

CECIL COUNTY BOARD OF LICENSE COMMISSIONERS

RULES AND REGULATIONS

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A. DEFINITIONS

For the purpose of these Rules and Regulations and unless otherwise required by the context:

- A. Alcoholic beverages** mean alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider and any other spirituous, vinous, malt or fermented liquor, liquor, or compound, by whatever name called, containing one-half of one per centum (1/2%) or more of alcohol by volume, which is fit for beverage purposes. However, alcohol beverage does not include a confectionery food product that contains up to 5% of alcohol by volume and is regulated by the Department of Health and Mental Hygiene, under § Section 21-209 of the Health-General Article.
- B. Beer** means any brewed alcoholic beverage and includes beer, ale, porter and stout, hard cider and alcoholic beverages that contain 6% or less alcohol by volume derived primarily from the fermentation of grain, with not more than 49% of the beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol or 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.
- C. Clerk** shall mean the Clerk to the Board of License Commissioners of Cecil County
- D. Club** means for the purpose of the license issued under the Alcoholic Beverages Titles, Section 17-1001 of the Annotated Code of Maryland, any veterans, fraternal and sororal clubs and/or organizations which own real estate in the county and are associated with a national veterans, fraternal or sororal club and/or organization and a private golf and country club owning real estate in the county and having a standard golf course not less than 18 holes and have a bona fide yacht club owning real estate in the county and having a membership of not less than 150 persons, not less than 50 of whom own yachts, boats or other vessels. Sales and consumption of alcoholic beverages is restricted to on-premises only.

For the purposes of the special licenses granted under the Alcoholic Beverages Titles, Section 17-1309 of the Annotated Code of Maryland, club shall mean an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes and not for profit.

- E. Comptroller** means the Comptroller of the Treasury of the State of Maryland.

- F. **Consumer** means any natural person over the age of 21 years, or any corporation not otherwise interdicted by this article or any other law of this state, who buys, possesses, keeps, or transports alcoholic beverages upon which the taxes provided by the tax provision of the article have been paid, for his own use and not for sale.
- G. **Court** means the Circuit Court of Cecil County or any judge of the circuit court.
- H. **Import** means to transport or ship or to order or arrange for the transportation or shipment of alcoholic beverages into this state from any other state, district, territory, or country.
- I. **Importer** means a person importing any alcoholic beverage.
- J. **Keg** means a container of beer with a capacity of at least four (4) gallons which is designed to dispense beer directly from the container.
- K. **License holder** or **licensee** means the holder of any licenses or permit issued under the provisions of the Alcoholic Beverages Titles of the Annotated Code of Maryland or of any other law of the state of Maryland.
- L. **Licensed premises** shall include the building and land used in connection with the operation of the business conducted under the license, including the parking lot, as defined in the original application, or as amended and approved by the Board of License Commissioners of Cecil County.
- M. **Light wine** means any naturally fermented wine containing not more than 22% of alcohol by volume. (Effective July 1, 2005)
- N. **Limited Distillery License** – Class 9 limited distillery license shall be issued by the State Comptroller and only to a holder of a Class B or Class D beer, wine, and liquor license in Cecil County for use on the premises for which the Class B or Class D license was issued.
- O. **Manufacturer** means a person operating a plant within this state for distilling, rectifying, blending, brewing, fermenting, or bottling any alcoholic beverage.
- P. **Microbrewery** – Class 7 micro-brewery (on and off sale) license shall be issued by the State Comptroller only to a holder of a Class B beer, wine, and liquor (on-sale) license that is issued for use on the premises of a restaurant; To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license

- Q. Minor** – State of Maryland defines a minor as anyone under the age of 18.
- R. Person** means a natural person, an association, a partnership, or a corporation.
- S. Refillable Container license** may be issued to a holder of a Class A or Class B alcoholic beverage license.
- T. Retail dealer** means a person who deals in or sells any alcoholic beverages to any person other than a license holder.
- U. Restaurant** means a business establishment for the accommodation of the public, fully equipped with a proper and adequate dining room and with sufficient facilities for preparing and serving meals, which has been approved by the Board of License Commissioners of Cecil County, and Land Use and Development of Cecil County, wherein the average annual receipts from the sale of food comprise at least 25% of the average receipts of the business.
- V. Sparkling wine** shall mean champagne or any artificially carbonated water.
- W. Tavern** means a business establishment for on-premises sales of alcoholic beverages and where all patrons must be at least 21 years of age; must meet the definition of a restaurant to meet the requirement of Sunday sales.
- X. Underage** – State of Maryland defines an underage person as anyone under the age of 21 years of age.
- Y. Wholesaler** means a person who purchases or imports any alcoholic beverage for sale to wholesale or retail dealers only.
- Z. Wine** means any fermented beverage, including light wine and wines, the alcohol content of which has been fortified by the addition of alcohol, spirits, or other ingredients.

B. BOARD OF LICENSE COMMISSIONERS

(a) Composition; appointment of members. -- The County Executive shall appoint three members to the Board.

Alcoholic
Beverages Titles,
Section 17-202

(b) Qualifications. -- Each member of the Board shall be of high moral character and possess a sound reputation for integrity.

(c) Tenure. --

(1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, 2016.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) Removal. -- The County Executive may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(6) From among its members, the Board shall designate a chair.

(d) Meetings. -- The Board shall meet at least once a month.

(e) Compensation. --

(1) (i) The chair of the Board shall receive an annual salary of \$3,000.

(ii) Each other member of the Board shall receive an annual salary of \$2,500.

(2) (i) The chair and each other member of the Board shall be reimbursed for expenses in accordance with the Standard State Travel Regulations.

(ii) The expenses shall be paid by the county.

Alcoholic
Beverages Titles,
Section 17-203

(f) Staff. -- Subject to § 17-204 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors;

(iii) clerical and other assistants as are necessary; and

(iv) County Attorney (or County Attorney's designee) shall serve as the board attorney.

(2) set the compensation of the employees.

(3) Subsections (f)(1) and (f)(2) of Section B of these rules and regulations are subject to County Executive approval and subject to available fiscal funds in the County Executive's approved budget.

Alcoholic
Beverages Titles,
Section 17-204

(g) Number of inspectors; employment. --

(1) The Board may employ one full-time Chief Inspector and as many part-time inspectors as the Board considers necessary.

(2) The employment of the inspectors is subject to the County Personnel Policy and Procedure Manual.

(3) Qualifications. -- An individual may not accept appointment or continue as an inspector if the individual or a member of the individual's immediate family has a personal or financial interest directly or indirectly in a license or in a premises licensed under this article.

(4) Powers. -- An inspector:

Alcoholic
Beverages Titles,
Section 17-205

(1) has all the powers of a peace officer or sheriff in the State arising out of or relating to the enforcement of this article; and

(2) may serve a summons under § 17-2603 of this title.

(5) Duties. -- An inspector shall:

(i) investigate all applicants for a license or transfer of a license;

(ii) visit and inspect at unannounced times every licensed premises in the county at least once every 90 days;

(iii) enforce all alcoholic beverages laws;

(iv) investigate all violations of the alcoholic beverages laws and report them to the Board; and

(v) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or were reported to the inspector.

(6) Oath. -- An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

(7) Compensation. -- The salaries and travel expenses of the inspectors shall be established by the County Executive using county personnel department regulations and guidelines.

(h) FIREARMS POLICY

POLICY: It is the policy of the Cecil County Board of License Commissioners that, upon the Board's approval of a request from the Chief Alcoholic Beverages Inspector, the Chief Inspector may be permitted to carry a firearm while on duty. The Chief Inspector may only use the firearm when he reasonably believes that such action is in defense of human life, including his own, or in defense of any person in immediate danger of serious physical harm and after other means, if any, have been reasonably exhausted.

PROCEDURES:

1.1 Training and Qualification

A. Initial Qualification

(1) Proficiency training

(a) Before authorizing the Alcoholic Beverages Inspector to carry a firearm, the Chief Inspector must demonstrate proficiency using the authorized firearm. All firearm proficiency training must be monitored by a certified firearm instructor.

(b) The minimum passing score for qualification on the practical exercise is 70%.

(c) The Chief Inspector must qualify with the firearm in the following courses:

1. One day shoot
2. One night shoot

(d) The Chief Inspector will have three attempts to qualify. Failure to qualify in the allotted three attempts will require the Chief Inspector to complete remedial firearm training that may consist of instruction for problem identification, corrective action, or re-qualification.

(e) The firearm instructor must provide the Board with the range scores for each course, and a copy of the scored written examination to be maintained in the Chief Inspector's training file.

(2) Written examination

- (a) The Chief Inspector must pass a written examination administered by a certified firearm instructor covering firearm safety, care, cleaning, and the use of the weapon prior to participating in the practical exercise.
- (b) A minimum of 70% correct answers is required to pass the written examination.

B. Annual Qualification

- (1) The qualification is valid for a one-year period. Within 30 days before the qualification expires, the Chief Inspector must qualify with the firearm in the following courses:
 - (a) One day shoot
 - (b) One night shoot
- (2) The minimum passing score for qualification on the practical exercise is 70%.
- (3) The firearms instructor must provide the Board with the range scores for each course after re-qualification.
- (4) The Chief Inspector must maintain qualifications as required. Lapse or failure to maintain qualifications will result in exclusion of that firearm from authorized use or carry.

2.1 Authorized Weapon and Ammunition

The Chief Inspector must not carry, use, or discharge any firearm in the performance of his duties except the firearm authorized by the Board, and on which the Chief Inspector has qualified and met the requirements of this Policy.

- A. The Chief Inspector must clean the firearm and maintain it in good operating condition while it is in his possession. Supplies for cleaning and maintaining the firearm will be provided by the Board.
- B. No modifications of any kind may be made to the firearm without prior written authorization by the Board.
- C. The Chief Inspector must use ammunition provided by the Board for practice rounds, qualifying and street rounds. The Chief Inspector must not use ammunition other than that provided by the Board.
- D. If the weapon becomes damaged or in need of repair, it must be returned to the Board for repair or replacement.
- E. If the weapon is replaced, the Chief Inspector must qualify with the new weapon before putting it into service. The firearm instructor must provide the Board with the range scores for each course after re-qualification.

- F. When the Chief Inspector no longer holds the position of Alcoholic Beverages Inspector for Cecil County, Maryland, he must surrender the firearm to the Board, along with all unused ammunition and the supplies issued for his use.
- G. If the Board rescinds its approval for the Chief Inspector to carry a firearm, the Chief Inspector must surrender the firearm to the Board, along with all unused ammunition and the supplies issued for use.
- H. The Board may revoke its approval for the Chief Inspector to carry a firearm at any time for any reason.

3.1 Restrictions on the Use of Firearm

The Chief Inspector must use the minimal amount of force that is necessary and reasonable to control a situation or to defend himself or others from imminent danger.

- A. The Chief Inspector must only carry the firearm and credentials issued by the Board. The Chief Inspector must not carry any other the firearm.
- B. The Chief Inspector must not discharge the firearm as a warning.
- C. The Chief Inspector must not display the firearm in an unsafe manner or in a manner that would cause unnecessary alarm to the public.
- D. The Chief Inspector must reasonably anticipate a situation justifying the use of a firearm before removing it from its holster or otherwise displaying it.

4.1 Use of Force

- A. Every on-duty discharge or display of a firearm by the Chief Inspector will be subject to a review by the Board to determine if such action was taken in conformance with this Policy.
- B. The Chief Inspector must file a report with the Board when:
 - (1) He displays the firearm by removing it from its holster or threatens its use either explicitly or implicitly to one or more persons;
 - (2) He discharges the firearm for other than training or qualification purposes.
- C. The Chief Inspector's report must include:
 - (1) The date, time, and place of the incident;
 - (2) The names and addresses of all persons who witnessed or were involved in the incident;
 - (3) A detailed description of the incident, including
 - (a) descriptions and photographs, if available, of any injuries sustained by all parties involved

(b) the factual basis and justification for the display, threat to use, or use of the firearm; and

(c) whether other means of response were considered and available

(4) The Chief Inspector's signature.

- D. The Board must issue written findings after it completes its review under this Section. The Board will provide a copy of its written findings to the Office of the County Attorney and the Risk Manager for Cecil County.
- E. The Chief Inspector must not carry the firearm until the Board has reviewed the Chief Inspector's Report and issued a written finding that the force or action was necessary. The Chief Inspector may not carry the firearm again until approval to do so is given by the Board.
- F. Inspectors may not wear, carry, or transport a firearm without a permit. See Letter from Chief Counsel of the Office of the Attorney General, Robert N. McDonald, to Chairman of Board of License Commissioners, Tim Snelling (Jan. 22, 2008). See *77 Opinions of the Attorney General 233 (1992)*.
- G. In addition to the above qualifications, the Cecil County Board of License Commissioners may authorize the Liquor Board's Inspectors to carry firearms, subject to the approval of, and conditions imposed by, the Superintendent of the Maryland State Police. See Letter from Chief Counsel of the Office of the Attorney General, Robert N. McDonald, to Chairman of Board of License Commissioners, Tim Snelling (Jan. 22, 2008). See *77 Opinions of the Attorney General 233 (1992)*.
- H. Chief Inspector may appoint any board member or staff (as defined in Section (B)(f)(1) of these rules) as an inspector.

C. CLASSES OF LICENSES, LIST OF FEES AND HOURS OF OPERATION**LIST OF FEES:****APPLICATION FEES**

New License or Transfer	\$400.00
Pending Application Fee	\$410.00
Reclassification	\$200.00
Renewal	\$50.00
Special License	\$35.00
Catering	\$50.00
Wine Festival	\$250.00

Class A – Package Goods Off-Premises

Beer	\$60.00
Beer & Light Wine	\$75.00
Beer, Wine & Liquor	\$750.00

Light Wine

Class A – Winery	\$50.00
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Class B – Restaurant

Beer	\$75.00
Beer & Light Wine	\$90.00
Beer, Wine & Liquor	\$750.00

Class D – Tavern

Beer	\$200.00
Beer & Light Wine	\$225.00
Beer, Wine, & Liquor	\$750.00

Class BLX – On-Premises Only

\$2,500.00

- *Minimum capital investment of \$450,000 for dining room facilities and kitchen equipment
- *Minimum seating of 100 persons

Class EF – On- Premises Only

\$7,500.00

- *Minimum capital investment of \$35,000,000

Catering

\$100.00

- *Must meet qualifications for Restaurant
- *Must have CCHD catering license
- *Must cater food at event

Fire Department

On-Premises Only

24 times/year

Beer or Beer & Light Wine	\$120.00
Beer, Wine & Liquor	\$240.00

Hours of Operation

Monday through Saturday	6:00 am – 2:00 am
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Sunday Sales

Class, A, B, BLX, Club, Fire Department, Golf Clubs 8:00 am – 2:00 am
Class D, Tavern 1:00 pm – 2:00 am

Sunday Sale – Class A, B, & D only

On/Off Sale \$500.00

Special Licenses – Maximum 4 times/year

One-Day – Application \$35.00
Class C – B or B&LW \$10.00
Class C – BWL \$20.00
Class T – Tasting \$25.00

Class C - On-Premises Only

Beer \$75.00
Beer & light Wine \$100.00
Beer, Wine & Liquor \$600.00
Beer, Wine, & Liquor – Non-Profit \$500.00
Beer, Wine & Liquor – Profit \$2,000.00

Class GC – Golf Club – On-Premises \$2,000.00

Hotel, Motel, Restaurant Complex \$1,500.00

Wine Festival

Application \$250.00
License \$20.00

One-Time For New License

Beer \$1,000.00
Beer & Light Wine \$2,000.00
Beer, Wine & Liquor \$3,000.00

One-Time for Reclassification

\$1,000.00
\$2,000.00
\$3,000.00

Additional Charges

Change of Officers \$5.00
Name Change \$5.00

License Renew March 1st – 31st each year
Licenses Expire April 30th each year

Renewal Late Fee –

Renewal applications received April 1st – April 30th \$50/day

D. APPLICATIONS – NEW AND TRANSFERS OF LICENSES

Number of Alcoholic Beverages Licenses restricted. - The Board of License Commissioners may not issue in the aggregate a number of alcoholic beverages licenses under the provisions of the Alcoholic Beverages Titles which exceeds more than one to every 400 registered voters in Cecil County, or major fraction thereof, as determined by the current registration of voters. However, any Class BLX, C, EF, or GC licenses issued therein may not be counted in the computation of the aggregate number of alcoholic beverages licenses. The quota shall be computed and applied separately for each of the several election districts of Cecil County.

Alcoholic
Beverages Titles,
Section 17-1601

1. APPLICATION - CONTENTS

A. Applications for new licenses, transfers of licenses and special licenses shall be made upon standard forms to be obtained at the office of the Board of License Commissioners of Cecil County. Information requested on all such forms shall be typewritten or printed in ink to be easily readable.

Alcoholic
Beverages Titles,
Section 4-108

B. All applications must be fully completed and filed on the date requested by the Clerk to the Board of License Commissioners of Cecil County. A schedule of hearing dates and availability of new licenses can be obtained by calling the Board of License Commissioners of Cecil County Office.

Alcoholic
Beverages Titles,
Section 17-206

C. No application shall be submitted for publication unless it is complete and accompanied by all supporting documents as hereinafter set forth including the Zoning Certificate.

D. All applications shall be accompanied by the publication fees as established by the Board of License Commissioners of Cecil County from time to time.

Alcoholic
Beverages Titles,
Section 4-106

2. ADDITIONAL PERMITS AND APPROVALS REQUIRED

A. No alcoholic beverage license shall be issued or transferred until the Board of License Commissioners of Cecil County is provided with a current occupancy permit for the premises (when the premises are not owned by the applicant), contract of

sale in cases of application for transfer, Fire Marshal’s approval and Zoning Certificate signed by the appropriate zoning authority for the premises or part thereof where the license will be used.

B. Criminal record check waiver forms must be executed and provided for each prospective licensee, officer of the corporation, members and/or all stockholders with a financial interest. A fee of \$45.25 shall be imposed for processing Criminal record checks; this should be broken down as \$37.25 per applicant payable to CJIS and \$8 per applicant payable to the Board of License Commissioners of Cecil County at the time the application is filed.

Alcoholic Beverages Titles, Section 4-107

3. ON-PREMISES SUNDAY SALES REQUIREMENT

A. “On-sales” may be conducted within the times allowed under these rules only by a licensee who is:

- (1) A restaurant, as defined under subsection B of this section; or
- (2) A holder of a Class BLX license.
- (3) A holder of a Class C license
- (4) A holder of a Class D license.
- (5) A holder of a Class EF license.

Alcoholic Beverages Titles, Sections 17-2004 17-2005 17-2006

B. “Restaurant” defined – “restaurant” means a business establishment for the accommodation of the public:

- (1) that is fully equipped with a proper and adequate dining room and with sufficient facilities for preparing and serving meals;
- (2) That has been approved by the Board of License Commissioners of Cecil County; and
- (3) Wherein the average annual receipts from the sale of food comprise at least 25 percent of the average receipts of the business.

Alcoholic Beverages Titles, Section 17-2001

4. CATERED EVENT LICENSE

A. To obtain a Cecil County Alcoholic Beverage Catering License:

Alcoholic Beverages Titles, Section 17-1201

1. Application Fee \$35.00 – License Fee \$100 per year
2. Licensee must possess a current Class “B” Beer and Light Wine or Beer, Wine and Liquor License and may only serve alcoholic beverages for which they are licensed.
3. Licensee must meet all State and local requirements and hold all requisite licenses relating to the catering business conducted – copy of Cecil County Health Department Catering License must be on file in the Board of License Commissioners office.
4. To cater on Sunday, the licensee must possess a current Sunday Sales License.

B. Five Days Prior to Catered Event

1. The entire Catered Event Certificate must be received in the Board of License Commissioners office within five days of each catered event; the office staff will affix a seal to the original certificate that must be properly displayed at the location for which the event is to take place.
2. A copy of catering contract must be provided for each event to the Board of License Commissioners office.
3. A licensee shall provide food as well as alcoholic beverages on the premises of and during the catered event - A copy of menu or food description must be provided to the Board of License Commissioners office.
4. A list of service employees must be submitted to the Board of License Commissioners office.

C. Day of Event

1. The Catered Event Certificate must be properly displayed at the location for which the event is to take place
2. Service employees – The holder of a caterer’s license shall provide all service employees, who are older than 18 years of age, to sell, serve and/or provide the alcoholic beverages at the catered event.
3. The holder of this license must exercise the privileges under this license only during hours and days that are permitted in the Alcoholic Beverages Titles for a Class “B” restaurant or hotel license
4. Licensees must abide by all laws governed by the Alcoholic Beverages Titles as well as Local Rules and Regulations.

5. APPLICANT REQUIREMENTS

A. Corporation

- (1) If the application is made for a corporation or a club, whether incorporated or unincorporated, the license shall be applied for and be issued to three (3) of the officers of that corporation or club as individuals, for the use of the corporation or club. In the case of a corporation where there are less than three officers or directors of the corporation, all officers or directors shall make the application as provided in this section. At least one of the applicants shall adhere to the residency requirements per Maryland Alcoholic Beverages §§ 17-1401, 4-104, 4-109 or successors of referenced statutes, if any. The application shall also set forth the name and addresses of all the officers of the corporation or club and shall be signed by the President or Vice President, as well as by the three officers to whom the license shall be issued. The application for every license shall disclose the name and address of the corporation, as well as the names and addresses of the individual applicants. All applicants must be citizens of the United States.
- (2) Except in the case of an application for a special license, each corporation shall submit Articles of Incorporation with State of Maryland Acceptance, Minutes of the corporation showing the election of officers, naturalization papers where applicable and a Stock Sheet which shows the names and addresses, along with the percentage of stock owned, for each stockholder in the corporation.
- (3) Whenever collectively, 51% or more of the stock ownership of a corporation is transferred, an application for transfer must be filed with the Board and approved by the Board as in the case of a new license. Where collectively less than 51% of the stock of a corporation is transferred, the Board of License Commissioners of Cecil County shall be given written notice of all particulars of such transfer. The licensee may substitute one or more of the officers of the corporation by filing a petition with the Board of License Commissioners of Cecil County setting forth the necessary information. The petition shall be heard in public session by the Board of License Commissioners of Cecil County, without a requirement of publication and upon a proper showing that the new officer is qualified by law, the petition shall be approved.

Alcoholic
Beverages Titles,
Sections 4-104
4-202

Alcoholic
Beverages Titles,
Section 17-206

Alcoholic
Beverages Titles,
Section 17-206

- (4) If a license is issued to individuals as officers of a corporation and there is a change in one or more officers, without stock transfer as hereinbefore set forth, the corporation shall provide written notice to the Board of License Commissioners of Cecil County within 30 days after the installation of the new officer(s). The written notice furnished by the corporation to the Board of License Commissioners of Cecil County shall be accompanied by a \$5.00 fee and a sworn statement and the previous officer's name and address. Upon receipt of the written notification of a change in the corporation's officers, the Board of License Commissioners of Cecil County, upon presentation of the license, shall review the names shown thereon.

Alcoholic Beverages Titles, Section 17-1704

B. Limited Liability Company

- (1) If the application is made for a limited liability company, the license shall be applied for by and be issued to three of the authorized persons of that limited liability company, as individuals, for the use of the limited liability company, at least one of whom shall adhere to the residency requirements as per Maryland Alcoholic Beverages §§ 17-1401, 4-105, 4-109 or successors of referenced statutes, if any. In the case of a limited liability company in which there is less than three authorized persons of the limited liability company, all authorized persons shall make the application. All applicants must be citizens of the United States.
- (2) Individuals applying for a license on behalf of limited liability companies shall submit an executed copy of the articles of organization with State of Maryland Acceptance, and a showing of names, addresses and percentages of any member holding any percent of the interests of a limited liability company.
- (3) Whenever collectively 51% or more of the interests of a limited liability company is transferred, an application for transfer must be filed with the Board of License Commissioners of Cecil County and approved by the Board of License Commissioners of Cecil County as in the case of a new license. Where collectively less than 51% of the interests of a limited liability company are transferred, the Board of License Commissioners of Cecil County shall be given written

Alcoholic Beverages Titles, Section 4-105

Alcoholic Beverages Titles, Section 17-206
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notice of all particulars of such transfer. The licensee may substitute one or more of the authorized persons of the limited liability company by filing a petition with the Board of License Commissioners of Cecil County setting forth the necessary information. The petition shall be heard in public session by the Board of License Commissioners of Cecil County, without a requirement of publication and upon a proper showing that the new authorized person is qualified by law, the petition shall be approved.

- (4) If a license is issued to individuals as authorized persons of a limited liability company and there is a change in one or more authorized persons of a limited liability company, the limited liability company shall provide written notice by certified mail to the Board of License Commissioners of Cecil County within 30 days after installation of the new authorized persons. The written notice furnished by the limited liability company to the Board of License Commissioners of Cecil County shall be accompanied by a \$5.00 fee and a sworn statement giving the name and address of each new authorized person, the office held and the previous authorized person's name and address. Upon receipt of written notification of a change in authorized persons of a limited liability company, the Board of License Commissioners of Cecil County shall issue a revised license listing the individuals as current authorized persons of the limited liability company.

Alcoholic Beverages Titles, Section 17-1704

C. Partnership

If an application is made for a partnership, the license shall be applied for and be issued to all partners as individuals, all of whom shall adhere to the residency requirements as per Maryland Alcoholic Beverages §§ 17-1401, 4-103, 4-109 or successors of referenced statutes, if any.

Alcoholic Beverages Titles, Section 4-103

D. Individuals

Persons applying for an alcoholic beverage license or transfer of license as sole owners shall adhere to the residency requirements per Maryland Alcoholic Beverages § 4-109 or successors of referenced statutes, if any.

6. POLICY AND/OR REGULATION REGARDING ACCEPTANCE OF LICENSE APPLICATIONS WHERE NONE ARE AVAILABLE UNDER THE QUOTA SYSTEM

- A.** A fully completed application, including the requisite number of signatures of property owners and voters, as well as the zoning certificate, must be provided.
- B.** The application fee must be paid in full, in addition to a fee of \$10.00 for mailing notice as described hereafter. The applicant must acknowledge that the funds shall be immediately deposited with the Cecil County Department of Finance and that there will be no interest paid to the applicant on such funds and that the funds will be withdrawn only upon written request of the applicant withdrawing the application and requesting a refund or upon the processing of the application fees have increased between the receipt of the funds and the time the application is actually activated, the applicant must pay such additional funds as necessary to meet the current application fee requirements, prior to advertisement of the application.
- E.** The application must be for specific premises in a particular district and the usual requirements for written consent of the owner of the premises as part of the application must be met.
- F.** In the event a license becomes available under the quota system, the earliest-filed application for the district shall be eligible to be processed and the applicant will be required, within 15 days of written notice from the Board of License Commissioners of Cecil County that a license is available, to acknowledge in writing applicant's desire to proceed with the application. Applicant shall take any other steps necessary to permit advertisement of the application to commence within 30 days thereafter. It shall be the responsibility of the applicant to notify the Board of License Commissioners of Cecil County in writing of any change of address from that shown on the application. The notices called for herein shall be sent certified mail, return receipt requested and the time periods set forth shall commence as of the date of mailing. In the event an applicant at the address on file with the Board of License Commissioners of Cecil County and the notice procedures followed with respect to any next-earliest application on file with the Board of License Commissioners of Cecil County.

- G.** Applications will not be accepted from any person or persons presently holding an alcoholic beverage license in Cecil County, whether for themselves, or as representatives of a partnership, corporation, or limited liability company, unless such person or persons acknowledges in writing that any interest in such license will be relinquished or divested prior to the issuance of any license hereunder. This prohibition does not apply to the holder of a Class "C" not-for-profit license.
- H.** This privilege to file an application for a license not yet available under the quota system does not and shall not create any rights to the issuance of any such license which may become available. In addition, such privilege shall not be transferable, unless to, or for the benefit of an entity in which the transferor has or retains at least 75% interest and then only with the approval of the Board of License Commissioners of Cecil County. Any amendments to the application as originally filed must be approved by the Board of License Commissioners of Cecil County.

Alcoholic Beverages Titles, Section 17-206
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7. PUBLICATION

- A. Generally.** Before the Board of License Commissioners of Cecil County approves a license or transfer thereof, the Board of License Commissioners of Cecil County shall cause a notice of such application to be published two times in two successive weeks in a newspaper having a general circulation in the County. The notice shall specify the name of the applicant, the kind of license applied for, the location of the place of business proposed to be licensed and the time and place fixed by the Board of License Commissioners of Cecil County for hearing upon the application, which shall not be less than seven days nor more than 30 days after the last publication.

Alcoholic Beverages Titles, Section 4-208

B. Special and Temporary Licenses:

1) The Board may not require the publication of an application for a special temporary alcoholic beverage license as a prerequisite to the granting of such a license.

2) In the case of any Fire Department in Cecil County, publication shall only be required the first time a license is issued under the Alcoholic Beverages Titles, Section 17-1310; thereafter any such Fire Department shall request in writing Board approval for particular dates (up to 24 in number) during the calendar year.

Alcoholic Beverages Titles, Section 17-1310

C. Application for Different Class or Type of License.

Any licensee may apply at any time to the Board of License Commissioners of Cecil County for the issuance of any class or type of license other than the license being held. The Board of License Commissioners of Cecil County shall publish notice of such application in one newspaper of general circulation in the County two times in two successive weeks. The notice shall specify the name of the applicant, the current class or type of license sought, the location of the place proposed to be licensed and the time and place fixed by the Board of License Commissioners of Cecil County for hearing upon the application, which shall not be less than seven nor more than thirty days after the last publication.

Alcoholic Beverages Titles, Sections 17-1502 17-1504

8. TRANSFER WHERE PREMISES DESTROYED

A. The holder of any license issued for premises substantially destroyed by fire, explosion, or catastrophe or taken by condemnation or by the exercise of the power of eminent domain may transfer the license to other premises within the same election district, with the approval of the Board of License Commissioners of Cecil County. Publication of the proposed transfer shall be made in the same manner as the advertisement of a new application. In the event the holder of a license for any premises destroyed shall not request transfer of the license within six months from the date of loss, the license shall expire and shall be available to be issued to any applicant therefore, subject to the quota requirements.

Alcoholic Beverages Titles, Section 17-1703

B. In the event the holder of a license for any premises destroyed decided to rebuild on the same location and said rebuilding cannot be completed within the six-month provision above specified, the applicant may apply to the Board of License Commissioners of Cecil County for a hardship extension. The Board of License Commissioners of Cecil County may, in its discretion, allow the licensee an additional period, not to exceed one year, before the license shall expire.

Alcoholic Beverages Titles, Section 17-206
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9. RECLASSIFICATION OF LICENSE**A. By request**

- 1) Any licensee may make application to the Board of License Commissioners of Cecil County upon forms

provided by the Board of License Commissioners of Cecil County, for the issuance of any class or type of license other than the license being held. Notice of such application shall be given by publication in the same manner as advertisement of a new application.

- 2) In approving such application, the Board of License Commissioners of Cecil County shall consider the general reputation and character of the applicant, the manner of conducting and operating the business presently being licensed and the public necessity for the license for which application is made.
- 3) The Board of License Commissioners of Cecil County, before approving any application, shall require inspection of the premises for which the application is made and shall require the premises to comply with all rules and regulations of the Board of License Commissioners of Cecil County applicable thereto.
- 4) Fees: Fees for issuance of a new class or type of license as herein provided for shall be as established by the Alcoholic Beverages Titles, Section 17-1504

Alcoholic Beverages Titles, Section 17-1504

B. By Board of License Commissioners of Cecil County where no request

- 1) Upon approval of a transfer of a license, the Board of License Commissioners of Cecil County may conform the Class of that license to the actual nature of the alcoholic beverages sales on the licensed premises
- 2) In determining whether to reclassify a license, the Board of License Commissioners of Cecil County shall consider, in addition to the actual nature of the business being conducted at the time of application, the proposed mode of operation of the Business as evidenced by a certification form attached to and made a part of the application for transfer. Such certification form shall describe fully the nature of the business operations as anticipated by an applicant for transfer.
- 3) In the event that a reclassification of a license occurs, where no request is made therefore by applicant, there shall be no fee charged or imposed for such reclassification.

10. APPEARANCE BEFORE BOARD OF LICENSE COMMISSIONERS OF CECIL COUNTY BY APPLICANTS

A. REGULAR LICENSES:

Except for applications for special licenses, all applicants must personally appear before the Board of License Commissioners of Cecil County at the time and place fixed for hearing on the application, prior to the issuance of a new or transferred license.

Alcoholic
Beverages Titles,
Section 17-206

C. SPECIAL LICENSES:

a. One Day Licenses

Where action of the Board is required, a simple majority of the total number of the members of the Board may act in the following ways to give its approval or disapproval to an application for a special license.

Alcoholic
Beverages Titles,
Section 17-308

- 1) A formal meeting, with a quorum present; or
- 2) Oral or written contact by the chairman with each member of the Board. This contact may be by any method, including telephone or fax. If this approach is chosen, the chairman shall indicate in writing for the records of the Board how each member and the chairman voted.
- 3) Prior to the approval and issuance of the license, an applicant and/or designated person approved by the Board of License Commissioners will be administered a review to assess their alcoholic beverage knowledge.
- 4) Upon approval of an application on a form prescribed by the Board, signed and sworn to, the Board may grant special licenses of any class, except manufacturers and wholesalers. The licensee may exercise any of the privileges conferred by the respective classes of licenses at any bona fide entertainment held or conducted by any club, society, or association at the place described in the license.

Alcoholic
Beverages Titles,
Sections 17-308
17-309

11. DECISION UPON APPLICATION

Before approving an application and issuing a license, the Board shall consider:

- 1) The public need and desire for the license;

Alcoholic
Beverages Titles,
Section 17-206

- 2) The number and location of the existing licenses within a two-mile radius and the potential effect on those existing licenses;
- 3) The potential commonality or uniqueness of the services and products to be offered by the applicant's business;
- 4) The impact on the general health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking, or convenience; and
- 5) Any other necessary factors as determined by the Board.

Alcoholic
Beverages Titles,
Section 4-210

The application shall be disapproved and the license which application is made shall be refused if the Board determines that:

- 1) That the granting of the license is not necessary for the accommodation of the public;
- 2) That the applicant is not a fit person to receive the license applied for;
- 3) The applicant has made a material false statement in his application
- 4) The applicant has practiced fraud in connection with the application
- 5) The operation of the business, if the license is granted, will unduly disturb the peace of the residents of the neighborhood in which the place of business is to be located,
- 6) There are other reasons, in the discretion of the Board, why the license should not be issued.

Alcoholic
Beverages Titles,
Section 4-210

If no such findings are made by the Board of License Commissioners of Cecil County, then the application shall be approved.

12. EFFECT OF REFUSAL

If a license is refused, no further application shall be considered from the applicant or the premises, as the case may be, for a period of six months and if a subsequent application by the same applicant or for the

same premises is refused within the two-year period immediately following the date of the first refusal, then no further application shall be considered from such applicant or for such premises, as the case may be, until such two-year period has elapsed. This section does not apply where a license was refused on the grounds it was not necessary for the accommodation of the public or because the premises were not suitable to the sale of alcoholic beverages under the license applied for; neither shall it apply to the premises set forth in an application when the license applied for was refused because the applicant personally was determined not to be a proper person to be issued the license applied for.

13. WHEN LICENSE IS APPROVED/ISSUED

- A. When a license or transfer thereof is approved subject to the happening of a specified event or, for example, pending clearance from the Comptroller's Office, the license shall be signed by the members of the Board of License Commissioners of Cecil County at the time of such approval. The license shall not, however, be physically delivered to the licensee until the happening of the contingency or the clearance of the pending matter.
- B. Where a license is approved subject to no contingencies or pending matters, the license shall be signed by the members of the Board of License Commissioners of Cecil County and delivered to the licensee on the day of approval.
- C. In any event, a licensee approved for issuance or transfer shall be picked up by the licensee not later than 60 days from the date of approval of such issuance or transfer, unless cause to the contrary is shown by the licensee before the expiration of such time period. The Board of License Commissioners of Cecil County, in its discretion, shall have the authority to set conditions and/or restrictions on the granting of a new license, the granting of a transfer of an existing license or the renewal of a license when it finds that such conditions are in the best interest of the accommodation of the public and needed to protect the peace and safety of the community wherein the license shall be located.

Alcoholic Beverages Titles, Section 17-206
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E. RENEWAL OF LICENSES

1. PROCEDURE

All applications for renewal of licenses must be received in the Board of License Commissioners of Cecil County office after March 1 and on/or

Alcoholic Beverages Titles, Section 17-206
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before March 31 of each year. Such applications shall be made on forms provided by the Board of License Commissioners of Cecil County and contain such information as may be required by State Law or by Local Rule. An application shall be accompanied by payment of the annual fee for such license. Returned checks will be subject to the fee imposed by the Cecil County Department of Finance plus any Late Fee/Penalty. If application for renewal is not received prior to May 1st, the existing license will be extinguished.

2. LATE FILING - PENALTY

Failure to file a renewal application for an alcoholic beverage license with full payment by the last business day of March of any year shall result in a penalty of \$50 per day for each day the application is late. For purposes of determining the amount of any such penalty, only those days on which the Board of License Commissioners' office is open for the transaction of business shall be counted. Payments and/or fines received on or after April 1 must be paid by cash, cashier's check, certified check, money order or Discover Card. No checks will be accepted.

Alcoholic Beverages Titles, Section 17-206
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F. OPERATION OF BUSINESS

1. ALCOHOL AWARENESS TRAINING

- A. All employees in a supervisory capacity and all bartenders shall:
- (1) be certified by an approved alcohol awareness program; and
 - (2) at minimum one certified person must be present on the licensed premises during the hours in which alcohol may be sold.
- B. Penalty – A license holder who violates this section is subject to:
- (1) for a first offense, a \$100 fine; and for each subsequent offense, a fine not exceeding \$500 or suspension or revocation of the license or both
- C. Certification must be renewed every four years to remain current.
- D. Temporary licenses are exempt from this mandate

Alcoholic Beverages Titles, Section 4-505 17-1903
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2. AGE OF EMPLOYEES

- A. A licensee may employ a person 18 years of age or older to sell, serve, deliver, or otherwise deal with alcoholic beverages.
- B. This rule shall not prohibit the employment of anyone under the age of 18 by a licensee for any purpose other than the sale and service of alcoholic beverages.

Alcoholic
Beverages Titles,
Section 17-1902

Alcoholic
Beverages Titles,
Section 17-206

3. RECORDS OF EMPLOYEES

Licensees shall keep on their premises records containing the legal names, addresses, ages, and social security numbers for all persons employed by them. Such records shall be always open for inspection by duly authorized representatives of the Board of License Commissioners of Cecil County.

Alcoholic
Beverages Titles,
Section 17-206

4. DISPLAY OF LICENSE

Each licensee shall place the current alcoholic beverage license in a frame, under glass and place the license so it shall be conspicuous and easily read in the place of business by customers and agents of the Board of License Commissioners of Cecil County.

Alcoholic
Beverages Titles,
Section 4-508

5. TRADE NAME

- A. No licensee shall change the trade name of the establishment without the approval of the Board of License Commissioners of Cecil County. Requests for permission to change the trade name shall be submitted to the Board of License Commissioners of Cecil County in writing, giving the specific reason, if any, for the requested change.
- B. Upon issuance or transfer of a license and in any event not later than 60 days after operations under a new or transferred license have commences, the licensee shall submit to the Board of License Commissioners of Cecil County documentary evidence that a sales tax number has been issued by the Comptroller's Office for the business being conducted at the licensed premises.

Alcoholic
Beverages Titles,
Section 17-206

Alcoholic
Beverages Titles,
Section 17-206

6. CHANGE OF HOME ADDRESS OF LICENSEE

Any person whose name appears on an alcoholic beverage license either as an owner, partner or corporate officer must notify the Board of License Commissioners of Cecil County within 15 days of changing their

Alcoholic
Beverages Titles,
Section 17-206

home address or furnish the Board of License Commissioners of Cecil County with the new home address.

7. INSPECTIONS

All licensees, their agents and employees must cooperate with the representatives of the Board of License Commissioners of Cecil County, members of the police department, fire authorities, health department, department of licenses and permits, Grand Jury and representatives of other authorized agencies whenever any of these persons are on the licensed premises on official business and shall comply with any reasonable order of such authorities or other public authority designed to promote the health, safety and general welfare of the public at large.

Alcoholic
Beverages Titles,
Sections 6-202
17-206

8. LICENSEE RESPONSIBILITY

Licensees shall be personally responsible for the operation of the licensed premises and shall be responsible for violations committed not only by themselves, but also their agents, employees, and operators.

Alcoholic
Beverages Titles,
Section 6-402

9. USE OF LICENSE

Any premises in Cecil County to which a license has been issued shall be open for at least 30 continuous days during the period of one year from the date of closing and sales of alcoholic beverages shall be made during this 30-day period or the license shall be revoked. Upon a showing of grounds of hardship on the part of the licensee prior to the time of revocation, the Board of License Commissioners of Cecil County may, in its discretion, allow the licensee an additional period of not to exceed one year before the license is revoked.

Alcoholic
Beverages Titles,
Section 17-2103

10. DEATH OF LICENSEE

- A. Upon the death of a licensee, other than a Class E, Class F or Class G license, the license shall expire. However, upon application to the Board of License Commissioners of Cecil County and upon payment of a fee of one dollar (\$1.00), made by the executors or administrators of the deceased licensee, a certificate of permission may be granted for the continuation of the business in the name of such executors or administrators for the benefit of the estate of the deceased for a period not exceeding 18 months from the date of any such permission, unless the license shall sooner expire, in which case, upon application by the executor or administrator, a renewal license for a period not exceeding 18 months after the death of the license holder may be issued. Such certification of permission and renewal licenses issued will be subject to the right of protest, revocation,

suspension, and restriction as in other cases and to the payment of the applicable license fee for such period. During the period of such continuation the said license and the executors or administrators of the deceased shall be subject to all the provisions of these rules and regulations.

- B. The administrator or executor to whom the certificate of permission has been issued may assign or transfer the license for the benefit of the estate and upon approval of the application for said transfer or assignment, the license shall be considered reinstated upon the payment of the balance of any license fees which might be due to the expiration of the license year.
- C. If the business of the licensee is not continued or the license is not transferred or assigned the executors or administrators shall be authorized to apply for and obtain any refund to which the deceased would have been entitled if his license had been surrendered for cancellation upon the date of this death.

Alcoholic
Beverages Titles,
Section 4-805

11. EVICTION FROM OR VACATING OF PREMISES

- A. On the 10th day after the holder of any license has vacated or been evicted from the premises for which the license was issued, the license shall expire unless an application for approval of a transfer to another location or assignment to another person has been approved or is then pending. However, the Board of License Commissioners of Cecil County, in its discretion, may postpone the expiration for an additional period not exceeding 20 days in any case to avoid undue hardship.
- B. The license for a premise acquired for public use shall expire within 180 days of acquisition unless an application for approval of a transfer of the license to another location or assignment to another person has been approved or is then pending.

Alcoholic
Beverages Titles,
Sections 4-702
4-705

Alcoholic
Beverages Titles,
Section 4-702
4-704 4-705

Alcoholic
Beverages Titles,
Section 4-702
4-704 4-705

12. OWNERSHIP AND OPERATION; MANAGEMENT AGREEMENTS

Every licensee shall be the actual owner and operator of the business conducted on the licensed premises. The identity of any person not a licensee, having any financial interest in said business, shall be disclosed to the Board of License Commissioners of Cecil County in writing. In the event the actual day-to-day operation of the licensed premises is delegated to a person or persons other than the licensee, the terms and

Alcoholic
Beverages Titles,
Section 17-206

conditions of such arrangement shall be disclosed in writing to and approved by the Board of License Commissioners of Cecil County; the agreement must specify the entity responsible for purchasing and selling alcoholic beverages, and filing the taxes for sales, use and amusement through the Office of the Comptroller of the State of Maryland.

13. ALTERATION OF PREMISES OR MODE OF OPERATION

In the event a licensee decides to significantly alter the mode of operation or the format of presentation of alcoholic beverages to the public from that contained in the original application approved by the Board of License Commissioners of Cecil County at the time of issuance of the license, such change must first be presented to the Board of License Commissioners of Cecil County for approval. Such changes in the mode of operation would include entertainment, alteration of physical premises, presentation of food, alcoholic beverages, seats, physical environment both inside and outside of the licensed premises. The intent of this section is that when a licensee significantly deviates from the original application, as issued, the changes in the mode of operation must be reviewed to have assurances that the best interest of the public is accommodated and the operation of the business to be conducted under the license does not adversely impact nor unduly disturb the community and further that it is harmonious to the peace, health, welfare and safety of the residents of Cecil County.

Alcoholic Beverages Titles, Section 17-206
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14. CLEARING OF PREMISES

No sales, possession or consumption are allowed past the hour set for closing; all patrons shall be off the premises of any establishment licensed for the sale of alcoholic beverages not later than 30 minutes after the hour set for closing by the Alcoholic Beverages Titles of the Annotated Code of Maryland.

Alcoholic Beverages Titles, Section 17-206
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15. KEG REGISTRATION

A licensee may not sell or otherwise transfer or offer to sell or otherwise transfer the contents of a keg for consumption “off premises” unless:

- A. The licensee provides to the purchaser 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 licensed establishment and a registration number.
- B. The purchaser provides valid identification and completes and signs a registration form with the following information
 - 1) The purchaser’s name and address as shown on the ID produced;

- 2) The date of birth of the purchaser;
 - 3) The date of purchase
- C. The Licensee shall affix the completed registration form to the keg and retain a copy of the form for at least 30 days on the licensed premises.
- D. Upon return of a registered keg from a purchaser, the licensee shall remove or obliterate the keg registration form attached to the keg and note that removal and the date of that removal on the copy of the keg registration form held by the licensee at the licensed premises.
- E. 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.
- F. Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.
- G. A licensee may charge a keg registration fee to a purchaser.
- H. A licensee who violates any provision of the keg regulations is subject to a fine not to exceed \$100.00 or a suspension or revocation of the alcoholic beverages license or both fine and suspension or revocation.
- I. The existence of a completed registration form signed by the purchaser shall create a presumption that the Licensee has complied with the requirements as set forth hereinabove.

Alcoholic
Beverages Titles,
Section 5-103

G. PROHIBITED PRACTICES

1. SALES TO PERSONS UNDER THE AGE OF 21

- A. No licensee, or agent or employee thereof shall sell or in any way furnish alcoholic beverages to any person under the age of 21. Any sale made in violation hereof shall be done at the licensee's own risk. In disciplinary proceedings, it shall be no defense that an agent or employee of the licensee acted contrary to order or that a licensee did not participate in the violating action or actions.
- B. Every licensee shall keep on the licensed premises a form as shall be designated by the Board of License Commissioners of Cecil County which shall be executed by a person whose age

Alcoholic
Beverages Titles,
Section 6-304

Alcoholic
Beverages Titles,
Sections 4-506
17-206

is questioned. The executed form shall be kept in a file, and open to inspection always by any agent of the Board of License Commissioners of Cecil County.

- C. In a Class “D” licensed establishment anyone under 21 years of age is restricted from any area where the alcoholic beverages are manufactured, sold, consumed, or stored.

Alcoholic Beverages Titles, Section 17-206

2. CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES NOT AUTHORIZED UNDER LICENSE

- A. No licensee, or agent or employee thereof, shall permit any person to consume and/or possess any alcoholic beverages on the licensed premises other than alcoholic beverages permitted by the license.

Alcoholic Beverages Titles, Section 6-308 6-311

- B. It shall be unlawful for any person to drink on the licensed premises of any licensee any alcoholic beverages not purchased from the licensee on said premises.

Alcoholic Beverages Titles, Section 6-319

- C. Paragraph B does not apply to Special Class “C” One-Day Licenses and Class “FD” Fire Department Licenses when they are to be used for a dance or social event advertised as being “Bring Your Own” (BYO) or attended only by members and sponsored guests of the club, fire department or other organization.

Alcoholic Beverages Titles, Sections 6-311 17-206

3. CONSUMPTION ON “OFF-SALE” PREMISES

No holder of a Class “A” Off-Sale license, or agent or employee thereof shall knowingly permit any person to consume or open any alcoholic beverage on the premises under their control.

Alcoholic Beverages Titles, Sections 17-601 17-801 17-901

4. CONSUMPTION OR SALE DURING PROHIBITED HOURS

- A. No licensee, or agent or employee thereof, shall consume or permit the consumption or possession of alcoholic beverages by patrons on the licensed premises during the hours when such sales or consumption is prohibited by law.

Alcoholic Beverages Titles, Section2 17-2002 17-2003

- B. No alcoholic beverages shall be served, dispensed, consumed, furnished, or given away by any person on any part of the licensed premises during the hours when the sale of alcoholic beverages is prohibited by law.

5. PURCHASES BY RETAILER

A. No license holder shall purchase any alcoholic beverage except from a duly licensed manufacturer or wholesaler and no retail license holder shall sell to any other license holder any alcoholic beverages except to a holder of a Special Class “C” license or Class “FD” license issued to a fire department. No license holder shall at any time keep or permit to be kept upon the licensed premises any alcoholic beverages unless purchased in accordance with the Alcoholic Beverages Titles of the Annotated Code of Maryland.

Alcoholic Beverages Titles, Section 6-311

B. License holders shall keep accurate records of all purchases and sales of alcoholic beverages for a period of two (2) years from the date of such purchase. These records shall be of a kind and in the form prescribed by the Comptroller.

Alcoholic Beverages Titles, Section 1-408

6. SALES TO DRUNKS OR DISORDERLY PERSONS

No licensee, or agents or employees thereof shall knowingly sell or furnish alcoholic beverages to any person under the influence of alcohol or dangerous substances or who is disorderly in conduct or to be a habitual drunkard or to a mentally deficient person.

Alcoholic Beverages Titles, Section 6-307

7. NOISE

All licensees shall operate their establishment in such a manner that will not disturb the peace, safety and tranquility of the neighborhood where located. All unnecessary noise emanating from the licensed premises or emanating at unreasonable times is prohibited.

Alcoholic Beverages Titles, Sections 4-210 4-604

The intent of this rule is that the licensee’s operation shall not adversely impact the surrounding neighborhood in terms of noise and/or antisocial, illegal, boisterous, and unsafe activities.

8. LEWD PERFORMANCE

A. No licensee shall:

- 1) Employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire, costume, or clothing, 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;

- 2) Employ or use the services of any hostess or other person to mingle with the patrons while the hostess or other person is unclothed or in attire, costume, or clothing as described in subparagraph 1) above;
- 3) Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, or genitals of any other person;
- 4) Permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, public hair, or any portion of it;
- 5) Permit any person to perform acts of or acts which simulate;
 - a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - b) The touching, caressing, or fondling of the breast, buttocks, anus, or genitals;
 - c) The displaying of the pubic hair, anus, vulva, or genitals;
- 6) Permit any entertainer whose breasts and/or buttocks are exposed (subject to the restrictions of subparagraph 1) above) to perform closer than six (6) feet from the nearest patron;
- 7) Permit any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by subparagraph 5) above;
- 8) Exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting;
 - a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - b) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals

- c) Scenes where a person displays the vulva or anus or the genitals;
 - d) Scenes where artificial devices or inanimate objects are employed to depict or drawings are employed to portray, any of the prohibited activities described above.
- 9) Permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus;
- B. Nothing contained herein permits any conduct or form of attire prohibited by any other provision or statute, ordinance, rule, or regulation in Cecil County. If any of the activities listed in this rule are found to occur on the premises for which the license was issued, the holder of the license, or any employee, entertainer, or patron who performs any of the listed activities, shall be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than two (2) years in a house of corrections, jail or both fined and imprisoned. In addition, any license issued pursuant to the Alcoholic Beverages Titles shall be revoked.

<p style="text-align: center;">Alcoholic Beverages Titles, Sections 4-605 17-2102</p>

9. PROHIBITED ACTIVITIES

- A. No licensee shall allow the licensed premises to be used for the purpose of bookmaking or gambling, in any form, except that which is permitted under the laws of the State of Maryland. No licensee shall allow the premises to be used as a disorderly house, or for the purpose of perverted practices, nor shall the licensee, or any employee, patron, or frequenter of the establishment, solicit any person or persons for immoral purposes.
- C. No licensee shall permit the licensed premises to be used for the sale, transfer or possession of narcotics or controlled dangerous substances, as defined in the Annotated Code of Maryland Part I, Primary Crimes 5-601.
- D. No licensee, or agent, or employee thereof shall use or permit to be used or dispensed on the licensed premises any drugs or other narcotics as defined in the Annotated Code of Maryland Part I, Primary Crimes 5-602.
- E. No applicant or licensee shall make any material false statement in any application for an alcoholic beverage

<p style="text-align: center;">Alcoholic Beverages Titles, Sections 4-210 17-206</p>
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license, in testimony before the Board of License Commissioners of Cecil County or to any representative of the Board of License Commissioners of Cecil County who may be conducting an official investigation.

10. BOTTLE CLUBS

- A. It shall be unlawful in Cecil County for any “bottle club” as herein defined or other public club, room or premises which is to be used or is used as a “bottle club” so as to evade the alcoholic beverage license laws or hours of operation, to sell, give, serve, dispense, keep or allow to be consumed on its premises or on premises under its control or possession of any alcoholic beverages, set-ups or other component parts of mixed alcoholic beverages.

- B. As used in this subsection, the term “bottle club” shall mean any club which serves, sells, gives or dispenses alcoholic beverages to its members or guests, or which keeps for its members or guests any alcoholic beverages, or which allows to be consumed on its premises any alcoholic beverages, by its members or guests, which beverages have been reserved or purchased by the members or guests; or any club at which patrons are served, given or allowed to consume alcoholic beverages after legal closing hours from the supplies that the patrons have previously purchased or reserved; or any club that sells, dispenses, serves, keeps or allows to be consumed any set-ups or other component parts of mixed alcoholic drinks to its members or guests.

Alcoholic
Beverages Titles,
Section 17-2501

11. INTEREST IN MORE THAN ONE LICENSE

- A. A person, franchisor, franchisee, chain store operation, partnership, firm or corporation may not have any interest in more than one (1) license, whether held or controlled by direct or indirect ownership, by a franchise operation, by a chain store operation, interlocking directors or interlocking stock ownership or in any other manner directly or indirectly. It is the intention of this rule to prohibit any such person, franchisor, franchisee, chain store operation, firm, partnership or corporation from having any interest, directly or indirectly, in more than one license.

- B. This rule does not apply to licensees issued under the provisions of Section 17-1309 of Alcoholic Beverages Titles or not-for-profit club licenses.

Alcoholic
Beverages Titles,
Sections 4-205
17-206

Alcoholic
Beverages Titles,
Sections 4-205
17-206

12. CLASS "C" LICENSE SALES

A. No holder of a Class "C" not-for-profit club license shall permit the sale of package goods, nor shall such holder permit the sale of any alcoholic beverages to persons who are not members or guests of members of the club.

Alcoholic
Beverages Titles,
Section 17-206

B. Every club issued a license under the above sections of the Alcoholic Beverages Titles shall submit, along with their application for renewal, an up-to-date list of their members which shall state their full names and addresses. In addition, each club shall maintain an up-to-date guest book in which the guests shall be registered upon entering the club. This book shall be open to inspection at any time by the Board of License Commissioners of Cecil County or any of its agents.

Alcoholic
Beverages Titles,
Section 17-206

13. DRIVE THROUGH FACILITY

The Board of License Commissioners of Cecil County may not issue or transfer an off-sale alcoholic beverages license of any class for the use in a business that is intended to be operation as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption.

Alcoholic
Beverages Titles,
Section 17-1602

H. REVOCATION AND SUSPENSION OF LICENSES

1. CAUSES

The Board of License Commissioners of Cecil County may revoke or suspend a license for the following causes:

Alcoholic
Beverages Titles,
Section 4-604

- A. Conviction of the licensee or permittee for violation of any of the provisions of the Alcoholic Beverages Titles;
- B. The willful failure or refusal of any licensee or permittee to comply with any provisions of the Alcoholic Beverages Titles, or any rule or regulation that may be adopted pursuant thereto;
- C. The making of any material false statement in any application for a license or permit;
- D. Two or more convictions of one or more of the clerks, agents, employees, and servants of a licensee of any violation of the Alcoholic Beverages Titles on the premises subject to the license, within a period of two years;

- E. The possession upon the premises of any retail dealer other than the holder of a Class E, F or G license of any alcoholic beverages upon which the tax imposed by the Alcoholic Beverages Titles has not been paid;
- F. The violation of the provisions of Section 4-1102 of the Alcoholic Beverages Titles;
- G. The willful failure of any licensee to keep the records required by the Alcoholic Beverages Titles or to allow any inspections of such records by a duly authorized person;
- H. The possession of any alcoholic beverages which any licensee other than the holder of a Class E, F or G license is not licensed to sell;
- I. The suspension or revocation of a permit issued to any licensee by the Federal Alcohol Administration or for conviction of violating any federal laws relating to alcoholic beverages;
- J. Failure to furnish bond as required by Alcoholic Beverages Titles within 15 days after notice from the Comptroller;
- K. Any violation by the licensee of a reasonable order issued to the licensee by the Board of License Commissioners of Cecil County, Health Department, Department of Licenses and Permits, Fire Department, Police Department, County Commissioners, Comptroller of the Treasury, or any other public authority which in the judgment of the Board of License Commissioners of Cecil County was issued to promote the health, safety, and general welfare of the public;
- L. The licensee or agent or employee thereof permitting continuous disturbances or disorders to occur on or about the licensed premises.

2. PROCEDURE

- A. The Board of License Commissioners of Cecil County may, on its own initiative, or upon the written complaint of ten or more citizens, residents, real estate owners or voters of the precinct in which any licensed place of business is situated or upon the complaint of any deputy or inspector employed by the Comptroller, or any peace officer or if the license is located within the corporate limits of any municipality, upon complaint of the Mayor and Council of that municipality, require that a licensee appear before it to show cause why

the license should not be suspended, revoked and/or fined in lieu thereof for a violation or violations of the Alcoholic Beverages Titles or these Rules and Regulations.

- B. 1) A licensee against whom a charge is brought, or a complaint filed as above set forth shall be given written notice of the charge or complaint at least ten days prior to any hearing to be held thereon.
- 2) As part of this notice the Board of License Commissioners of Cecil County may provide the option to conduct the hearing by a means of Statement of Facts or by sworn testimony. If the Licensee or Defendant chooses to conduct the hearing by means of sworn testimony, the Licensee or Defendant will be provided a specific date within the notice to contact the Board of License Commissioners so that witnesses may be summoned to appear for the hearing.
- C. A hearing shall be held at such time as provided in the written notice to the licensee. The licensee shall be entitled to be represented by an attorney at the hearing on the alleged violation.
- D. The Board of License Commissioners of Cecil County may at its discretion impose a postponement fee of \$250 for any hearing postponed after the hearing has been scheduled.
- E. The Board of License Commissioners of Cecil County may at its discretion impose a proceeding fee of \$250 for any hearing.
- F. The Board of License Commissioners of Cecil County may at its discretion fine, suspend or revoke a license should a licensee not appear for a hearing.

3. PENALTIES

Upon a finding by the Board of License Commissioners of Cecil County that the licensee has been shown to be guilty of a violation of the Alcoholic Beverages Titles or of the Local Rules and Regulations, the Board of License Commissioners of Cecil County shall have the power to revoke or suspend such license, and may, in addition to or in lieu thereof, impose a fine of not more than \$1,000. In any case where multiple violations are shown to have occurred, each violation shall be subject to the imposition of a separate penalty.

Alcoholic Beverages Titles, Sections 17-206 17-2802
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In any case wherein the Board of License Commissioners of Cecil County has found a violation to have occurred, whether or not the Board of License Commissioners of Cecil County has imposed a penalty, the licensee shall pay the costs of the proceeding. Failure to pay such costs within 30 days of the conclusion of the proceedings shall constitute a separate and distinct violation of these rules and regulations.

I. HEARING PROCESS

1. MEETINGS AND HEARINGS

The Board of License Commissioners of Cecil County shall hold such meetings, hearings and sessions as may, from time to time, be scheduled by the Clerk at the direction of the Chairperson. All such meetings, hearings and sessions shall be subject to and governed by the Open Meetings Act.

2. WHEN HEARINGS ARE REQUIRED

Public hearings are required in the case of:

- A. Applications for new licenses, temporary or special licenses;
- B. Transfer of license;
- C. Protest of renewal of a license;
- D. Alleged violations of the Alcoholic Beverages Titles or the Local Rules and Regulations

3. PLACE OF HEARINGS

Hearings shall be held at such a place which may be designated by the Chairperson.

4. TIME OF HEARINGS

Hearings shall be held at such times as the Chairperson shall direct and as scheduled by the Clerk. The applicant or licensee shall be notified in writing concerning the time, date, and location of the hearing.

5. RECORD OF HEARING

The Board of License Commissioners of Cecil County shall cause to be prepared an official record of its proceedings in each case which shall include the testimony and exhibits, but it shall not be necessary to transcribe the testimony unless requested for Court review, or when

requested by any party of interest appearing at the hearing. The party taking the appeal or ordering the record shall be responsible for the cost of transcribing the record.

6. PUBLIC ATTENDANCE

The general public and representatives of the news media are encouraged to attend all hearings. It shall be the duty of the Chairperson to maintain order during the hearings. Whenever confusion or disorder arises in the hearing room or demonstrations of approval or disapproval are indulged in by persons in attendance, it shall be the duty of the Chairperson to enforce order on its own initiative. Under circumstances of confusion and disorder, the Chairperson shall have the power and it shall be the duty of the Chairperson to order the hearing room cleared or to recess the hearing and the Chairperson may, upon its own motion and without a second or putting the matter to vote, order the hearing adjourned to a fixed hour and date.

7. HEARING PROCEDURES

A. Non-violation hearings:

- 1) Witnesses shall be sworn in by the Clerk to the Board of License Commissioners of Cecil County.
- 2) Counsel to the Board of License Commissioners of Cecil County will read into the file official reports and documents contained in the file.
- 3) Applicant and/or witnesses shall be examined by Counsel to the Board of License Commissioners of Cecil County and by the Board of License Commissioners of Cecil County.
- 4) Applicant and/or witnesses shall present such matters or evidence to the Board of License Commissioners of Cecil County as they may desire.
- 5) Applicant and/or witnesses may be re-examined by Counsel to the Board of License Commissioners of Cecil County for the Board of License Commissioners of Cecil County.
- 6) Persons present in support of the licensee or applicant may testify in favor of the applicant/licensee.
- 7) Persons present opposed to the licensee or applicant may testify against the applicant/licensee.

- 8) Applicant/licensee may offer a summation to the Board of License Commissioners of Cecil County.
- 9) The Board of License Commissioners of Cecil County shall deliberate in open session and announce its decision thereon. Such decision may be deferred to a later date, but all discussion or deliberation regarding the issue before the Board of License Commissioners of Cecil County shall occur in public session. In the event a decision is deferred, the Chairperson shall announce a specific date and time at which the decision shall be made.

B. Violation hearings:

- 1) Witnesses shall be sworn in by the Clerk to the Board of License Commissioners of Cecil County.
- 2) Counsel to the Board of License Commissioners of Cecil County will conduct direct examination of witnesses for the Board of License Commissioners of Cecil County.
- 3) Witnesses may be examined directly by members of the Board of License Commissioners of Cecil County.
- 4) Witnesses may be cross-examined by attorney for the alleged violator, or, when unrepresented by Counsel, by the alleged violator personally.
- 5) Direct examination of witnesses for the alleged violator shall be conducted by Counsel for the alleged violator or the alleged violator if the alleged violator is unrepresented by Counsel.
- 6) Witnesses for the alleged violator shall be cross-examined by Counsel to the Board of License Commissioners of Cecil County
- 7) Individual members of the Board of License Commissioners of Cecil County may directly examine the witnesses.
- 8) Summation by Counsel to the Board of License Commissioners of Cecil County and Counsel for the alleged violator shall be made.

- 9) The Board of License Commissioners of Cecil County shall deliberate in closed session and render a decision with respect to the alleged violation. Such decision shall be communicated in writing to the alleged violator and the time for an appeal of any violation found to have occurred shall run from the date of such written notice. The Board of License Commissioners of Cecil County's decision with respect to the alleged violation shall not be made known to the media or the public generally until the alleged violator or Counsel for the alleged violator has been notified of such decision.

I. APPEALS TO THE COURTS

The right of appeal from a decision of the Board of License Commissioners of Cecil County shall exist as set forth in the Alcoholic Beverages Titles, Section 4-902, 4-905, 4-906, 4-907 and 4-908. Any appeal taken pursuant to the provisions of Alcoholic Beverages Titles shall be governed by the Maryland Rules of Procedure, Subtitle b.

Alcoholic Beverages Titles, Sections 4-902
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J. AMENDMENTS TO THESE RULES AND REGULATIONS

The Board of License Commissioners of Cecil County for Cecil County, on its own initiative or upon the request of interested persons, when the Board of License Commissioners of Cecil County deems it advisable, may adopt amendments to these Rules and Regulations. Public Notice of such proposed amendment shall be given at least one time in a newspaper of general circulation in the county, not less than 15 days, nor more than 30 days, prior to the meeting at which such amendment is proposed for adoption. Such proposed amendment shall be considered by the Board of License Commissioners of Cecil County in public session and, if adopted, shall take effect upon such date as the Board of License Commissioners of Cecil County, in its resolution adopting the amendment, may state.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURES ON NEXT PAGE]**

These Rules & Regulations have been amended and adopted
by the Board of License Commissioners on September 28, 2022.

Signed:

BOARD OF LICENSE COMMISSIONERS

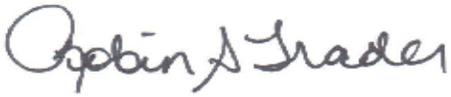
Three handwritten signatures in black ink. The top signature is 'Stephen A. Miller', the middle is 'Kristen Ortt', and the bottom is 'Bernard M. Chiominto'.

Stephen A. Miller, Chairman

Kristen Ortt, Commissioner

Bernard M. Chiominto, Commissioner

Attest:

A handwritten signature in black ink that reads 'Robin S. Trader'.

Robin S. Trader, Administrative Assistant