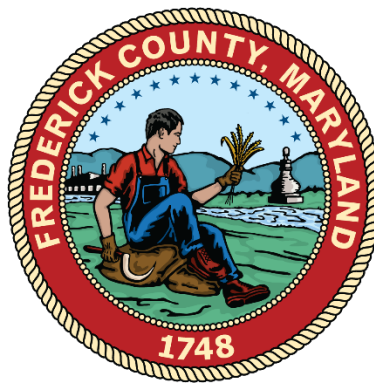


# ALCOHOLIC BEVERAGES REGULATIONS

STATE OF MARYLAND



FREDERICK COUNTY

**2023**

Frederick County Liquor Board  
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***BOARD OF LICENSE COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND***

**ALCOHOLIC BEVERAGES  
REGULATIONS**

**Authority of The Board of License Commissioners for Frederick County** is authorized to issue licenses in Frederick County. A licensee shall assume all responsibilities as an individual and be subject to all penalties, conditions, and restrictions imposed on licensee under the Alcoholic Beverage Article, Maryland Annotated Code, and the Frederick County Alcoholic Beverages Regulations.  
(Alcoholic Beverage Article §4-202)

The Board of License Commissioners for Frederick County has adopted the following Regulations, as authorized by §20-207 of the Alcoholic Beverages Article, Maryland Annotated Code and may fine, and/or suspend, or revoke the license for any violation. All regulations are subject to change by notice of the Board of License Commissioners for Frederick County.

Adopted and effective February 13, 2023, by Commissioner Joan Aquilino, Commissioner Deborah Burrell, and Commissioner Christopher Glass.

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## Definitions

### A. Alcoholic beverage

1. a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:
  - a. contains at least one-half of 1% of alcohol by volume; and
  - b. is suitable for beverage purposes.
2. Includes alcohol, brandy, whiskey, rum, gin, cordial, beer, and wine
3. Does not include a confectionery food product that contains up to 5% of alcohol by volume and is regulated by the Maryland Department of Health under §21-209 of the Health General Article.

(Alcoholic Beverages Article §1-101(b))

### B. Beer-means a brewed alcoholic beverage,

1. Beer includes:
  - a. ale,
  - b. porter,
  - c. stout,
  - d. malt,
  - e. hard cider
    - i. derived primarily from apples, apple concentrate, and water, pears or pear concentrate and water and
    - ii. contains no other fruit product but contains at least one-half of 1% and less than 8.5% of alcohol by volume
2. an alcoholic beverage that contains:
  - a. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol; or
  - b. more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added nonbeverage ingredients containing alcohol: and

3. Mead- a fermented alcoholic beverage consisting primarily of honey and water.

(Alcoholic Beverage Articles §101(c))

### C. Board-The Board of License Commissioners for Frederick County

### D. Club-means an association or a corporation that is

1. organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes; and
2. nonprofit

(Alcoholic Beverages Article §1-101(e))

### E. Commission-means the Alcohol and Tobacco Commission

(Alcoholic Beverages Article §1-101(f))

### F. Comptroller-means the Comptroller of the State of Maryland, including deputy, inspector, a clerk, or any other individual authorized to act by the Comptroller.

(Alcoholic Beverages Article §1-101(g))

### G. Establishment-licensed place of business.

- H. Fire Marshal-This term includes the County Fire Marshal’s Office, the County Office of Life Safety or such other public safety entity that has jurisdiction over fire safety issues at the establishment.
- I. License Holder or Licensee-the holder of any alcoholic beverages license or permit issued under the provisions of any law of this state.
- J. Liquor/Distilled spirits includes
  - 1. Alcohol;
  - 2. Brandy;
  - 3. Cordials;
  - 4. Gin;
  - 5. Liqueur;
  - 6. Rum;
  - 7. Vodka;
  - 8. Whiskey; and
  - 9. Solutions or mixtures of distilled spirits except fortified wines.  
(Alcoholic Beverages Article §101(r) & Tax General Article §5-101(g))
- K. No Contest Letter-A written notification of violation for certain offenses as designated by the Board. In lieu of a formal hearing, licensees may opt to pay an administrative fine. At the licensee’s request (or upon failure to pay the administrative fine within the time prescribed), a formal hearing on the alleged violation will be scheduled before the Board.
- L. Residency-Home residence is generally determined by the address on a current valid driver’s license, unless other satisfactory evidence, as determined by the Board proves otherwise.
- M. Restaurant-an establishment that accommodates the public, and
  - 1. is equipped with facilities for preparing and serving regular meals and has average daily receipts from the sale of food that is at least 40%. After 10 p.m. there is no requirement for a restaurant regarding average daily receipts from the sale of food and alcoholic beverages.
  - 2. The area of the licensed premises normally used as a restaurant for the preparation and consumption of food and beverages may not occupy less than 80% of the square footage of the premises.
  - 3. The Board may issue not more than 10 licenses to the same license holder.
  - 4. Restaurants with a beer, wine, and liquor license
    - a. may serve full-course meals at least twice daily,
    - b. have regular seating at tables, not including seats at bars or counters, for 28 or more individuals.  
(Alcoholic Beverages Article §20-104, §20-904, §20-803, §20-904(e))
- N. Wine-means a fermented beverage includes
  - a. Light wine
  - b. Sparkling wine that is naturally or artificially carbonated; and
  - c. Fortified wine to which alcohol, spirits or other ingredients are added
  - d. Wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume  
(Alcoholic Beverages Article §1-101(ii), §20-801)

## **Chapter 1. General Provisions**

### **§1.0 – Regulations**

The Board reserves the right to suspend the application of any adopted Frederick County Regulation when it finds that there is good cause to do so. The Board cannot suspend the application of the Alcoholic Beverages Article or any other State law.

Every licensee shall keep these Regulations where they are easily accessible for reference. All employees are responsible to read these Regulations, so they are familiar with them.

### **§1.1 – Responsibility of Licensee**

A licensee shall not commit or allow on the licensed premises any act that is contrary to any Federal, State, or Local statute, law, or ordinance, or against the public peace, safety, health, or welfare.

The licensee is personally responsible for the operation of the establishment and is responsible for violations committed not only by the licensee but also by the licensee's agents, employees, and operators. This includes the action of off-duty employees and volunteers on the premises.

### **§1.2 – Dishonored Payments**

Any licensee who gives the Board a payment that has been returned for any reason will be notified immediately. If the amount of the payment, plus applicable charges established by the Frederick County Treasurer, is not paid within 2 business days of notification, the license shall be suspended effective immediately until payment is cleared.

Once a licensee's payment has been returned for any reason, certified funds may be required.

## **Chapter 2. Licenses**

### **§2.0 – Class A (Off Sale) License (Sealed and Packaged)**

Class A, Beer only, Beer and Wine, or Beer, Wine, and Liquor – The establishment shall sell alcoholic beverages at retail in any quantity to the consumer at the establishment and deliver the beverages in a package or container that may not be opened, or its contents consumed on the licensed premises. (Alcoholic Beverages Article §20-601, §20-802, §20-901)

### **§2.1 – Class B (On Sale) License (Restaurants)**

Class B, Beer only and/or Beer and Wine – The establishment shall operate as a restaurant and serve food. This license permits consumption of alcoholic beverages in the establishment only where meals are prepared and served. However, the establishment may sell alcoholic beverages in sealed containers to be carried out and consumed elsewhere. (Alcoholic Beverages Article §20-602, §20-803)

Class B, Beer, Wine, and Liquor – The establishment shall operate as a restaurant and serve full-course meals at least twice daily, have a regular seating capacity at tables (not including seats at counters or bars) for 28 or more persons. This license permits consumption of alcoholic beverages in the establishment

only where meals are prepared and served, except for alcoholic beverages of not more than 22 percent by volume which may be sold in sealed containers to be carried out and consumed elsewhere.  
(Alcoholic Beverages Article §20-904)

## **§2.2 – Class C (On Sale) License (Non-profit Club)**

Class C, Beer Only and/or Beer and Wine – This license authorizes consumption and the sale of alcoholic beverages to be consumed on premises to a member of a club and their guests.  
(Alcoholic Beverages Article §20-603, §20-804)

Class C, Beer, Wine, and Liquor – This license may be issued to any club that has been operating for at least 3 years prior to applying for the license. The Board may issue the license for use by a nationally chartered fraternal, charitable, or veterans' organization, regardless of how long the organization has been operating.  
(Alcoholic Beverages Article §20-905)

## **§2.3 – Class DBR (Class 5 Manufacturing License or Brewery)**

The holder of a Class 5 Manufacturer's License may apply for a Class DBR, Beer Only Permit and an On-Site Consumption Permit, to sell to an individual for on-premises consumption at the brewery.  
(Alcoholic Beverages Article §2-207)

## **§2.4 – Class DDS (Class 1 Distillery License)**

The holder of a Class 1 Distillery License may apply for a Class DDS, Liquor Only Permit and an On-Site Consumption Permit, to sell to an individual for on-premises consumption at the distillery. This privilege allows the holder to sell mixed drinks made from liquor that the holder produces that is mixed with other nonalcoholic ingredients for on-premises consumption.  
(Alcoholic Beverages Article §2-202)

## **§2.5 – Specialty Licenses**

### **Arena**

The Board may issue a Class B-A (arena) beer and wine license to a campus of an institution of higher education. This license authorizes the holder to sell beer and wine by the drink from one or more outlets that the Board approves; and for on-premises consumption at sporting and nonsporting events held at the institution. Event staff must monitor entrances and exits when alcohol is being sold to ensure that alcohol is not brought into or removed from the licensed premises. Beer and wine sales may be exercised from 6:00 a.m. to 2:00 a.m. every day except on Sunday, when the hours shall be 10:00 a.m. to 2:00 a.m. When the license is not being used for events, the alcoholic beverages must be secured in a locked storage facility with no access by unauthorized personnel. The storage facility must be part of the licensed premises. The licensee must provide a list of all activities that utilize the license to the FCLB staff no later than two weeks in advance. If the licensee would like to add additional facilities outside the licensed arena, the licensee must submit a request to the FCLB staff with a diagram of the proposed areas where alcohol will be sold and consumed. The annual license fee for the Arena License is \$1,500. (Alcoholic Beverages Article §20-1001)

### **Art Gallery license**

The Annual license fee is \$100. (Alcoholic Beverages Article §20-1001.1)



**Banquet Facility license**

The Annual license fee is \$1,500. (Alcoholic Beverages Article §20-1001.2)

**Barbershop Beer and Wine license**

The Annual license fee is \$100. (Alcoholic Beverages Article §20-1001.3)

**Beauty Salon license**

The Annual license fee is \$100. (Alcoholic Beverages Article §20-1002)

**Bed and Breakfast license**

The Annual license fee is \$500. (Alcoholic Beverages Article §20-1003)

**Cinema/Theater license**

The Annual license fee is \$1,500. (Alcoholic Beverages Article §20-1003.1)

**Conference Center license**

The Annual license fee is \$2,000. (Alcoholic Beverages Article §20-1004)

**Country and Golf Club license**

The Annual license fee is \$1,500. (Alcoholic Beverages Article §20-1005)

**Country Inn license**

The Annual license fee is \$1,500. (Alcoholic Beverages Article §20-1006)

**Dinner Theater license**

The Annual license fee is \$1,500. (Alcoholic Beverages Article §20-1007)

**Entertainment Center license**

The Annual license fee is \$1,500. (Alcoholic Beverages Article §20-1009)

**Hotel Lobby license**

The Annual license fee is \$100. (Alcoholic Beverages Article §20-1009.1)

**Hotel license**

The Annual license fee is \$2,000. (Alcoholic Beverages Article §20-904(b))

**Micro-Brewery**

The Annual license fee is \$1,500. (Alcoholic Beverages Article §2-209 & §20-406)

**Municipal Golf Course license**

The Annual license fee is \$600. (Alcoholic Beverages Article §20-1009.2)

**Private Business Club license**

The Annual license fee is \$2,000. (Alcoholic Beverages Article §20-1010)

**Private Country Club license**

The Annual license fee is \$2,000. (Alcohol Beverages Article §20-1011).

**Retirement Center license**

The Annual license fee is \$1,500. (Alcoholic Beverage Article §20-1012)

**Stadium license**

The Annual license fee is \$2,000. (Alcoholic Beverages Article §20-1013)

**Theatre license**

The Annual license fee is \$100. (Alcoholic Beverage Article §20-1014)

**Volunteer Fire Company/Volunteer Ambulance Company license**

The Annual license fee is \$500. (Alcoholic Beverages Article §20-1014.1)

**Weinberg Arts Center license**

The Annual license fee is \$325. (Alcoholic Beverage Article §20-1015)

**§2.6 – Promoter’s Permit**

There is a Promoter’s permit that shall be obtained by a for-profit organization from the Board **before** the organization may publicize, sell tickets, organize, operate, produce, or stage an event in which alcohol beverages are sold or served.

The Promoter shall abide by Regulations adopted by the Board for conducting an event, including health and safety standards to be met by the permit holder. The rules and regulations governing this license will be provided with the application. Approvals must be received by the Board subject to Fire Marshal, Health Department, and Zoning approval.

Applications shall be submitted a minimum of two (2) weeks prior to the event. An application filed within thirteen (13) to six (6) days of the event will be processed at the discretion of the Board Director subject to staffing availability and will be subject to a late fee of \$50. Applications submitted within five (5) days of the event will be processed at the discretion of the Board Director subject to staffing availability and will be subject to a late fee of \$100.

The fee for a Promoter’s permit is:

- a. \$50, if the promoter expects that fewer than 500 individuals will attend and a \$25 administrative fee\*
- b. \$250, if the promoter expects that from 500 to 1,000 individuals will attend and a \$75 administrative fee\*
- c. \$600, if the promoter expects that from 1,001 to 3,000 individuals will attend and a \$150 administrative fee\*
- d. \$1,000, if the promoter expects that more than 3,000 individuals will attend and a \$500 administrative fee\*

The rules and regulations governing these licenses will be provided with the application. (Alcoholic Beverages Article §20-1103)

The Board reserves the right to assess additional administrative fees for events expecting 5,000 or more individuals.

\*Administrative fee for Promoter’s permits will be assessed beginning January 1, 2023.

**§2.7 – Special Licenses**

A Special license for up to 7 consecutive days may be applied for by a non-profit club, society or association holding any bona fide entertainment that receives approval from the Board subject to Fire

Marshal, Health Department and Zoning approval. The rules and regulations governing this license will be provided with the application. Applications shall be submitted a minimum of two (2) weeks prior to the event.

1. **Late Applications.** An application filed within thirteen (13) to six (6) days of the event will be processed at the discretion of the Board Director subject to staffing availability and will be subject to a late fee of \$50. Applications submitted within five (5) days of the event will be processed at the discretion of the Board Director subject to staffing availability and will be subject to a late fee of \$100.

(Alcoholic Beverages Article §20-1301, §20-1312, §20-1313, §4-1202)

A **Multiday Special license** may be issued for not more than 50 days in a calendar year to a single applicant. Multiday Special License Applications will be assessed one (1) Administrative Fee per application. Changes and or additions to the original application will be subject to an additional administrative fee based on time of submission as set forth below. An application/changes shall be submitted a minimum of two (2) weeks prior to the first/next event.

1. **Late Applications.** An application/changes filed within thirteen (13) to six (6) days of the first/next event will be processed at the discretion of the Board Director subject to staffing availability and will be subject to a late fee of \$50. Application/changes submitted within five (5) days of the first/next event will be processed at the discretion of the Board Director subject to staffing availability and will be subject to a late fee of \$100.

The rules and regulations governing these licenses will be provided with the application.

(Alcoholic Beverages Article §20-1312, §20-1313)

There is a Multivenu Special license for up to five venues.

(Alcoholic Beverages Article §20-1309)

The fee for a Special License is:

- a. \$10 (Beer or Beer and Wine) per day
- b. \$30 (Beer, Wine, and Liquor) per day

Special Licenses will be assessed an administrative fee based on expecting attendees beginning January 1, 2023:

- a. \$25 fewer than 500 attendees
- b. \$75 500 to 1,000 attendees
- c. \$150 1,001 to 3,000 attendees
- d. \$500 3,001 or more attendees

The Board reserves the right to assess additional administrative fees for events expecting 5,000 or more attendees.

### **Chapter 3. Endorsements (Additional Privileges)**

#### **§3.0 – Bottle Club**

The Board may issue a Bottle Club endorsement to a Class B restaurant or hotel (on-sale) beer, wine, and liquor license. This endorsement allows the licensee the privilege to sell a bottle of alcohol to a patron, to remain on the premises for future on-site consumption. The bottle must be clearly identified with proof

of sale, and to whom the bottle belongs. Requests for endorsement must be submitted to the Board, along with a diagram of the area where sold bottles will be stored and maintained, and how the service will be tracked. This endorsement will require Inspector approval prior to any sales.

### **§3.1 – Caterer’s License**

The Board may issue a local caterer’s license to a Class B restaurant or hotel (on-sale) beer, wine, and liquor license. This license allows the licensee the privilege to provide beer, wine, and liquor at a publicly or privately sponsored event that is held off the licensed premises. All catered events must be in Frederick County. The licensee shall prepare, deliver, and provide food for consumption at the catered event, and provide service employees to serve alcoholic beverages at the catered event. Completed Catered Event registration form shall be submitted to the Board 14 days prior to the event. After the event all alcoholic beverages need to remain in possession of the licensee or an employee of the licensee and returned to the licensed premises of the Class B restaurant or hotel (on-sale). This license shall not cater alcoholic beverages to a premises that currently holds an alcoholic beverage license. The annual license fee is \$1,500.

(Alcoholic Beverages Article §20-1201)

### **§3.2 – Class A-Beer and Wine Consumption Permit (BWC)**

Class A Licensees desiring to obtain the beer and wine consumption permit must complete the registration form with signatures and receive a Beer and Wine Consumption Permit endorsement on their license before consumption can occur. An individual may consume beer or wine covered by the permit in a quantity not exceeding:

- a. 12 total ounces of Beer; **OR**
- b. 6 total ounces of Wine

A beer and wine consumption permit is for on-premises consumption only. An open container may not be carried from the premises to be consumed elsewhere. Once opened, the beer or wine bottles used for consumption must be marked that it is to be used for tasting purposes only. The contents of each bottle may not be mixed with any other bottle and all bottles shall be disposed of once they are empty. The beer & wine consumption permit must comply with any regulations as required by the Fire Marshal, Health Department and Zoning Department. The annual fee is \$200.

(Alcoholic Beverages Article §20-1102.1)

### **§3.3 – Class A-Beer, Wine, and Liquor Consumption Permit (BWLC)**

Class A Licensees desiring to obtain the beer, wine and liquor consumption permit must complete the registration form with signatures and receive a Beer, Wine, and Liquor Consumption Permit endorsement on their license before consumption can occur. An individual may consume beer, wine or liquor covered by the permit in a quantity not exceeding:

- a. 12 total ounces of Beer;
- b. 6 total ounces of Wine; **OR**
- c. 1.5 total ounces of Liquor, which may be mixed with other nonalcoholic beverages.

A beer, wine and liquor consumption permit is for on-premises consumption only. An open container may not be carried from the premises to be consumed elsewhere. Once opened, the beer, wine, or liquor bottles used for consumption must be marked that it is to be used for tasting purposes only. The contents of each bottle may not be mixed with any other bottle and all bottles shall be disposed of once they are empty. The Beer, Wine and Liquor Consumption permit must comply with any regulations as required by the Fire Marshal, Health Department and Zoning Department. The annual fee is \$400.

(Alcoholic Beverages Article §20-1102.2)

### §3.4 – Cheese and Deli Shop Wine Privilege

The Annual license fee is \$100. (Alcoholic Beverages Article §20-802)

### §3.5 – Deliveries

#### Class A -Delivery

Class A Licensees desiring to deliver alcoholic beverages must complete the registration form with signatures and receive a Delivery endorsement on their license before deliveries can be made. All delivery persons must be a bona fide employee on the payroll or a licensee. Delivery persons must be **alcohol awareness certified** and **at least 21 years of age or older**. Alcoholic beverages must be delivered in a sealed package or container. The person receiving the alcoholic beverages must be 21 years of age or older. The delivery person must verify the identification of the customer. Each delivery form must be complete and kept on the premises for 2 years and available for inspector review. Deliveries cannot be made to another alcohol licensed establishment. Deliveries can only be made in Frederick County between the hours of 6:00 a.m. and 11:00 p.m. Monday through Saturday and 10:00 a.m. and 11:00 p.m. on Sundays. Third party sales or deliveries are not allowed. The Board reserves the right to modify this privilege at any time. (Alcoholic Beverages Article §4-507, §4-1107)

#### Class B-Delivery

Class B Licensees desiring to deliver alcoholic beverages must complete the registration form with signatures and receive a Delivery endorsement on their license before deliveries can be made. All delivery persons must be a bona fide employee on the payroll or a licensee. Delivery persons must be **alcohol awareness certified** and **at least 21 years of age or older**. Alcoholic beverages must be delivered in a sealed package or container. Containers must have closed cap, cork or seal or lid with no straw holes. The person receiving the alcoholic beverages must be 21 years of age or older. The delivery person must check the identification of the customer. Each delivery form must be complete and kept on the premises for 2 years and available for inspector review. Deliveries cannot be made to another alcohol licensed establishment. Deliveries can only be made in Frederick County between the hours of 6:00 a.m. and 11:00 p.m. Monday through Saturday and 10:00 a.m. and 11:00 p.m. on Sundays. The alcoholic beverage must be purchased along with a **Prepared** food other than prepackaged snacks. Third party sales or deliveries are not allowed. The Board reserves the right to modify this privilege at any time. This law has a sunset date of June 30, 2023.

(Alcoholic Beverages Article §4-507, §4-1107)

### §3.6 – Entertainment

A licensee who plans to add entertainment as a part of the business must submit an Entertainment Request form to the Board for prior approval.

### §3.7 – Outside Areas and Patios

Any licensee proposing to use an outside area shall complete the Patio/Outside Area form. All outside areas shall be enclosed by a barrier and approved by an inspector. A barrier of 42” is recommended. The Board’s approval must be obtained prior to using any outside area.

When it is not feasible for the outside area to be adjacent to the licensed premises, the Board may approve use of an area that is in close proximity to the licensed premises.

Outside areas shall comply with any applicable requirements of all partnering agencies.

### **§3.8 – Refillable Containers Draft Beer (Growlers)**

There is a refillable container permit for draft beer for the holder of a Class A or a Class B license. (Alcoholic Beverages Article §20-1104, §4-1104)

A refillable container permit authorizes the permit holder to sell draft beer for off-premises consumption in a refillable container.

A refillable container shall:

- a. have a capacity of not less than 32 ounces and not more than 128 ounces,
- b. be sealable,
- c. be branded with an identifying mark of the seller of the container,
- d. bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21,
- e. display instructions for cleaning the container, and
- f. bear a label stating that:
  1. cleaning the container is the responsibility of the consumer; and
  2. the contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

### **§3.9 – Nonrefillable Container Draft Beer (Crowler)**

There is a nonrefillable container permit for draft beer to a holder of a Class A or Class B license. (Alcoholic Beverages Article §20-1106, §4-1106)

A nonrefillable container permit authorizes the permit holder to sell draft beer for off-premises consumption by packaging the beer in a nonrefillable container.

A nonrefillable container for draft beer shall:

- a. be constructed out of aluminum,
- b. be sealable,
- c. have a capacity of 32 ounces,
- d. be branded with the identifying marks of the seller of the container, and
- e. bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. §16.21.

### **§3.10 – Refillable Containers Wine (Growlers)**

There is a refillable container permit for wine to a holder of a Class A or Class B license. (Alcoholic Beverages Article §20-1105, §4-1105)

A refillable container permit authorizes the permit holder to sell wine for off-premises consumption in a refillable container.

A refillable container for wine shall:

- a. have a capacity of not less than 17 ounces and not more than 34 ounces,
- b. be sealable,
- c. be branded with an identifying mark of the seller of the container,
- d. bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21,

- e. display instructions for cleaning the container; and
- f. bear a label stating that cleaning the container is the responsibility of the consumer.

### **§3.11 – Sunday Permit**

Class A licensees may not sell or dispense alcoholic beverages on Sunday unless a Sunday permit has been issued allowing the privilege of Sunday operating hours of 10:00 a.m. to 2:00 a.m. the following day for off-premises consumption.

(Alcoholic Beverages Article §20-2002, §20-2004, §20-2005)

### **§3.12 – Wine Corkage**

A Class B or C license that allows for the sale of wine, may obtain a Wine Corkage Permit from the Board. This grants the licensee the privilege to allow an individual to consume wine not purchased from the establishment, only if:

- a. The wine is consumed with a meal during the hours of sale specified by the licensee;
- b. The individual receives the approval of the licensee or the licensee’s agent, employee or operator;
- c. The wine is not available for sale on the licensee’s wine list; and

Licensees may charge the individual a fee for the privilege, on which sales tax applicable to alcoholic beverages shall be imposed.

A bottle of wine that is removed from the licensed premises under these conditions is an “open container” for purposes of §10-125 of the Criminal Law Article.

(Alcoholic Beverages Article §4-1102)

## **Chapter 4. Applications**

### **§4.0 – General Provisions for New and Transfer Applications**

All interested applicants wanting to apply for a new or transfer license must submit the application request form. If the requested license type is available, staff will email the application along with all other pertinent information within 24 hours (excluding weekends and holidays).

Application is considered complete when the following items are received:

- a. Completed application with all signatures
- b. Maryland Residency
- c. Driver’s license or Government issued photo id
- d. Alien Registration/Naturalization/US Passport
- e. Diagram
- f. Alcohol Plan
- g. Lease/Letter of Intent/Deed
- h. Consent to Transfer- (transfer applications only)
- i. Draft of Contract of Sale- (transfer applications only)
- j. \$750 Application Fee (non-refundable)
- k. Entity Documentation:
  - 1. Corporation: Articles of Incorporation; State Approval; By-Laws, Stock Certificates and if needed Minutes

2. LLC: Articles of Organization; State Approval; Operating Agreement and if needed, Resolution
3. Partnership: Partnership Agreement

Within one week of submitting the above items and the application, the applicant(s) will receive notification of their hearing date. The application will then be added to the agenda and sent for partnering agency review. \*See Hearing section

Two weeks prior to the hearing date, the hearing notification sign will be posted at the establishment by the Frederick County Alcoholic Beverage Inspector.

Before the hearing, the applicant must complete fingerprinting, meet the alcohol awareness requirements, and all applicants, and any parties that oversees serving and selling of alcohol must complete the ABLE training. Staff will do a background check on any applicant that holds or previously held an alcoholic beverage license anywhere in the Country.

Before the license can be issued the following items must be completed or obtained:

- a. Alcoholic Beverage Inspector's approval
- b. Final Lease or Deed
- c. Copy of Sales and Use Tax License
- d. Release of the Sales and Use Tax account from the Comptroller's Office
- e. Business License
- f. Worker's Comp (if required)
- g. Final Contract of Sale (for transfers only)
- h. Bulk Transfer Permit (for transfers only)
- i. Bulk Transfer Affidavit (for transfers only)
- j. Approvals from:
  - a. Fire Marshal or Certificate of Occupancy
  - b. Health Department if required
  - c. Zoning Office
  - d. Permits Office or Certificate of Occupancy
- k. Pay license/transfer fee

Conditional Approvals –The Board may motion for conditional approval pending all rules, regulations, and laws of the State, County, and municipalities are met. The Liquor Board staff will monitor and release the license upon completion of all requirements. If such license is not issued within the time frame set by the Board at the hearing, the conditional approval expires. The applicant may request an extension. It is solely within the Board's discretion to approve or deny an extension of time.

Fingerprinting Records Check – The Board shall obtain criminal history record information of each applicant for a license from the Central Repository.  
(Alcoholic Beverages Article §20-1402)

Franchises – A Class A, alcoholic beverages license shall not be issued to any franchised establishment.  
(Alcoholic Beverages Article §20-1603)

Gas Agreement – Any applicant who sells gasoline or proposes to sell gasoline once licensed shall submit with the application a signed copy of the agreement with the oil company to ensure that a franchise does not exist. A current agreement with any gas supplier shall be submitted to the Board with any application



for a new license or to transfer a license. The agreement shall be kept current by submitting any renewed or new agreements to the Board.

Residency –At least one applicant shall be a Maryland resident at the time the application is filed and shall remain a Maryland resident for the duration of the license.

Upgrade/Downgrade of license-Licensees will need to complete Upgrade/Downgrade application.

#### **§4.1 – Special Provisions for Transfer Applications**

Sale of Business – Any licensee who is in the process of selling their business (the entire business or a portion of the business in excess of 50%) shall notify the Board immediately to apply for a transfer of the license. Failure to do so; could result in revocation of license.

Management Agreement– A licensee selling their business who wants to have the purchasers operate the business until the transfer is complete, may do so by submitting a management agreement for approval by the Board.

This management agreement shall include the name of the applicant(s) who will be operating the business, the current licensee(s), license number, address, phone number, and e-mail address. The agreement shall be signed by all parties.

All accounts associated with the business shall 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.

Transfer of Location-Licensees moving their establishment to another location will need to complete a Transfer of Location application.

#### **§4.2 – Census Availability**

When the Board receives the final Census giving the numbers for each Election District in Frederick County, the number of available licenses for each Class and Type will be determined. Two Public Notices will be posted in the newspaper and on the Frederick County Liquor Board website giving the number of each Class and Type of the licenses available in each Election District. The Public Notices will contain instructions for submitting an information sheet by a certain date for the Board to review.

The information sheet includes the following information:

- a. Type of License Requested
- b. Class of License Requested
- c. Location of proposed establishment
- d. Names that will appear on the license
- e. Answering the following questions:
  1. Does the interested party have any other licensed establishments?
  2. If so, the names and location of other licensed establishments?
  3. What is the target date to open/upgrade the establishment?
  4. How will your business meet the public need/desire for the license?
  5. How will your business ensure health, safety, and welfare of the community?
  6. Would your business impact surrounding existing license holders?
  7. What is unique about your business?

8. Is there any additional information for the Board's consideration?

The Board's staff will review the information sheets that are submitted by the published deadline. The Board will hear each potential applicant's testimony based on their information sheet. The Board will then rank each potential applicant, if the first potential applicant fails to submit a completed application within 30 days, the next potential applicant can then apply and so on until the list is exhausted.

**Remaining Census licenses**-If there are any licenses remaining after the Board has granted the licenses for those who submitted the information sheet, an application will be available to the first person requesting an application for the Class and Type in each Election District. All census driven applications given out by the Board, for a new license shall be filed within 30 days after the application was sent to the potential applicant.

All census driven licenses (class A) applications expire 30 days after staff emails the required documents.

### **§4.3 – Renewals**

Applications – Application for renewal must be filed between January 1 and April 15 inclusive. Any renewal filed late will be subject to a fine of \$100 for each calendar day late, including weekends and holidays. The renewal application shall be provided by the Board. The renewal shall be fully completed with all required information, and the application fee of \$100 shall be paid before the Board will consider it filed.

(Alcoholic Beverages Article §20-1801)

Renewal licenses not paid for – All licensee are required to pay for and obtain their new license between January 1 and May 1 inclusive. Failing to do so will result in a fine of \$100 for each calendar day late, including weekends and holidays.

New License Displayed – The new license must be displayed by May 1 of the license year.

(Alcoholic Beverages Article §4-508)

## **Chapter 5. Hearings**

### **§5.0 – Hearings**

All licensees or applicants for a license shall be present during any hearing scheduled by the Board. The Board reserves the right to suspend or revoke a license for failure to appear for a scheduled hearing.

### **§5.1 – Penalty**

A fine is due and payable within 24 hours after the decision is given to the licensee. Any fine paid after the initial 24 hours will double. If the fine is not paid within 48 hours after the decision is given, the license will be retrieved by the Inspector and returned to the Board until the fine is paid in full.

The Board may impose a fine not exceeding \$3,000 for each offense or suspend a license or both for a violation that is cause for suspension of a license.

The Board may reduce a suspension by allowing the licensee to pay a fine of not exceeding \$1,000 for each week the suspension is reduced.

(Alcoholic Beverages Article §20-2802)

## **§5.2 – Violation Guidelines**

The Board has established violation guidelines to create transparency and consistency when regulations are not adhered to. The Board reserves the right to modify any violation guideline when there is good cause to do so.

(See appendix for violation guidelines)

## **§5.3 – No Contest Letters**

In lieu of a formal hearing before the Board, the Administrator may issue a No Contest Letter based on the violation guidelines. The letter contains:

- a. the amount of the fine to be imposed, and administrative fee.
- b. description of the alleged violation,
- c. the approximate date and time during which the alleged violation occurred,
- d. the section of law or regulations of the Board that was alleged to be violated,
- e. and an explanation of the options available to the licensee

A copy of the no contest letter will be emailed to licensees and a hard copy will be delivered by the inspector to the establishment.

No later than 10 days after the No Contest Letter is delivered to the establishment, the licensee shall:

- a. pay the fine and administrative fee
- or**
- b. may request that a hearing be held to contest the alleged violation.

If there is no response from the licensee after 10 days after the No Contest Letter is delivered to the establishment, the Administrator shall proceed with the hearing process.

## **§5.4 – Orders and Rulings**

Unless otherwise provided by the Board, the Board's orders and decisions are final when made. When an appeal from a Board order or decision is filed and the cost of the appeal is paid, the Board may stay its decision pending the disposition of that appeal.

## **§5.5 – Decisions – Requests for Reconsideration**

Within 10 days of a Board decision, any person who would also have standing to file a Petition for Judicial Review as defined in the applicable section of the Alcoholic Beverages Article of the Annotated Code of Maryland may file a written request for reconsideration of the Board decision, provided that the Board decision would be subject to judicial review. The request shall contain the specific reasons and any new evidence upon which the request is based. A request for reconsideration does not stay the operation of a Board decision unless the Board grants a stay. A request for reconsideration stays the time for an appeal until the time the request is denied or, in the event the request is granted, a subsequent decision is made. (Alcoholic Beverages Article §4-902, §4-903)

## **§5.6 – Deferred Judgement**

At the conclusion of a violation hearing, for good cause shown, the Board may defer a finding of guilt. The licensee may not have been found guilty of more than two administrative violations or any other violations within the past three years or granted a deferral within the past three years.

If the licensee is found guilty of a subsequent violation the original charge will be reinstated and a finding of guilt will be imposed on the original charge. A suspension of the license will be mandatory if the violation occurs within a two-year period of the deferral. If applicable, the buyback option for the suspension is not allowable.

If licensee is not found guilty of a subsequent violation within a two-year period after the date of the deferral, the original charged violation will be dismissed, but a record of the deferral will be maintained in the licensee's file for the required 3-year period.

## **§5.7 – Grounds for Revocation or Suspension**

At the Board's discretion, they may revoke or suspend a license for any reason to promote the peace or safety of the community in which the premises are located or for offenses as provided in this book and of the Alcoholic Beverages Article.

The Board shall be required to revoke or suspend a license under Mandatory grounds that meets the criteria according to Alcoholic Beverages Article §4-604 (b).

## **§5.8 – Judicial Review**

Final decisions of the Board are subject to judicial review by the Circuit Court, Court of Special Appeals or by certiorari, to the Court of Appeals.  
(Alcoholic Beverages Article §4-902, §4-908)

## **Chapter 6. Standards of Operation**

### **§6.0 – Alcohol Awareness Program**

Each licensed establishment shall have 50% of on duty employees serving or selling alcohol complete an alcohol awareness training program approved by the Alcohol Tobacco Commission (ATC). The certified employees must be on the premises at all times the establishment is serving or selling alcoholic beverages. If there is an absence from the licensed premises, it cannot be for more than two hours, for any reason. A logbook shall be kept on the licensed premises that contains the name of the certified person, the date and time of the absence, and the reason for the absence. The logbook shall be available upon the request of the Alcoholic Beverages Inspectors, employees of the Board, or the ATC's Agents. Recertification is required every four years. An up-to-date valid certificate shall be kept on file at the establishment and presented to the proper authority upon request. If anyone certified leaves employment, the licensee or manager must notify Liquor Board Staff within 30 days so their file can be updated. If an employee is trained outside of the Liquor Board Safe Alcohol Service program, a copy of the certification must be submitted to the Liquor Board office within 30 days of obtaining the certificate.

A licensee who violates this section is subject to a first offense, a \$100 fine: and for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.  
(Alcoholic Beverages Article §4-505, §20-1903)

## **§6.1 – Barring Individuals**

A no trespassing form shall be filed with local Law Enforcement Agency and a copy should be retained by the licensee (should a warrant be required) and available for inspection.

## **§6.2 – Changes in Information Provided**

Any change to the original application or any renewal application shall be submitted to the Board within 14 days. This notice includes but not limited to changes of the home address, phone number and email address of any licensee, the business phone number, and business e-mail address, a change to the physical address of the establishment, change in ownership, and a change of the Retail Sales Tax Number. Any changes in the property owner or lease of the establishment shall be reported as soon as the licensee is notified.

## **§6.3 – Change of Lease or Deed**

Any changes in the property owner or lease of the establishment shall be reported as soon as the licensee is notified. A current deed or lease that has not expired is required to be on file with the Board. This includes any lease extensions.

## **§6.4 – Change of Legal Name of Person Appearing on a License**

A person appearing on the license who changes their legal name either by marriage, divorce, or other legal process, shall notify the Board within 14 days of the change and provide supporting documentation of the name change. The Board will issue a corrected license upon receipt of the required documentation and payment of the Corrected License fee determined by the Board.

## **§6.5 – Change of License Holders**

Any change of the licensee, officers, authorized persons, partners, or general partners shall be submitted to the Board within 14 days. The requirements may include:

- a. A copy of the minutes, resolution or other documents naming the authorized persons/partners to hold a license on behalf of the entity,
- b. A completed Corrected License form for the new licensee,
- c. A law enforcement criminal records check (fingerprint) must be completed and
- d. Complete ABLE training.

Upon receipt of the required documentation and payment of the Corrected License fee, the corrected license will be issued.

## **§6.6 – Changes to the Licensed Premises**

Any licensee proposing to expand or reduce the size of the licensed premises/establishment or alter/modify the interior or exterior of the premises shall submit a Changes in Licensed Premises form to the Board along with a copy of the diagram/construction plans and an Alcohol Plan. **Prior to beginning** any construction or any alteration, the licensee shall obtain the Board's approval of the plans. Upon completion of the modifications and the release of any necessary permits, zoning approval, Fire Marshal approval or any required inspections.

## **§6.7 – Change of Trade Name**

A change of the establishment's trade name shall be sent to the Board upon submitting a trade name application with the Maryland State Department of Assessments and Taxation (SDAT). Upon receipt of the required notice, trade name acknowledgment from SDAT and the payment of the corrected license fee to be determined by the Board, the Board will issue a corrected license. Change of the trade name cannot occur until these steps are completed.

## **§6.8 – Compliance with Partnering Agency**

Licensees shall comply with all partnering State, County, and Municipality agencies. In the event the establishment is closed by a partnering agency, the licensee shall immediately cease sales of alcohol. Once approval has been given by the partnering agency to re-open, the license may be reinstated.

## **§6.9 – Conduct of Business**

All licensees must operate their business in such a manner as to avoid disturbing the peace, safety and quiet of the neighborhood where located. All unnecessary noises, including the playing of loud music, loud talking and loud singing at unreasonable times are prohibited.  
(Alcoholic Beverages Article §4-604)

All licensees shall keep the inside area of the establishment, and any outside areas that are part of the establishment including parking areas neat, clean, and orderly. This includes gathering trash and litter.

The Board may consider a violation for any patron/licensee/employee behavior resulting in excessive calls to law enforcement, either inside the premises or on the outside of the premises.

## **§6.10 – Death of a Licensee**

The Board must be notified within 48 hours after a death of a licensee. If a licensee dies, the license will expire. However, the Board may grant a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased for a period up to 18 months. The applicant shall obtain an original or certified copy of a letter of administration from the Registrar of Wills and present it to the Board before it will grant the certificate of permission. If this process takes longer than 14 days after the death occurs, an updated timeline will need to be sent to the Board staff.

(Alcoholic Beverages Article §4-803, §20-2301, §20-2302)

## **§6.11 – Display of Licenses**

The Alcoholic Beverage license, Maryland Sales and Use Tax license, and Business license must be displayed in a frame in full view of the public.

(Alcoholic Beverages Article §4-508)

## **§6.12 – Hours**

Between 2:00 a.m. to 6:00 a.m. on any day unless otherwise provided, an individual may not consume alcoholic beverages in a licensed premises. An owner, an operator or a manager of a licensed premises may not knowingly allow consumption during these hours.

(Alcoholic Beverages Article §20-2001)

Class A licensees may not sell or dispense alcoholic beverages on Sunday unless a Sunday permit has been issued allowing the privilege of Sunday operating hours of 10:00 a.m. to 2:00 a.m. the following day for off-premises consumption.

Class B licensees may operate on Sunday for on-premises consumption from 10:00 a.m. to 2:00 a.m. the following day, for off-premises consumption from 1:00 p.m. to 2:00 a.m. the following day and for a specific event that the Board has approved.

Class C licensees may operate on Sunday for on-premises consumption from 10:00 a.m. to 2:00 a.m. the following day or for a specific event that the Board has approved.  
(Alcoholic Beverages Article §20-2002, §20-2004, §20-2005)

During the hours when the sale of alcoholic beverages is prohibited, no alcoholic beverage shall be removed from the establishment, regardless of when purchased.

### **§6.13 – Changes of Hours**

*Hours of Operation and Regular Days of Closing* – The hours of operation and regular days of closing shall be submitted to the Board. Any seasonal changes, early closures or delayed closures shall be submitted to the Board immediately by email. Any establishment that intends to stay open 24 hours shall submit notice to the Board. When an establishment closes to the public and members, all alcohol sales, service, and consumption must cease.

### **§6.14 – Drinks After Hours**

No alcoholic beverages shall be served, dispensed, or given away on any part of the premises of any licensed establishment after 2:00 a.m. All alcoholic beverages shall be put away and secured by 2:00 a.m. No person shall consume alcoholic beverages and patrons shall be out of the establishments by 2:00 a.m. Last call shall be not later than 1:30 a.m. and all transactions must be completed by 1:55 a.m. Owners, employees and hired entertainment shall finish their work and be out of the establishment within a reasonable time.  
(Alcohol Beverage Article §20-2001)

### **§6.15 – Infusion**

Fused or infused alcohol shall not be stored for more than three days. The fused or infused alcohol cannot be stored in an original alcohol container. The container must be labeled with the contents and date that the fusion or infusion occurred.

### **§6.16 – Inspections and Searches**

Licensees or any employees or authorized agents of the licensee shall allow the ATC or an authorized deputy, inspector or clerk of the ATC, Executive Director of the Commission or authorized deputy, inspector or clerk of the commission, Board of Licensed Commissioners for Frederick County or authorized agent or employee and any peace officer of the county or city where the place of business is located to inspect and search, without a warrant, a building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured or sold under a license or permit.  
(Alcoholic Beverages Article §6-202)

### **§6.17 – Minor Employees**

An employee shall be 18 years old to serve, sell, or otherwise deal with alcoholic beverages. Delivery persons **must** be 21 years of age or older and alcohol awareness certified. Persons 14 to 17 years of age are allowed to work in an establishment provided they do not sell, serve, or deliver alcoholic beverages.

All licensees who employ minors shall keep a copy of the minor's work permit for review by inspectors and partnering agencies.

(Alcoholic Beverages Article §20-1902)

### **§6.18 – Open Bar/Bottomless Drinks**

A licensee must request approval 14 days prior to offering the privilege of open bar or bottomless alcoholic beverages. It is the licensee's responsibility to control over service of alcohol.

### **§6.19 – Private Parties**

Special permission to close to the public for a private party shall complete a Special Event Request form 14 days prior to the event.

### **§6.20 – Raffles**

A game in which a prize is won by one of numerous persons buying chances. Establishments wishing to host a raffle containing alcoholic beverages must submit a Raffle Request form and receive permission from the Board at least 14 days before the raffle is to begin.

### **§6.21 – Records, Employees**

All licensees shall keep records containing the names, addresses, phone numbers, email address (if applicable) and date of birth of all persons employed by the establishment. A work schedule for all shifts shall be kept. These records shall be kept on premises for two year and be available for inspection by duly authorized representatives of the Board at all times during regular business hours.

### **§6.22 – Records, Purchases and Sales**

Licensees shall keep accurate records of all alcoholic beverages purchased and sold for 2 years from the date of their purchase. These records shall be available for inspection by duly authorized representatives of the Board at all times during regular business hours.

(Alcoholic Beverages Article §1-408)

Class B licensees that accommodate the public and is equipped with facilities for preparing, serving regular meals, and has average daily receipts from the sale of food that is at least 40%. These records shall be kept in the establishment at all times and open for inspection by any duly authorized representative of the ATC or the Board at all times during regular business hours. After 10 p.m. there is no record requirement.

(Alcoholic Beverages Article §20-104)

### **§6.23 – Removing Partially Consumed Bottles of Wine**

A person who, at a licensed establishment, purchases a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises



if the licensee or an employee of the licensee inserts a cork in or places a cap on the bottle, put in a bag with a receipt attached.

A bottle of wine that is removed from the licensed premises under this section is an “open container” for the purpose of §10-125 of the Criminal Law Article.

(Alcoholic Beverages Article §4-1103)

#### **§6.24 – Resignation of a Licensee**

When the establishment has more than one licensee, and one wishes to resign, they shall first give notice to the Board of this intention and the remaining licensees must take corrective action within 14 days of notification. The Board will grant the request unless it finds good cause to the contrary. The pendency of a violation hearing constitutes a good cause.

#### **§6.25 – Storage**

A licensee must securely store or keep any alcoholic beverages at the establishment covered by the license and at a public, government-controlled, or individual warehouse for which a permit for such storage issued by the ATC’s office.

(Alcoholic Beverages Article §4-502)

#### **§6.26 – Tables**

Class A licensees shall submit a request to the Board to have tables with chairs. Approval must be received before tables with chairs can be added. Consumption of alcohol is NOT permitted.

Class B, Beer, Wine, and Liquor license holders may remove tables and chairs to accommodate additional patrons at not more than four special events held in the restaurant in a calendar year, provided that the licensee:

- a. Shall give notice to the Board at least 14 days before the event,
- b. Shall store the removed tables and chairs in an appropriate location in the restaurant and in a manner that does not block the exits of the restaurant, and
- c. Does not exceed the maximum number of occupants that the County Fire Marshal allows.

(Alcoholic Beverages Article §20-904)

#### **§6.27 – Utilizing License**

A licensee must utilize all privileges granted under the license. If an issued license cannot be utilized within 10 days, the licensee must notify the Liquor Board office immediately.

## **Chapter 7. Prohibited Practices**

### **§7.0 – Alcoholic Beverages Purchase/Sales/Possession**

A licensee may not purchase any alcoholic beverage except from a licensed manufacturer or wholesaler, private bulk sale permit holder, or nonresident winery permit holder, sell any alcoholic beverage to any other retail dealer except the holder of a Class C per diem beer, beer and wine, or beer, wine, and liquor license, or keep or allow to be kept any alcoholic beverage on the licensed premises except those that have been purchased by the retail dealer.

(Alcoholic Beverages Article §6-311)

A licensee shall not borrow, loan, or purchase alcoholic beverages from another licensee or licensed establishment.

### **§7.1 – Bottles on Tables**

Class B and Class C licensees shall not allow alcoholic beverage bottles to be sold and set on tables or bars except beer and wine.

### **§7.2 – Consumption on the Premises**

A licensee may not allow an individual to consume on the licensed premises an alcoholic beverage that is not purchased on the premises from the licensee except for those that have obtained a wine corkage endorsement.

(Alcoholic Beverages Article §6-308)

### **§7.3 – Consumption or Intoxication While on Duty**

Licensees or employees shall not be under the influence of alcohol, or narcotics, before, or while on duty.

### **§7.4 – Drinking Games**

No alcoholic beverage drinking games shall be conducted on the licensed premises.

### **§7.5 – Drinks Carried Out**

No alcoholic beverages shall be opened inside an establishment and taken outside for consumption, with the exception of a pre-approved outside area.

### **§7.6 – Drive-In Windows**

Drive-in windows are not allowed. Drive-in windows approved by the Board prior to July 1, 1985, were exempt from this provision.

(Alcoholic Beverages Article §20-1604)

### **§7.7 – Drugs**

The establishment shall not be used for the purpose of possession, transfer, sale, or use of any illegal narcotic drug.

### **§7.8 – Empty Bottles**

All empty bottles shall be disposed of immediately, the bottles shall not be reused for alcohol.

### **§7.9 – False Statements**

An applicant, licensee, owner, manager, employees, or volunteer shall not make any material false statement in any original application, renewal application, verbal or written statement, electronic submission, in testimony before the Board or to any other representative of the Board who may be conducting an official investigation.

(Alcohol Beverage Article §4-604)

### **§7.10 – Gambling**

The establishment shall not be used for any illegal gambling activity.

### **§7.11– Give-Away Programs**

Providing free food is prohibited. Except for as provided in section 2 of the Alcoholic Beverages Article §6-310.

(Alcoholic Beverages Article §6-310)

### **§7.12 – Intoxicated Persons**

A licensee or an employee of the licensee may not sell or provide alcoholic beverages to an individual who, at the time of the sale or delivery, is visibly under the influence of an alcoholic beverage.

(Alcoholic Beverages Article §6-307)

### **§7.13 – Minors**

A licensee or employee of the licensee may not sell, provide, allow possession or consumption of any alcoholic beverage, by any person under 21 years of age, regardless of who purchased or obtained the alcoholic beverages.

(Alcoholic Beverages Article §6-304, 6-309)

Misrepresenting Age – No person may falsely represent the age of any person for the purpose of aiding, assisting or abetting the person to illegally purchase, receive or obtain any alcoholic beverage. (Alcoholic Beverages Article)

Possession – No person under 21 years of age may possess or have upon his person any alcoholic beverage.

Purchases – No person under 21 years of age may purchase any alcoholic beverage.

A licensee or an employee of the licensee may accept a government issued identification with a picture and date of birth as proof of an individual's age.

(Alcoholic Beverages Article §6-305)

### **§7.14 – Nudity and Sexual Displays**

The Board shall revoke a license if, after a hearing, an activity listed in the Alcoholic Beverages Article, §4-605, is found to have occurred on the licensed premises.

(Alcoholic Beverages Article, §4-605)

**§7.15 – Powdered Alcohol**

A licensee may not sell or offer for sale alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance. A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000. Each violation of this section is a separate offense. (Alcoholic Beverages Article §6-326)

**§7.16 – Tampering with Alcoholic Beverage Container**

A licensee or an agent or employee of the licensee may not tamper with or change the quantity or quality of the contents of a container of an alcoholic beverage after the container has been lawfully sealed, and while the contents remain in the container, or except as specifically authorized with respect to refillable beer and wine containers, refill a container of an alcoholic beverage with a substance after the container has been emptied of its original contents. A licensee may not possess a container of an alcoholic beverage that has been tampered with or refilled. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$ 1,000 or both. (Alcoholic Beverages Article §6-313)

**§7.17 – Vacating the Premises**

Licenses issued by the Board expires on the 10th day after a licensee has vacated or been evicted from the licensed premises.

(Alcoholic Beverages Article §4-702)

**§7.18 – Working for Another Licensee**

Class A licensees may **not** work at another establishment licensed by this Board. Employees whose names do not appear on an alcoholic beverage license may work for multiple licensed establishments.

## GUIDELINES FOR VIOLATIONS

\*The Board reserves the right to modify any violation guideline when it finds there is good cause to do so.

Section Number	Description	First Offense	Second Offense	Third and Subsequent Offenses
§1.0 Rules and Regulations	Easily accessible for reference	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§2.1 Class B-BWL Seating Alcoholic Beverages Article §20-904	Not maintaining seating for at least 28 excluding bar tops and countertops	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§3.6 Entertainment	Not complying with entertainment requirements	Warning	No Contest Letter \$200 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§3.7 Outside Area and Patios including Special Events	Failing to request or comply with requirements for the outside area	Warning	No Contest Letter \$200 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§3.12 Wine Corkage Alcoholic Beverages Article §4-1102	Allowing wine to be brought on the licensed premises without obtaining the Wine Corkage Permit	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§4.3 Renewals Alcoholic Beverages Article §20-1801	Not filed before April 15	No Contest Letter \$100 Fine per day late Administrative Fee \$100	Hearing before the Board	Hearing before the Board
§4.3 Renewals Alcoholic Beverages Article §20-1801	Not picked up by the date indicated by the Board	No Contest Letter \$100 Fine per day late Administrative Fee \$100	Hearing before the Board	Hearing before the Board
§4.3 Renewals Alcoholic Beverages Article §4-508	Not displayed by May 1 <sup>st</sup>	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§5.0 Hearings	Failure to appear for a hearing	Hearing before the Board	Hearing before the Board	Hearing before the Board
§6.0 Alcohol Awareness Program Alcoholic Beverages Article §20-1903	No certified Alcohol Awareness person	No Contest letter \$100 Fine Administrative fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100	Hearing before the Board
§6.0 Alcohol Awareness Program Alcoholic Beverages Article §20-1903	Alcohol Awareness person Absence longer than 2 hours	No Contest letter \$100 Fine Administrative fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100	Hearing before the Board

## GUIDELINES FOR VIOLATIONS

\*The Board reserves the right to modify any violation guideline when it finds there is good cause to do so.

Section Number	Description	First Offense	Second Offense	Third and Subsequent Offenses
§6.2 Changes in Information provided	Not notifying the Board of changes to information contained on the original or renewal application including resignation of licensees within 14 days	Warning	No Contest Letter \$200 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.4 Change of Legal Name of Person Appearing on License	Failing to notify the Board of name change and providing required documentation	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.6 Changes to the Licensed Premises	Failing to request and receive written approval for changes to licensed premises	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.7 Change of Trade Name	Failing to notify Board of change in Trade Name of an establishment	No Contest Letter \$200 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100	Hearing before the Board
§6.8 Compliance with Partnering Agencies	Compliance with Partnering Agencies	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.9 Conduct of Business Alcoholic Beverages Article §4-604	Failing to operate in such a manner as to avoid disturbing peace and safety	No Contest Letter \$200 Fine Administrative Fee \$100	Hearing before the Board	Hearing before the Board
§6.10 Death of a Licensee	Not reporting a death of a licensee within 48 hours	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$200 Fine Administrative Fee \$100
§6.11 Display of Licenses	Alcoholic Beverage License, Maryland Sales & Use Tax License or Business "Trader's" License not posted	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.12 Hours & §6.13 Hours of Operation	Failing to report changes in operating hours to the Board	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.14 Consumption/Drinks After Hours Class B & C Alcoholic Beverages Article §20-2001	Consumption or selling before or after hours	Hearing before the Board	Hearing before the Board	Hearing before the Board

# GUIDELINES FOR VIOLATIONS

\*The Board reserves the right to modify any violation guideline when it finds there is good cause to do so.

Section Number	Description	First Offense	Second Offense	Third and Subsequent Offenses
§6.15 Infusion	Storing fused or infused alcohol for more than 3 days. Or not labeling the container containing fused or infused alcohol	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.16 Inspections and Searches Alcoholic Beverages Article §6-202	Failing to allow authorized Inspectors or Agents to inspect and search	Hearing before the Board	Hearing before the Board	Hearing before the Board
§6.17 Employees	No work permit and permission letter from parent	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	Hearing before the Board
§6.17 Employees Alcoholic Beverages Article §20-1902	Minors (under 18) serving/selling	No Contest Letter \$200 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100	Hearing before the Board
§6.18 Open Bar/Bottomless Drinks	Offering Alcoholic Beverages for a set price without prior approval	Warning	No Contest Letter \$200 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.19 Private Parties	Closed to the Public for a Private Party without prior approval	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$200 Fine Administrative Fee \$100
§6.20 Raffles	Raffling Alcoholic Beverages without approval	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$200 Fine Administrative Fee \$100
§6.21, §6.22 Records/Employee Records	Failing to keep all records including purchase, sales and employees available for inspection	Warning	No Contest Letter \$200 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.24 Resignation of a Licensee	Not taking corrective action within 14 days when a licensee resigns	No Contest letter \$100 Fine Administrative fee \$100	No Contest Letter \$200 Fine Administrative Fee \$100	Hearing before the Board
§6.26 Removing Tables and Chairs Alcoholic Beverages Article §20-904	Failing to comply with the Regulations for adding or removing tables and chairs	Warning	No Contest Letter \$100 Fine Administrative Fee \$100	No Contest Letter \$500 Fine Administrative Fee \$100
§6.27 Utilizing a License	Failing to use all privileges	Warning	Hearing before the Board	Hearing before the Board

# GUIDELINES FOR VIOLATIONS

\*The Board reserves the right to modify any violation guideline when it finds there is good cause to do so.

Section Number	Description	First Offense	Second Offense	Third and Subsequent Offenses
§7.0 Borrowing Alcohol from Another Licensee	Loaning/Borrowing alcohol to/from another licensee	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.0 Possession Alcoholic Beverages Article §6-311	Possession of alcoholic beverages not permitted to be sold under license except under §5.46	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.1 Bottles on Tables	Allowing liquor bottles on tables	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.2 Consumption on the Premises Alcoholic Beverages Article §6-308	Allowing consumption of alcohol except under §5.46 not purchased from licensee	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.3 Consumption or Intoxication While on Duty	Licensee or employee consuming alcohol while on duty	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.4 Drinking Games	Allowing Drinking Games	No Contest Letter \$500 Fine Administrative Fee \$100	Hearing before the Board	Hearing before the Board
§7.5 Drinks Carried Out	Consumption outside the licensed establishment (except in approved outside areas)	No Contest Letter \$200 Fine Administrative Fee \$100	Hearing before the Board	Hearing before the Board
§7.7 Drugs	Allowing the establishment to be used for illegal drug activity	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.9 False Statement Alcoholic Beverages Article §4-604	False statements on application, statement, or testimony	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.10 Gambling	Allowing the establishment to be used for illegal gambling activity	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.12 Intoxicated Persons (a) Alcoholic Beverages Article §6-307	Serving/selling to an intoxicated patron	Hearing before the Board	Hearing before the Board	Hearing before the Board



## GUIDELINES FOR VIOLATIONS

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Section Number	Description	First Offense	Second Offense	Third and Subsequent Offenses
§7.13 Minors Alcoholic Beverages Article §6-304, §6-309	Allowing a minor to possess or consume alcohol, sales to minors	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.16 Tampering/Refilling Alcoholic Beverages Article §6-313	Tampering with bottles, refilling; keeping tampered bottles on licensed premises	Hearing before the Board	Hearing before the Board	Hearing before the Board
§7.18 Working for Another Licensee (Class A)	Class A licensee working at another Class A licensed establishment	Hearing before the Board	Hearing before the Board	Hearing before the Board

\*All warnings must be corrected within 14 days

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Adopted June 13, 2022, effective July 1, 2022

## FEE SCHEDULE

### Regular License Fees

	Class A	Class B	Class C	Class DBR	Consumption Permit
<b>Beer Only</b>	\$100	\$130	\$50	\$500	\$1,000
<b>Beer &amp; Wine</b>	\$140	\$160	\$70	Offered for Beer Only	Offered for Beer Only
<b>Beer, Wine &amp; Liquor</b>	\$650	\$1,500	\$600	Offered for Beer Only	Offered for Beer Only
<b>Distillery Permit</b>	Offered for Class 1 Distillery Licenses Only				\$500 (Liquor Only)

### Endorsement Fees (Additional Permits Available for Regular Licenses)

Endorsement	Class A			Class B			Class C		
	Beer	Beer & Wine	Beer, Wine & Liquor	Beer	Beer & Wine	Beer, Wine & Liquor	Beer	Beer & Wine	Beer, Wine & Liquor
<b>Sunday Sales</b>	\$100	\$140	\$650	Not Applicable for Class B			Not Applicable for Class C		
<b>Tasting</b>	n/a	\$200	\$400	Not Applicable for Class B			Not Applicable for Class C		
<b>Delivery</b>	No Cost						Not Available for Class C		
<b>Catering</b>	Not Available for Class A			n/a	n/a	\$1500	Not Available for Class C		
<b>Wine Corkage</b>	Not Available for Class A			n/a	No Cost				
<b><u>Crowler (Class A or B) *free with Growler</u></b>									
<b>Beer Only</b>	\$50						Not Available for Class C		
<b><u>Growler (Class A or B)</u></b>									
<b>Beer Only</b>	\$50						Not Available for Class C		
<b>Wine Only</b>	n/a	\$50	n/a	\$50	Not Available for Class C				
<b>Both Beer &amp; Wine</b>	n/a	\$100	n/a	\$100	Not Available for Class C				

### ADDITIONAL FEES

Application Fee	\$750	Transfer of Location Application Fee	\$100	Fingerprint Fee	\$52
Renewal Application Fee	\$100	Upgrade/Downgrade Application Fee	\$100	Correction Fee	\$75
Application fee for Upgrades, Downgrades, Transfer of Locations, and Barbershops, Beauty Salons, DDS and Volunteer Fire Company/Volunteer Ambulance Company Licenses					\$100

\*Fees are subject to change