcoholic beverages from a licensee. A compliance check provides an investigative avenue for the detection and deterrence of liquor sales to underage persons.

1.06 COMPTROLLER – the Comptroller of the Treasury of the State of Maryland.

1.07 IMMEDIATE CONSUMPTION – Immediate Consumption means to be consumed within three (3) days of mixing.

1.08 KEG – Keg means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container.

1.09 KEG LICENSE HOLDER – Keg license hold means a person who holds a license that authorizes the person to sell beer in kegs at retail.

1.10 LICENSEE or LICENSE HOLDER – the holder of any license or permit issued under the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland or of any other law of the State of Maryland and includes a county liquor control board and a county dispensary.

1.11 LICENSED PREMISES – 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.

1.12 NUDITY AND SEXUAL DISPLAYS – Nudity and sexual displays as defined in Alcoholic Beverages Article § 4-605.

1.13 RULES AND REGULATIONS MANUAL – A compilation of the most recent Rules and Regulations contained herein as well as any addendums that may be issued from time to time.

CHAPTER 2 GENERAL PROVISIONS

2.00 COMPLY WITH ALL LAW, RULES, AND REGULATIONS

Licensees must operate their establishments at all times in accordance with the requirements of all federal, state, and local laws, regulations, and rules. Licensees shall operate their establishments in such a manner as to promote the general welfare of the community and to avoid disturbing the peace, safety, health, and quiet. Licensees and/or a licensee's agents or employees may not commit or allow the commission on the licensed premises of an act that is contrary to any federal, state or local statute, law, ordinance, rule, or regulation, or of any act that is against the public peace, safety, health, welfare, quiet, or morals.

2.01 AGENDA

Any person requesting to be placed on the agenda for a regularly scheduled meeting, must notify the Board's Clerk of their request in writing at least 7 days prior to the meeting. The request must state the name of the person wishing to be heard and the topic to be addressed. The Chair of the Board or the Chair's designee will determine if the request is something that must be handled in a hearing or can be addressed administratively without official Board action. While the Board will endeavor to include such requests on the agenda, due to potential scheduling concerns, the Board makes no guarantee that every request will be accommodated. While the public is invited to attend all open meetings and can ask questions or share their views about liquor board related issues with the Board, there is no requirement that a member of the public come into a meeting to do so. Instead, members of the public can contact the Liquor Board Office via email or phone to express any concerns or issues to be shared with the Board.

2.02 ALCOHOL AWARENESS

CERTIFICATION – A licensee or a person employed and designated by the licensee who is certified in an approved Alcohol Awareness Program certified by the State Comptroller must be on site of the licensed premises at all times. An up-to-date valid certificate must be kept at the establishment and presented to the proper authority upon request.

2.03 APPEALS

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

2.04 APPLICATIONS

(a) **MEETING WITH BOARD/INSPECTOR** – Any applicants for a new or transfer license must first meet with the Liquor Inspector or other authorized agent of the Board prior to the issuance of a license.

(b) **REGULAR LICENSES** – Applications for a regular license should be submitted at least 37 days prior to the hearing in which the license will be approved or denied. The fee for this application is \$300.

1. **Advertising** – Any new or transfer license must first be advertised for two consecutive weeks in a newspaper of general circulation in this jurisdiction.
2. An applicant has the option to request a hearing for advertising or to advertise at their own risk where an application is filed in less than 37 days. In either event, a hearing on the license must be held at least 7 days and no more than 30 days after the date of the last publication of advertisement.

(c) TEMPORARY LICENSES – Unless exception is made for good cause shown, applications for a temporary license must be submitted 5 business days prior to the date of the hearing.

(d) RULES AND REGULATIONS – All applicants must be familiar with the Board's Rules and Regulations prior to the issuance of a license.

(e) LICENSEE ATTESTATION – The applicant must provide a signed and dated copy of the Licensee Attestation prior to the issuance of a license.

2.05 BORROWING ALCOHOL FROM ANOTHER LICENSEE

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

2.06 CARDING, STANDARDS FOR

(a) ACCEPTED FORMS OF PROOF – The licensee or employee of the licensee may accept, as proof of a person's age:

- (i) Driver's license or government issued identification card;
- (ii) A United States military identification card; or a
- (iii) Passport.

(b) LICENSE RESTRICTIONS – A licensee or employee of the licensee is neither required to look at, nor consider the restrictions on the back of a driver's license as those restrictions pertain to driving only.

(c) LICENSE ORIENTATION – There is no prohibition against accepting identification in a vertical format so long as the date of birth listed on the front of the driver license reflects that the holder of the license is of legal drinking age.

2.07 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, or change of Officers/Licensee 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.

When the establishment has more than one licensee, 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.

Communication between the Licensees and the Board is essential. To that end - (a) Licensees shall provide the Board with a functional telephone number, home address, work address, email address, and cell number for the licensee and the licensed premises. (b) Licensees must report any changes to any of the info listed in (a) above to the Board within 10 days of the change.

2.08 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.

2.09 CLASS B OR BD (RESTAURANT) LICENSE HOLDERS

Restaurant licenses shall be issued to an establishment 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.

Class B – Average daily receipts from the sale of food shall comprise at least 51% of the average daily gross receipts of the establishment.

Class BD – Average daily receipts from the sale of food shall comprise at least 25% of the average daily gross receipts of the establishment.

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.

2.10 COMPLAINTS

(a) Complaints about a current licensee/licensed premises – All complaints regarding a current licensee shall be referred to the Board of License Commissioners' Office. The Inspector or an authorized agent of the Board may investigate the complaint and make a written report of his/her findings to the Board.

(b) Complaints about a non-licensed premises – All complaints about a non-licensed premise may be referred to the Board of License Commissioners' Office, and/or referred to state law enforcement, local law enforcement, and/or regulatory enforcement agencies, including, but not limited to Centreville Police, Queen Anne's County Sheriff, Maryland State Police, Queen Anne's County State's Attorneys' Office, and/or the Comptroller's Field Enforcement Division.

2.11 COMPLIANCE CHECKS

Compliance checks may be conducted by the Board, the Liquor Inspector, any authorized agent of the Board, the Comptroller's Office, or any other regulatory or enforcement agency of the State.

(a) OCCURRENCE – Compliance checks will be performed as follows:

1. Routine Basis – On a random basis at least once per year on every licensed premise to ascertain levels of compliance among licensees and to deter sales to minors generally, and
2. Complaint Basis – When a complaint has been logged that a licensee is selling to persons under 21 years of age.

(b) UNDERAGED BUYER – The underaged buyer will be between the age of 18 years and 20 years, 9 months. A picture of the underaged buyer on the day of the attempted purchase will be taken and saved to the file as will a copy of the underaged buyer's valid drivers' license or identification. Compliance check underaged buyers must abide by the Board's rules and regulations regarding compliance checks at all times. If asked for identification, the underaged buyer must present their valid drivers' license. If asked for their age, the underaged buyer must tell the seller their actual age. If service is refused, the underaged buyer will make no further attempts to convince the seller or server to provide alcohol. The underaged buyer must

be the person who attempts to make a purchase, meaning the underaged buyer must order the alcohol (if in a restaurant or bar setting) or must select the alcohol, walk it to the counter, and attempt to purchase the alcohol.

(c) **PROCESS IF A SALE IS MADE –**

1. Off-premised sales – if a sale is made, the underaged buyer must exit the building, hand the proceeds of the sale to the inspector, describe the seller to the inspector or otherwise identify the seller, and wait in the car for the inspector to re-emerge.
2. On-premised sales – if a sale is made, the underaged buyer must call the inspector or visually waive the inspector over, identify the proceeds of the sale to the inspector, identify the seller, and then exit the building and wait in the car for the inspector to re-emerge.

(d) **RESULTS –** The results of all compliance checks will be reported to the licensee and to the Board. Should a licensee fail a compliance check, said establishment shall be notified of the failure in writing by the Board, and the license holder will be required to come before the Board for a hearing to address the violation and possible sanctions that may be imposed by the Board. The license holder shall be provided with any and all information that the Board possesses regarding the alleged failure/violation at least ten (10) days prior to the meeting date. Reports of an alleged failure will be forwarded to local and/or state law enforcement agencies.

2.12 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 the privilege of consuming wine described under subparagraph (b) of this section.

2.13 CONVICTIONS RELATING TO ALCOHOL OR DRUGS

Any licensee who is convicted of a felony and/or violating any drug law, driving while impaired by drugs or alcohol, or driving under the influence of drugs or alcohol must report the same to the Board in writing within 30 days of the date of the conviction. Said conviction may subject the licensee to a possible fine and/or suspension or revocation pursuant to a hearing in accordance with the Alcoholic Beverages Article.

2.14 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.

2.15 DEATH OF A LICENSEE

In the event of the death of a licensee, the license will need to be transferred. The Board may extend the license until the first scheduled meeting occurring more than 30 days after the death of the licensee. Thereafter, the personal representative of the licensee can attend the first scheduled meeting occurring more than 30 days after the death of the licensee to discuss if and how a transfer will be effectuated.

2.16 DELIVERY

Licensees and/or their employees may not deliver alcoholic beverages off the licensed premises unless specifically authorized in writing pursuant to Alcoholic Beverages Article § 4-507 and the required permit fee is paid in full. All off-premise sales must be in factory sealed containers only. At no time, may an individual under the age of 21 be employed or allowed to deliver alcoholic beverages. Board permission to deliver must be renewed each year at the time of license renewal. All licensees granted permission to deliver alcoholic beverages shall require identification from the recipient of the alcoholic beverages. All licensees shall maintain a delivery log, which includes the following information: the delivery employee's name and age; the date of delivery; the type and amount of alcohol delivered; the delivery address; the name and age of the recipient of the alcoholic beverages, as well as the type of identification and identification number used to verify the same.

2.17 DISORDERLY CONDUCT

(a) GENERALLY – 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. Congregation of patrons in a noisy, unruly, or disturbing manner after leaving the interior portion of the licensed premises shall be prohibited.

(b) NOISE – Outside amplification of music shall be strictly prohibited between the hours of 12:30 a.m. and 10:00 a.m.

2.18 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 near where alcohol is dispensed and where the public can view the license.

2.19 DISPOSAL OF EMPTY CONTAINERS, NO REFILLING

Refillable Container Permit -- Unless a licensee has a refillable container permit pursuant to Alcoholic Beverages Article § 27-1102, no bottles or containers may be refilled.

No retail dealer or his agent or employee shall reuse or refill any container of alcoholic beverages with any substance whatsoever 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 or used for mixing.

2.20 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.

2.21 EMPLOYEES

(a) AGE TO SELL – A person under the age of 18 may not be engaged in the sale, service, delivery, or handling of alcoholic beverages. Persons between the age of 18 and 21 may only be engaged in the sale, service, delivery, or handling of alcoholic beverages as provided in Alcoholic Beverages Article § 27-1902.

(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.

2.22 FEES AND FINES

All fees and fines must be paid within 30 days of assessment, by cash, check, money order or credit card and paid to the order of the Queen Anne's County Commissioners. The failure to timely pay fees and/or fines may result in the suspension or revocation of the alcoholic beverages license in question.

2.23 GAMBLING/GAMES OF CHANCE OR SKILL/DRINKING GAMES

(a) A licensee, owner, manager, operator, or employee may not allow the establishment to be used for any illegal gambling activity.

(b) A licensee, owner, manager, operator, or employee may not encourage drinking games or contests to be conducted on the licensed premises.

2.24 GRANTING OF LICENSE/TIME LIMIT OF APPROVAL

Any transfer or new license approval granted by the Board is valid for no more than ninety (90) days from the date of the hearing unless the Board establishes some other deadline when granting approval. If the license is not issued within that time period, the approval of the license shall expire 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.

2.25 HEARINGS AND CONFERENCES

Unless excused by the Board, 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.

2.26 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 Queen Anne's County, its duly authorized agents and employees, the Maryland State Police, and any peace officer, Fire Authorities, Health Department, Planning and Zoning, Codes Inspector, 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.

2.27 INTOXICATED PERSONS

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

2.28 KEG LICENSE HOLDER

(a) **REGISTRATION** – A keg license holder may not sell or otherwise transfer, offer to sell, or otherwise transfer the contents of a keg for off-premises consumption unless:

- (1) the keg license holder provides to the purchaser a keg registration form approved and distributed by the Comptroller that is designed to be affixed to the keg and that indicates the name and address of the licensed establishment and a registration number;
- (2) the purchaser provides identification and completes and signs a registration form with the following information:
 - (i) the purchaser's name and address as shown on the identification produced; and
 - (ii) the date of purchase; and
- (3) the keg license holder affixes the completed registration form to the keg and retains a copy of the form for 30 days on the licensed premises.

(b) **RETURNS** –

- (1) On return of a registered keg from the purchaser, the keg license holder shall remove or obliterate the keg registration form affixed to the keg and note the removal and the date of the removal on the copy of the keg registration form retained by the keg license holder at the licensed premises.
- (2) (i) If a keg is made of disposable packaging that does not have to be returned to the keg license holder, the keg license holder shall indicate on the keg registration form that the keg is disposable.
- (ii) Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.

(c) **REGISTRATION FEE** – A keg license holder may charge a keg registration fee to a purchaser.

(d) **VIOLATIONS**

- (1) A keg license holder who violates this section is subject to a fine as outlined in Alcoholic Beverages Article § 5-303 (f) or a suspension or revocation of the license, or both a fine and suspension or revocation.
- (2) The existence of a completed registration form signed by the purchaser creates a presumption that the keg license holder has complied with the requirements of this section.

2.29 LIENS AGAINST LICENSES NOT RECOGNIZED

In Queen Anne's County licenses issued under The Alcoholic Beverages Article 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.

2.30 LIQUOR INSPECTOR

The Liquor Inspector is to act as an agent of the Board and may not take any action in contravention of the Board's express directions, instructions, goals, and/or purpose.

2.31 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.

2.32 NUDITY AND SEXUAL DISPLAYS

(a) **PROHIBITED ATTIRE AND CONDUCT.** – No licensed premises shall allow nudity, sexual displays, or pictures, films, or depictions of the same. An individual may not:

- (1) be employed or used in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;
- (2) be employed or act as a hostess or act in a similar capacity to mingle with the patrons while the hostess or individual acting in a similar capacity is unclothed or in attire, costume, or clothing described in item (1) of this subsection;
- (3) encourage or allow an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals of another individual; or
- (4) allow an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair.

(b) **PROHIBITED ENTERTAINMENT.** – With respect to entertainment provided, a person may not:

- (1) allow an individual to perform an act of or act that simulates:
 - (i) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;
 - (ii) the caressing or fondling of the breast, buttocks, anus, or genitals; or
 - (iii) the display of the pubic hair, anus, vulva, or genitals;
- (2) subject to item (1) of this subsection, allow an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or
- (3) allow an individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (1) of this subsection.

(c) **PROHIBITED MOTION PICTURES, STILL PICTURES, ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION.** – A person may not show a motion picture, a still picture, an electronic reproduction, or other visual reproduction depicting:

- (1) an act or a simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;
- (2) an individual being caressed or fondled on the breast, buttocks, anus, or genitals;
- (3) a scene in which an individual displays the vulva, anus, or genitals; or
- (4) a scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this subsection.

(d) **INDIVIDUALS WHO MUST LEAVE PREMISES.** – A person may not allow an individual to remain in or on the licensed premises who exposes to public view any portion of the individual's genitals or anus.

2.33 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. If the Fire Marshall closes a licensed establishment for any reason, the license must be returned to the Board until the Fire Marshall allows the establishment to re-open.

(b) **HEALTH DEPARTMENT** – Any new or transfer application for any alcoholic beverage license must meet all Health Department requirements prior to the issuance of any alcoholic beverage license. If the Health Department closes a licensed 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 or beverages. All licensees are strictly accountable for enforcing and observing all health regulations in effect in Queen Anne's 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.

2.34 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, 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.

2.35 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.

2.36 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, cups, or other drinking vessels containing any alcoholic beverages after the 2:00 a.m. closing hour. Last call should not be later than 1:40 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.

2.37 PROTESTS, NEW OR TRANSFER LICENSES

The signers of any protest against 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.

2.38 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 of alcoholic beverages except to the holder of a Special Class C or temporary license holder.

2.39 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. At no time may a chance/raffle as mentioned above be sold or given to a person under the age of 21.

2.40 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.

2.41 RELOCATION OF ESTABLISHMENT

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

2.42 RENEWAL APPLICATIONS

Applications for renewal of alcoholic beverage licenses must be filed with the Board of License Commissioners for Queen Anne's 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 provided, however, that a less restrictive license of the same class may be issued. All such revisions or applications for transfer must be finalized by March 1 or after May 1 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.

2.43 REQUESTS FOR BOARD REPRESENTATIVE

Any request for a Board Member, agent, or employee to attend a meeting or other event on behalf of the Board, must be directed to the Board of License Commissioners' Office. The Administrator for the Board will distribute the request to all Board Members and the Chair or the Chair's designee will decide which member, if any, will represent the Board at said meeting or event. At no time shall the Board representative bind the Board to any action or position at said meeting or event.

2.44 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.

2.45 RULES AND REGULATIONS MANUAL

FAMILIARITY AND LOCATION ON SITE – Every licensee must read and be familiar with the Rules and Regulations Manual and keep a copy of the current Rules and Regulations Manual (along with any addendums) near the cash register, bar, or area where the Manual is easily accessible for the licensee or their employees' reference. All licensees must ensure that their employees read and are familiar with these Rules and Regulations. Prior to picking up a new, transferred, temporary, or renewal license, every licensee must sign the Licensee Attestation indicating that they read and are familiar with the Rules and Regulations and will act in accordance with them. The Licensee Attestation is the last page of this Manual and must be returned to the Board Office before a license will be issued.

ALTERATIONS, CHANGES, AND DELETIONS – Should the Board make any alterations, changes, or deletions to the Rules and Regulations, an addendum will be issued to each licensee detailing the change. The licensee shall affix a copy of the addendum to the on-site Rules and Regulations Manual and ensure that their employees are aware of the change.

2.46 SIGNAGE REGARDING NO SERVICE TO MINORS

All establishments shall have signage posted upon the outside of the entrances to their establishment, clearly visible signs stating "NO ALCOHOLIC BEVERAGE SALES OR PROVISIONS 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. Any structural changes enlarging or altering the licensed premises also requires the Board's approval.

2.48 SPECIAL AND TEMPORARY LICENSES

Special and Temporary Licenses may be granted 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) business days prior to the hearing.

2.49 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.

2.50 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.

2.51 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.

2.52 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. An 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.

2.53 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.

2.54 PRE-MIXED ALCOHOLIC BEVERAGES

A Class B, C, or D licensee may pre-mix alcoholic beverages for high-capacity or specialty drinks for *Immediate Consumption*. Any-premix container must not be allowed to sit for more than three (3) days. Each pre-mix container must have the following information affixed to the container - the date the pre-mix was placed in the container, the contents of the pre-mix, and the date the container was emptied and cleaned. The container must be cleaned prior to be used for another pre-mix or as often as the health department requires if less than three (3) days.

2.55 POPULATION AND NUMERICAL LIMITATIONS – FOURTH ELECTION DISTRICT

The number of Class A Alcoholic Beverages Licenses permitted in the Fourth Election District of Queen Anne's County shall be limited, as follows:

- (a) The maximum number of Class A licenses shall be limited to one (1) Class A license for each two thousand (2,000) registered voters, as determined by the Queen Anne's County Board of Election Supervisors.
- (b) All existing Class A licenses are grandfathered and are eligible to request transfer within the Fourth Election District.
- (c) Any Class A license transferring to the Fourth Election District is subject to the population limitation.
- (d) Reclassification of a Class A license within the Fourth Election District is prohibited. For example, a Class A Beer and Wine license may not upgrade to a Class A Beer, Wine and Liquor license.
- (e) EXCEPTIONS – The population limitation shall not apply to:
 - (i) A marina convenience store located within a marina with a minimum of twenty-five (25) slips.
 - (ii) A commercial location that is more than three (3) vehicular miles from another Class A licensed location.
 - (iii) An application which provides, for the benefit of the public, a unique concept that is not currently offered in the Fourth Election District.

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 non-profit/not-for-profit club, society, or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof. Where a temporary licensee rents or uses a portion of a regular licensee's premises, both licensees shall be responsible for adhering to all state and local alcoholic beverages laws and regulations.

A temporary license holder may purchase alcoholic beverages from a retailer. 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 license 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 36 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 license year holds fewer than the number of events that the holder is entitled to conduct. The fee for a special one-day or multiple event license is \$25 per day.

A special multiple event license may 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 \$100. 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 MISCELLANEOUS PROVISIONS

4.01 SEVERABILITY

If any rule or regulation of these Rules and Regulations is held to be unconstitutional, invalid, or inapplicable to any person or circumstance by the final decision of a Court of competent jurisdiction, all other rules or regulations of these Rules and Regulations and their application to all other persons and circumstances are severable and remain unaffected by the decision.

4.02 COOPERATION

Licensees and their agents and employees shall cooperate with representatives of the Board, Health Department, Fire Department, Planning and Zoning, Law Enforcement, and any other representatives of other governmental agencies who are on official business.

4.03 FALSE STATEMENTS

An applicant for a license or a licensee may not make a false statement, material or otherwise, in an original application for an alcoholic beverage license, renewal application, letter or written statement, in testimony before the Board or to any other representative of the Board conducting an official investigation.

DEDICATION

This publication is dedicated to License Commissioner Maurice D. Dashiell in recognition and appreciation of over 25 years of service as a License Commissioner for Queen Anne's County.



LICENSEE ATTESTATION

By signing below, I, _____ [licensee name(s)]

hereby attest that:

[Initial all]

_____ I have received a copy of the Board of License Commissioners Rules and Regulations;

_____ I have read and am familiar with these Rules and Regulations;

_____ I will act in accordance with these Rules and Regulations;

_____ I will ensure that my employees have read and are familiar with these Rules and Regulations; and

_____ I will keep a copy of these Rules and Regulations on the licensed premises near the cash register, bar, or other area where they are easily accessible for the licensee or their employees' reference.

_____ I will make sure that any addendums, changes, or deletions regarding these Rules and Regulations will be affixed to the on-site copy of the Manual and that my employees are apprised of the same.

Licensee Signature

Date

Licensee Name Printed

Licensee Signature

Date

Licensee Name Printed

Licensee Signature

Date

Licensee Name Printed

[This page must be signed, dated, and returned to the Board prior to the issuance or renewal of any license.]