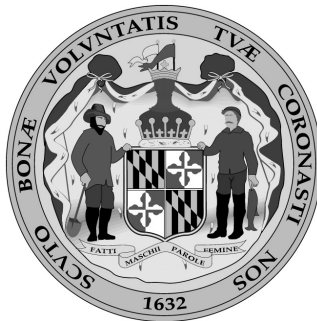


# ALCOHOLIC BEVERAGES REGULATIONS

STATE OF MARYLAND



FREDERICK COUNTY

**2018**

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

**ALCOHOLIC BEVERAGES  
REGULATIONS**

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. The Board of License Commissioners will fine, and/or suspend, or revoke the license of any violator of these Regulations. Your compliance is expected.

**DEBBIE BURRELL**, Chair  
**FRANK DAVIS**, Board Member  
**VACANT**, Board Member

**LINDA B. THALL**, Senior Assistant County Attorney  
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The Board's website provides further information and policies adopted by the Board, as well as outreach events for training that will help you to be successful in your business operations.

Revised and effective July 16, 2018 after a public hearing.

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## Chapter 1. General Provisions

### §1.0-Definitions

(a) *Beer/Hard Cider* – Beer is defined as any brewed alcoholic beverage, including beer, ale, porter, stout, hard cider that is

(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 ½ of 1% and less than 8.5% of alcohol by volume; and alcoholic beverages that contain:

(iii) 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the beverage's overall alcoholic content by volume obtained from flavors and other added non-beverage ingredients containing alcohol; or

(iv) more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol. (Alcoholic Beverages Article §1-101(c))

(b) *Board* – The Board of License Commissioners for Frederick County.

(c) *Club* – An association or corporation that is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit. (Alcoholic Beverages Article 1-101(e))

(d) *Comptroller* – The Comptroller of the State of Maryland. (Alcoholic Beverages Article 1-101(f))

(e) *Establishment* – Licensed place of business.

(f) *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.

(g) *Full Course Meal* – Includes the following menu offerings: appetizers, soups and/or salads, and main courses.

(h) *Keg* – A keg is a container of beer with a capacity of at least 4 gallons that is designed to dispense beer directly from the container. (Alcoholic Beverages Article 5-303(a))

(i) *License Holder or Licensee* – The holder of any alcoholic beverages license or permit issued under the provisions of any law of this State.  
(Alcoholic Beverages Article §101(o))

(j) *Light Meal* – Consists of at least two of the following menu options: soups, salads, and sandwiches.

(k) *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.

(l) *Restaurant for Class B, Beer or Class B, Beer and Wine* – An establishment for the accommodation of the public, equipped with a dining room and a full kitchen for preparing and serving food. The average daily receipts from the sale of food shall exceed the average daily receipts from the sale of alcoholic beverages.

The establishment shall be open at least 5 days each week.  
(Alcoholic Beverages Article 1-101(x), §20-602, §20-803)

(m) *Restaurant for Class B, Beer, Wine and Liquor* – An establishment for the accommodation of the public, equipped with a dining room and a full kitchen for preparing and serving full course meals twice daily, with a seating capacity of 28 persons or more at tables, not including the seats at counters or bars. A restaurant shall have average daily receipts from the sale of food that are at least 40% of the total average daily receipts of the restaurant. The average receipt requirement expires at 10

pm. (Alcoholic Beverages Article §1-101(x), §20-104, §20-904)

There shall be food on the premises at all times to fill orders made from at least 75% of the menu, unless otherwise approved by the Board. The establishment shall be open at least 5 days each week.

(n) *Wine* – "Wine" means a fermented beverage.

Wine includes:

- (i) Light wine
- (ii) Sparkling wine that is naturally or artificially carbonated; and
- (iii) Fortified wine to which alcohol, spirits, or other ingredients are added.
- (iv) Wine that may be sold under a beer and wine license may not contain more than 22% of alcohol by volume. (Alcoholic Beverages Article §101-1(ee), §20-801)

### **§1.1-Dishonored Checks or Payments**

Any licensee who gives the Board a check or payment that has been returned for any reason will be notified immediately. If the amount of the check or payment, plus applicable charges established by the Frederick County Treasurer, is not paid by certified funds within 2 business days of notification, the Board will pick up the license immediately.

Once a licensee's check has been returned for any reason, certified funds for any fees will be required from that licensee for a period of two full years.

## **§1.2-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.

## **Chapter 2. Licenses**

### **§2.0-Class A (Off Sale) License**

A Class A licensee may sell alcoholic beverages at retail in any quantity to the consumer at the establishment and deliver the beverages in a sealed package or container that shall not be opened nor its contents consumed on the premises where sold.

(Alcoholic Beverages Article §20-601, §20-802, §20-901)

(a) *Wine Privilege- Cheese & Deli Shop* – An establishment that has average daily receipts from the sale of cheese, meats, sandwiches and other products normally associated with delis that are at least 50% of the total average daily receipts of the establishment may be issued a cheese and deli shop wine privilege that authorizes the holder to sell not more than 5 ounces of wine by the glass for on-premises consumption to a customer while that customer

(i) purchases items at the cheese and deli shop or

(ii) attends a fund raising event at the cheese and deli shop under certain conditions.

The holder of the privilege may sell wine for on-premises consumption during normal business hours, but not later than 9 pm. The licensee is subject to the Alcohol Awareness requirements. The fee for this privilege is \$100.00 annually. (Alcoholic Beverages Article §20-802)

## **§2.1-Class B (On Sale) License**

(a) *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 Beverage Article §20-602 and §20-803)

(b) *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 14.5 percent by volume which may be sold in sealed containers to be carried out and consumed elsewhere, except wine that is permitted in Chapter 5, §5.34. No alcoholic beverages over 14.5 percent by volume are to be sold to take out, except wine that is permitted in Chapter 5, §5.34.

The special Class B licenses available are Banquet Facility, Bed & Breakfast, Catering, Country Inn, Dinner Theatre, Drafthouse, Hotel, Microbrewery, Conference Center, and Entertainment Center. (Alcoholic Beverages Article, §20-903, §20-904, §20-1003, §20-1004, §20-1006, §20-1007, §20-1008, §20-1009, §20-1201, §20-1001.2)

## **§2.2-Class C (On Sale) License**

(a) *Class C, Beer Only and/or Beer and Wine* – This license permits consumption of alcoholic beverages inside the establishment only.

There is a Theater License. (Alcoholic Beverages Article, §20-603, §20-804, §20-1014)

(b) *Class C, Beer, Wine and Liquor* – A Class C (On Sale), Beer, Wine and Liquor license shall not be issued to any club that has not been in business or regularly operating for at least 3 years prior to applying for the license. This restriction does not apply to any nationally chartered and recognized bona fide fraternal, charitable or veterans' organization.

The special Class C licenses available are for the Performing Arts Center (Weinberg Center), a Private Business Club, a Private Country Club, a Golf & Country Club and a Retirement Center license. (Alcoholic Beverages Article §20-905, §20-1005, §20-1011, §20-1012, §20-1015)

### **§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. (Alcoholic Beverages Article §2-207)

The privileges granted to a Class DBR licenses are in addition to those granted to a Brewery holding a Class 5 Manufacturer's License pursuant §2-207 of the Alcoholic Beverages Article and shall not be limited by these regulations. The Board has adopted certain policies with respect to an On-Site Consumption Permit issued to a Class DBR licensee. In the event of a conflict between such policies and these regulations, the policies shall control.

### **§2.4-Arena License**

The Board may issue a beer and wine arena license for on premise consumption by the drink at a campus of higher education for one or more outlets for sporting or nonsporting events. (Alcoholic Beverage Article §20-1001)

## **§2.5-Art Gallery**

The Board may issue a beer and wine license to a non-profit or for-profit retail business engaged in the display and sale of original artwork, or copies of original artwork that are reproduced no more than 300 times, by an individual artist or a group of artists. This authorizes the art gallery to sell beer and wine at retail for on premise consumption when snacks are served during normal business hours. Service can be no later than 12:00 a.m. This license may not be transferred to another location. (Alcoholic Beverage Article §20-1001.1)

## **§2.6-Barbershop/Beauty Salon**

The Board may issue a beer and wine barbershop/beauty salon license for on premise consumption of not more than 5 ounces of beer or wine when the customer is provided a service or is attending a fund-raising event at the barber shop/salon. Service can be no later than 9:00 p.m. This license may not be transferred to another location. (Alcoholic Beverage Article §20-1001.2 & §20-1002)

## **§2.7-Hotel Lobby**

The Board may issue a beer and wine hotel lobby license to a hotel that does not have a restaurant. This authorizes the hotel to sell beer and wine by the bottle for on premise consumption. The license may be exercised from 6:00 a.m. to 2:00 a.m. Monday through Saturday, and 11:00 a.m. to 2:00 a.m. on Sunday. (Alcoholic Beverage Article §20-1009.1)

## **§2.8-Promoter's License**

There is a Promoter's license that shall be obtained from the Board before the organization may publicize, sell tickets, organize, operate, produce or stage an event. It must be conducted in conjunction with an organization that holds a Special license under the (Alcoholic Beverages Article, §20-1312 and §20-1313)



The Promoter shall abide by Regulations adopted by the Board for conducting an event, including health and safety standards to be met by the holder of the license.

The fee for a Promoter's License is:

- (a) \$250 for less than 1,000 individuals expected to attend;
- (b) \$600 for 1,001 to 3,000 individuals expected to attend;
- (c) \$1,000 for more than 3,000 individuals expected to attend. (Alcoholic Beverages Article §20-1103)

### **§2.9-Refillable Containers (Growlers)/Nonrefillable Containers (Crowlers)**

#### **(a) Refillable Containers (Growlers)**

(i) Beer – There is a refillable container permit for draft beer for the holder of a Class A or a Class B license. The annual permit fee is \$50.

(ii) Wine – There is a refillable container permit for wine for the holder of a Class A or a Class B license. The annual permit fee is \$50. (Alcoholic Beverages Article §4-1104, §20-1101, §20-1104 §4-1105, §20-1101, §20-1105)

#### **(b) Nonrefillable Containers (Crowlers)**

(i) Beer Only – There is a nonrefillable container permit for draft beer for the holder of a Class A or a Class B licensee. The annual permit fee is \$50. An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit. (Alcoholic Beverages Article §4-1106, §20-1101, §20-1106)

### **§2.10-Special Licenses**

A Special license for up to 7 consecutive days may be applied for by a club or nonprofit holding any bona fide entertainment that receives approval from 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 late will be subject to a late fee to be determined by the Board.

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

There is a non-profit Beer Festival License issued by the Comptroller. (Alcoholic Beverages Article §2-131)

A Multievent Special license may be issued for not more than 50 days in a calendar year to a single applicant. (Alcoholic Beverages Article §20-1312, §20-1313)

There is a Multivenue Special license for up to five venues. (Alcoholic Beverages Article §20-1309)

The licensee must attend and be present at all times. One or more licensees may appear on the license. One alcohol awareness person must be at the event and a valid certificate must be provided to the Liquor Board. A pre or post event meeting may be required. All applicants must have an application approved by the Board each calendar year. The license and receipts must be kept on premises at the event. Completed applications must be received by the Liquor Board at least two weeks prior to the event.

### **§2.11-Stadium License**

The Board may issue a Stadium On-Sale license to the owner of any professional baseball team franchise to sell beer and wine in plastic, styrofoam, or paper containers to persons present at any event held at the stadium. (Alcoholic Beverages Article §20-1013)

### **§2.12-Tasting License, Class A, Beer and Wine**

A Beer and Wine Tasting license (BWST) may be issued to the holder of a Class A, Beer and Wine license or a Class A, Beer, Wine and Liquor license. The holder of the BWST may allow consumption for tasting purposes of not more than 1 ounce of a given brand of wine and not more than 3 ounces of a given brand of beer. A single individual may not consume more than 6 ounces of wine from all brands in a single day.

Bottles of wine that may be opened at one time at a tasting event are all the bottles in a wine preservation system that the Board approves, and not more than six other bottles. Each bottle must be marked that it is to be used for tasting purposes only.

The licensee shall notify the Board in writing at least five days prior to each event. (Alcoholic Beverages Article §20-1307)

### **§2.13-Tasting License, Class A, Beer, Wine and Liquor**

A Beer, Wine and Liquor Tasting license (BWLTL) may be issued to the holder of a Class A, Beer, Wine and Liquor license. The holder of the BWLTL may allow consumption for tasting purposes of not more than 1 ounce of a given brand of wine, not more than 3 ounces of a given brand of beer, and one-half an ounce of liquor from a given brand and 1.5 ounces from all brands by any one person in a single day.

Bottles of wine that may be opened at one time at a tasting event are all the bottles in a wine preservation system that the Board approves, and not more than six other bottles. Each bottle must be marked that it is to be used for tasting purposes only.

The licensee shall notify the Board in writing at least five days prior to each event. (Alcoholic Beverage Article §20-1308)

## **Chapter 3. Applications**

### **§3.0-General Provisions for New and Transfer Applications**

(a) *Applications (New or Transfer)* – The application shall be on the original application form provided by the Board. Photocopied, faxed or other electronic applications will not be accepted.

(b) *Checklist* – All applications shall be accompanied by a checklist of required items. The application and checklist shall be fully completed with all required information before the Board will consider it filed and process the application to schedule a hearing date.

An application fee, determined by the Board, will be required to be submitted with the filed application before a hearing will be scheduled.

(c) *Conditional Approvals* – The Board will accept and process license applications prior to the erection of a building or completion of tenant improvements on the property for which the application is made when those applications are accompanied by concept plans of the building to be erected or concept plans of the improvements to be constructed, as the case may be, and a seating/interior plan. The Board will process applications in the same manner as applications for property on which the building or tenant improvements have already been constructed, except that it is solely within the Board's discretion to determine whether the length of time until the beginning of operations proposed by the applicant is reasonable and in the public interest and welfare. It is also within the Board's discretion to set a definite time for the license to be in use. The Board may grant approval of the license after the public hearing conditioned upon approvals from the Health Department, the Fire Marshal's Office, Planning & Zoning and the obtaining of a use and occupancy permit for the building or tenant improvements, completed in substantial compliance with the plans approved by the Board. The

Board may also grant approval of the license after a public hearing conditioned on compliance with other terms and conditions established at the public hearing, provided that the terms and conditions are not inconsistent with the Alcoholic Beverages Article. If such license is not in use within the time period set by the Board at the hearing for such license, the conditional approval of the license will be revoked unless the applicant requests and receives an extension of time from the Board. It is solely within the Board's discretion to approve or deny an extension of time. The license shall not be issued until the applicant is fully ready for use and all other approvals have been received.

(d) *Corporations* – A corporation applying for a license shall submit copies of its Articles of Incorporation, its approval by the State Department of Assessments and Taxation, By-Laws, and the stock certificates showing the stock that has been issued. A certified copy of the first and organizational meeting minutes showing the election of officers and stock breakdown shall also be submitted. An ownership sheet showing the names and addresses and the percentage of stock owned by each stockholder shall be filed with the application.

Any corporation with a change of ownership of 51 percent or more of the stock shall apply for a transfer of the license. This includes incremental changes of stock ownership when the total stock ownership is changed by 51 percent or more.

(e) *Fingerprinting Records Check* – Each applicant shall complete a law enforcement criminal records check following the procedures established by the Board. (Alcoholic Beverages Article §20-1402)

(f) *Fire Marshal* – The Fire Marshal shall approve any new or transfer application, and provide the occupant load

for seating at tables as well as the total occupant load prior to the issuance of any license.

(g) *Franchises* – A Class A, alcoholic beverages license shall not be issued to any chain store, super market, discount house, or a franchised establishment. (Alcoholic Beverages Article §20-1603)

(h) *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.

(i) *Health Department Approval* – Any new or transfer application for any Class B, On Sale establishment shall meet all Health Department requirements prior to the issuance of a license.

(j) *Lease* – A copy of the lease (for at least one license year beginning May 1<sup>st</sup> and going through April 30<sup>th</sup>) shall accompany each new application or transfer. It shall be in the name of the entity appearing on the license. A sublease will not be accepted except those directly approved by the owner of the premises on the sublease itself.

(k) *Limited Liability Company* – A limited liability company applying for a license shall submit copies of its Articles of Organization, the approval by the State Department of Assessments and Taxation, and the Operating Agreement that shows the membership and ownership of the company. An ownership sheet showing the names of all the owners, the percentage held by each owner, and home address of each owner shall be submitted with the renewal application.

Any limited liability company with a change of ownership of 51 percent or more of the company requires an

application for a transfer of the license. This includes incremental changes of ownership when the total ownership is changed by 51 percent or more.

(l) *Naturalization/Alien Registration* – Any applicant who is a naturalized citizen shall present the original Certificate of Naturalization, official Duplicate Certificate or a valid US Passport to the Board for verification. Any applicant who is a registered alien shall submit a copy of the resident alien card to the Board with the application.

(m) *New Applications during Renewal Time* – Applications for new licenses during renewal time may be issued and shall be filed with a hearing to be after May 1.

(n) *Occupancy Permit* – Before any new license is issued, the Board shall receive a copy of the occupancy permit.

(o) *Partnerships* – All partnerships applying for a license shall submit a certified copy of their partnership agreement and written authorization for the designated licensees to apply for and hold the license on behalf of the partnership. The names of all partners shall be stated on the application.

(p) *Police Violations/Calls* – When receiving an application for either a new license or transfer of a license, before granting the application, the Board may take into consideration repeated calls for Police action or violations at the licensed or nearby locations.

(q) *Residency* – Individuals, at least one authorized licensee on behalf of a partnership, at least one officer of a corporation, and at least one authorized licensee on behalf of a limited liability company shall be a Frederick County resident for the two years immediately prior to the filing of the application, a registered voter and a taxpayer, and shall remain a resident of Frederick County, a registered voter and a taxpayer while a licensee, if the licensee is the only qualified Frederick County resident.

(r) *Signatures* – The 10 persons whose signatures appear on an application for a new license or a transfer shall be both registered voters and real estate owners within a 5,000 foot radius where the license is being sought. The signatures shall be legible, or have the name legibly printed above the signature, and the application shall give each signer’s complete physical address, telephone number and e-mail address. The section that calls for the length of time the signer has known the applicant must be filled out for each one of the signers. (Alcoholic Beverages Article §20-1405)

(s) *Taxes* – Applicants for a new license or transfer of an existing license shall agree to keep current all State and local tax obligations including, but not limited to, State sales and use tax, withholding tax and admissions tax.

(t) *Time Limit* – All applications given out by the Board, either for a new license or for a transfer of a presently issued license, shall be filed within 30 days after the application was picked up. Failure to file the application within this time limit will require a new application to be taken out.

Any transfer or new license approved by the Board shall be issued no later than 30 days from the date of the hearing unless the Board establishes some other deadline when granting its approval.

(u) *Trader’s License* – Applicants for either a new license or a transfer shall 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 within a week after obtaining the license.

(v) *Unacceptable Patron Behavior* – When receiving an application for either a new or transfer of a license, the Board may take into consideration patron behavior resulting in calls to the police, either inside the premises or on the outside of the premises.



(w) *Withdrawing the Application* – Any application for a license may be withdrawn by the applicant at any time. This shall be done in writing and be signed by the applicant or their authorized representative.

(x) *Worker's Compensation* – Applicants for a new or transfer of an existing license shall indicate on the application the policy number and company name or that the applicant is not required to provide coverage. (Alcoholic Beverages Article §1-404)

(y) *Zoning* – A licensee who files an application for a new location or a different type of license at the same location shall comply with zoning regulations and approval conditions. (Alcoholic Beverages Article §1-405(b))

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

(a) *Bulk Sales Act* – A licensee selling his business shall give the buyer a notarized listing of the names and addresses of all businesses dealt with in the past year, as well as the amount of money owed them (if any). The licensee shall submit a notarized affidavit of compliance with this requirement to the Board prior to the hearing. (Alcoholic Beverages Article §3-302)

(b) *Bulk Transfer Permit* – A licensee transferring his business shall submit to the Comptroller a bulk transfer permit application for approval prior to the completion of the transfer. (Alcoholic Beverages Article §2-111)

(c) *Contract of Sale* – An application for a transfer shall include a valid contract of sale or bill of sale of the business, signed by both parties and completely filled out.

(d) *Sale of Business* – Any licensee who is in the process of selling his business shall notify the Board to allow ample time to obtain necessary information relating to the sale, the prospective buyer, and the location. Each sale of a business requires an application for transfer.

A licensee who sells the business and ceases operations without receiving the Board's approval for a transfer of the license shall be required to show cause why the Board should not issue a fine and/or suspension, or revocation.

(e) *Taxes* – No licensee transferring the business who owes any retail sales tax, withholding or admissions and amusement taxes shall be permitted to transfer the license. (Alcoholic Beverages Article §4-302)

(f) *Transfer of Location* – A licensee who intends to transfer the location of the business shall complete an application for a transfer.

(g) *Transfers during Renewal Time* – Applications May be processed during renewal time but a hearing will not be scheduled until after May 1st.

(h) *Use of 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 on a form approved by the Board to the Board for approval. 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 shall include the name of the licensee, license number, address, telephone number, cell phone number, e-mail address and the names of the applicants who will be operating the business. The statement shall be signed by all those appearing on the present license and notarized.

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.

### **§3.2–Renewals**

(a) *Applications* – Application for renewal must be made between March 2 and April 1 inclusive of any year. Any renewal filed late will be subject to a fine determined by the Liquor Board for each calendar day, including weekends and Holidays. The application shall be the original provided by the Board. The application shall be fully completed with all required information before the Board will consider it filed and process the application to be renewed. (Alcoholic Beverages Article §4-404, §20-1801)

An application fee, determined by the Board, will be required to be submitted with the filed application before processing.

Photocopied, faxed or other electronic applications will not be accepted.

(b) *Corporations* – An ownership sheet showing all stockholders, the percentage of stock held by each stockholder, and their names, telephone numbers, e-mail addresses and addresses shall be submitted with the application. The Board shall notify licensees if the corporation is not in good standing. If notified, the licensee will be required to contact the state to resolve the issue prior to the Renewal being issued.

Any licensee desiring to change corporate officers during renewal time shall contact the office for a supplement application. (See Chapter 5, §5.3 (a) for the requirements and procedure to follow to change officers.)

(c) *Hours of Operation, Days of Closing and Managers* – The hours of operation, days of closing, and the name of the establishment's manager with telephone number, cell phone number and e-mail address must be reported to the Board in writing and signed by a licensee.

(d) *Late Pick-up of License* – Any licensee who fails to pick up the new license by the date and time indicated by the Board shall be subject to a fine determined by the

Liquor Board for each calendar day, including weekends and Holidays.

(e) *Lease* – Each renewal application shall include a copy of a lease of at least one year in duration covering the entire period for which the renewed license would be valid (May 1<sup>st</sup> through April 30th) unless a lease covering the renewal period was previously provided to the Board.

A sublease will not be accepted unless directly approved by the owner of the premises directly on the sublease itself.

(f) *Limited Liability Company* – An ownership sheet showing the name of all the owners, the percentage held by each owner, and home address, telephone number and email address of each owner shall be submitted with the renewal application.

The Board shall notify licensees if the LLC is not in good standing. If notified, the licensee will be required to contact the state to resolve the issue prior to the Renewal being issued.

Any licensee desiring to change licensees during renewal time shall contact the Board for a supplement application. (See Chapter 5, §5.3 (b) for the requirements and procedure to follow to change a licensee.)

(g) *New License Displayed* – The new license shall be displayed prior to beginning operation on May 1 of the license year, but not before May 1. The license must be displayed in a frame, under glass, in full view of the public. Any license not properly displayed will be subject to a fine. (Alcoholic Beverages Article §3-507)

(h) *Taxes* – The Board shall not issue a renewal license if there are any delinquent retail sales, admissions and amusements and/or withholding taxes owed to the Comptroller. If any taxes are owed at the time of filing the renewal application, it shall be indicated on the application.

## **Chapter 4. Hearings**

### **§4.0-Hearings and Conferences**

All licensees or applicants for a license shall 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 a conference. If the Board approves the request, an administrative fee determined by the Liquor Board and all re-advertising expenses shall be paid prior to rescheduling the hearing or conference.

### **§4.1-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.

### **§4.2-Decisions – Requests for Reconsideration**

Licensees may file a written request for reconsideration of any Board decision within 10 days of the decision. 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.

### **§4.3-Decisions - Appeals**

Licensees desiring to appeal any Board decision must file an appeal within 30 days of the decision. The party filing the appeal shall pay for the transcription of testimony. The order for such transcription shall be placed with the Board within 5 days after the appeal is filed. The Circuit Court may remand the proceedings to the Board. (Alcoholic Beverages Article §20-2401, §20-2402)

#### **§4.4 – Penalty**

Unless otherwise provided by the Board, a fine is due and payable within 24 hours after the decision is given to the licensee. Any late fine payment will double. If the fine is not paid within the next 24 hours, the license is to be retrieved by the Inspector and returned to the Board until the fine is paid in full. In the case of a dishonored check, refer to Chapter 1, §1.1.

The Board may reduce a suspension by allowing the licensee to pay a fine of not more than \$1,000 for each week the suspension is reduced. (Alcoholic Beverages Article §20-2801, §20-2802)

### **Chapter 5. Standards of Operation**

#### **§5.0 – Alcohol Awareness Program**

The holders of a Class A, Class B or Class C license shall have at least one licensee or a designated employee who has completed an alcohol awareness training program approved by the Comptroller's Office on the premises at all times the establishment is serving alcoholic beverages. The certified person may be absent from the licensed premises, for no more than two hours, for a personal or business reason or for an emergency that meets standards that the Board sets by Regulation. A log book 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 log book shall be available upon the request of the Alcoholic Beverages Inspectors, employees of the Board, or Comptroller's Agents. A certificate of completion shall be issued for each completion of a certified program and is valid for 4 years from the date of issuance. Retraining shall be taken at least every 4 years. An up-to-date valid certificate shall be presented to the proper authority upon request.

All licensees shall provide the Board a copy of a certificate of completion for any licensee or designee. If

the licensee who has completed the program changes, or the employee who has been named as the licensee's designee terminates employment, the licensee shall notify the Board in writing within 5 days.

After the Board has found a licensee guilty of a first violation of this requirement, the licensee has 30 days to comply before the second offense occurs. (Alcoholic Beverages Article §20-1903)

### **§5.1-Barring Individuals**

All licensees should bar individuals involved in alcohol related disturbances in the establishment from entering the premises and shall either hand-deliver or mail by regular First Class delivery a letter advising that individual of this and stating that if that individual enters the establishment again during the time the individual is barred, an arrest will be made for trespassing. The licensee should state this orally also when serving the individual with the letter.

This letter shall include the date of delivery, name of the individual and address, the period of time the individual is barred or if permanent, and the signature of the licensee.

The original should go to the barred individual, a copy to the local Law Enforcement Agency, a copy to the Board within 5 days, and a copy should be retained for the licensee's files (should a warrant be required).

### **§5.2-Changes in Information Provided**

Any change of information contained on the original application or any renewal application shall be submitted to the Board in writing within 5 days. This notice requirement includes changes of the home address of any licensee or manager, the business or home telephone number, cell phone number and e-mail address of any licensee or manager, a change to the physical address of the establishment, a change of the Retail Sales Tax Number, and a change in the Worker's Compensation

certification. Changes in the property owner of the establishment shall be reported as soon as the licensee is notified. If the change alters any lease or other documentation that has been submitted in connection with the application, new documentation is required.

### **§5.3-Change of License Holders, Class A and Class B Licenses**

(a) *Corporations and Unincorporated Associations* – Any change of the officers of a corporation or unincorporated association in whose names a license has been issued shall be reported to the Board within 5 days. The report shall include a certified copy of the minutes of the corporation meeting signed by the President, Vice President or the Secretary, a completed supplemental application form, and a law enforcement criminal records check following the procedures established by the Board. Upon receipt of the required documentation and payment of the Corrected License fee determined by the Board, the Board will issue a corrected license.

Any change of stock ownership shall be reported to the Board within 5 days, even if the officers have not changed. The report shall include corporation minutes to show the change of stock ownership and copies of the issued stock.

When there is a change of the majority of the ownership of corporate stock a complete transfer of the license is required.

(b) *Limited Liability Company* – Any change of the authorized persons of a limited liability company in whose names a license has been issued shall be promptly reported to the Board within 5 days. The report shall include a certified copy of the resolution or other document naming the authorized persons to hold the license on behalf of the limited liability company, a completed supplemental application form, and a law enforcement criminal records check following the procedures established by the Board. Upon receipt of the



required documentation and payment of the Corrected License fee determined by the Board, the Board will issue a corrected license.

Any change of the percentage of the ownership of the limited liability company shall be reported to the Board within 5 days, even if the licensees have not changed. The report shall include documentation to show the change in the ownership.

When there is a change of the majority of the ownership of the limited liability company, a complete transfer of the license is required.

(c) *Partnerships or Limited Partnerships* – Any change of a partner of a partnership or a general partner of a limited partnership in whose names a license has been issued shall be promptly reported to the Board within 5 days. The report shall include a certified copy of the resolution or other document naming the authorized partners to hold the license on behalf of the partnership or limited partnership, a completed supplemental application form, and a law enforcement criminal records check following the procedures established by the Board. Upon receipt of the required documentation and payment of the Corrected License fee determined by the Board, the Board will issue a corrected license.

Any change of the percentage of the ownership of the partnership or limited partnership shall be reported to the Board within 5 days, even if the licensees have not changed. The report shall include documentation to show the change in the ownership.

When there is a change of the majority of the ownership of the partnership or limited partnership, a complete transfer of the license is required.

(d) *Individuals* – The change of the licensee on a license that is held by an individual requires a complete transfer.

#### **§5.4-Changes to the Licensed Premises**

Any licensee proposing to expand or reduce the size of the licensed premises or establishment shall submit a written request to the Board along with a copy of the proposed plans and a seating/interior 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, the Board will issue a final written approval.

Any licensee proposing to alter or modify the interior or exterior of the premises must submit a written request to the Board along with a copy of the proposed plans and a seating/interior plan. Modifications of any interior walls or alterations that change the size of the rooms within the establishment require the Board's approval.

### **§5.5-Change of Legal Name of Person Appearing on a License**

A person appearing on the license who changes his or her legal name either by marriage, divorce or other legal process, shall notify the Board in writing within 5 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.

### **§5.6-Change of Manager**

The Board must be notified within 5 days of a change of the manager of an establishment. The notice shall include the name, home address, home telephone number or cell phone number and e-mail address of the new manager. The notice to the Board shall be signed by a licensee.

The manager shall be a responsible person who can be called upon to answer questions from the Board, have access to employee records and invoices, and who will be at the establishment a majority of the time.

### **§5.7-Change of Officers, non-profit Clubs**

Any change of officers of a non-profit club in whose name a license has been issued shall be promptly reported to the Board in writing within 5 days from the date that the new officers take office. The notice requirement includes a certified copy of the minutes of the election signed by the President, the Vice-President or Secretary, a completed supplemental application form, and a law enforcement criminal records check based on the requirements of the Board. Upon receipt of the required documentation and payment of the Corrected License fee determined by the Board, the Board will issue a corrected license.

## **§5.8—Change of Trade Name**

A change of the establishment's trade name shall be signed by the licensee and sent to the Board within 5 days. Upon receipt of the required notice and the payment of the corrected license fee to be determined by the Board, the Board will issue a corrected license.

## **§5.9-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, §20-2101)

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

## **§5.10-Consumption**

Class A, B & C (not DBR or Specialty licenses) Between 2:00 a.m. and 6:00 a.m. Monday through Saturday, and between 2:00 a.m. and 10:00 a.m. on Sunday, no person may consume any alcoholic beverages on any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article. The licensee is personally responsible for any violation of this section, whether by the licensee or the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §20-2001, §20-2002, §20-2004, §20-2005)

### **§5.11-Death of a Licensee**

If a license holder 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 Executors or Administrators 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. (Alcoholic Beverages Article §20-2301, §20-2302)

### **§5.12-Deliveries**

Class A licensees may deliver alcoholic beverages in any quantity in a sealed package or container to a person of legal drinking age in Frederick County.

Class A and B licensees who have properly registered with the Board may deliver alcoholic beverages in Frederick County in any quantity to a person of legal drinking age. Delivery forms shall be used giving the date; time; customer's name, address, phone number, cell phone number and e-mail address; date of birth; the type and quantity of alcoholic beverages; certification that the person receiving the delivery of alcoholic beverages is over 21 years of age and that it is a criminal offense for the alcoholic beverages to be turned over to a minor; and the customer's and the delivery person's signatures. The delivery forms shall be turned in to the Board by the 10th of the month following the delivery.

Only bona fide employees on the payroll or licensees are authorized to make deliveries from either Class A or Class B establishments. Deliveries cannot be made to another establishment by either a Class A or Class B licensee such as to a licensed motel or a licensed hotel.

### **§5.13-Display of License**

Every person receiving a license under the Alcoholic Beverages Article shall display the license in a frame, under glass, in full view of the public. (Alcoholic Beverages Article §3-507)

### **§5.14-Drinks After Hours**

No alcoholic beverages shall be served, dispensed or given away in any part of the premises of any Class B or Class C establishment after 2:00 a.m. All alcoholic beverages shall be off the tables and bar by 2:00 a.m. No person shall consume alcoholic beverages after 2:00 a.m. By 2:00 a.m. all patrons shall be out of the establishment. Last call shall be not later than 1:30 a.m. and patrons shall be advised to leave by 1:55 a.m. Owners and employees shall finish their work and be out of the establishment within a reasonable time. Bands may remain long enough to pack and load their equipment, not to exceed a half hour after closing.

### **§5.15-Employees**

An employee shall be 18 years old to serve or sell any alcoholic beverage. This restriction includes cocktail waitresses, bartenders, store clerks, and delivery persons.

It is lawful for any bona fide employee to possess alcoholic beverages in the course of his employment where the employment is not prohibited by the Alcoholic Beverages Article.

Persons 14 to 18 years of age are allowed to work in an establishment provided they do not sell or serve any alcoholic beverages. All licensees who employ minors shall supply the Board with a copy of the minor's work permit and a letter of permission from the minor's parents. This shall be strictly adhered to. (Alcoholic Beverages Article §20-1902)

### **§5.16 – Fire Marshal**

Licenses shall completely comply with all Fire Marshal orders. In the event the establishment is closed by the Fire Marshal, the licensee shall immediately cease sales of alcohol, and the license shall be delivered to the County office by the close of that business day or the opening of the next business day if it falls on a holiday or weekend. Once approval has been given by the Fire Marshal to re-open, the license may be picked up from the office the next business day.

### **§5.17-Food Requirements, Class B (On Sale), Beer and Beer and Wine Licenses**

The establishment shall operate as a restaurant and serve food and continue this operation after being granted a license. (See Chapter 1, §1.0 (l) for the definition of a Class B, Beer or Beer and Wine restaurant, and §1.0 (j) for the definition of a light meal.)

### **§5.18-Food Requirements, Class B (On Sale), Beer, Wine and Liquor Licenses**

The establishment shall be operated as a restaurant and serve full-course meals at least twice daily. (See Chapter 1, §1.0 (m) for the definition of a Class B, Beer, Wine and Liquor restaurant, and §1.0 (g) for the definition of a full course meal.)

### **§5.19-Health Regulations**

All licensees are strictly accountable for enforcing and observing all health regulations in effect in Frederick County or any incorporated municipality in which the establishment is located, concerning the proper sanitation of eating and drinking establishments. In the event the establishment is closed by the Health Department, the licensee shall immediately cease sales of alcohol, and the license shall be delivered to the Liquor Board office by the close of that business day or the opening of the next business day if it falls on a holiday or weekend. Once approval has been given by the Health Department to re-

open, the license may be picked up from the office the next business day.

### **§5.20-Hours and Days of Operation**

(a) *Class A (Off Sale)*, – The privileges conferred by a Class A, Off Sale license may be exercised from 6:00 a.m. to 2:00 am every day except Sunday. No alcoholic beverages may be sold or dispensed on Sunday by any holder of a Class A, Off Sale, Beer, Wine and Liquor license except by those holders of a Special Sunday Permit, when the hours may be from 10:00 am until 2:00 am. (Alcoholic Beverages Article §20-2002(a), §20-2004(a), §20-2005(a))

(b) *Class B (On Sale)* – (i) The privileges conferred by a Class B, On Sale, license may be exercised from 6:00 a.m. to 2:00 a.m. except on Sunday, when the hours for on-premises sales may be from 10:00 a.m. to 2:00 a.m. unless set by the Board for a specific event that the Board has approved. The hours for off-premise sales may be from 1:00 p.m. to 2:00 a.m. (Alcoholic Beverages Article §20-2002(b), §20-2004(b), §20-2005(b))

The establishment shall be open by 3:00 p.m. and shall be open at least five days per week.

(c) *Class C (On Sale Only), Clubs* – The privileges conferred by a Class C, On Sale Only license may be exercised from 6:00 a.m. to 2:00 a.m. except on Sunday, when the hours may be from 10:00 a.m. to 2:00 a.m. unless set by the Board for a specific event that the Board has approved. (Alcoholic Beverages Article §20-2002(c), §20-2004 (c), §20-2005(c))

(d) *Class DBR/On Site Consumption Permit* – The privileges conferred by a Class DBR, On Site Consumption Permit may be exercised from 10:00 a.m. to 10:00 p.m. Monday through Sunday except those whose application was accepted to the Tax and Trade Bureau prior to April 2017 which hours are from 6 a.m. to 2:00



a.m. except Sunday when the hours are 10:00 a.m. to 2:00 a.m. (Alcoholic Beverages Article §2-207 (f, g, h))

(e) *Election Day* – All licensees may be open on the day of any general, special or primary election held in this State.

(f) *Hours of Operation and Regular Days of Closing* – The hours of operation and regular days of closing shall be reported to the Board in writing, email or by fax and must be adhered to. The notice to the Board shall be signed by a licensee.

Any changes shall be given to the Board in writing within 5 days. Any restaurant that intends to stay open 24 hours a day for preparing and serving food after 2:00 a.m. shall give the Board a notarized statement to this effect.

### **§5.21-Inspections and Searches**

Licensees or any employees or authorized agents of the licensee shall allow the Alcoholic Beverages Inspector, Commissioners, any peace officer or duly authorized Comptroller's agents to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building, property or land in which the business is to be conducted, at any time. The licensee is personally responsible for any failure or refusal to allow an inspection or search under this section, whether on the part of the licensee or the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §6-202)

### **§5.22-Keg Registration**

Any licensee who engages in the off-premises sale of beer kegs shall comply with the following requirements.

A licensee shall not sell or transfer, or offer to sell or transfer the contents of a keg for consumption off-premises unless: The licensee provides the purchaser with a keg registration form approved and distributed by

the State Comptroller that is designed to be affixed to the keg and that indicates the name and address of the establishment and a registration number. The purchaser provides identification and completes and signs a registration form with the purchaser's name and address as shown on the identification produced and the date of purchase. The licensee affixes the completed registration form to the keg and retains a copy of the form for 30 days at the establishment.

Upon return of a registered keg from the purchaser, the licensee shall remove or obliterate the keg registration form affixed to the keg and note that removal and the date of that removal on the copy of the keg registration form retained by the licensee at the establishment.

Licensees shall record the date the keg is returned and the returnee's name and address as shown on the identification that is provided by the returnee on the copy of the keg registration that is retained at the establishment.

If a keg is returned without the sticker attached, the licensee shall notify the Board within 3 days and provide the Inspector with any necessary information to investigate the removal of the sticker. The licensee shall not return the keg to the wholesaler or alter the keg in any way until the Inspector has completed his investigation.

If a keg is made of disposable packaging that does not have to be returned to the licensee, the licensee shall indicate on the keg registration form that the keg is disposable. Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.

A licensee may charge a keg registration fee to a purchaser.

A licensee who violates any provision of this Regulation is subject to a fine not exceeding \$100.00, a suspension or a revocation of the license, or both a fine and suspension.

The completed registration form signed by the purchaser creates a presumption that the licensee has complied with the requirements of this Regulation. (Alcoholic Beverages Article §5-303)

### **§5.23-Licensed Premises**

In a building where there are two or more businesses operating, there shall be a solid permanent structure totally separating the two businesses, separate entrances to each business, separate addresses authorized by proper zoning regulations and absolutely no physical interior access.

### **§5.24-Lighting**

All Class B and Class C licensees shall have the inside of their establishment well-lighted during business hours.

### **§5.25-Outside Areas**

Every licensee is responsible for removing litter, trash, cans, bottles, etc. from the outside of the establishment and the parking lot.

Every licensee is responsible for policing the immediate area outside of the establishment. Loitering and drinking outside of an establishment is prohibited. Unless licensees obtain written permission from the Board for one day, tables are allowed outside for the consumption of food only, and alcoholic beverages shall not be dispensed or consumed outside, regardless of where the alcoholic beverages are purchased. All licensees shall strictly enforce this requirement.

The licensee shall report persons acting in a disorderly manner or using profane language to the proper police authorities and, if necessary, secure warrants.

### **§5.26-Outside, Special Event**

Special permission to allow the sale and consumption of alcoholic beverages on the outside of the establishment for a special event may only be granted by the Board in writing. The licensee shall request permission in writing at least 2 weeks prior to the event and include a diagram of the area with access points, security and monitoring plan, description of entertainment, a seating plan and the hours when the special permission will be needed. The area covered by the special permission shall be well-lighted and tables are to be set up. If the permission is to be granted to a place other than the outside of the licensed premises, a special license is required.

### **§5.27-Outside Balconies, Porches, Adjacent Sidewalks or Yards**

Special permission to use outside balconies, porches, adjacent sidewalks or yards on the outside of an establishment shall be requested with a diagram showing the seating plan and access points, description of entertainment and the security and monitoring plan. This shall be approved in writing annually. All outside areas shall be enclosed by a rope or fence barrier of at least 42" from the floor or ground level.

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.

The licensee shall ensure that there are no violations of the Alcoholic Beverages Article or the Board's regulations in the outside area.

If the area to be used is on the property of the City of Frederick, a Sidewalk Café CO shall be obtained.

Outside areas shall comply with any applicable requirements of Zoning, Permits and Inspections, the Fire Marshal and the Health Department.

### **§5.28-Pool Tables, Class A Licenses**

Before installing or relocating one or more pool tables, the licensee shall submit to the Board a written request with a diagram of the placement of the pool tables. Written approval must be received from the Board before the installation or relocation takes place.

All pool tables in Class A establishments shall be in a separate or private room. Alcoholic beverages may not be opened or consumed on the licensed premises of a Class A establishment.

### **§5.29-Pool Tables, Class B & C Licenses**

No pool table is permitted in any establishment unless it is partitioned off or separated from the main dining area or place where tables and chairs or bar stools are located with a wall or partition at least 42" high from the floor.

Before installing or relocating one or more pool tables, the licensee shall submit to the Board a written request with a diagram of the placement of the pool tables and seating plan. Written approval must be received from the Board before the installation or relocation takes place.

### **§5.30-Private Parties (Other than Club Licenses)**

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

### **§5.31-Raffles**

No licensee shall 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.

### **§5.32-Records, Employees**

All licensees shall keep on the premises a record containing the names, addresses, home telephone numbers, cell phone numbers, e-mail addresses and ages of all persons employed by the establishment. A written work schedule for all shifts shall be kept on the premises. These records shall be open for inspection by duly authorized representatives of the Board at all times during regular business hours.

### **§5.33-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 disclose the date of each purchase, the quantity purchased and the seller's name, telephone number, e-mail address and address. (Alcoholic Beverages Article §1-408)

Class B licensees shall keep daily records of sales of food and alcoholic beverages. These records shall 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.

### **§5.34-Removing Partially Consumed Bottles of Wine**

A person who purchased a meal and a bottle of wine at a licensed establishment, the contents of the wine which is partially consumed with the meal, may remove the bottle and the remaining unconsumed contents from the premises if the licensee or employee inserts a cork or places a cap on the bottle. (Alcoholic Beverages Article §4-1103)

### **§5.35-Removing Tables and Chairs**

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

- (a) Shall give the Board notice not less than one week 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(c)(3))

### **§5.36-Resignation of a Licensee**

A licensee who wishes to resign will give the Board notice of their desire to be removed from the license. The establishment will need to provide a request for a supplemental or transfer application within two weeks from the date of the resignation. The Board will grant the request unless it finds good cause to the contrary. The pendency of a violation hearing constitutes a good cause.

### **§5.37-Responsibility of Licensee**

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 on the premises.

### **§5.38-Restaurants, Food and Alcohol Sales**

At renewals, all holders of any Class B license must certify and attest compliance with the food to alcohol ratio requirements.

### **§5.39-Rules and Regulations**

Every licensee shall keep these Regulations by the cash register, the bar or an area where they are easily accessible for reference. All employees are responsible to read these Regulations so they are familiar with them.

### **§5.40-Special Event Bottles**

Class C, On Sale, Beer and Wine or Beer, Wine and Liquor licensees may sell for off-premise consumption only special anniversary or special event collectible bottles of wine or liquor (if licensed to sell liquor) 30 calendar days prior to the special anniversary or special event.

A Special Class C Beer and Wine or Beer, Wine and Liquor licensee is permitted to make sales for off-premises consumption only on the days permitted by the license for the special anniversary or special event. (Alcoholic Beverages Article §20-1102)

### **§5.41-Special Use of Licensed Premises**

Any licensee desiring to use the establishment for a minor's night or any other type of special show or special activity for any reason other than for what it is normally intended shall submit a written request and receive written approval from the Board at least two weeks prior to the event.

### **§5.42-Storage**

No licensee may store or keep any alcoholic beverage except at the establishment or at a public or individual warehouse having a permit for such storage issued by the



Comptroller's office. (Alcoholic Beverages Article §4-502(b))

### **§5.43-Tables, Class A (Off Sale) Licenses**

No Class A licensee may have tables with chairs or stools at any counter. NO consumption of food on the licensed premises is allowed except for light snacks, such as chips and candy bars. Video games that a person must sit at to play are considered tables and are not allowed.

### **§5.44-Utilizing License**

A licensee who holds the license at the establishment shall use the privilege granted under the license. If the license is not going to be used, the licensee shall immediately cease sales of alcohol, and the license shall be delivered to the Liquor Board office by the close of that business day.

### **§5.45-Windows**

Class B licensees shall not block existing windows with plywood, paint, or anything to obstruct the view of the inside of the establishment from the outside. Curtains must remain open at all times to ensure that the inside of the establishment is visible, unless modified by the Liquor Board.

### **§5.46-Wine Corkage**

The holder of a Class B or C license allowing the sale of wine may obtain a Wine Corkage Permit from the Board allowing an individual the privilege of consuming wine not purchased from the license holder only if: the wine is consumed with a meal during the hours of sale specified by the licensee; the individual receives the approval of the license holder or the license holder's agent, employee or operator; the wine is not available for sale on the license holder's wine list; and the licensee obtains the Wine Corkage Permit before an individual consumes wine not purchased from the license holder.

An individual who consumes wine as herein described may be charged a fee, on which sales tax shall be imposed.

The individual may remove from the licensed premises a bottle of wine, the contents of which are 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 under these conditions is an “open container” for purposes of §10-125 of the Criminal Law Article.

Any wine that remains on the licensed premises after the meal is finished shall be disposed of by the license holder.

An individual who is under 21 years of age or who is visibly under the influence of alcoholic beverages shall not be allowed the privilege of consuming wine described in this section. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee’s agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §4-1102)

#### **§5.47-Zoning**

A licensee, owner, manager, operator or employee shall operate the establishment in compliance with all applicable zoning ordinances. In the event the establishment is closed by Zoning, the license shall immediately cease sales of alcohol, and the license shall be delivered to the County office by the close of that business day. Once approval has been given by Zoning, the license may be picked up from the office the next business day. (Alcoholic Beverages Article §1-405(b))

## **Chapter 6. Prohibited Practices**

### **§6.0-Borrowing Alcohol from Another Licensee**

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

### **§6.1-Bottles on Tables**

No alcoholic beverage bottles except beer and dinner wines shall be sold and set on tables or the bar.

### **§6.2-Consumption on the Premises**

No person shall consume any alcoholic beverages at the establishment other than those purchased from the licensee and those permitted to be consumed thereon, with the exception of wine that is permitted in Chapter 5, §5.46. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §6-308)

### **§6.3-Consumption or Intoxication While on Duty**

No licensee or employee shall consume any alcoholic beverages anywhere at the establishment, including the area behind the bar, while on duty.

No band member shall consume alcoholic beverages while performing or on the stage. Band members may consume alcoholic beverages during a break at a table that is not on the stage or in the stage area.

No licensee or employee shall be on duty at any time, for any reason, while intoxicated, regardless of where the alcoholic beverages were consumed.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's

agents, employees and operators, as stated in §5.37 of these Regulations.

#### **§6.4-Convictions, Subject to Fine and/or Suspension and/or Revocation**

Any licensee who is convicted of a felony anywhere in the United States is subject to a fine and/or suspension or revocation after a hearing under §20-1401 of the Alcoholic Beverages Article.

Any licensee or employee who is convicted of violating any drug law, driving while intoxicated, driving under the influence of drugs or alcoholic beverages, or any gambling laws when directly pertaining to the establishment will subject the licensee to a possible fine and/or suspension or revocation.

#### **§6.5-Drinks Carried Out**

No bottles or cans of alcoholic beverages shall be opened inside an establishment and taken outside for consumption, with the exception of wine that is permitted in Chapter 5, §5.34 or §5.46.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations.

#### **§6.6-Drive-In Windows**

Drive-in windows are not allowed. Drive-in windows approved by the Board prior to July 1, 1985 are exempt from this provision. (Alcoholic Beverages Article §20-1604)

### **§6.7-Drugs**

The establishment shall not be used for the purpose of possession, transfer, or use of any illegal narcotic drug. The licensee is personally responsible for any violation of this section by the licensee or the licensee's agents, employees and operations, as stated in §5.37 of these Regulations.

### **§6.8-Empty Bottles**

Class B and Class C licensees shall dispose of all empty liquor and wine bottles immediately after they are emptied. The bottles shall not be reused, used for mixing, or used for ornament or decoration.

### **§6.9-Entertainment**

A licensee who plans to add entertainment as a part of the business in addition to the operation of a restaurant must submit a written request describing the type and frequency of the entertainment in accordance with the Liquor Board's Entertainment Policy. The Board's prior written approval is required. No contest or other exhibition in which any prize is awarded to contestants for having any part of their anatomy judged in the contest is allowed, whether the part of the body judged is covered or uncovered. There shall not be any bikinis or thongs allowed in any contest at any establishment.

The licensee shall conduct the business in an orderly and decent manner and shall notify the appropriate authorities or law enforcement officials of any indecent exposure taking place at the establishment.

Exotic dancing, exhibition dancing and go-go dancing by a paid performer shall be in a controlled area and shall be specifically approved in writing by the Board. No entertainer shall be touched or travel through the audience at any time.

Videos or movies are allowed, provided that movies showing nudity or sexual activity are not shown.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations.

### **§6.10-Entertainment-Nudity and Sexual Displays**

The license may not be revoked if: the licensee operates a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances; and the performances express matters of serious literary, artistic, scientific, or political value.

If, after a hearing, the Board finds that any of the activities listed in a. or b. below occurred at any establishment, the Board will revoke the license.

(a) *Attire and Conduct* – A person may not be: (1) employed or used in the sale or service of alcoholic beverages at the establishment while the person is unclothed or attired so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals or (2) employed or used as a hostess or other person to mingle with the patrons while unclothed or attired as described in paragraph (1) of this subsection. No person shall caress or fondle the breasts, buttocks, anus or genitals of any other person or wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.

(b) *Entertainment* – No person shall perform acts of or acts which simulate (a) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law; (b) the caressing or fondling of the breast, buttocks, anus or genitals; or (c) the displaying of the pubic hair, anus, vulva or genitals. No entertainer whose breasts and/or buttocks are exposed shall perform closer than 6 feet from the nearest patron. No person shall use artificial devices or inanimate objects

to depict, perform or simulate any activity prohibited by this Regulation.

A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting: (1) acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law; (2) any person being caressed or fondled on the breast, buttocks, anus or genitals; (3) scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

No person shall remain in or upon the establishment who exposes to public view any portion of his genitals or anus.

This section does not permit any conduct or form of attire prohibited by any other law, ordinance, rule or regulation.

The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §20-2101, §4-605)

### **§6.11-False Statements**

No applicant or licensee may make any material false statement in any original application for an alcoholic beverages license, renewal application, letter or written statement, in testimony before the Board or to any other representative of the Board who may be conducting an official investigation. (Alcoholic Beverages Article §4-604)

### **§6.12-Gambling**

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

### **§6.13-Games, Drinking Games**

No beer pong or other drinking games shall be conducted on the licensed premises, except when used with water only.

### **§6.14-Give-Away Programs/Ticketed Event**

No give-away program, other than food is allowed, except as permitted in writing by the Board. Prizes valued up to a total of \$50 may be given away without permission from the Board. Licensees shall submit a written request for approval for a give-away program at least 2 weeks prior to the event.

(a) *Free Food and/or Alcohol* – No licensee may offer free alcoholic beverages. The only free food that may be placed on counters or tables are: cheese, crackers, pretzels and hors d'oeuvres.

Aside from the above, no food or lunch may be given or offered to anyone visiting an establishment for the purpose of inducing, procuring or influencing the person to purchase an alcoholic beverage to be drunk at the establishment.

Nothing shall be given away FREE or sold at a nominal price for the purpose of inducing, procuring or influencing the person to purchase an alcoholic beverage. (Alcoholic Beverages Article §6-310)

(b) *Open Bar* – No licensee may offer unlimited alcoholic beverages for a set price. However, if an establishment wishes to have an open bar with a meal for a special occasion, it shall request written permission from the Board. Permission shall be requested at least 2 weeks prior to the event, and written approval received. For a New Year's Eve or similar type of event, public or private ads must state "Open Bar" and not "All You Can Drink."

(c) *Dinner or event with Beer, Wine and/or Liquor Pairings or Courses* – If a licensee wishes to have a dinner or event with a pairing of beer, wine and/or liquor for a



set fee, a written request shall be submitted to the Board at least two weeks prior to the event giving the details of the date, hours, what is included in each pairing or course, and the cost of the dinner or event. Written approval from the Board must be received before the event.

### **§6.15-Infusion**

Licensees must not fuse or mix alcohol and store the infused alcohol for more than three days. The infused alcohol cannot be stored in an original alcohol container. The container must be labeled with the contents and date that the fusion or mixing occurred.

### **§6.16-Intoxicated Persons**

(a) *Persons* - No person shall knowingly sell, barter, furnish or give any intoxicating beverages to (1) any person who, at the time of the sale or delivery, is visibly under the influence of any alcoholic beverage, (2) an habitual drunkard, (3) a mentally deficient person, or (4) any person whose spouse, child, sibling, parent, or guardian has given written notice in writing that such person is of intemperate habits or of unsound mind or an account of his or her physical condition and requests the licensee in writing not to sell, furnish or give any intoxicating beverages to him or her. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §6-307)

(b) *Licensees* – Licensees or any person or persons with them shall not be or become intoxicated, or drink to excess in their own establishment at any time, regardless of where the alcoholic beverages were obtained.

### **§6.17-Minors**

(a) *Consumption or Possession* –The consumption or possession of any alcoholic beverage by any person under the age of 21 years is not allowed. This section applies

no matter for whom the alcoholic beverages are or would be purchased. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §6-309)

(b) *Employees* – Employees must be 18 years old to sell, serve or deliver or otherwise deal with any alcoholic beverage. This includes servers and bartenders as well as store clerks.

Persons 14 to 17 years of age are allowed to work in an establishment provided they do not sell, serve, or deliver any alcoholic beverages. (Alcoholic Beverages Article §20-1902)

The licensee who employs said minors shall supply the Board with a copy of the minor's work permit and a letter of permission from the minor's parents. Strict compliance with this provision is required.

(c) *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.

(d) *Possession* – No person under the age of 21 may possess or have upon his person any alcoholic beverage.

(e) *Purchases* – No person under the age of 21 may purchase any alcoholic beverage.

(f) *Restricted Areas* – No person under the age of 16 is allowed at the bar, with or without a parent.

(g) *Sales* – No person under the age of 21 years shall be sold or furnished any alcoholic beverages at any time. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §6-304)

A Maryland State driver's license or a Maryland State age of majority card with the picture on it, or a valid United States Military ID are the only identifications acceptable for positive identification. For out-of-state persons, due caution by checking two or more cards is required. (Alcoholic Beverages Article §6-305)

A valid United States Passport is acceptable as a form of ID. For foreign visitors, a current valid passport is acceptable.

### **§6.18-Possession**

No licensee or employee of the licensee shall possess at any place on the establishment any alcoholic beverage not permitted to be sold under the license, except wines that are permitted under Chapter 5, §5.46. (Alcoholic Beverages Article §6-311)

### **§6.19-Powdered Alcohol**

Alcoholic Beverages that are sold in a powder or crystalline form for direct use in combination with water or any other substance are prohibited. (Alcoholic Beverages Article §6-326)

### **§6.20-Purchases and Sales**

No licensee shall purchase alcoholic beverages except from a duly licensed manufacturer, wholesaler, or private bulk sale holder; nor may any licensee keep at the establishment any alcoholic beverages unless so purchased at any time. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §6-311)

No licensee shall sell to or purchase from any other licensee any alcoholic beverages for resale.

No officers of any club shall purchase alcoholic beverages under the club's name and license for their personal use. No alcoholic beverage shall be sold or purchased by club members to be taken off premises with the exception of Special Event Bottles covered in §5.40.

### **§6.21-Removal of Alcoholic Beverages**

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

### **§6.22-Sales from the Bar**

No bottles of liquor shall be dispensed or sold from the bar.

### **§6.23-Tampering with Bottles**

The contents of any container of alcoholic beverages shall not be tampered with, by the addition to, or the change in any manner whatsoever. The licensee is personally responsible for any violation of this section, whether by the licensee or by the licensee's agents, employees and operators, as stated in §5.37 of these Regulations. (Alcoholic Beverages Article §6-313)

### **§6.24-Vacating the Premises**

Any licensee closing 10 days or more shall immediately bring the license to the Board for the time approved. Any establishment closed more than 10 consecutive days without the Board's approval will be considered vacated and the license will become null and void.

The licensee shall immediately cease sales of alcohol, and the license shall be delivered to the County office by the

close of that business day. (Alcoholic Beverages Article §4-702(b))

**§6.25-Working for Another Licensee**

Licensees of one establishment shall not work for or manage another establishment.

\*\*\*\*\*  
IMPORTANT NOTE -- ALL REGULATIONS ARE  
SUBJECT TO CHANGE BY WRITTEN NOTICE OF  
THE BOARD OF LICENSE COMMISSIONERS OF  
FREDERICK COUNTY.  
\*\*\*\*\*





