

Board of License Commissioners for Washington County



CONDENSATION OF LAWS

INCLUDING RULES & REGULATIONS APPLICABLE TO RETAIL LICENSEES OF
ALCOHOLIC BEVERAGES IN WASHINGTON COUNTY, MARYLAND

**AS PRESCRIBED AND ADOPTED BY
THE BOARD OF LICENSE COMMISSIONERS FOR
WASHINGTON COUNTY, MARYLAND**

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September 2008 as Amended

ATTENTION LICENSEES

THIS IS YOUR COPY OF THE REVISED LAWS, RULES AND REGULATIONS OF BOTH THE ANNOTATED CODE OF MARYLAND AND THE ADAPPTIONS BY THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY MARYLAND.

PLEASE READ IT THOROUGHLY, IT IS YOUR RESPONSIBILITY TO UNDERSTAND AND TO COMPLY WITH THE RULES STATED THEREIN. NOT ALL INFORMATION REGARDING ARTICLE 2B OF THE ANNOTATED CODE OF MARYLAND IS LISTED HEREIN; ALL APPLICABLE LAWS SHALL BE ENFORCED.

IF THERE IS A PROBLEM PLEASE FEEL FREE TO CALL OUR OFFICE AND THE STAFF OR BOARD MEMBERS WILL BE GLAD TO ASSIST YOU.

THE BOARD MEETS EVERY WEDNESDAY MORNING. FOR AN APPOINTMENT PLEASE CALL 301-797-4591.

THANK YOU FOR YOUR COOPERATION

**THE BOARD OF LICENSE COMMISSIONERS FOR
WASHINGTON COUNTY**

**This revised booklet of The Rules and Regulations
Adopted by the Board of License Commissioners for
Washington County, Maryland-June 23, 2004
With Resolutions and Amendments
through September 2008.**

**CONDENSATION OF LAWS
INCLUDING
RULES & REGULATIONS
APPLICABLE TO RETAIL LICENSEES
OF ALCOHOLIC BEVERAGES
IN WASHINGTON COUNTY, MARYLAND
AS PRESCRIBED AND ADOPTED BY THE
BOARD OF LICENSE COMMISSIONERS
FOR WASHINGTON COUNTY, MARYLAND**

**IN ADDITION, ALL DEED RESTRICTIONS
NOT DECLARED ILLEGAL OR UNCONSTITUTIONAL,
ALL FEDERAL, STATE, COUNTY AND
TOWN ORDINANCES AND REGULATIONS
SHALL APPLY, ALONG WITH ALL
BUILDING CODE, ZONING CODE,
FIRE CODE, HEALTH DEPARTMENT REQUIREMENTS.**

**THE BOARD SHALL HAVE FULL POWER AND
AUTHORITY TO ADOPT SUCH REASONABLE
RULES AND REGULATIONS AS THEY MAY
DEEM NECESSARY TO ENABLE THEM
EFFECTIVE TO DISCHARGE THE DUTIES
IMPOSED UPON THEM BY ARTICLE 2-B
SEC. 16-301**

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AUTHORIZATION & ISSUANCE (BLC-025), (BLC-029)

(a) No license shall be issued where there is a close association of motor vehicle gasoline and the sale of alcohol. Before the license is issued, the premises and business for which any new license or transfer of license is sought must conform to all applicable governmental regulations and laws, including but not limited to Zoning, Health Department requirements and Fire Marshall Codes. There shall be not more than one alcoholic beverage license issued to any premises where a licensed establishment exists.

RENOVATION (BLC-047)

(a) Once any type of alcoholic beverage license has been issued for a specific building, the licensee shall notify the Board and receive approval prior to making any major renovations or changes in the license premises. A major renovation or change shall be deemed to be alteration in the building or its fixtures. This may require approval by Health Department and Fire Marshall.

LICENSEE RESPONSIBILITIES (BLC-064)

(a) Every licensee shall be a resident of the State of Maryland for at least 2 years unless the licensee chooses to appoint a resident agent who meets the residency and all other requirements to be eligible as a licensee. Every licensee and resident agent shall be at least 21 years of age, a registered voter and have no conviction of a felony, nor conviction of violation of any of the alcoholic beverages laws or gambling laws of the State of Maryland, nor a violation of the criminal statutes of the United States.

(b) Every licensee shall be an actual owner of the business conducted in the licensed premises, own at least one share of stock and have a financial interest in the business and be personally responsible for the operation thereof, including actions of his employees.

(c) Every licensee shall strictly comply with and conform to all County, State and Federal laws and regulations regarding retail of alcoholic beverages. At all times, every licensed establishment must comply with all requirements of the Health Department and Fire Marshall.

(d) A copy of the booklet “Condensation of Laws, Including Rules & Regulations Applicable to Retail Licensees in Washington County” has been issued to each licensed establishment. It is the responsibility of licensees and employees to familiarize

themselves with information in this booklet. If a licensee or employee does not have the booklet, it will be made available immediately upon request by an Inspector for the Board. There will be a charge of \$10.00 (Ten Dollars) for a replacement copy.

CLUB LICENSES: (BLC-026)

(a) Club licenses are strictly limited to the on-premises service of bona fide members and their guests. The club must verify the membership of each entrant. All card-carrying and dues paying members may sign in personal guests, in accordance with specifications of the individual club. As the host, the member and his guests shall be signed in the guest book. For each visit, a guest may be in or on the premises only as long as he is accompanied by the sponsoring Member. Functions sponsored by a member shall be reported at least 10 days in advance to the Board of License Commissioners on a Guest Sponsorship Form. **The public MAY NOT be invited to ANY club event.**

(b) All public advertising shall specify "Members and Their Guests". No prices shall be printed in public advertising. When advertising a special event, the Board has granted an exception to the ban on publication of food prices for special events where the cost of the meal also includes other items such as entertainment favors or prizes as part of the package price.

(c) No off-premises catering of food shall be solicited nor provided. Carry-out food shall be available to members only. Non-members may not enter the premises to pick up prepared food. No alcoholic beverages shall be removed from licensed club premises.

(d) Holders of club licenses shall bill or receive payment for food and beverages from club members only. At private parties or functions under single member sponsorship where persons attend who are not members of the club, payment for food and beverages consumed by guests shall be made by the member who sponsored that particular function. A function sponsoring more than 10 guests shall be reported at least ten (10) days in advance to the Board of License Commissioners on Guest Sponsorship Form. Records shall be kept for one (1) year from the date of any charge or charges for all such functions and shall be open to inspection by the Board of License Commissioners upon request.

(e) The club may furnish alcoholic beverages inside the building and/or on the adjoining club grounds to bona fide members and their guests. The premises for which a club license is issued may not be leased for any function, or otherwise made available for use by any persons, group of persons, or organizations who are non-members, when the use or function is not controlled, operated or sponsored by club members. Non-member persons or groups may not obtain beverages from the club nor bring any outside alcoholic beverages onto the adjoining club grounds, as this is now considered part of the licensed premises.

(f) Holders of club licenses may not give, sell, or otherwise conduct games of chance, wherein the prize or object thereof is a container of alcoholic beverages. It is your responsibility to assure that policies and regulations regarding the license be forwarded and understood by each new slate of officer/licensees. All relevant information must be retained in printed form for continuing reference.

(g) The club officers will assure that policies and regulations regarding the license are forwarded and understood by each new slate of officer/licensees.

(h) No club shall hold any promotional event where an outside company contracts for entertainment with the intention of splitting proceeds from the event with the club. All proceeds shall be retained only by the club. Proceeds may be distributed to charitable organizations at the discretion of the club. Any proposed event which contracts with an outside entertainment corporation or promoter, even those in which the event may be of a charitable nature, must be approved by the Board before plans are made or contracts signed. No event shall be advertised until Board approval has been obtained.

(i) No special event held by the club may be advertised as “Open to the Public”. All advertising will specify “Members and Their Guests”.

Rev. 09/08

POURING LICENSES: (BLC-030)

(a) Pouring Licenses shall be issued in a permanent building with seating capacity of at least 75 persons. It shall be equipped with sufficient kitchen and dining facilities for preparing and serving regular meals to the general public. A menu shall be maintained, advertising the serving of a variety of food. On an annual basis, gross sales of food and nonalcoholic beverages shall exceed annual gross sales of alcoholic beverages. Food must be available at all times when alcohol is being served and/or consumed.

RESTAURANT LICENSES: (BLC-031)

(a) Restaurant licenses shall be issued in a permanent building equipped with sufficient dining and kitchen facilities for preparing and serving regular meals to the general public. A menu shall be maintained, advertising the serving of a variety of food. Average daily receipts from sale of food and nonalcoholic beverages shall exceed average daily receipts from sale of alcoholic beverages.

CLASS OF LICENSES

MANUFACTURER’S WINE LICENSE: (BLC-032)

(a) **CLASS A**– Class A (Off Sale) light wine license may be issued to any holder of a Class 4 manufacturer’s license. It authorizes the holder to keep for sale, and to sell, light wines at retail. Wines must be produced at the winery. Wines may be sold in any quantity, to any legal consumer, at the place described in the license. The light wine shall be delivered in a sealed package or container which may not be opened or the contents consumed on the licensed premises. This license does not permit sales of wine on Sundays. The annual fee for this license is \$50.00 (Fifty Dollars). (**Article 2B, Section 2-205**).

BEER LICENSES: (BLC-033)

(a) **CLASS A** – (Off-Sale) beer license shall authorize the holder thereof to keep for sale and sell beer at retail, in any quantity to any legal consumer at the place therein described, and to deliver the same in a sealed package or container, which package or container shall not be opened nor its contents consumed on the premises where sold. The annual fee shall be \$100.00 (**Article 2B, Section 3-101**).

1. There shall be no opened containers of alcoholic beverages at any time, anywhere, in a Class A licensed establishment, except for beer tasting events which may be held on the premises of an establishment with a valid beer tasting license and according to the rules and regulations of **Article 2b, Section _____**.

(b) **CLASS B** – Hotel & Restaurant (On & Off-Sale) beer license shall authorize the holder thereof to keep for sale and sell beer at retail at the place therein described, for consumption on the premises or elsewhere. Alcoholic beverages may not be catered off the licensed premises. The annual fee shall be \$50.00. (**Article 2B, Section 3-201**).

(c) **CLASS C** – Club (On-Sale only) beer licenses shall authorize the holder thereof to keep for sale and sell beer at retail to bona fide members and their guests, at the place therein described, for consumption on the premises and adjoining grounds of the club only. Consumption of all such beverages must be confined to licensed club premises. The annual fee shall be \$100.00 (**Article 2B, Section 3-201**).

(d) **CLASS C** – Club (“Picnic” License) – There shall be an additional special license issued, referred to locally as a “picnic” license, permitting the club to sell only beer, at any place other than regular place of business, on Sundays between 12:00 noon to 12:00 midnight, notwithstanding daylight savings time. The fee for this license shall be \$25.00 per each Sunday the club elects to hold a “picnic”.

(e) **CLASS C** – Special (“Picnic”) License (On-Sale only) beer shall be authorized to three qualified officers for use of a non-profit organization for a period not exceeding seven consecutive days from the effective date thereof. The fee shall be \$25.00 per day. (**Article 2B, Section 7-101**).

(f) **CLASS D** – A general (On & Off-Sale) beer license shall authorize the holder thereof to keep for sale and to sell beer at retail at the place therein described, for consumption on the premises or elsewhere. Alcoholic beverages may not be catered off the licensed premises. The annual fee shall be \$100.00. (**Article 2B, Section 3-401**). Holders of Class D-licenses are to refuse to admit minors to the licensed premises and are to refuse to admit adults who take minors to the licensed premises. There is no objection to minors visiting Class D – establishments in the company of their parents or legal guardians, provided the purpose is to consume a regularly prepared meal.

(g) **POURING LICENSE** - (On-Sale only) beer shall authorize the holder thereof to keep for sale and to sell beer at retail, at the place therein described, for consumption on the premises only. Alcoholic beverages may not be catered off the licensed premises. The annual fee shall be \$350.00. (**Article 2B, Section 8-222; 9-222**).

(h) **AMUSEMENT PARK LICENSE** - (sale of beer within confines of park). The operators of any amusement park, whether individual, an association of individuals, or a corporation, may be entitled to a license for the sale of beer within the confines of the park. The holder shall be entitled to sell beer at one or more locations within the park from 8:00am to 12:00 midnight on every day from May 1st through September 30th each year, except Sundays. The license shall be subject to all laws, rules and regulations applicable in Washington County to the sale of beer not inconsistent with the provisions of this section. The annual fee shall be \$350.00. (**Article 2B, Section 8-222**).

BEER AND LIGHT WINE LICENSES: (BLC-034)

(a) **CLASS A** – (Off-Sale) beer and light wine license shall authorize the holder thereof to keep for sale and to sell beer and light wines at retail, in any quantity to any legal consumer at the place therein described, and to deliver the same in a sealed package or container, which package or container shall not be opened nor its contents consumed on the premises where sold. The annual fee shall be \$150.00. **(Article 2B, Section 5-101).**

1. A Wine Tasting License (WTL) license may be issued only to holders of annual Class A (Off Sale Only) beer and light wine license and to holders of a Class B (On & Off Sale) beer and light wine liquor license, to permit on-premises consumption, not to exceed 2 ounces of any one wine to any one customer. License may be used no more than 12 days in the licensing year. Holder of WTL may not charge for tasting or sampling of wine. This Special License fee shall be \$200.00 in addition to the annual fee. **(Article 2B, Section 8-411) and (BLC-039).**

2. There shall be no opened containers of alcoholic beverages at any time, anywhere, in a Class A licensed establishment, except for beer and/or wine tasting events which may be held on the premises of an establishment with a valid beer and/or wine tasting license, and according to the rules and regulations of **Article 2B, Sections 8-411 and Section _____**.

(b) **CLASS B** – Hotel & Restaurant (On & Off-Sale) beer and light wine license shall authorize the holder thereof to keep for sale and sell beer and light wines at retail, at the place therein described, for consumption on the premises or elsewhere. Alcoholic beverages may not be catered off the licensed premises. The annual fee shall be \$200.00. Wine bottles shall be destroyed when original contents are emptied. **(Article 2B, Section 6-201; Section 03.02.01.03).**

(c) **CLASS C** – Club (On-Sale only) beer and light wine license shall authorize holder thereof to keep for sale and sell beer and light wines, at retail, to bona fide members and their guests, at the place therein described, for consumption on the premises and adjoining grounds of the club only. Consumption of all such beverages must be confined to licensed club premises. The annual fee shall be \$200.00. **(Article 2B, Section 5-301).** Wine bottles shall be destroyed when original contents are emptied. **(Article 2B, Section 03.02.01.03).**

(d) **CLASS C** – Golf Course (On-Sale only) beer and light wine license may be issued to a public golf course or organization that has a regular or championship golf course with a minimum of nine holes. This shall be for consumption only in the buildings, including the clubhouse, and adjoining land used for golfing purposes. A patron need not be seated to be served or consume alcoholic beverages. No alcohol may be taken off the licensed premises. Annual fee for the six day license shall be \$1,000.00. Sunday license shall be an additional \$250.00. **(Article 2B, Section 8-505.1).(BLC-037).**

(e) **CLASS C** – Special (“Picnic”) License (On-Sale only) beer and light wine shall be authorized to three qualified officers for use of a non-profit organization for a period not exceeding seven consecutive days from the effective date thereof. The fee shall be \$35.00 per day. (**Article 2B, Section 7-101**).

(f) **CLASS D** - General (On & Off-Sale) beer and light wine license shall authorize the holder thereof to keep for sale and sell beer and light wines, at retail, at the place therein described, for consumption on the premises or elsewhere. Alcoholic beverages may not be catered off the licensed premises. The annual fee shall be \$150.00. [**Article 2B, Section 5-401 (w)**]. Wine bottles shall be destroyed when original contents are emptied. (**Article 2B, Section 03.02.01.03**).

1. Holders of Class D – licenses are to refuse to admit minors to the licensed premises and are to refuse to admit adults who take minors to the licensed premises. There is no objection to minors visiting class D – establishments in the company of their parents or legal guardians, provided the purpose is to consume a regularly prepared meal.

(g) **DELIVERY** – [This Section applies only to Class A (off sale only) licenses, Class B (on and off sale) licenses and Class D (on and off sale) licenses.]

1. Retail delivery to a purchase of any alcoholic beverages is prohibited unless:

(i) The delivery is made from the retail licensed premises by the retail license holder or employee of the retail license holder authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made; and

(ii) The retail license holder obtains a letter of authorization from the local licensing authority to make deliveries and complies with any regulations promulgated by the local licensing authority pertaining to those deliveries; and

(iii) Within their respective county or city; and

(iv) To individuals 21 years or older. [**Article 2B, Section 12-301(b)(1 & 2) and Section 03.02.01.04**].

(h) **POURING LICENSE** (On-Sale only) beer and light wine shall authorize the holder thereof to keep for sale and to sell beer and light wine at retail, at the place therein described, for consumption on the premises only. Alcoholic beverages may not be catered off the licensed premises. The annual fee shall be \$400.00. (**Article 2B, Section 8-222, 9-222**). Wine bottles shall be destroyed when original contents are emptied. (**Article 2B, Section 03.02.01.03**).

(i) **STADIUM LICENSE** – (On sale only) In this subsection, Premises” includes the entire stadium facility and the stadium parking lots.

1. The Board of License Commissioners may issue a stadium (on sale) license to the owner of a professional baseball team franchise.

2. The franchise may be in any form of business organization, including partnership, corporation, and limited liability company.

3. The annual fee is \$2,000.

4. A license entitles the holder to sell beer and light wine:

(i) Subject to paragraph 4. of this subsection, for consumption on the licensed premises to persons present at any event held in the stadium;

(ii) In plastic, Styrofoam, or paper containers; and

(iii) From the time the stadium opens for the event until the event ends.

5. The written approval of the Board of License Commissioners is required before beer and light wine may be sold, served, or consumed:

(i) On the parking lots of the stadium; or

(ii) During any event other than a baseball game in which the team of the license holder is playing.

6. Except for a wholesaler or distributor of beer and light wine that is conducting business with the license holder, the license holder may not allow any person to carry alcoholic beverages onto or from the licensed premises. [Article 2B, Section 8-222].

Effective 7/08

BEER, WINE AND LIQUOR LICENSES: (BLC-035)

(a) **CLASS A** – (Off-Sale) beer, wine and liquor license shall authorize the holder thereof to keep for sale and to sell all alcoholic beverages at retail, in any quantity to any legal consumer, at the place therein described, and to deliver the same in a sealed package or container which package or container shall not be opened nor its contents consumed on the premises where sold. The annual fee shall be \$300.00. [Article 2B, Section 6-101 (w)].

1. There shall be no opened containers of alcoholic beverages at any time, anywhere, in a Class A licensed establishment, except for beer tasting and/or wine tasting events which may be held on the premises of an establishment with a valid beer tasting and/or wine tasting license and according to the rules and regulations of **Article 2b, Section _____**.

2. A Wine Tasting License (WTL) license may be issued only to holders of annual Class A (Off Sale Only) beer, wine and liquor license and to holders of a Class B (On & Off Sale) beer, wine and liquor license, to permit on-premises consumption, not to exceed 2 ounces of any one wine to any one customer. License may be used no more than 12 days in the licensing year. Holder of WTL may not charge for tasting or sampling of wine. This Special License fee shall be \$200.00 in addition to the annual fee. **(Article 2B, Section 8.411).(BLC-039)**.

(c) **CLASS B** – Hotel & Restaurant (On & Off-Sale) beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages at retail, at the place therein described, for consumption on the premises or elsewhere. Alcoholic beverages may not be catered off the licensed premises. The annual fee shall be \$1000.00. [Article 2B, Section 6-201 (w)]. Licensee shall not sell, serve, nor furnish any alcoholic beverages other than beer or wine, by the bottle, liquor shall only be sold on a per drink basis for consumption on the premises. This shall not restrict selling miniatures to patrons in rented or leased rooms. Wine and liquor bottles shall be destroyed when original contents are emptied. **(Article 2B, Section 03.02.01.03)**. Also see **Caterer's License**.

(d) **CLASS C** – Club (On-Sale Only) beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages at retail to bona fide members and their guests, at the place therein described, for consumption on the premises and adjoining grounds of the club only. Consumption of all such beverages must be confined to licensed club premises. The annual license fee shall be \$500 for clubs with less than 600 members (including social members) and \$1000 for clubs with 600 or more members (including social members). [Article 2B, Section 6-301 (w)(2)].

1. Licensee shall not sell, serve, nor furnish any alcoholic beverages, other than beer or wine, by the bottle, liquor shall only be sold on a per drink basis for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied. (Article 2B, Section 03.02.01.03).

(e) **CLASS C** – Club (“Picnic”) License (On-Sale Only). A special on-sale beer, wine and liquor license may be issued to clubs holding an annual on-sale beer, wine and liquor license which shall entitle the licensee to sell alcoholic beverages to bona fide members and their guests, at any place other than its regular place of business for a period, not to exceed five (5) days at a daily fee of \$40.00, except on Sundays. [Article 2B, Section 7-101 (t)].

(f) **CLASS C** – Golf Course (On-Sale Only) beer, wine and liquor license may be issued to a public golf course or organization that has a regular or championship golf course with a minimum of nine holes. This shall be for consumption only in the buildings, including the clubhouse, and adjoining land used for golfing purposes. A patron need not be seated to be served or consume alcoholic beverages. No alcohol may be taken off the licenses premises. Annual fee for the six-day license shall be \$1000.00. Special Sunday license shall be an additional \$250.00. (Article 2B, Section 8-505.1). (BLC-038).

(g) **CLASS C** – Golf and Country Club_License (On-Sale Only) beer, wine and liquor shall authorize holder thereof to keep for sale and to sell all alcoholic beverages at retail to bona fide members and their guests, at the place therein described, for consumption on the premises and adjoining grounds of the club only. Consumption of all such beverages must be confined to licensed club premises. Annual fee shall be \$1000.00. [Article 2B, Section 6-301(w)(3)].

1. Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, by the bottle, liquor shall only be sold on a per drink basis for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied. (Article 2B, Section 03.02.01.03).

(h) **CLASS C** – Special (“Picnic”) License (On-Sale Only) beer, wine and liquor shall be authorized to three qualified officers for use of a non-profit organization for a period not exceeding seven (7) consecutive days from the effective date thereof. Fee shall be \$40.00 per day.

(i) **CLASS D** – Tavern (On and Off-Sale) beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages at retail at the place therein described, for consumption on the premises or elsewhere. Alcoholic beverages may not be catered off the licensed premises. Annual fee shall be \$750.00. [**Article 2B, Section 6-401(w)**].

1. Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, by the bottle, liquor shall only be sold on a per drink basis for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied. (**Article 2B, Section 03.02.01.03**).

2. Holders of Class D – Licensees are to refuse to admit minors to the licensed premises and are to refuse to admit adults who take minors to the licensed premises. There is no objection to minors visiting Class D establishments in the company of their parents or legal guardians, provided the purpose is to consume a regularly prepared meal. No person under the age of 21 shall be seated at the bar at any time.

(j) **POURING LICENSE** - (On-Sale Only) beer, wine and liquor shall authorize the holder thereof to keep for sale and to sell all alcoholic beverages at retail, at the place therein described, for consumption on the premises only. Alcoholic beverages may not be catered off the licensed premises. No person under the age of 21 shall be seated at the bar at any time. The annual fee shall be \$750.00. [**Article 2B, Section 8-222 (b); 9-222**].

1. Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, by the bottle, for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied. (**Article 2B, Section 03.02.01.03**).

(g) **DELIVERY** – [This Section applies only to Class A (off sale only) licenses, Class B (on and off sale) licenses and Class D (on and off sale) licenses.]

1. Retail delivery to a purchase of any alcoholic beverages is prohibited unless:

A. The delivery is made from the retail licensed premises by the retail license holder or employee of the retail license holder authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made; and

B. The retail license holder obtains a letter of authorization from the local licensing authority to make deliveries and complies with any regulations promulgated by the local licensing authority pertaining to those deliveries; and

- C. Within their respective county or city; and
- D. To individuals 21 years or older. [**Article 2B, Section 12-301(b)(1 & 2) and Section 03.02.01.04**].

CATERER'S LICENSE (BLC-061)

- (a) The holder shall comply with all rules and regulations applicable to the issuance of the principal Class “B” license or Class “P” (Pouring) license and with all municipal ordinances and Fire and Health Department regulations.
- (b) The holder shall prepare, deliver and provide food as well as alcoholic beverages for consumption at the catered event.
- (c) The holder shall provide all the service employees to serve the alcoholic beverages at the catered event.
- (d) The holder shall ensure that at least one employee is certified by an alcohol awareness program and on the premises at all times during the catered event.
- (e) The holder may exercise the privileges under this license only during the hours and days that are allowed for the principal Class “B” or Class “P” (Pouring) license.
- (f) The holder shall submit a completed Catered Event Notice to the Board of License Commissioners at least fourteen (14) days prior to the event.
- (g) The applicant(s) submit herewith a statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted, assenting to the granting of the license applied for, authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners for the aforesaid County, its duly authorized agents and employees, and any peace officer of said County, to inspect and search, without warrant, any and all parts of the premises where said business is to be conducted, at any and all hours.
- (h) The license for which this application is made is to be for the period beginning on the date the license is issued and ending April 30th next, from date hereof, and the applicant(s) tender herewith the sum of **\$1,500.00**.

(i) THE APPLICATION WILL BE APPROVED BY THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY WITH THE FOLLOWING STIPULATIONS:

a.) A drawing of the locked storage facility and the area where alcohol will be served must be provided to the Board of License Commissioners for Washington County upon the issuance of this license.

Effective 7/08

SIDEWALK CAFÉ LICENSE (BLC-062)

- (a) The holder shall have obtained the required permit and/or approval from the City of Hagerstown or municipality governing the location of the licensed premises.
- (b) The holder shall comply with all rules and regulations applicable to the issuance of the principal Class “B” License or Class ”P” (Pouring) License and with all municipal ordinances and Fire and Health Department regulations.
- (c) The holder shall ensure that at least one employee is certified by an alcohol awareness program and on the premises at all times during the operation of the Sidewalk Café.
- (d) The holder shall keep the kitchen open during all hours of operation and have prepared meals available to be served in the Sidewalk Café.
- (e) The holder may not serve alcoholic beverages after the hours of midnight any day of the week or before noon on Sundays in the Sidewalk Café.
- (f) The applicant(s) submit herewith a statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted, assenting to the granting of the license applied for, authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners for the aforesaid County, its duly authorized agents and employees, and any peace officer of said County, to inspect and search, without warrant, any and all parts of the premises where said business is to be conducted, at any and all hours.

- (g) The license for which this application is made is to be for the period beginning on the date the license is issued and ending April 30th next, from date hereof, and the applicant(s) tender herewith the sum of **\$300.00** with publication of the notice of the application, and the giving of notice to the applicant(s) and the protestants.
- (h) The cost of the Sidewalk Café License shall be \$500.00 and the licensee must submit an application for renewal for this license each year on or before March 30th. [**Article 2B, Section 8-222**].

Effective 7/08

WINE TASTINGS (BLC-039)

- (a) Class A (off sale only) licensees, who hold a wine tasting licenses are required by the laws of the State of Maryland, and it is their obligation, to notify the Board of License Commissioners of Washington County of any **WINE TASTING EVENTS** that they are holding. This may consist of a short handwritten note, faxed or sent by mail to the Board.
- (b) Twelve (12) wine tasting events per year are allowed on any dates chosen by the licensee. The Board will be notified of the date and time of all wine tasting events not less than (10) ten days in advance.
- (c) Licensees are permitted to post a sign advertising a wine tasting with the day of the wine tasting event posted thereon. However, this sign can only be posted **seven days prior to the event** and must be **promptly taken down at the close of the wine tasting**. This rule shall also apply to newspaper advertisements and other media advertising with regard to the upcoming event. Banners are allowed to remain up if they state a specific day each month, such as the 2nd Saturday of every month, however they must not imply that the licensee is having a tasting every week.

AMENDMENT TO WINE TASTING LICENSES : (BLC-035A)

- (a) Applicability. - This section applies only in Washington County.
- (b) License requirements. – A special wine tasting license (WTL) may be issued only to a holder of a Class A (off sale) beer, wine and liquor license or a Class B (on and off sale) beer, wine and liquor license.

- (c) Fees. – The annual license fee is \$200, in addition to the annual license fee of a Class A (off-sale) beer, wine and liquor license.
- (d) Scope of License. – The Board of License Commissioners may issue a special wine tasting license (WTL) to permit on-premises consumption of wine for tasting or sampling purposes only.
- (e) Charge for tasting or sampling prohibited. – The holder of a special wine tasting license may not charge for the wine tasting or sampling.
- (f) Term of license; scheduled tasting dates. – The license is effective for use no more that 12 days in advance of any scheduled tasting date.
- (g) Serving sizes. – Servings are limited to no more that 2 ounces of any one wine to any one customer.
- (h) Regulations. – The Board may adopt regulations to implement the provisions of this section.
- (i) Any sign advertising a designated wine tasting may not be displayed more that seven (7) days prior to the wine tasting event and must be removed by three (3) days after the event has occurred. **(Article 2B, Section 8-411)** Amended 12/13/06

LICENSE DISPLAY: (BLC-028)

(a) Every license shall be displayed in a suitable frame, under glass, or on the wall in the main room of the establishment, in full view of the public. **(Article 2B, Section 10-505).**

ALCOHOL AWARENESS: (BLC-001)

(a) *Definition.* A program approved and certified by the State Comptroller that includes instruction on how alcohol affects a person's body and behavior; provides education on the dangers of drinking and driving; defines effective methods for serving customers to minimize the chance of intoxication and ceasing service before the customer becomes intoxicated.

(b) A licensee authorized to sell any alcoholic beverages and/or an employee designated by the licensee, shall complete prescribed training in an Alcohol Awareness Program certified by the State Comptroller. Certificate of Completion shall be issued for completion of such certified program. Such certificate shall be presented to the proper authorities upon request. Certificate(s) shall be displayed in suitable frame under glass, on wall, near alcoholic beverages license. Certification must be renewed at least every four (4) years.

(c) Notarized statement of valid certification shall be submitted with annual Application for Renewal form. **(Article 2B, Section 13-101).**

(d) The licensee or a person who is employed in a supervisory capacity designated by the licensee shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol may be sold. **[Article 2B, Section 13-101(c)(3)(ii)].**

(e) The person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide personal or business reason or an emergency, if the absence lasts for no more than 2 hours.

(f) The Board of License Commissioners shall require the licensee to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence. **[Article 2B, Section 13-101(c)(iv)(1)&(2)].**

HOURS AND DAYS OF OPERATION (BLC-016)

(a) The hours for legal sale of alcoholic beverages of all classes shall be from 6:00 a.m. to 2:00 a.m., Monday through Saturday. (See “Sundays” and “New Year’s” following). **(Article 2B, Section 11-522).**

(b) No alcoholic beverages shall be sold, served, dispensed, furnished, given away or consumed in any part of the licensed premises during the hours when legal sales are prohibited by law. All tables and counters must be clear of bottles, glasses or cups containing any alcoholic beverages after the 2:00 a.m. closing hour.

AMENDMENT TO – HOURS AND DAYS OF OPERATION: (BLC-016)

DAYLIGHT SAVINGS TIME:(BLC-016)

(a) On the second Sunday of March of each year, or whatever date Daylight Savings Time is designated to go into effect by turning the clocks back one (1) hour, all licensed establishments that sell alcoholic beverages will abide by the closing time designated by the Board of License Commissioners Condensation of Laws (BLC) as it is before the clocks are turned back. No establishment will be allowed to turn back their clock and reopen for an extra hour.

Effective 12/13/06

SUNDAYS: (BLC-015)

(a) In addition to the weekly annual license, a Special Sunday Sales license may be issued for all classifications for an addition fee of \$250.00 per year. This license shall authorize sales between the hours of 12:00 noon and 12:00 midnight. **[Article 2B, Section 11-403 (6) (iii)].**

(b) Class B -, Class C-, and Pouring licensees may sell and serve alcoholic beverages from 11:00am to 12:00 noon, providing the customer is also consuming a meal.

(c) When a Federal holiday falls on a Monday, a Class B-, C-, D-, or Pouring on-sale licensee may sell alcoholic beverages to 2:00 a.m. on that Monday. There shall be no off-sale after 12:00 midnight. **(Article 2B, Section 11-403.8).**

(d) Holders of Class A – (Off-Sale Only) beer or beer and light wine license who do not obtain the special Sunday Sales license are not required to close their entire business on Sunday, provided they shall close that part of the business from which beer and/or wine is sold.

NEW YEAR’S EVE: (BLC-014)

(a) When December 31st (New Year’s Eve) falls on a Sunday, the holder of a Special Sunday Sales license may make sales of those beverages authorized by his license, for on-premises consumption only, from 12:00 noon to 2:00 a.m. on Monday, January 1st. **[Article 2B, Section 11-402 (c)].**

(b) The holder of a weekly on-sale license, but not a Special Sunday Sales annual license may purchase a one-day license for Sunday, December 31st for on-premises consumption of those beverages covered by his weekly license. The cost of this special one-day license is \$50 and authorizes sales of the beverages from 12:00 noon to 2:00 a.m on Monday, January 1st. **[Article 2B, Section 11-403 (b)].**

CHRISTMAS PARTIES: (BLC-013)

(a) A Class B -, Class D – or “Pouring License” establishment may be closed to the general public one evening between the Thanksgiving Holiday and New Year’s Day for a private Christmas party for employees and/or patrons. The premises may not be closed earlier than 6:00 p.m. on the scheduled date.

(b) The party shall be entirely at the owner’s expense; no alcoholic beverage sales are permitted during this time. Nor may the owner make any admission charge to the premises. All other laws and regulations applicable to the license holders shall apply.

(c) To close the licensed establishment for this purpose, the licensee must advise this Board in writing and post a notice on the door of the premises at least two (2) weeks in advance of the selected date.

EMPLOYEES: (BLC-018)

(a) A licensee may employ a person eighteen (18) years of age or older to sell, serve, or otherwise deal with alcoholic beverages; and may employ a person sixteen (16) years of age or older to perform any task other than to sell, serve, or deliver alcoholic beverages. Each licensee shall present to the Board a certificate of approval from the parent or legal guardian for the employment of a minor less than 18 years of age. An employee must be 21 years of age to deliver alcoholic beverages.

RECORD LISTING (BLC-019)

(a) All licensees shall maintain on their premises a record of the names, addresses, ages of all persons employed on said premises. Such record shall be exhibited at any time, upon request, to an authorized representative of the Board. [**Article 2B, Section 12302(12)**].

SOLICITATION: (BLC-020)

(a) No retail dealer shall employ any solicitor or salesman, outside the license place of business for the purpose of soliciting orders for the sale of alcoholic beverages. Receiving of orders by mail, telephone or messenger, and filling of such orders by acceptable delivery is permitted. (**Article 2B, Section 12-201**).

SALES CONTROL (BLC-065)

(a) In order for A licensee and his employees to be able to determine and control the amount of alcohol to be sold and consumed by the public, neither the licensee nor any of his employees shall consume any alcoholic beverages while on duty anywhere in the license premises, including the areas behind the bar.

MINORS: (BLC-055)

SALES TO MINORS AND INTOXICATED PERSONS PROHIBITED

(a) *In general.-*

(1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) to a person under 21 years of age for the underage person's own use or for the use of any other person;
or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(2) Any licensee or any employee of the licensee who is charge with a violation of this subsection shall receive a summons to appear in court on a certain day to answer the charges place against that person. The person charged may not be required to post bail bond pending trial in any court of this State.

(3)(i) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers the penalties provided by **Article 2B, Section 16-503**.

(ii) A licensee or employee of the licensee who is charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection, if the person establishes to the satisfaction of the jury or the court sitting as a jury that the person used due caution to establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State.

(iii) The licensee or employee of the licensee may accept, as proof of a person's age:

1. If the person is a resident of the State, the person's driver's license or identification card as provided for in the Maryland Vehicle Law; or

2. A United States military identification card.

(iv) Except as otherwise provided in this section, if any licensee or employee of the licensee is found not guilty, or placed on probation without a verdict, of any alleged violation of this subsection, this finding operates as a complete bar to any proceeding by any alcoholic beverage law enforcement or licensing authorities against the licensee on account of the alleged violation.

(b) *Cecil, Dorchester, Garrett, Howard, Kent, Montgomery, St. Mary's, Washington and Wicomico counties.-*

(1) The granting of probation before judgment to a licensee or employee of the licensee for violating subsection (a) of this section does not bar the Board of License Commissioners from proceeding administratively against the licensee for the violation. **[Article 2B, Section 12-108(f)(2)].**

(c) Any person having attained the age of twenty-one (21) may legally purchase and/or consume any alcoholic beverage. No licensee or any of his employees shall sell or furnish any alcoholic beverage at any time to a minor; nor permit a minor to consume any alcoholic beverage in his license premises. **[Article 2B, Section 12-108(c)(2)].**

(d) Minors are not to be permitted to sit directly at the bar of any Class B, C, D and P licensed establishment. **Amended 12/06**

INTOXICATED OR DEFICIENT: (BLC-054)

(a) Neither licensee nor his employees shall permit a person visibly under the influence of alcohol to purchase or consume any alcoholic beverages in his license premises. **(Article 2B, Section 12-108).**

(b) No licensee shall knowingly sell, barter, furnish, or give any intoxicating beverages to a habitual drunkard, to a mentally deficient person, or to any person whose parent or parents, guardian, husband, wife, son, daughter, brother, or sister shall have given notice in writing that such person is of intemperate habits, or of unsound mind, or on account of his or her physical condition and requesting said licensee in writing not to sell, barter, furnish or give any intoxicating beverages to him or her. The word "knowingly" as to habitual drunkards, should be construed to mean such knowledge as a reasonable man would have under ordinary circumstances, from the habits, appearance or personal reputation of such individual. A copy of the above notice shall be filed at this office. **(Article 2B, Section 12-110). (It is suggested that all written notices be mailed to the individual they are intended for by Certified Mail, Return Receipt.)**

CONTROLLED DANGEROUS SUBSTANCES (BLC-066)

(a) No owner, manager, operator, or employee shall allow the premises to be used for the purposes of possession, transport, or use of any illegal narcotic drug or other controlled dangerous substances.

(b) Any license issued under the provisions of **Section (BLC-066)** shall be revoked if, after the Board holds a public hearing any activities listed in this section are found to occur on any premises or location for which the license was issued.

PUBLIC DRINKING: (BLC-050)

(a) A person may not be intoxicated and endanger the safety of another person or property, nor drink any alcoholic beverage in a public place and cause a public disturbance. A person may not drink any alcoholic beverages on an adjacent parking area or other outside area of any retail establishment, or in any parked vehicle located on such areas. This does not authorize any public drinking that is in violation of the law. (**Article 2B, Section 19-202**).

RESTRICTED ALCOHOL: (BLC-002)

(a) No retail dealer shall purchase any alcoholic beverages except from a duly licensed manufacturer or wholesaler under the provisions of this Article and no retail dealer shall at any time keep, or permit to be kept upon the licensed premises, any alcoholic beverages except those so purchased. It shall be unlawful for any person to drink on the license premises of any license holder, any alcoholic beverage not purchased from the license holder on said premises; and, likewise, it shall be unlawful for any license holder to permit any person to drink any alcoholic beverages not purchased from the said license holder on the premises covered by the license which he holds and not permitted by this Article to be consumed on the premises. This restriction applies to all classes of licenses saving and excepting picnic licenses. (**Article 2B, Section 12-107**).

AMENDMENT TO RESTRICTED ALCOHOL: (BLC-002)
REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENCED PREMISES

(a) A person who purchases, at a licensed premise, a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder inserts a cork in or places a cap on the bottle.

(b) A bottle of wine that is removed from the licensed premises under subsection (a) of this section is an “open container” for purposes of **Section 10-125 of the Criminal Law Article. (Article 2B, Section 12-107.I).**

Amended 12/13/06

CASH LAW:

WHOLESALE (BLC-012)

(a) No manufacturer or wholesaler shall sell any beer to any retail dealer in Washington County, except for cash on delivery. No suit or action “ex contractu” to enforce or collect any claim for credit extended in violation of this Section shall be maintained in this State. This Section shall not apply to any “hotel” which is the holder of a Class B beer, wine and liquor license, nor shall it apply to any “Club” which is the holder of Class C beer, wine and liquor license.

RETAILER (BLC-011)

(a) No holder of any license authorizing the sale of alcoholic beverages at retail shall sell any such beverages except for cash, unless such beverages are delivered to the purchaser at a place designated by the purchaser other than the premises of the licensee. For the purposes of this section, in addition to currency, checks accepted for payment which are not postdated and are promptly deposited for collection by the licensee shall also be deemed to be cash.

GAMBLING: (BLC-022)

(a) Unless permitted by law, gambling may not be conducted nor allowed in any alcoholic beverages licensed establishment. No license holder may sell or give chances or otherwise raffle any container of alcoholic beverages, whether the proceeds there from are profit or non-profit or for charitable purposes. No license holder shall permit the use of any pinball machines, pool tables, or other gaming or vending machines to be used in any type of game of chance which involves a prize, monetary payoff or any other inducement of monetary value with the exception of vending machines approved by the Washington County Gaming Commission or the Washington County Board of License Commissioners.

NUDITY, SEXUAL DISPLAY: (BLC-043)

(a) With respect to attire and conduct, no licensee shall encourage nor permit an employee or any other person to engage in nudity or acts of sexual display as detailed in **Article 2B, Section 10-405**, nor closer than six feet from the nearest patron.

NUISANCE ABATEMENT: (BLC-042)

- (a) All licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety and quiet of the neighborhood where located. All unnecessary noises, including playing of music, radio, television, singing, and loud talking at unreasonable times are prohibited. The Board and its Agents has authority to regulate and/or limit the use of mechanical music boxes and other sound-making devices.
- (b) No licensee, his/her clerks, agents, employees or servants shall commit, or allow the commission on the licensed premises, of any act which is contrary to any federal, state or local statute, law, ordinance, or regulation; or against the public peace, safety, health or welfare.
- (c) The intent of this rule is that licensee's operations shall not adversely impact the surrounding neighborhood in terms of noise and/or anti-social, illegal, boisterous and/or unsafe activities. This includes but is not limited to the following:
 - a. Congregating of patrons in a noisy, unruly, or disturbing manner after leaving the licensed premises.
 - (ii) Allowing the premises to be used for the purposes of possession, transport, or use of any illegal narcotic drug or any other controlled dangerous substance.
- (d) Any license or permit issued under the provisions of this article may be revoked or suspended by the issuing authority for any cause in which the judgment of the official Court or Board is necessary to promote the peace or safety of the community in which the place of business is situated. **Annotated Code of Maryland, Article 2B, Section 10-401.**

Revised 7/2009

DRIVE-INS: (BLC-017)

(a) No licensee shall be permitted to open, maintain or operate any drive-in or similar sales facility where any merchandise may be delivered directly from within the licensed premises to any customer outside thereof, although such outside location or abutting property, street or driveway may be owned, leased or controlled by the licensee. This does not prohibit delivery of purchased merchandise to the premises, address or automobiles of customers by the licensee, his agents or employees, provided that such delivery is made by customary means other than drive in window, chute, or similar direct delivery facilities.

WINDOW: (BLC-056)

(a) Every licensed premise shall have an interior light and at least one plain glass window, facing the street or highway, so as to enable persons standing on the ground to observe the interior of the premises at all hours. No curtain, blind, screen or other obstruction shall obscure that view at any time.

PATIOS, DECKS, & HORSESHOE PITS (BLC-063)

(a) These rules apply to Patios, Decks, Horseshoe Pits and any other outdoor areas where licensees may serve alcoholic beverages with the exception of Sidewalk Cafes, which are covered under **Article 2B, Section 8-222.**

1. Plans must be submitted to, and discussed with, the Board, prior to the beginning of any renovation or construction of any patio, deck, and/or other outdoor area where licensees may serve alcoholic beverages.

2. All relevant City and County Ordinances must be observed, as well as all Health Department and Fire Marshall codes and/or requirements regarding usage, noise control, etc.

3. The height, size, construction and security aspect of the fence or privacy shield shall be considered by the Board on a case by case basis. In considering the plans for the fence or privacy shield, the Board will consider the architectural structure, the neighborhood, the aesthetic appearance of the structure, and the security of the patio. The security of the patio and/or deck must be such that it prevents alcoholic beverages from being passed out through it.

4. An outside serving bar may be permitted if approved by the board provided it does not have bar seating arrangements and is covered by a waitress or an employee.

5. Music may be piped to the patio, and live entertainment of a band or a sporting event by television may be permitted, if approved by the Board. The Board will consider the demographic location of the establishment with regard to noise violations and/or to maintaining the peace and quiet of the neighborhood on an individual basis at all times.

6. All laws and regulations regarding control of licensed premises must be observed in outside areas. **Rev. 7/15/05**

KEG REGISTRATION: (BLC-024)

(a) Any container of beer with capacity of at least four (4) gallons must have a keg registration form affixed to the keg at the time of purchase from a retail dealer. Keg Registration booklets are available from the Alcohol and Tobacco Tax Unit; retailers are to comply with such instructions. **(Article 2B, Section 21-106).**

MANUFACTURERS, WHOLESALERS: (BLC-040),(BLC-041)

(a) No attorney or any other person in any way connected with or employed by a wholesaler or manufacturer of alcoholic beverages shall appear before the Board representing any licensee or any applicant for a license.

(b) No manufacturer, wholesaler, nor anyone connected with such business, shall have any financial invested interest in the premises or the business of a retail license establishment; nor lend any money, make any gift or offer any gratuity to any retail dealer. **(Article 2B, Section 21-104).**

GIFTS, ADVERTISING: (BLC-023)

(a) It shall be unlawful for any retailer to accept, receive or make use of any money, gift, sign or display of any value in excess of Fifty Dollars (\$50.00) furnished by any manufacturer, wholesaler, distiller, brewer, retailer, blender or bottler, or to become indebted to any such person, except for the purchase of alcoholic beverages (except beer). Signs, posters, placards, devices, graphic displays bearing advertising matter or any other forms of advertising for use in windows or elsewhere on a retail liquor establishment

may be given or furnished to a retailer by a brand owner who is engaged in the business as a distiller, non-resident dealer, rectifier, blender, bottler or wholesaler of alcoholic beverages other than beer or malt beverages provided;

(1) The utilitarian value is secondary and only incidental to the value as an advertisement, and

(2) The total value of any item furnished by any brand owner for each of its individual brands for use in any one retail establishment at any one time does not exceed the sum of Seventy-Five Dollars (\$75.00), and

(3) The cost of installation of these materials does not exceed that which is usual and customary in that particular locality.

(b) Materials and labor may be furnished by a brand owner for the custom manufacture of an advertising display not exceeding Seventy-Five Dollars (\$75.00) which is temporary in nature and has no other utilitarian value. A manufacturer or non-resident dealer or brand owner may not undertake any plan or design which directly or indirectly results in the purchase of advertising materials or supplies or advertising services by any wholesale or retail licensee; neither shall a wholesale or retail licensee participate directly or indirectly in any transaction in which he pays for or shares in the cost for any of the value of the advertising materials, supplies, services, or mailing expenses utilized to promote a brand owner's products.

(c) Nothing contained herein is intended to prevent a wholesale licensee from furnishing brand owners with display materials and installation services at charges computed at not less than the fair market value for these services. **(Article 2B, Section 12-104).**

(d) Distributor's and product signs containing logos, prices, pictures and slogans may be placed on the licensed premises only.

Rev. 11/04

STORAGE OF ALCOHOL: (BLC-003)

(a) No licensee shall store or keep any alcoholic beverages except on the premises covered by the license or at a public or individual warehouse having a permit issued under the provisions of this Article. A licensee may obtain a Bulk Storage Permit from the Alcohol and Tobacco Division of the State of Maryland for the storage of alcoholic beverages. **(Article 2B, Section 12-105).**

(b) All Licensees must provide the Board with a diagram, which may be hand drawn, of where and how their alcohol is stored and served.

(c) Except for holders of a Class A License and/or a Class B or Class D License for off sale, alcohol must be stored and/or kept where the public is unable to access it without the help of an employee.

Amended 9/08

APPLICANTS: (BLC-005)

(a) All applicants who are applying to become named licensees on any type of license issued by the Board of License Commissioners must appear in person before the Board to present proper qualifications at the time the application is made. This provision applies to new applications, applications for transfer of an existing license, and/or any time there is a change of one or more persons on an existing license. This provision applies to individuals, partnerships, corporate officers and/or club officers who will become licensees. The provisions of this subsection do not apply to renewal applications where there is no change in the parties who are licensees or the type of license and where the other applicable provisions regarding renewal applications have been met.

AMENDMENT TO APPLICANTS: (BLC-005)

(a) An applicant must have been a resident of Washington County for two (2) years prior to the filing of his/her application.

(b) An applicant must be a registered voter in Washington County.

(c) If an applicant does not meet the residency requirements above or is not a registered voter in Washington County because he/she is not a resident of the County, then the applicant shall appoint a person who meets these requirements as a resident agent for the licensee and give him/her at least a one percent (1%) interest in the entity (corporation) that owns the business.

(d) An applicant must be over the age of twenty one (21).

(e) An applicant must have no record of felonies.

(f) An Application Fee in the amount of \$300.00 shall be due and payable when an application is submitted. This Application Fee may be increased at the discretion of the Board of License Commissioners.

Amended 12/13/06

RETURNED CHECKS

(a) Any person issuing to the Board of License Commissioners a check or draft returned by the banking institution for insufficient funds shall be subject to disciplinary action including any of the following:

1. Fine,
2. Suspension
3. Revocation of license.

RENEWAL APPLICATIONS: (BLC-006)

(a) Application for renewal of alcoholic beverages license must be filed with the Board of License Commissioners for Washington County at least thirty (30) days prior to expiration of present license. Application filed April 2nd through April 11th shall be subject to a penalty of \$100. Application filed on April 12th or thereafter shall be subject to a penalty of \$400. [**Article 2B, Section 10-301(o)**].

(b) No revision in licensees, classification, location, etc. may be processed on a renewal application. All such revisions or application for transfer must be finalized by April 1st or after May 1st renewal has been issued. However, if the Board finds that the license holder is not qualified to obtain renewal of the existing class or type of license, they shall issue to him, by way of renewal, the class or type of license for which they find him qualified. If an expiring license is subject to any order of restriction or suspension, the new license shall be issued subject to said order.

(c) All State (Retail Sales, Employee Withholding, Amusement, and Admission) Municipal and County taxes must be paid before renewal license is issued.

TRANSFER APPLICATIONS: (BLC-007)

(a) Due to the renewal process each year, no application for transfer will be accepted after the first Thursday in March to become effective prior to May 1st.

(b) Any holder of a license, including a receiver or trustee for the benefit of creditors, may be permitted to transfer his place of business to some other location or sell the business to assign the license and transfer his stock in trade to another buyer. Such transfer must be processed as an original application including payment of advertising fee, posting of premises, and final hearing before the Board.

(c) A Bulk Transfer Permit may be obtained upon payment of the appropriate fee to the State to transfer the stock of alcoholic beverages, whether by sale, gift, inheritance, assignment, or otherwise, and irrespective of whether or not consideration is paid.

(d) All obligations of the transferor (former licensee) contracted in connection with the business must be fully paid, or some arrangements concerning such debts and obligations, satisfactory with his creditors, have been made.

(e) All State (Retail Sales, Employee Withholding, Amusement, and Admission Taxes) and County taxes must be paid before license of transfer is issued for a fee of \$400.00.

(f) Special license, such as Sunday, Wine Tasting, Caterer and Sidewalk Cafe are considered to be additions to the weekly license to be transferred at no additional fee. (See minutes 713196). [**Article 2B, Section 10-503 (w)**].

Revised 9/08

CHANGE OF CORPORATE NAME OR LOCATION (BLC-058)

(a) Any licensee who makes a change in corporate name or wishes to move to a new location must make a transfer application with the Board. Such transfer must also be processed as an original application including payment of an application fee, posting of premises, and final hearing before the Board.

Amended 9/08

WITHDRAWAL OF APPLICATION: (BLC-008)

(a) Any application for any type of license with the Board of License Commissioners may not be withdrawn unless notice of such action, in writing, is filed with the office of the Board at least three (3) days prior to the hearing date as advertised in said application.

CORRECTED LICENSES: (BLC-027)

(a) Corrections to an existing continuing license, such as Trade Name only, corporation officer/licensee, club officer/licensee, etc., will be made upon the approval of the Board. An administrative fee in the amount of \$100 shall be charged for each corrected license issued.

Revised 9/08

REFUNDS: (BLC-051)

(a) No refunds for unearned portions of licenses that have been canceled, revoked, etc., shall be given, except in the following instances:

(1) In the event of receivership or bankruptcy of the business where the refund shall be made for the benefit of the creditors of such licensee, or

(2) In the event of the death of the license holder and the refund shall be made for the benefit of the Estate of such deceased license holder, or

(3) In the event the license holder has volunteered for, or has been called into the armed forces of the United States, or of the regular State Militia, or

(4) In the event the license holder of one class license surrenders his license and obtains a license of another class, carrying a higher fee, in which case the refund shall be deducted from the amount of the fee paid for the newly obtained license, or

(5) In the event that a licensee, against whom charges are pending at the time he renews his annual license, is found guilty of such charges and his license is revoked, after he has paid his fee for the renewal thereof, in which case he shall be entitled to a refund of the unearned portion of his annual fee from the date the revocation becomes final. **(Article 2B, Section 10-205).**

TEMPORARY CLOSING OR VACATED PREMISES: (BLC-048), (BLC-049)

- (a) If licensed premises is to be closed for longer than a forty-eight hour period, this Board must be so advised in advance.
- (b) When a licensed premise is closed for a period of ten (10) days or longer, the Board should be so advised in advance and the license surrendered to the Board at the time of closing.
- (c) Without advance notice to the Board on the tenth day after a licensee shall have vacated, been evicted or voluntarily closed the premises, 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 before the Board.
- (d) If the premises have been acquired for public use, then the license shall expire within one hundred eighty (180) days of acquisition, unless an application for approval of a transfer to another location or assignment to another person has been approved or is then pending before the Board. **(Article 2B, Section 10-504).**
- (e) Should the licensee, in person before the Board, show good cause and request an extension of time before expiration of the license, such extension may be granted providing the request is made prior to the expiration of time limitations specified in this subsection.

DEATH OF LICENSEE: (BLC-067)

- (a) Upon the death of any licensee, this Board shall be so advised promptly, and the license shall expire. A Club or corporation licensee must be replaced promptly. In the death of a partnership or individual licensee, arrangement may be made for an administrator of the estate of the deceased to continue active operation of the business. This will require issuance of a revised license. **(Article 2B, Section 10-506).**

APPEALS: (BLC-004)

- (a) For appeal of the Board's decision to Circuit Court, testimony transcribed of hearings will be provided upon request of the licensee, applicant or protestants. Total cost of such transcripts shall be paid by the party requesting it.
- (b) Appeal shall be filed within thirty (30) days after date of decision.

PENALTIES:

FALSE STATEMENTS; (BLC-044)

(a) If any signed statement, report, affidavit or oath required under any provision of this Article, shall contain any materially false statement, the offender shall be deemed guilty of perjury and upon conviction thereof, shall be subject to the penalties provided by law for that crime. **(Article 2B, Section 16-501).**

SUSPENSION, REVOCATION: (BLC-046), (BLC-045)

(a) After holding a public hearing, the Board of License Commissioners for Washington County may revoke or suspend a license for violation of laws of the State of Maryland or Rules and Regulations as set forth herein.

FINES: (BLC-021)

(a) The Board may suspend, impose a fine, or both, on any licensee who violates the provisions of Article 2-B and/or the Rules and Regulations. The fine may not exceed \$2,500.00 and shall be paid, as specified, to the Board of License Commissioners. **[Article 2B, Section 16-507(w)].**

(b) You have the right to appeal a decision by the Board of License Commissioners to the Circuit Court for Washington County. Appeals must be filed within thirty (30) days of the date of the Order issued by the Board.

BOARD OF LICENSE COMMISSIONERS – HOURS OF OPERATION AND HOLIDAYS:

(BLC-009)

(a) The office of the Board of License shall be open Monday through Friday, from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m.

(b) The Board shall meet every Wednesday beginning at 10:00 a.m. and continuing until adjournment. However, in the event of an extremely long agenda, the Board may declare a lunch recess.

(BLC-010)

(a) The Board and all of its personnel shall observe all Federal, State of Maryland holidays and those as specified for the Washington County Court House. The Board will not convene on the Wednesday immediately preceding Thanksgiving Day.

(b) When Christmas and New Year's Day fall on a Wednesday, the Board shall not convene on those dates. Also when these holidays fall on another day of the week, the Board shall not convene on the preceding Wednesdays.

rev. 06/02

PROPORTION OF FAST FOOD TO ALCOHOL (BLC-059)

(a) When certain types of food are being served in establishments, such as pizza, chicken wings and other fast and specialty food, it shall be the policy of the Board, that the Licensee, when serving alcoholic beverages with these types of aforesaid foods, shall serve the alcoholic beverages in direct proportion to the amount of food being served and consumed.

NO EXCESS ALCOHOLIC BEVERAGES MAY BE SERVED TO THE CONSUMER AFTER THE AFORESAID FOOD IS CONSUMED.

ADOPTED 9/29/04.

TEEN NIGHT (BLC-060)

(a) All "Teen Night's" held in an establishment with an Alcoholic Beverage License shall adhere to the following rules:

1. All Licensees wishing to hold an event for teens between the ages of fourteen (14) and nineteen (19) shall request permission for the event from the Board of License Commissioners for Washington County. They shall provide the following information:

- (i) Where the event will be held and the hours that the event will be held.
- (ii) Whether or not it is in proximity to a geographic location that is not suitable for such an event.
- (iii) The circumstances of the event.
- (iv) Whether or not it is practical for the sponsors of the event to adhere to all rules and regulations during the event.

- 2. Each event will be evaluated and a decision made by the Board as to whether or not the event can be held.
- 3. No admittance to anyone under the age of fourteen (14) or anyone past their nineteenth (19) birthday.
- 4. Everyone must be carded upon entering.
- 5. Alcoholic beverages must be covered or removed or the event must be held in another area.
- 6. The establishment must close at or before 11:00 p.m. prevailing time.
- 7. Health and Fire codes shall not be violated.
- 8. All signs inside the establishment must be covered or removed.
- 9. There shall be no seating at the bar even if it is closed.
- 10. Adequate security shall be provided.
- 11. All parking lots shall be monitored. No drinking in cars shall be allowed. No Loitering after hours shall be allowed.
- 12. The Peace, Quiet and Security of the neighborhood shall be maintained at all times.

Effective 9/08

**FAILURE TO COMPLY WITH THE RULES AND REGULATIONS
SITED IN THIS BOOK MAY RESULT IN A FINE AND/OR THE SUSPENSION
OR REVOCATION OF YOUR LICENCE.**