

**Rules and Regulations of
The Board of License Commissioners
for Carroll County
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Introduction

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

The laws of the State of Maryland relating to alcoholic beverages are found in Article 2B of the Annotated Code of Maryland. Article 2B is a statutory scheme which contains provisions that apply statewide as well as provisions which only apply locally. License holders and other interested persons are encouraged to obtain a copy of Article 2B and to familiarize themselves with it. A copy of Article 2B may be obtained from the Comptroller of the Treasury, Alcohol and Tobacco Tax Division, Louis L. Goldstein Treasury Building, P.O. Box 2999, Annapolis, Maryland, 21401-2999, or by telephone at 410-260-7314.

The Rules and Regulations were revised and adopted December 13, 2006. The effective date of these rules is January 10, 2007.

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1. SCHEDULING OF HEARINGS

- a. The Board of License Commissioners (hereinafter "Board") shall hold monthly public hearings in accordance with Article 2B, §§10-202 and 15-104 of the Annotated Code of Maryland. The Board shall handle all scheduling and shall schedule special hearings as necessary. Scheduling decisions, including postponements and continuances, shall be at the discretion of the Chair.
- b. Requests for postponements shall be in writing, specifying the reason for the request, including the details regarding any conflict, and must be received by the Board at least seven (7) days prior to the scheduled hearing date.
- c. Requests to subpoena witnesses must be received by the Board's office at least seven (7) days prior to the scheduled hearing.

2. NOTICE OF HEARINGS

- a. The Board shall notify applicants and licensees of the time and place for the hearing by first-class mail or personal delivery to the address stated in the application or to the licensed premises. Hearing dates and times for alleged violations shall be set in the same manner as all other hearings.
- b. The notice shall include reference to the Board's power to summon witnesses. In addition, in the case of alleged violations, the notice shall state that representation by an attorney is permitted, shall generally inform the licensee of the nature of the violation, and shall state that the licensee or the licensee's attorney is permitted to inspect the Board's file during normal business hours.

3. SEQUESTERING OF WITNESSES

At any hearing, sequestering of witnesses shall be at the sole discretion of the Board.

4. FAILURE OF APPLICANT OR ALLEGED VIOLATOR TO APPEAR

- a. If any person, whether applicant or licensee, has been duly notified and fails to appear at the hearing, then the Board may refuse to issue the license for that reason or, in the case of an alleged violation, may take action based on evidence presented to it.
- b. The Board shall not deny an application based upon the applicant's failure to attend until ten (10) days from the date of the scheduled hearing have elapsed, during which time the applicant(s) shall have an opportunity to show cause why he or she did not appear by submitting a notarized affidavit. The sufficiency of the cause shall be decided by the Board based upon this affidavit without a hearing. If the Board desires additional evidence in these matters, it shall procure it by any lawful means.
- c. A hearing notice delivered to the licensed establishment and accepted by an employee of the licensee shall be deemed delivered to the licensee.

5. DECISIONS

- a. The Board's decision shall be in writing and shall be rendered within thirty (30) days from the date of the hearing unless the Board directs otherwise. Oral decisions shall not be effective until a written decision is issued.
- b. Interpretation of the Board's decisions and the Board's Rules and Regulations may be made by the County Attorney. Any party affected by the County Attorney's interpretation may petition the Board for the Board's review of the interpretation.

6. APPLICATIONS

- a. An application for a license shall be on a form provided by the Board and shall contain the information required by these Rules and by Article 2B, §10-103 of the Annotated Code of Maryland.
- b. The following documents shall be submitted with the application and shall be considered a part of the application:
 - (1) A drawing accurately depicting the premises to be licensed. The drawing shall show the layout of the premises, including the location of any bar, tables, and location and number of chairs, pool table(s), pinball or other amusement machine(s), exits, restrooms, kitchens, dimensions, stage, and parking area. If the

premises to be licensed is part of a larger building, the larger building shall be accurately depicted in the drawing.

- (2) a. If the application is on behalf of a corporation, the license shall be issued to three (3) of the officers of that corporation, as individuals, for the use of the corporation, at least one of whom shall be a registered voter and taxpayer of Carroll County when the application is filed and shall have resided in Carroll County at least two (2) years prior to the application. In the case of a corporation where there are less than three (3) officers or directors of the corporation, all officers and directors shall make application, at least one of whom shall be a registered voter and taxpayer of Carroll County when the application is filed and shall have resided in Carroll County at least two (2) years prior to application. Copies of the current corporate charter and by-laws, a certificate of good standing from the Maryland State Department of Assessments and Taxation, and a record showing the total amount of stock owned by each stockholder who owns more than five percent (5%) of the outstanding stock must accompany each application. This record shall also state the name, address, and phone number of each officer and director of the corporation and of each stockholder who owns more than five percent (5%) of the outstanding stock. A copy of relevant corporate minutes or resolutions shall also be submitted upon request.
- b. When the applicants propose to operate as a limited liability company, copies of the Articles of Organization, operating agreement, and a certificate of good standing from the Maryland Department of Assessments and Taxation must accompany the application. The license shall be issued to three (3) of the authorized persons of that limited liability company, at least one (1) of whom shall be a registered voter and taxpayer of Carroll County when the application is filed and shall also have resided in Carroll County at least two (2) years before the application. In the case of a limited liability corporation where there are less than three (3) authorized persons, all authorized persons shall make application, at least one (1) of whom shall be a registered voter and taxpayer of Carroll County when the application is filed and shall also have resided in Carroll County at least two (2) years before the application.

- (3) A fully executed certified copy of the document granting the applicant the right to use the premises. This may be a deed, a lease, or other document including all exhibits and addenda
 - (4) Names, addresses, and phone numbers of ten character references for each applicant. The qualifying applicant's references must reside in Carroll County.
 - (5) A "Public Record Credit Report" to be obtained by the Board at the expense of the applicant for each applicant.
 - (6) The employment history of each applicant.
 - (7) A financial disclosure for all applicants (on a form provided by the Board).
 - (8) A completed criminal background check performed by the Maryland Department of Public Safety and Correctional Services.
 - (9) Any other document that may be requested by the Board.
 - (10) The application must be accompanied by the applicable fees.
- c. No hearing will be scheduled until the application has been properly completed and the required documents submitted. The hearing shall not be held until the results of the criminal background check as required by § 10-103(b)(ix) of Article 2B and subsection "b" are received by the Board. The applicant shall be responsible for any additional costs if the hearing is postponed.
- d. If events occurring subsequent to the submission of the application render any of the information provided in the application inaccurate in whole or in part, the applicant shall notify the Board immediately and update the application.
- e. In construing §10-103(b)(15) of Article 2B, the Board hereby adopts the following definition of "pecuniarily interested":
- "Pecuniarily interested" means:
1. Any interest as the result of which the owner has received within the past three (3) years, or is presently receiving, or in the future is entitled to receive any compensation or economic benefit of twenty dollars (\$20.00) or more, as a result of which the owner may become obligated for the debts of the licensee.
 2. For the purposes of leased premises "pecuniarily interested" shall not mean rental payments due or payable unless the rental obligation is deemed excessive as determined by the Board, or contains a provision for rental payments which is

contingent upon a percentage of gross sales in excess of three percent (3%) per annum, or in any other way affords the landlord ownership or control of the business.

7. ILLEGAL CONDUCT

No licensee shall commit or allow the commission of any act on the licensed premises which shall be contrary to any federal, state, or local statute, law, or ordinance or against the public peace, safety, health, welfare, quiet, or morals.

8. HEALTH, FIRE AND SAFETY REQUIREMENTS

- a. No new license or transfer shall be granted until the Board receives written certification that the premises proposed to be licensed meets the requirements of the Carroll County Health Department, the appropriate zoning authority, the Department of Permits, Inspections, and Review, and any other agency deemed necessary by the Board. Also, where appropriate, the applicant must submit written certification by the State Department of Assessments and Taxation of the assessed value of the premises.
- b. All licensees shall strictly comply with all health regulations in effect in Carroll County, or any incorporated municipality, as appropriate, concerning the proper sanitation of eating and drinking establishments.
- c. All license holders shall maintain their premises at all times in such manner as to comply with the laws, rules, and regulations pertaining to fire prevention and safety, including the Carroll County Building Code.
- d. All license holders shall operate their establishments so as not to unduly disturb the adjoining property owners' quiet enjoyment of their properties.

9. TRANSFER OF LOCATION

- a. An application for a transfer of an existing license to another location under Article 2B, §10-503 of the Annotated Code of Maryland, shall be treated as a new application except as to the fitness of the licensees, and shall comply with the relevant provisions of Rule 6 "Applications".

- b. The Board's approval of any transfer of location may be conditioned upon completion of the transfer in accordance with representations made in the application and at the hearing.

10. TRANSFERS TO ANOTHER PERSON OR PERSONS

- a. A request for approval of a transfer of an existing license to another person or persons under Article 2B, §10-503 of the Annotated Code of Maryland, shall be treated as a new application (except as to the suitability of the location and the necessity of the license for the accommodation of the public) for a liquor license by the prospective transferee and shall comply with the relevant provisions of Rule 6. In addition to the information required under Rule 6, the prospective transferor and transferee shall furnish a notarized fully executed copy of the proposed contract of sale with the application.
- b. Both the transferor and the prospective transferee must appear at the hearing unless excused by the Board for good cause shown.
- c. The Board's approval of any transfer to another person or persons may be conditioned upon the submission of evidence that all retail sales, amusement, admission, and withholding taxes have been paid to the Comptroller of the Treasury of the State, that all state and local real and personal property taxes have been paid, and that a bulk transfer permit has been obtained if the stock of alcoholic beverages is to be transferred whether by sale, gift, inheritance, assignment or otherwise, regardless of whether consideration is paid.
- d. Transfer of the management responsibility and/or of any economic benefit associated with the establishment in question may not be made prior to the Board's final approval of the transfer. However, after a transfer a prospective transferee may work for salary only under the existing licensee(s) for a period not exceeding thirty (30) days, provided that the Board approves the arrangement in advance.

11. TEMPORARY CLOSING

If a licensed business proposes to be closed for a period of ten (10) or more consecutive days, the licensee must inform the Board in writing within three (3) days of closing, give the reason for closing, and the future intentions as to the use of the license. Failure to give the

Board the requisite notice of the closing shall be cause to consider the licensed premises vacated pursuant to Article 2B, §10-504 of the Annotated Code of Maryland.

12. RECORDS

- a. All license holders shall maintain on the licensed premises a record containing the names, addresses, phone numbers, and ages of all persons employed by them on the premises. These records shall be open for inspection by any duly authorized representative of the Board at all times during regular business hours of the establishment.
- b. All Class B license holders shall maintain records showing their monthly receipts from the sale of food and their monthly receipts from the sale of alcoholic beverages. These records shall be available upon request of the Board and shall be provided within two (2) business days of the request unless good cause for delay is shown. The following records must be properly dated and maintained by Class B license holders:
 1. Cash register tapes
 2. Cash receipts journal (sales journal)
 3. Cash disbursement journal (purchase journal)
 4. Customer order forms (sales checks)
 5. Invoices
 6. Bank statements and canceled checks
 7. Copies of sales tax returns
 8. Copies of amusement and admission tax returns.

With the exception of item 6, all the above documents should distinguish between alcohol and food transactions. These records must be maintained for at least two (2) years and may not be discarded or destroyed after that time if the Board directs the licensee to continue maintaining these records.

- c. When a Class B licensee is requested by the Board to submit periodic reports concerning food and alcohol sales, the reports shall be submitted in a format approved by the Board.
- d. Class B licensees, either new or by way of transfer, shall be required to file quarterly financial statements with the Board for one (1) year after issuance of the license.

- e. It shall be the duty of all licensees to keep complete and accurate records of their receipts and expenditures in such form as may be prescribed by the Board. All licensees shall procure vouchers or purchase slips for all alcoholic beverages, food, or other commodities and items that the licensee purchased.

13. FALSE STATEMENT

If the Board finds that any statement, report, affidavit, or oath required under any of the provisions of Article 2B or these Rules and Regulations contains any knowingly-made false statement, the license may be suspended or revoked and the matter may be referred to the State's Attorney.

14. ALTERATION, ADDITION, REMODELING

- a. No licensee shall make physical changes to the licensed premises or add, remove, or change the location of any gaming devices which would render the drawing of the licensed premises on file with the Board inaccurate without prior written approval of the Board. The licensee shall submit a drawing of any proposed physical changes to the licensed premises with his or her written request. The Board shall not approve the proposed change until it has been approved by the appropriate government agencies. The Board may grant approval without a hearing. If the Board approves the physical change, the licensee shall submit an amended drawing accurately depicting the changes made.
- b. This section shall not apply to tables and chairs unless a certain number of tables and chairs are required under a Class B license.

15. RENEWALS

- a. Applications for renewal shall be submitted between March 1 and March 31 of each year.
- b. All state and local taxes shall be paid before the license is renewed.

- c. Each Class B license renewal application shall be accompanied by a statement showing gross sales, food sales, and liquor sales for the previous calendar year in a format approved by the Board.
- d. Failure to receive a renewal application form from the Board shall not relieve the licensee of the responsibility of filing a timely application.
- e. All applications shall be legible, complete, and accurate and include the applicable fee.
- f. Failure to file a complete and accurate renewal application may result in nonrenewal of the license. Applications for renewal received after the time prescribed by statute shall not be considered.
- g. A late fee of fifty dollars (\$50) a day shall be assessed for each day a licensee fails to submit an application for renewal after March 31. In no event will an application for renewal be accepted after April 10. A licensee who fails to submit an application for renewal after April 10 shall surrender the license on May 1.
- h. Licenses shall be picked up from the Board's office during business hours between April 15 and May 1. Failure to obtain the license from the Board by May 1 shall result in revocation of the license, unless the establishment is temporarily closed in accordance with Rule 11.

16. CORPORATIONS AND LIMITED LIABILITY COMPANIES

- a. All of the individuals applying for a license on behalf of a corporation or limited liability company (LLC) must have a pecuniary interest in the corporation or LLC. "Pecuniary interest" is defined as ownership of at least ten percent (10%) of the outstanding common stock of the corporation or LLC which is entitled to vote at any stockholder meeting for which actual consideration paid was at least five thousand dollars (\$5,000.00). For the purposes of this Rule, "actual consideration" means cash consideration. Loans, notes, and promises to pay do not qualify as actual consideration.
 - (1) "Qualifying Resident Applicant" is defined as the applicant who is a Carroll County resident and has been so for at least two (2) years immediately preceding the filing of the application.
 - (2) The "pecuniary interest" requirement shall be deemed met if the actual consideration for the stock exceeds five thousand dollars (\$5,000.00), regardless of

whether the stock owned amounts to ten percent (10%) of the outstanding common stock.

- (3) Individual officers applying for a license for the use of a corporation or LLC which has more than twenty-five (25) stockholders who are entitled to vote must have a pecuniary interest in the corporation or LLC.
- b. Officers of clubs need not have a pecuniary interest in the club, but must be bona fide members of the club at all times.
- c. A stockholder making an application under the provisions contained in the last sentence of Article 2B, §9-101(b) (application by certain close corporations) of the Annotated Code of Maryland must be a registered voter and taxpayer of Carroll County and must have resided in Carroll County for at least two (2) years immediately preceding filing of the application. In addition, the applicant must meet the "pecuniary interest" requirement referred to in subsection "a" above.
- d. Licensees who operate an establishment for the use of a corporation or LLC must report to the Board any proposed transaction affecting their ownership interest in the corporation or LLC. The transaction must be reported prior to the transaction.
- e. Licensees who operate an establishment for the use of a corporation or LLC shall submit with their renewal application a sworn statement listing the name and addresses of each officer and director of the corporation or authorized person of the LLC. The sworn statement shall also include the name and address of each stockholder who owns more than five percent (5%) of the outstanding stock and shall set forth the number and class of shares owned by each stockholder, unless the corporation has more than twenty-five (25) stockholders eligible to vote in corporate stockholder meetings.

17. LICENSED PREMISES

For the purpose of assessing responsibility for any violations of the liquor laws, the licensed premises shall be deemed to include any and all appurtenant property which the licensee leases, owns, or otherwise has an interest in, including a parking lot.

18. VIOLATIONS

- a. If the Board, after a hearing, finds that any provision of these regulations has been violated, it may impose any sanction authorized by Article 2B of the Annotated Code of Maryland.
- b. The Board may adopt an administrative fine schedule for initial violations of Article 2B of the Rules and Regulations of the Board of License Commissioners. The licensee may consent to the violation and pay the applicable fine or the licensee may contest the violation and have a hearing before the Board. If the licensee elects to contest the violation, the Board may impose any penalty or fine authorized by Article 2B, which may exceed the fine listed on the administrative fine schedule.

19. CHANGES OF LICENSEE NAME(S)

- a. An application to change the existing licensees shall be considered in accordance with Article 2B, §10-103 of the Annotated Code of Maryland. The application must be accompanied by the hearing fee.
- b. A hearing shall be held before a change of licensees is approved. Whether the license is necessary to accommodate the public shall not be an issue at the hearing.
- c. This section shall not apply to Class C licenses. However, Class C license holders shall report any change of licensees to the Board.

20. RESTAURANT

"Restaurant" means an establishment for the accommodation of the public equipped with a dining room and facilities for preparing and serving regular meals, wherein the average monthly receipts from the sale of food constitutes at least forty-one percent (41%) of the average monthly receipts from the sale of food and alcoholic beverages as measured over a period of one (1) year immediately preceding the filing of an application for license renewal, upgrade, transfer or other modification.

- a. A Restaurant with a Class B – Beer, Wine and Liquor License must meet all other requirements of Article 2B, §6-201(h) of the Annotated Code of Maryland.
 - (1) For purposes of Article 2B, §6-201(h) of the Annotated Code of Maryland, a full-course meal shall consist of a menu with choice of at least three (3) entrees and two

(2) vegetables which must be available during, but not limited to, the following hours:

(a) Monday through Friday – two (2) of the three (3) times in (c) below; and

(b) Saturday and Sunday – one (1) of the three (3) times in (c) below.

(c) Breakfast – 7:00 a.m. – 9:00 a.m.

Lunch – 12:00 p.m. – 2:00 p.m.

Dinner – 5:30 p.m. – 9:00 p.m.

(2) During meal times, there must be sufficient food on the premises for the regular serving of meals on the menu and the meals must be made available, if requested, at the appropriate meal time. During each of the meal times listed in (c), there must be seating available at tables or booths (not including seats at bars or counters) to accommodate fifty (50) or more persons.

b. A Restaurant with a Class B -- Beer or Beer and Light Wine License must meet the following requirements and conditions:

(1) During meal times, there must be sufficient food on the premises for the regular serving of meals on the menu and the meals must be made available if requested at the appropriate meal time. During the meal time, there must be seating available at the tables or booths to accommodate thirty (30) or more persons not including seats at bars or counters.

(2) A Class B, Beer and Wine (Six Day) license permits the licensee to sell Beer and Light Wine for consumption on or off the premises six (6) days a week. A Class B, Beer and Wine (Seven Day) license permits the licensee to sell beer and light wine for consumption on the premises seven (7) days a week and to sell beer and light wine for off premises consumption six (6) days a week. No off sale of alcohol is permitted on Sunday with either license.

c. No alcoholic beverages may be served or sold for consumption off the premises until the restaurant is open for the sale of full-course meals. A restaurant that serves full-course dinner meals during the times provided for herein, may continue to serve alcoholic beverages until closing as provided in Article 2B, §11-507¹ of the Annotated

¹ §11-507 authorizes the sale of alcoholic beverages during the hours of 8:00 a.m. and 1:00 a.m. Monday through Saturday and 12:00 p.m. and 1:00 a.m. on Sunday.

Code of Maryland; however, restaurants that do not provide a dinner meal must cease serving alcoholic beverages upon completion of the lunch time.

- d. Food sales shall include any food listed on the menu or as a daily, weekly, or monthly special.
- e. In the event that a licensee shall fail to meet any or all of the requirements stated above, or in Article 2B, § 6-201(h) of the Annotated Code of Maryland at any time during the calendar year, the Board, at its discretion, may revoke, suspend or downgrade the license to the appropriate class.

21. MINORS' USE OF GAMING DEVICES IN ESTABLISHMENTS OTHER THAN BOWLING ALLEYS AND GOLF COURSES

A licensee shall not allow persons under the age of eighteen (18) to play pool, billiards, pinball, video, arcade or console machines, in a licensed establishment other than in a bowling alley or golf course, unless accompanied by a parent or legal guardian.

22. HOURS OF OPERATION

All licensed establishments must display their hours of operation and, if a Class B, BC or BR license, the hours full-course meals are served on a permanent sign, located near the main entrance and visible to the public.

23. PUBLIC ACCOMMODATION

Applicants for a new license shall have the burden of proving that issuance of the license is necessary to accommodate the public.

24. RESPONSIBLE PERSON IN CHARGE WHEN OPEN

A licensee may not be open to the public at any time without having a responsible person who is at least twenty-one (21) years old present on the premises and in charge of the establishment and the staff who are present.

25. ALCOHOLIC BEVERAGES MUST BE INACCESSIBLE DURING OFF HOURS

- a. Licensees who are open for business during hours when they are not permitted to sell alcoholic beverages must keep their entire stock of alcoholic beverages inaccessible to the public during those hours.
- b. Licensees must have all glasses, bottles, cans, and any other container that may contain or could have contained alcohol or any other type beverage, cleared from the bar and tables by fifteen (15) minutes after the closing time required by Article 2B, §11-507 of the Annotated Code of Maryland. All licensed establishments shall be clear of customers and non-working employees, and the establishment locked to prevent entry by customers by fifteen (15) minutes after the closing time required by Article 2B, §11-507 of the Annotated Code of Maryland.

26. RULES AND REGULATIONS

Licensees are required to have a copy of the Board's Rules and Regulations in their establishment and available for inspection at all times.

27. LICENSEE RESPONSIBLE

For purposes of the Rules and Regulations, if a licensee is required to take some action or is prohibited from taking some action, the licensee shall be accountable for the acts of any employee or agent of the licensee as if the licensee had acted or failed to act.

28. CHANGE IN NAME OF ESTABLISHMENT

Licensees must obtain the permission of the Board prior to changing the trade name under which the licensed establishment is operated.

29. NOISE AND MUSIC

Mechanical music boxes and other sound making devices (including live performances) shall not be operated in a manner that disturbs the peace and quiet of the neighborhood.

30. CONDITIONS

- a. The Board may 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 feels that

the conditions are in the best interest of public accommodation and are necessary to protect the peace and safety of the community.

- b. The Board and licensee may agree to conditions and/or restrictions on an existing license upon a determination that a violation has occurred.

31. BARTENDERS AND WAITSTAFF

- a. A person must be twenty-one (21) years of age or older to mix, pour, draw, or in any other way prepare alcoholic beverages or otherwise act as a bartender in a licensed establishment.
- b. A waitress or waiter at least eighteen (18) years of age but under twenty-one (21) years of age may serve and sell a customer alcoholic beverages in restaurants in connection with the serving and selling of a meal, and only in the same container in which it was presented to him or her by the bartender or barmaid.
- c. A person under twenty-one (21) years of age may not act as a bartender or barmaid or in any solely bar related capacity.

32. QUALIFYING RESIDENT

- a. The qualifying resident must maintain a residence in Carroll County and reside at that location for no less than nine (9) months out of each license year. The qualifying resident shall notify the Board and provide the Board with an alternative address and telephone number in writing in advance of any absence from Carroll County for a period of thirty (30) days or more.
- b. If for any reason a qualifying resident licensee requests to be removed from a license, such request must be presented to the Board, in writing, at least thirty (30) days prior to the date when the licensee seeks to have the request be effective. If no other licensee meets the requirements of a qualifying resident, the Board may revoke the license at such time as the removal is effective.

33. COST OF HEARING

In addition to any penalties imposed upon a licensee as the result of a violation hearing, the Board may require the licensee to pay all or part of the costs of the hearing, as determined by the Board. This includes, but is not limited to, the cost of an interpreter for any hearing.

34. GRANTING OF LICENSE

Effective January 10, 2007, the Board will limit the amount of licenses as specified below²:

- a. Class A (Beer; Beer and Wine; and Beer, Wine and Liquor License) – The maximum number of Class A alcoholic beverage licenses in each of the election districts of Carroll County shall be limited to one (1) Off Sale license for the first five thousand (5,000) people of actual population of each election district. Additional Class A licenses will be issued for each additional five thousand (5,000) people of actual population, example: 0 – 9,999 actual population = 1 Class A license; 10,000 – 14,999 actual population = 2 Class A licenses; 15,000 – 20,000 actual population = 3 Class A licenses, etc. The actual population of each election district shall be based on and as determined by the official and most current population report of each election district as updated by the Carroll County Department of Planning. This subsection does not apply to Class A Light Wine licenses issued pursuant to Article 2B § 4-201. However, Shopping Centers having a minimum of eighty thousand (80,000) square feet of leased

² In an effort to provide the public with tangible criteria regarding what will constitute sufficient need necessary to accommodate the public when considering a request for a new application for a Class A license, the Board promulgated Rule 34. Rule 34 links the number of Class A licenses with the population in any given Election District and provides that the Board may approve an application based on the population in the relevant Election District. As the population in an Election District increases, so too would the number of available licenses in the district. When adopted, the rule permitted one Class A license per 3,000 persons in any given Election District. In October of 1996, the Board amended the rule, in response to requests from the existing licensees, to permit one license per 5,000 persons in any given Election District excluding shopping centers as set forth in the amended Rule. This increase had some consequences which were not contemplated, i.e., at the time of the change, the existing population did not justify the number of existing licenses, i.e., there were more Class A licenses than the population count warranted. The Board had intended the rule to apply to new licenses and not to requests for transfers. Section 10-503 of Article 2B requires the Board to consider a transfer as a new application which would warrant a denial of the transfer until the number of licenses was consistent with the population. The Board recognizes that not permitting the licensees existing at the time of the numerical increase to transfer would work an undue hardship on them. Accordingly, the Board hereby adopts the position that licenses in existence at the time of the numerical increase in Rule 34 to 5,000 will be permitted to transfer upon a showing that the transfer will serve a need to accommodate the public. Licenses obtained after the adoption of the new population requirements, i.e., October 1996, will be subject to the rule. It is contemplated that this issue will become moot in the near future as the population increases to be consistent with the number of Class A licenses issued.

store space and a minimum of 8 tenants having existing leases for remaining terms of not less than one(1) year each shall be entitled to one (1) Class A (Off Sale) beer, wine and liquor license.

- b. Class B and Class BC – Class B licenses will be issued as needed to accommodate the public. Class BC licenses will be issued as requested.
- c. Class C – Class C licenses will be issued as requested, except for golf course licenses which will be issued in accordance with Rule 54.
- d. Class D – Class D licenses will be issued at the rate of one (1) license per election district. This limitation shall not prevent the downgrading of an existing Class B license, either by the Board or voluntarily by the licensee.
- e. Class H – Class H licenses will be issued as needed to accommodate the public.

35. OWNERSHIP

Every licensee or applicant, other than for Class "C" licenses, 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 the business shall be disclosed to the Board in writing. If it is discovered that persons other than the applicant or licensee are the actual owners of the business, the license may be revoked, terminated, or denied. This provision does not apply to publicly traded corporations which are traded through a recognized National Exchange such as the New York Stock Exchange.

36. COOPERATION

Licensees shall cooperate with representatives of all governmental agencies when those representatives are acting in their official capacities.

37. PERSONAL IDENTIFICATION OF PATRONS

When the age of a prospective customer is in question, the licensee shall require two (2) pieces of identification, one of which must be a bona fide driver's license or official State of Maryland ID card. Any sale to a minor shall not be considered to have been made with "due caution" if the licensee fails to request and to examine the minor's identification.

38. SERVING ALCOHOLIC BEVERAGES OUTSIDE THE LICENSED PREMISES

A licensee shall not serve or allow consumption of alcoholic beverages on adjacent grounds outside of the licensed establishment without prior written approval of the Board, such as, but not limited to, decks, yards, beer gardens, pavilions, parking lots, etc. A licensee shall request approval at least seven (7) days in advance.

39. ACQUISITION OF ALCOHOLIC BEVERAGES FOR THE USE OF MINORS

No licensee shall sell or furnish any alcoholic beverages with the knowledge that the purchaser is purchasing or acquiring the beverages for consumption by any person under the age of twenty-one (21).

40. PRESENCE OF MINORS ON LICENSED PREMISES

No licensee holding a Class B, C, D, or H license shall allow any person under the age of twenty-one (21) years to stand or sit at the bar.

41. PAYMENT OF TAXES

All license holders shall make timely payment of their taxes and be current in payment of those taxes. Upon notification by the Comptroller of any taxes due and owing, or upon notification by the tax collector for Carroll County or any municipality within Carroll County, that a licensee's taxes have not been paid and are due and owing, the Board may suspend such license until such time as the taxes have been paid. In addition, failure to pay taxes timely shall constitute a violation of the rules.

42. CLASS A LICENSES

The premises of a Class A license shall not be expanded to create a combined area larger than ten thousand (10,000) square feet.

43. SPECIAL AND TEMPORARY LICENSE³

³ With a special or temporary license, no off premises sales of alcohol is permitted. Raffles of "Baskets of Cheer" are considered off premises sale and are not permitted. Organizations may raffle gift certificates from Class A licensees.

- a. Applications for a Special and Temporary License for an outdoor event must be made at least fourteen (14) days prior to the date of the event.
- b. Licenses must be obtained from the Board's office by the applicant in person.
- c. No license shall be issued for outdoor festivals, carnivals, or similar events unless the alcoholic beverages are to be served and consumed within a confined area or other area approved by the Board.
- d. The applicant or an appointed chairman must be physically present on the premises during the event for which the license applies. The chairman must be listed on the application.

44. WINE TASTING LICENSE (WT)

- a. The licensee may not serve more than one (1) ounce from each brand to any one person for sampling or tasting purposes and no more than six (6) bottles may be opened for sampling at a time. The privilege of wine tasting or sampling may not be exercised more than fifty (50) days of each licensing period, and the licensee will notify the Board, in writing, at least seven (7) days prior to exercising this provision of the license of his or her intent to do so. The bottles of wine to be sampled, once opened, must be accurately and specifically marked that they are for sampling purposes only. Contents of any bottle shall not be mixed with any other and all bottles shall be destroyed once emptied.
- b. Wine tasting is for consumption on the licensed premises only. Wine tasting or sampling may not be conducted from a drive-through window.
- c. An application for a Wine Tasting License shall be made on forms provided by the Board and renewals shall be made at the time the regular license is renewed.
- d. The Board may grant a Wine Tasting License without a hearing. In the event of a denial of a Wine Tasting license by the Board, the applicant(s) may request a public hearing before the Board.
- e. This rule applies to Class A establishments only.

45. BEER TASTING LICENSE (BT)

- a. The licensee may not serve more than two (2) ounces from each brand to any one (1) person for sampling or tasting purposes and no more than six (6) bottles may be opened for sampling at a time. The privilege of beer tasting or sampling may not be exercised more than fifteen (15) days of each licensing period, and the licensee will notify the Board, in writing, at least seven (7) days prior to exercising this provision of the license of his or her intent to do so. The bottles of beer to be sampled, once opened, must be accurately and specifically marked that they are for sampling purposes only. Contents of any bottle shall not be mixed with any other and all bottles shall be destroyed once emptied.
- b. Beer tasting is for consumption on the licensed premises only. Beer tasting or sampling may not be conducted from a drive-through window.
- c. An application for a Beer Tasting License shall be made on forms provided by the Board and renewals will be made at the time the regular license is renewed.
- d. The Board may grant a Beer Tasting License without a hearing. In the event of a denial of Beer Tasting License by the Board, the applicant(s) may request a public hearing before the Board.
- e. This rule applies to Class A establishments only.

46. MARYLAND WINE FESTIVAL

- a. An application for a Maryland Wine Festival (MWF) License shall be made to the Board upon forms prescribed by the Board and sworn to by the applicant. In addition to the information required by the application form, the applicant shall include the following:
 - 1. A copy of the alcoholic beverages license presently held by the applicant; and
 - 2. Evidence of acceptance for participation in the Maryland Wine Festival by the County Commissioners for Carroll County or their appointed agent or representative.
- b. The application shall be signed by all present license holders as named on their alcoholic beverages license.
- c. The application shall be filed with the Board no less than ten (10) days prior to the date set for the Maryland Wine Festival.

- d. The Board may grant a license without a hearing. In the event of a denial of an application by the Board, the applicant may make a timely request for a hearing before the Board. All hearings shall be held on the Tuesday preceding the Maryland Wine Festival.
- e. The denial of a Maryland Wine Festival License may be based upon any of the grounds applicable to the denial of any other alcoholic beverages license governed by the Board.
- f. All licensees shall be subject to all provisions of Article 2B of the Annotated Code of Maryland and the Board's Rules and Regulations governing violations thereof, and any fine, suspension or revocation that may be applicable thereto.

47. CLASS BC – RESTAURANT CATERER'S LICENSE

- a. For the purpose of Article 2B, §6-201(h)(3) of the Annotated Code of Maryland, a caterer is defined as one who contracts to provide food and alcoholic beverages to sponsors of public and private events.
- b. The licensee providing catering off-premises under a Class BC License may not have a pecuniary interest in the facility, including real estate and improvements, where the catering is to take place.
- c. For each event catered under this license, the Board shall be notified in writing, at least ten (10) days in advance, of the date, time, sponsor, and location of such event.

48. CLASS C – CLUBS

- a. A Class C Beer or Beer and Wine license may be issued to any club or local unit of an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes, and not for profit. A Class C – Beer, Wine and Liquor license may be issued to a nationally organized nonprofit or fraternal or veteran's organization composed solely of members duly elected and initiated in accordance with the rites and customs of such non-profit fraternal or veteran's organization having a bona fide membership of not less than fifty (50) persons and dues of not less than fifteen dollars (\$15.00) per annum per person.

- b. The holder of a Class C license may not allow any alcohol to be consumed on the property unless purchased from that Class C Licensee, pursuant to Article 2B, §12-107 of the Annotated Code of Maryland.
- c. All licensees must be officers and/or directors of the club or organization, pursuant to Article 2B, §9-101(b) of the Annotated Code of Maryland.
- d. No license shall be issued to any club that was formed for the sole purpose of obtaining an alcoholic beverage license.
- e. Any change of officers on the license must be reported to the Board within thirty (30) days of their election. When there is an addition of a new officer to the license, the letter of notice to the Board must include the following:
 - (1) Name, age, and address of the officer;
 - (2) The title of the officer;
 - (3) Statement that the officer has never been convicted of a felony and further statement as to whether he or she has been adjudged guilty of violating the laws governing the sale of alcoholic beverages or for the prevention of gambling in the State of Maryland; and
 - (4) Signature of the officer; and signature of the President or Secretary. All signatures must be notarized.
- f. The club must have a sufficient number of members to support its operational budget.
- g. All clubs eligible for this license shall be reviewed at renewal time.
- h. Any application for a Class C license must be accompanied by a diagram of licensed premises indicating which portion of the building is to be licensed. The Board may grant permission for use of any other facility the club may have a contractual right to use.

49. CLASS C - SPECIAL AND TEMPORARY

- a. A Class C - Temporary Beer License or Beer and Wine license may be issued to any club, society or association providing any bona fide entertainment conducted by the club, society or association at the place described in the license for a permit not to exceed seven (7) consecutive days.

- b. A Class C - Temporary Beer, Wine and Liquor license may be issued to any club, society or association providing any bona fide entertainment conducted by the club, society or association at the place described in the license for a permit not to exceed seven (7) consecutive days.
- c. The application shall be submitted to the Board, on forms provided, prior to the advertisement of any event to be held under the auspices of the license. In any case, the application shall be submitted no later than seven (7) days prior to the first event. The application shall specify the total number of events to be authorized under this special license.
- d. Licensees shall report to the Board, on forms provided, at least quarterly, information concerning the specific dates, kinds of events, and the licensee or chairman of each event to be held under the auspices of the license.
- e. Alcoholic beverages purchased for any of the events under this license shall be purchased from a retail dealer or distributor. Alcoholic beverages purchased under this license shall not be used for any event other than one of the events included in this license. No alcoholic beverages shall be stored on the premises except as provided in Article 2B, §7-101 of the Annotated Code of Maryland.
- f. A sketch depicting the premises shall be submitted to the Board. The sketch need not be to scale but should show approximate dimensions and layout of the premises including the banquet room, alcoholic beverage storage room, bar or service area, and parking area.
- g. Applicants are responsible for contacting town officials or any other county agency for noise, amusements, or other permits that may be required for any of their events.
- h. Licensees shall maintain on their premises a record containing the names and addresses of all persons involved in the control of or dispensing of alcoholic beverages at each license event, including, but not limited to, persons checking identification and selling tickets at the door, bartenders, and servers.
- i. Licensees shall keep accurate records showing the amount of alcoholic beverages purchased and sold for each event.

- j. A Special Class C License permits sales for consumption only on the premises. The purchase of any alcoholic beverages for consumption off the premises is prohibited. “Premises” means an enclosed or physically confined area.

50. KEG SALES

All licensees who are otherwise authorized to sell beer in a keg as defined in Article 2B, §21-106(a) must comply with Article 2B, §21-106.

51. DELIVERY-RETAIL SALES

Subject to prior approval by the Board, a Class A licensee or the licensee’s employee who is over twenty-one (21) years of age may deliver alcoholic beverages in Carroll County provided that such delivery must be made to a person twenty-one (21) years of age or older. All delivery operations must cease one half hour before the licensee’s regularly scheduled closing time.

52. DISPLAY OF LICENSE

Every licensee receiving a license under the provisions of Article 2B shall frame the license under glass and place the license so that it shall at all times be conspicuous and easily read in the place of business.

53. SEVERABILITY

If any part of these Rules and Regulations shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Rules and Regulations.

54. GOLF COURSES

In construing § 8-501 of Article 2B of the Annotated Code of Maryland, the Board finds that the license may be granted as necessary for the accommodation of the public and requires as a condition to the license that the sale of alcoholic beverages for consumption on the premises may not be restricted to patrons who have paid membership or other fees for the use of the golf course.

55. VOLUNTEER FIRE COMPANIES

- a. A Class C Temporary Beer, Wine and Liquor License (Fire Companies) may only be issued to a Carroll County Volunteer Fire Company providing a bona fide entertainment event conducted by the fire company. The license shall be dated as of the date of issue and shall expire on June 30 after its issuance. At least three (3) of the elected officers of the fire company shall make application for the license and at least one (1) of them shall be a Carroll County resident. One of the licensees or an appointed chairman of the event shall be present for the entire duration of the event for which the license is issued. The name of the licensee or chairman shall be listed on the form attached to the application or the form to be submitted quarterly, as appropriate.
- b. Applicants and licensees shall comply with Rule 49 subsections “c” through “j” in addition to the other requirements of this Rule.
- c. Other non-profit organizations (excluding fire companies) authorized to use the fire company facilities (for example, Lions Clubs, Recreation Councils, etc.) are required to obtain a Special Class C, One-Day License for their events. The organization conducting the activity must purchase the alcoholic beverages from or through the fire company.
- d. For those occasions when one (1) fire company hosts a banquet for one (1) or more other fire companies, the host company shall be responsible for obtaining the license for the location where the banquet is held.
- e. Fire companies that allow other organizations to use their facilities shall furnish the Board the name of the fire company representative authorized to rent or approve the use of their facilities, by July 1 of each year.

56. CONSUMPTION OF ALCOHOL WHILE WORKING

No licensee or employee of a licensed establishment while on duty may consume anywhere on the premises any alcoholic beverages so as to become intoxicated. No licensee or employee of a licensed establishment may be on duty at any time, for any reason, while in an intoxicated condition, regardless of where the alcoholic beverages were consumed.

57. REVOCATION OR NON-RENEWAL OF LICENSE DUE TO NON-USE

If the holder of a Class A, B, or BC license issued by the Board does not open the premises for a minimum of forty (40) hours per week, such failure to hold the premises open to the public for the minimum hours specified shall be grounds for revocation or non-renewal of a license due to a failure to accommodate the public.⁴

58. GAMING DEVICES/LICENSES

All gaming devices, vending machines, and other coin operated devices on any licensed premises must have all current licenses and/or tax stamps as required by law. A copy of such licenses and/or tax stamps must be kept on the premises and shall be available for inspection by the Board.

59. ADDRESS/PHONE NUMBERS

Licensees shall notify the Board within ten (10) days of a change in any of the Licensees' addresses or phone numbers.

60. BEER FESTIVAL LICENSE

- a. In accordance with Article 2B § 8-805, one (1) or two (2) day beer festivals for the promotion of Maryland beers are permitted on non-licensed premises in Carroll County. To schedule a beer festival, each brewer intending to dispense beer shall submit the following to the Board no less than thirty (30) days prior to the date of the festival.
 - (1) An application on a form prescribed by the Board signed by all present license holders and sworn to by the applicant.
 - (2) A copy of the Maryland alcoholic beverage license (Class 5 brewing license or Class 7 microbrewery license) held by the applicant.
- b. A beer festival license authorizes the holder to display and sell Maryland beers for consumption on or off the premises.
- c. No application will be accepted for a beer festival proposed on a date previously chosen (if any) for the Cumberland and Shenandoah Valley Wine Festival in

⁴ The purpose of this rule is to ensure that licenses are issued to parties who maintain regular business hours in the community, and not to individuals who merely hold them for speculative purposes. Exceptions to this Rule are found in Rule 11 and Article 2B, § 10-504 of the Annotated Code of Maryland.

Washington County, the Maryland Wine Festival in Carroll County, or the Anne Arundel Beer & Wine Festival.

- d. The Board may grant a license without a hearing. In the event of a denial of an application by the Board, the applicant may make a timely request for a hearing before the Board. In addition, a hearing on the application may be instituted by the Board on its own initiative.
- e. The denial of a beer festival license may be based upon any of the grounds applicable to the denial of any other alcoholic beverages license governed by the Board.

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