

City of Annapolis

ALCOHOLIC BEVERAGE CONTROL BOARD

RULES AND REGULATIONS

Adopted by the Alcoholic Beverage Control Board on January 2, 2019

These Rules and Regulations are published by the Alcoholic Beverage Control Board of the City of Annapolis to inform all Licensees and their employees about the applicable and legally binding Rules and Regulations governing the sale of Alcoholic Beverages at retail in the City of Annapolis.

Licensees and their employees shall be responsible for following and complying with all these Rules and Regulations.

THE ALCOHOLIC BEVERAGE CONTROL BOARD
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CHAPTER 1 GENERAL PROVISIONS

1.1 LEGAL REPRESENTATION.

Any Person who appears before the Board may be represented by an Attorney or other legal counsel.

1.2 DEFINITIONS.

For the purpose of these Rules and Regulations, the following words and phrases have the meaning ascribed to them by this Section 1.02. Those definitions in the Alcoholic Beverages Article of the Annotated Code of Maryland, as may be amended, and the Code of the City of Annapolis, as may be amended, which are not indicated in these Rules are incorporated herein by reference.

- A. "Alcohol Awareness Program" means a program sanctioned by the State of Maryland for persons who sell, serve, give, or deliver alcohol to the public. Such a program is designed to train persons selling or serving alcohol to identify customers who should not be permitted to consume or purchase Alcoholic Beverages.
- B. "Affidavit" means an oath or affirmation sworn or made before an official or other person authorized to administer an oath or take an affirmation that the matters and facts set forth in the paper or writing to which it pertains are true to the best of the affiant's knowledge, information and belief.
- C. "Alcoholic Beverages" means alcohol, brandy, whiskey, rum, gin, Beer, Wine and cider, and in addition thereto, any spirituous, vinous, malt or fermented liquor, liquids and compounds, by whatever name called, containing one-half of one per centum ($\frac{1}{2}$ of 1%) or more of alcohol by volume, which are fit for beverage purposes; provided, that the foregoing definition shall not extend to Wine and cider manufactured for home consumption and which are not sold for the maker or manufacturer, nor by the maker or manufacturer, nor to alcohol used exclusively for the manufacture of medicinal, antiseptic or toilet preparation, flavoring extracts and other preparation unfit for beverages.
- D. "Attorney" means an attorney-at-law admitted to practice in the Court of Appeals of Maryland.
- E. "Beer" means any brewed alcoholic beverage, including, but not limited to, beer, ale, porter, stout, hard cider, and all other Alcoholic Beverages that contain: (1) six percent (6%) or less alcohol by volume, derived primarily from the fermentation of grain, with not more than forty-nine percent (49%) of the beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol; or (2) more than six percent (6%) alcohol by volume, derived primarily from the fermentation of grain, with not more than one and one-half percent (1.5%) of the beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol.
- F. "Beer Tasting" means the consumption for tasting or sampling only, on Premises, of Beer. The Licensee shall not serve more than three ounces from any brand to any one person.
- G. "Board" means the Alcoholic Beverage Control Board of the City of Annapolis.
- H. "Club" means an association or corporation which is organized and operated exclusively for educational, social, fraternal, charitable, civic, political, patriotic or athletic purposes and not for profit.
- I. "City" means the City of Annapolis, Maryland, a municipal corporation of the State of Maryland.

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- J. "City Clerk" means the City Clerk for the City of Annapolis, Maryland, or the Deputy City Clerk as may be designated by the City Clerk, both located at the Office of the City Clerk, or such other legally authorized designee of the City Clerk for the City of Annapolis, Maryland.
- K. "Class A License", "Class B License", "Class C License", "Class D License", "Class E License", "Class F License" means a License, as defined below, and as further described in Appendix A.
- L. "Day", unless otherwise designated, means a calendar day and includes every day shown on the calendar with Saturdays, Sundays and holidays included.
- M. "Deliver", either uppercase or lowercase, and any conjugation thereof, includes to sell, to serve, to give and to furnish.
- N. "Enclosed Premises" means those areas of the Premises within the walls of a structure, including, but not limited to, open patios and decks attached to such structure, whether or not Alcoholic Beverages are sold, served, given, or delivered therein.
- O. "Entity", either uppercase or lowercase, means any legal entity in good standing in the State of Maryland, including, but not limited to, a corporation, limited liability company, partnership of any type, or sole proprietorship.
- P. "Expansion" means a change in the Licensed Premises to include an area not previously approved for the service of Alcoholic Beverages.
- Q. "Furnish", either uppercase or lowercase, and any conjugation thereof, includes to sell, to serve, to give and to deliver.
- R. "Give", either uppercase or lowercase, and any conjugation thereof, includes to sell, to serve, and to deliver.
- S. "Holder" or "License Holder" means all the individual Licensees to whom a License is collectively issued.
- T. "Hotel" means any establishment for the accommodation of the public and equipped with not less than twenty (20) bedrooms, containing not less than one (1) bed in each room, with sufficient covering thereof, and one (1) room with toilet and bathing facilities for each seven (7) bedrooms; and it shall contain a Restaurant as defined by these Rules.
- U. "Institution for the Care of the Aged" means a building or buildings which provide housing for senior citizens aged sixty-two (62) and older and which include seniors-specific amenities and services that meet the nutritional, social, recreational, medical, safety and transportation needs of the residents, as further defined in Chapter 21.72 of the Code of the City of Annapolis, as may be amended.
- V. "Keg" means a container of Beer with a capacity of at least four (4) gallons which is designated to dispense Beer directly from the container.
- W. "License" or "Alcoholic Beverage License" means any license or permit issued under the provisions of these Rules and Regulations, the City Charter and Code, and the Alcoholic Beverages Article of the Annotated Code of Maryland, including, but not limited to, Class A, Class B, Class C, Class D, Class E, Class F, and Temporary Special Class C. Where a specific class or type of License is not defined in these Rules and Regulations, it shall be defined and further described in Appendix A to these Rules and Regulations.

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- X. "Licensed Premises" means only that area within the Premises wherein alcohol beverages may be served.
- Y. "Licensee" means any Person whose name appears on a License issued by the Board; any officer or member of an entity who is a U.S. Citizen to which a License is issued by the Board. With regard to any prohibited practice stated in these Rules and Regulations, the term "Licensee" shall also include any agent, servant, or employee of a Licensee, or of the Premises licensed.
- Z. "Light Wine" means any naturally fermented Wine containing not in excess of fifteen and one-half percent (15.5%) of alcohol by volume.
- AA. "Liquor Tasting" means the consumption of liquor for tasting or sampling only, on Premises. The Licensee shall not serve more than one (1) ounce from any brand to any one person.
- BB. "Package Goods Retail Store" means an establishment for the retail sale of unopened containers of Beer, Wine and liquor to the general public for consumption off the Licensee's Premises; provided, however, that upon proper application for a Class A-1b or Class A-2b License, which License is then granted by the Board, Beer and Wine Tasting in conformance with the rule pertaining thereto shall be permitted.
- CC. "Person", either uppercase or lowercase, means any individual person, or any legal entity in good standing in the State of Maryland.
- DD. "Premises" means that area upon which the Restaurant, Tavern, Wine Bar, Yacht Club, or Hotel, and the Licensed Premises are located, including the area outside any Enclosed Premises, to include, but not limited to, walkways, yards, alleys and parking lots.
- EE. "Public Event" means a function or event open to the general public as a whole, and not limited to attendance by only Club members and Club members' families and/or guests.
- FF. "Refillable Container" means a jug, growler, or other vessel used to transport draft Beer.
- GG. "Restaurant" means any lunchroom, café or other establishment located in a permanent building and with ample space and accommodations wherein hot meals are habitually served and sold to the public during the hours it is regularly open for business. It shall be equipped with a public dining room, with sufficient tables, chairs, cutlery and glassware to serve the meals prepared therein; and with a kitchen having complete facilities and utensils for preparing and serving hot and cold meals to the public. A Restaurant shall maintain a menu or card advertising the serving of a variety of hot meals. There shall be maintained on the Premises, at all times, sufficient food to fill orders made from such menus. No drug or grocery store shall be construed as a Restaurant.
- HH. "Sell", either uppercase or lowercase, and any conjugation thereof, includes to serve, to give, to deliver, and to furnish.
- II. "Serve", either upper case or lowercase, and any conjugation thereof, includes to serve, to give, to deliver, and to furnish.
- JJ. "Sidewalk Café" means an extension of Licensed Premises onto a public sidewalk where food, refreshments, and/or beverages are sold by a Restaurant, delicatessen, ice cream shop or coffee shop for public consumption at tables or counters located on such public sidewalk, approval for which has been applied for in accordance with Chapter 7.42 of the Code of the City of Annapolis, as may be amended.

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- KK. "Tavern" means an establishment operated primarily for the sale of Alcoholic Beverages for consumption on the Enclosed Premises; provided, however, that nuts, pretzels, potato chips, sausages, sandwiches, salads and similar food products may be sold and consumed thereon.
- LL. "Taxpayer" means an individual who owns real property in the individual's name, individually or jointly with others, and pays real property taxes to the City of Annapolis or Anne Arundel County.
- MM. "Temporary Special Class C License" means the License as described in Section 2.12 of these Rules and Regulations.
- NN. "Wine" means any fermented beverage, including Light Wines, and wines the alcoholic content of which has been fortified by the addition of alcohol, spirits or other ingredients.
- OO. "Wine Bar" means any properly Licensed Premises used and operated for the sale of Wine and to a lesser extent the sale of Beer for consumption on or off Premises; *provided however*, light fare generally associated with Wine Bars (e.g. pastries, sandwiches and other food items) may be sold and consumed in Wine Bars.
- PP. "Wine Tasting" means the consumption of Light Wine for tasting or sampling only, on Premises. The Licensee shall not serve more than one (1) ounce from any brand to any one person.
- QQ. "Written" or "Written Form" or "In Writing", either uppercase or lowercase, means a written form completed and submitted by a Holder, Licensee, or other Person, but expressly excluding the Board and any employee of the City, which written form shall be provided by or to the satisfaction of the Board and include original signatures.
- RR. "Yacht Club" means a bona fide organization maintaining wharves and docking facilities, with a membership of at least twenty-five paid-up members. The Yacht Club shall adjoin its wharves and docking facilities and shall not be open for private profit; nor shall the Yacht Club be open to the public generally, but shall be maintained for its members and guests.

1.3 APPLICABILITY OF OTHER LAW.

Except as otherwise provided in these Rules and Regulations, the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, as may be amended, and all applicable provisions of the Code of the City of Annapolis, as may be amended, shall apply to the sale and consumption and licensing for sale of Alcoholic Beverages in the City. In the event of a conflict between these Rules and Regulations and the Annotated Code of Maryland and/or the Code of the City of Annapolis, the stricter of the two shall prevail.

1.4 SALE AND STORAGE OF ALCOHOLIC BEVERAGES; EXCEPTION.

No person shall sell, offer for sale or keep for sale any Alcoholic Beverages except as provided by these Rules and Regulations. This Section 1.04 shall not apply to sales made by a person under a provision of law or order, or decree of a court of competent jurisdiction requiring the sale of personal property.

1.5 ZONING.

No License shall be issued which shall result in a use of Premises which violates any zoning or other statutory land use restriction.

1.6 COMPLIANCE WITH LAW.

No Licensee shall commit any act or allow the commission of any act on the Licensed Premises which violates any federal, state, or local statute, law, ordinance, or rule, regulation or ruling of any regulatory agency or other agency. Any such violation shall in itself be a violation of these Rules and Regulations and may be cause for disciplinary action by the Board.

1.7 USE AND OPERATION OF PREMISES

The use and operation of the Premises shall be in conformation with all applicable federal, state, county and City rules, regulations and codes, including, but not limited to, building and fire codes, health standards, police and zoning rules, regulations and codes.

1.8 EMPLOYEE SANITATION.

Signs provided by the Anne Arundel County Health Department shall be prominently displayed in the kitchens, employee work areas not open to the public, and in the restrooms reminding employees of the requirement to wash hands after using the toilet facilities.

1.9 PUBLIC WELFARE.

The Licensee shall ensure that the Premises are operated in a manner such as to preserve and not disturb the peace, safety, health, quiet, and general welfare of the community and the neighborhood in which the Premises are located. A Licensee, his or her agent(s) and/or employee(s) shall not commit or allow the commission on the Premises of any act contrary to any federal, state, county or City law, statute, ordinance, rule or regulation, or of any act against the public peace, safety, health or welfare.

1.10 TELEPHONE.

The Licensee shall provide a telephone number to the City Clerk and the Board where they can be reached during operation of the Premises and when the Premises are closed.

CHAPTER 2
APPLICATIONS, HEARINGS, TYPES AND HOURS

2.1 APPLICATIONS FOR NEW LICENSE, EXPANSION OF LICENSE, UPGRADE OF LICENSE, AND/OR TRANSFER OF LICENSE, AND SUBSTITUTION OR DELETION OF LICENSEE(S).

- A. Every individual and/or entity applying for any License to sell, serve, give and/or deliver Alcoholic Beverages in the City shall file an application with the Board for a License on a written form prescribed by the Board.
- B. In the case of an individual or sole proprietorship applicant, the individual or sole proprietor named in the application shall also be named as the Licensee, and shall meet the following additional qualifications:
 - 1. For the two (2) years preceding the date of the application shall be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland; and
 - 2. During the term of the License shall continue to be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland.
- C. In the case of a partnership applicant, of any type or structure, all partners shall be named as Licensees in the application, and all partners shall meet the following additional qualifications:
 - 1. For the two (2) years preceding the date of the application shall be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland; and
 - 2. During the term of the License shall continue to be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland.
- D. In the case of a corporation applicant, or other similar entity, three (3) officers, or all officers if the corporation has less than three (3) total officers, shall be named as Licensees in the application, and one (1) of the named officers shall meet the following additional qualifications:
 - 1. For the two (2) years preceding the date of the application shall be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland; and
 - 2. During the term of the License shall continue to be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland.
 - 3. All stockholders of the corporation applicant that hold fifteen percent (15%) or more of the outstanding common stock shall be identified in the application, and the corporation applicant shall notify the Board in writing when such common stock ownership changes such that a different or new person or entity obtains fifteen percent (15%) or more of the outstanding common stock of the corporation. The Board may request the corporation applicant to provide sufficient corporate documents to evidence the requirements in this Section.
- E. In the case of a limited liability company (LLC) applicant, three (3) members, or all members if the LLC has less than three (3) total members, shall be named as Licensees in the application, and one (1) of the named members shall meet the following additional qualifications:

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1. For the two (2) years preceding the date of the application shall be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland; and
 2. During the term of the License shall continue to be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland.
 3. All members of the LLC applicant that hold fifteen percent (15%) or more interest in the LLC shall be identified in the application, and the LLC applicant shall notify the Board in writing when such interest in the LLC changes such that a different or new person or entity obtains fifteen percent (15%) or more of the interest in the LLC. The Board may request the LLC applicant to provide sufficient corporate and/or organizational documents to evidence the requirements in this Section.

F. Class C Licenses shall only be issued to Clubs when the following conditions are documented in writing to the satisfaction of the Board:

1. Three (3) officers of the Club, or all officers if the Club has less than three (3) total officers, shall be named as Licensees in the application, and one (1) of the named officers shall meet the following additional qualifications:
 - a. For the two (2) years preceding the date of the application shall be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland; and
 - b. During the term of the License shall continue to be a resident, real property taxpayer and registered voter of the City or Anne Arundel County, Maryland.
2. The Club shall have been in operation within the City for a period of one (1) year prior to filing an application for a Class C License.
3. The Club shall have a sufficient number of members to support its operation with such a License and without the patronage of guests and other non-members.
4. The Club shall not have been formed for the purpose of obtaining an Alcoholic Beverage License.
5. Guests or non-members shall not be admitted into a Club's Licensed Premises unless sponsored by a Club member who shall be present at all times during such guest's presence at the Club's Licensed Premises
6. A Class C Licensee may be permitted to sponsor four (4) Public Events each calendar year during which the general public may be invited. The Licensee shall petition the Board in writing for approval not less than forty-five (45) days before each such Public Event. Approval of each event shall be in the sole discretion of the Board.

[The subsection on required notice to the City Clerk for private functions hosted by Clubs was deleted in full.]

G. Every application for any class of License shall be accompanied by professionally sealed plans of the Premises and Enclosed Premises to be licensed. Detail is to include at least the following:

1. Food and beverage preparation areas, service areas, and patron seating areas;

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2. Location of restrooms;
 3. Types of materials used for floors, ceilings, and walls;
 4. Locations of storage areas;
 5. Locations of sales areas; and
 6. Location of signs required by these Rules and Regulations, the Fire Department, and other governmental agencies.
 7. Transfer applications shall include existing professionally sealed plans of the Premises and Enclosed Premises if no changes are proposed by the applicant, or new or amended professionally sealed plans of the Premises and Enclosed Premises if changes are being proposed by the applicant.
 8. All professionally sealed plans shall be maintained up-to-date and any proposed changes to any professional sealed plan during the term of the License shall be recorded with the Board forty- five (45) days prior to any proposed change. The Board shall review the proposed change at its next regularly scheduled meeting, and shall determine whether such proposed change shall come before the Board for further review at the succeeding Board meeting.
- H. Every application for a new License, substitution of Licensee, Expansion, upgrade or transfer of a License shall be accompanied by a non-refundable fee. Applicant shall pay the costs of advertising the public hearing on the application.
- I. Substitution or Deletion of Licensee.
1. Any entity holding an Alcoholic Beverage License and who names two (2) or more officers or employees as Licensees of such License may, during the License year, substitute or delete names of those officers or employees as Licensees if the deleted officer or employee:
 - a. Is deceased;
 - b. Is retired;
 - c. Has been removed from office or employment with the entity; or
 - d. No longer holds an office or employment with the entity.
 2. Any entity holding an Alcoholic Beverage License and who names only one (1) officer or employee as the Licensee of such License shall, during the License year, substitute a new name of an officer or employee as the Licensee if the original officer or employee:
 - a. Is deceased;
 - b. Is retired;
 - c. Has been removed from office or employment with the entity; or
 - d. No longer holds an office or employment with the entity.

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3. An Affidavit shall be filed that names those substituted and/or deleted, and provides:
 - a. An explanation for the substitution and/or deletion; and
 - b. A statement that the ownership of the entity has not changed.
 4. A partnership or limited liability company (LLC) holding a License shall disclose by name all those persons holding an interest in the business. A corporation holding a License shall disclose by name all stockholders holding fifteen percent (15%) or more of outstanding common stock in that corporation. Any change in the persons holding any ownership interest or interest in the entity shall be registered with the Board by written letter. If any such change results in fifty-one percent (51%) or more of the ownership interest changing hands, or any other change the Board deems significant, the Board may then order an application for transfer be processed by the original Holder and Licensee(s).
 5. A Licensee may, without any approval or consent of any other Licensees, petition the Board for his or her removal by filing a written statement with the Board citing the reasons for removal. The Board may then permit the removal of that individual and require the submission of an application for the substitution of an officer and/or employee. A Licensee shall not be removed if disciplinary action is pending before the Board.
- J. The Clerk shall not be required to place any application on the Board's schedule or agenda for a hearing unless and until the Clerk receives (1) written notice from the City Planning and Zoning Department that the application's proposed Premises are in complete zoning compliance and (2) written approval of the application from the City Fire Department, the City Finance Department, the City Department of Neighborhood and Environmental Programs, and the Anne Arundel County Department of Health. If the City Planning and Zoning Department has only given conditional approval in connection with the Premises' zoning compliance, the Board's approval of the new application may only be approved contingent upon satisfaction of such conditions.
- K. Applicants, at their own cost and expense, shall undergo fingerprinting and criminal background checks for all classes of License, except for One-Day Class C Licenses. The Board shall delay approval and/or issuance of any License, and may refuse to schedule a hearing on any License, until the results of the applicant's fingerprinting and criminal background checks are provided to the Board.

2.2 NOTICE REQUIREMENTS.

- A. *Notice by Publication.* The City Clerk shall give notice by publication at least two (2) times, not on consecutive days, in a newspaper published in the City and having a general circulation in the City, of all applications for Licenses, Expansion of Licenses, upgrades of Licenses, or transfers and the date and place of the public hearing.
- B. *Notice by Posting.* The applicant shall give public notice of all applications for Licenses, Expansion of Licenses, upgrades of Licenses, or transfers by posting a conspicuous sign upon the Premises at the main entrance on the main street or artery bounding the Premises, stating the time, place, and purpose of the public hearing. The sign shall be of a size and type-size to permit persons in passing vehicles to determine the purpose of the application. The telephone number of the City Clerk shall appear in large type so that interested parties may obtain further

information regarding the application and public hearing. The sign shall be posted at least fifteen (15) days prior to the scheduled hearing and shall remain in place in readable form until after the hearing.

- C. **Notice by Mailing.** In addition to the notice pursuant to Section 2.02(B) above, the applicant for a new License or transfer of a License shall give public notice by mailing a written notice all abutting property owners within two hundred linear feet (200') of the Premises stating the time, place, and purpose of the public hearing, and including the telephone number of the City Clerk so that interested parties may obtain further information regarding the application and the public hearing. The written mailing shall be mailed via standard U.S. Post Office mail at least fifteen (15) days prior to the scheduled public hearing. The applicant shall submit a written affidavit to the City Clerk confirming that this notice by mailing has been completed.

2.3 PAYMENT OR SATISFACTION OF FINANCIAL OBLIGATIONS.

- A. *Prior to Transfer.* The Board shall not approve an application for the transfer of a License until all of those financial obligations of the current Licensee have been paid or satisfied, as documented to the Board's satisfaction.
- B. *Claims Prior to Transfer.* Claims of bona fide creditors shall be submitted in writing to the Board under Affidavit not less than two (2) days before the public hearing on the transfer. Claims submitted by taxing authorities or other government agencies need not be under Affidavit. In order for a creditor's claim to constitute a bona fide claim, such creditor's claim shall (1) be related to the operation of the business of the applicant on the Premises, or (2) the business assets of the applicant shall have been posted as security for a debt, in which case the debt need not necessarily be related to the business of the applicant on the Premises. The Board may proceed with any scheduled hearing or approval of any transfer if a creditor fails to timely submit a bona fide claim pursuant to this Section. The Board may require new applicants to submit to the requirements of this Section for any claims presented to the Board for unpaid accounts related to past operation of a licensed business by the applicant or if the business assets of the past operation of the applicant have been posted as security and the underlying debt is unsatisfied.
- C. *Prior to License Renewal.* In case creditor(s) submit bona fide claims, as defined above, prior to License renewal, the creditor(s) shall notify the Licensee and the Board not less than two (2) days before the renewal deadline of April 1st. If there is a rebuttal of the creditor's claim, the applicant and the creditor shall appear before the Board at which time a determination shall be made whether to approve the renewal application.

2.4 HEARINGS.

- A. The Board shall hold a public hearing at which any person may comment upon granting, expanding, upgrading, transferring, renewing or protesting a License. The Board shall be the sole judge of the propriety of granting, expanding, upgrading, transferring, renewing or protesting a License.
- B. The Board shall have the power to issue summons or subpoenas to any Licensee or any other person to attend a hearing before the Board. Failure of a Licensee to attend a hearing after the service of a summons or subpoena from the Board shall be considered an additional offense and subject the Licensee to additional sanctions. For just cause and after consideration of the rights and interests of the involved parties, the Chairman of the Board may excuse attendance if requested by the applicable person so summoned or subpoenaed. The Board may dispense with a summons or subpoena when the Board determines a letter is sufficient.

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- C. Any person attending a hearing pursuant to this Section 2.04 shall either (1) be proficient in understanding and speaking English for purposes of the hearing, or (2) arrange for the attendance of someone eighteen years or older who can interpret for them at the hearing.
 - D. A Licensee or other applicant may seek a postponement of a hearing by submitting a written request to the Chairman, care of the City Clerk, at least seven (7) calendar days prior to such hearing. If good cause for a postponement is shown, then the Chairman shall grant the request. If a Licensee or other applicant requests a postponement in writing less than seven (7) days prior to a hearing, as long as good cause is shown, and as long as a postponement would not prejudice the rights of any individual or entity, in either case, the Chairman's determination is final. The City Clerk shall provide written notice of postponement to the Licensee and shall provide public notice of the postponement on the City website.

****Approved by the ABCB on November 7, 2018****

2.5 WRITTEN OPPOSITIONS AND PROTESTS.

- A. Written oppositions against the issuance, Expansion, upgrade, or transfer of a License shall be filed in writing with the City Clerk not less than seven (7) business days before the date fixed for the public hearing on such issuance, Expansion, upgrade, or transfer. For just cause, the Board may excuse a failure to submit a written opposition pursuant to this subsection.
- B. Protests against the renewal of an expiring License shall be signed by not less than ten (10) City residents and taxpayers, and shall be filed with the City Clerk no later than 4:30 PM EST on or before March 31st. The Board may also protest the renewal of an expiring License no later than 4:30 PM EST on or before March 31st. The Board shall schedule a protest hearing prior to April 25th, and shall notify the protestant, as applicable, and the Licensee of the date and time in writing. The Board shall issue a final written opinion on the protest no later than April 25th.

2.6 VACATION OF PREMISES; EVICTION; CESSATION OF NORMAL OPERATION.

- A. On the tenth day after a Licensee has vacated the Premises or been evicted, the License shall automatically expire and shall be surrendered to the Board within twenty-four (24) hours. However, if application is made for transfer, the Board may revive the expired License for purposes of hearing the application for transfer. If the operation has ceased because of fire or other property casualty causing the Premises to become unsuitable for use as a liquor licensed Premises, or if the Licensee has previously given written notice to the Board that the Premises will undergo renovation, the Board may postpone the expiration of the License upon a showing that restoration or renovation shall be accomplished in a timely manner.
- B. If operation under the License has ceased for any reason other than vacation of the Premises or eviction, the License shall automatically expire and shall be surrendered to the Board immediately. However, if the operation has ceased pending sale or reorganization of the business or the Premises, the Licensee may petition the Board to grant a reasonable time to complete the transaction before the License lapses. The Board may grant such a request pending review at its next meeting. The Licensee's right to petition the Board pursuant to this Section 2.06(B) is limited to one (1) petition for one (1) grant of reasonable time to complete a transaction before a License lapses. The Board shall not review or grant more than one (1) such petition even if for separate occurrences or situations.

2.7 APPEALS.

Any action or decision by the Board, except for the adoption, amendment or repeal of any rule or regulation, may be appealed to the Circuit Court for Anne Arundel County in accordance with the Alcoholic Beverages

Article of the Annotated Code of Maryland and the Maryland Rules of Procedure relating to appeals from decisions of administrative agencies.

2.8 RECORDS AND VOTES.

The Board shall keep a record of all applications filed with the Board, all testimony proffered in public hearings, and all deliberations in accordance with the City's retention policies. All lawfully disclosable records of the Board shall be open to inspection by the public during normal business hours.

2.9 EFFECTIVE DATE OF LICENSE.

An applicant for a new License shall state the effective date of a License and the business licensed shall commence operation within six (6) months of that date. If the applicant has not specified an effective date, the effective date shall be deemed to be the date of approval by the Board. If the applicant does not commence operation within that time, the License shall expire. However, upon written request by the Licensee received forty-five (45) days before the expiration, the Board may, in its sole discretion, and for good cause shown by the Licensee, grant the Licensee a total of two (2) extensions with each extension being for a period of six (6) months or less.

2.10 TERM OF LICENSE.

- A. Licenses shall expire on April 30th of each year. If there are protests against the renewal of a License prior to the March 31st deadline, the Board shall hold a public hearing. If there are no protests, the License may be routinely renewed by the City Clerk.
- B. Renewal applications shall be filed with the Board not less than thirty (30) days or more than sixty (60) days before May 1st. Renewal applications filed after April 1st may only be heard by the Board upon payment of a Twenty Dollar (\$20.00) per day penalty for late filing.
- C. A License approved for renewal by the Board shall not be effective until the renewal fee has been paid and the renewed License posted on the Licensed Premises as required in these Rules and Regulations. Alcohol shall not be served after the expiration of the previous License until these requirements are met. Absent objection by the City Clerk, Licensee may elect to pay the annual renewal fee in two (2) equal payments, the first to be received by the City Clerk no later than April 30th, and the second to be received by the City Clerk no later than August 30th. Failure to make either payment on a timely basis shall be a violation of these Rules and Regulations and may be cause for disciplinary action by the Board.

2.11 NEW APPLICATION AFTER DENIAL OF AN APPLICATION; EXCEPTIONS.

- A. If a License is denied, no application shall be received by the Board for or from any of the same applicants or for the same Premises within a period of six (6) months from the date of that denial. If a second application is submitted subsequent to the expiration of the six (6) month period and is denied within two (2) years of the denial of the first application, no further applications shall be received for or from any of the same applicants or for the same Premises within two (2) years of the denial of the first application.
- B. Exceptions:
 - 1. If a License was denied because the Board determined that it was not necessary as an accommodation to the public or that the Premises were not suitable, a new application may be filed at any time without a waiting period if all other conditions for a new License have been met.
 - 2. If a License was denied because the Board determined that an applicant was unfit, a new application may be filed for the Premises if the unfit applicant has been removed from the application and all other conditions for a new License application have been met.

2.12 TEMPORARY SPECIAL CLASS C LICENSES.

- A. Temporary Special Class C Licenses may be issued for an event by the City Clerk, on behalf of the Board, to non-profit Clubs not licensed to serve Alcoholic Beverages if such Clubs are operated exclusively for educational, social, fraternal, charitable, civic, political, patriotic or athletic purposes. However, if the event is to be held on City property, the City Clerk shall not issue the Temporary Special Class C License, but shall require the applicant to complete an "Application for Consumption of Alcoholic Beverages on City Property" form and shall then place the application on the agenda for the next meeting of the Board. The deadline for submission of the application is forty-five (45) days before the date of the event. Temporary Special Class C Licenses shall be issued only to officers of such non-profit Clubs and in furtherance of the purposes of the Club.
- B. A Temporary Special Class C License authorizes the Licensee to exercise the privileges of other Class C Licenses, but the City Clerk may limit the days and daily hours of operation of a Temporary Special Class C Licensee.
- C. A denial of the application or any limitation placed upon a Temporary Special Class C License by the City Clerk may be appealed to the Board pursuant to Section 2.07 of these Rules and Regulations.

2.13 TEMPORARY OPERATION DURING TRANSITION; ANNEXATION.

The Board may, upon written request from a Holder(s) of an Anne Arundel County Alcoholic Beverage License issued for Premises located in an area subject to annexation, allow the Licensee to conduct the same business during a 60-day period beginning on the effective date of an annexation resolution which brings the Licensed Premises into the City. Operation shall continue under the same terms as the Anne Arundel County License or such other terms as the Board may specify. The Holder(s) shall acknowledge that issuance does not commit the Board to issue a subsequent License upon receipt of the formal application, which application shall be subject to the same rules governing an application for a new License. The written request shall be signed by all signatories to the County License application. Operation under this Rule may be extended by the Board for such periods and under such terms as it may in its discretion deem appropriate, however, in no event shall such License be extended more than 120 days after the effective date of annexation.

2.14 FEES.

After approval of a License, the applicant shall pay the License fee authorized by resolution of the City Council and in accordance with Section 2.10 of these Rules and Regulations.

CHAPTER 3
RULES AND PROHIBITED PRACTICES APPLICABLE TO LICENSEES

3.1 APPLICABLE TO ALL LICENSEES.

- A. *Type of Beverage; Hours of Service.* No person shall sell or furnish any Alcoholic Beverages, except of the types and at the hours specified by the class of License held.
- B. *Sale to Intoxicated Persons.* No Licensee, in person or by an agent or employee, directly or indirectly, shall serve, sell, give or deliver an Alcoholic Beverage to a person who is reasonably believed to be intoxicated or who is visibly affected by Alcoholic Beverages or drugs. Further, if a Licensee shall have been given written notice by a parent, guardian, husband, wife, son, daughter, brother or sister that a person is of intemperate habits, or of unsound mind, or on account of his or her physical condition should not consume Alcoholic Beverages, that Licensee shall not knowingly serve or furnish Alcoholic Beverages to that person, as furthered described in the Annotated Code of Maryland, the Alcoholic Beverages Article.
- C. *Premises to be Closed.* No Licensed Premises shall remain open to the public or private persons or parties for any purpose for more than fifteen (15) minutes after the hours and days for sale set forth in the License. A Holder of a Class B may petition the Board for permission to continue serving food to the general public after the hours and days for sale set forth in the License. The Board, in its sole discretion, may approve such petition under such terms as it deems appropriate.

Approved by the ABCB January 2, 2019

- D. A Holder of any class License may petition the Board for permission to retain a limited number of employees on the Premises after the closing hour in order to perform cleaning, restocking and other tasks without the presence of members of the public. The petition shall specify the purpose, length of time, and number of employees. No employee or other person shall be permitted to consume an Alcoholic Beverage after the hour specified in the class of License held. The Board, in its sole discretion, may approve such petition under such terms as it deems appropriate.
- E. *Open Alcoholic Beverage.* No Licensee shall permit any person to leave the Premises with an open Alcoholic Beverage. *However, a person who purchased a Wine product at the Premises, which has only been partially consumed, may request that it be re-corked after which it may be removed from the Premises.*
- F. *Signs to be Posted by Licensee.* The Licensee shall place in a prominent position, in all places where Alcoholic Beverages are sold or served, one or more signs bearing the following inscription:

The sale, gift or delivery, directly or indirectly, of Alcoholic Beverages to persons under the age of twenty-one (21) years for their own use or for the use of any other person, is prohibited by law.

Such signs shall not less than eight inches (8") by ten inches (10") in size, with print in black ink on a white background, in type not smaller in size than 30-point. Such signs shall upon request be furnished by the Board without cost to the Licensee.

- G. *Licenses for Consumption on the Premises Only.* Subject to all other applicable provisions contained in these Rules and Regulations, the Code of the City of Annapolis, and the Alcoholic Beverages Article of the Annotated Code of Maryland pertaining to the issuance of Alcoholic Beverage Licenses, the

Board may issue a License, which authorizes the Holder to keep for sale and to sell Alcoholic Beverages at any establishment within the City for consumption on the Premises only.

- H. *Management Agreement.* A Licensee seeking to enter into an agreement with a third party for the temporary management of a Licensed Premises must first request and obtain prior Board approval. The Chairman of the Board, in his or her own reasonable discretion, for good cause, may allow preliminary administrative approval of a temporary management agreement by the City Clerk pending consideration by the Board at its next regularly scheduled meeting or the regular meeting subsequent to that. In the event a Licensee enters into a management agreement without prior Board approval, if the Board determines, based on the evidence of record, that the Licensee's failure to obtain prior Board approval was the result of intentional misconduct or gross negligence, the Board may order that the License be temporarily relinquished for a period of up to thirty (30) days, but only after providing the Licensee with notice and an opportunity to be heard. In that event, the Licensee must immediately cease all licensed operations and return the License to the City Clerk within twenty-four (24) hours. After the relinquishment period is served, the City Clerk shall return the License to the Licensee.

*** Approved by the ABCB May 2, 2018***

- I. *Special Hours for New Year's Day.* Notwithstanding any other provision contained in these Rules and Regulations with respect to the hours of sale of Alcoholic Beverages, the Licensee of any on-sale Alcoholic Beverage License shall be permitted to remain open for business and to sell any Alcoholic Beverage authorized by the specific class of License until 2:00 AM on January 1st of any year, but expressly subject to Section 3.01(C). During such extended hours, the Licensee shall comply in all other respects with the terms, conditions or restrictions applicable to the License and to all Rules and Regulations set forth herein.

- J. *Additional Rules for Licensees.* All Licensees shall observe these following additional rules and regulations:

1. All mechanical, electronic, live, and/or other form of music shall cease fifteen (15) minutes prior to the closing hour designated on the License.
2. All doors, entrances and exits shall be closed at all times except for Premises holding Class A Licenses.
3. Appropriate sound suppression techniques shall be employed to ensure that noise or sounds of music originating within a Licensed Premises shall not be audible off the Licensed Premises.
4. No mechanical, electronic, live, and/or other music shall be played or performed on exterior portions of a Licensed Premises without the prior written approval of the Board and in compliance with any conditions imposed by the Board.
5. An Alcoholic Beverage served within an Enclosed Premises shall be consumed only within that Enclosed Premises. An Alcoholic Beverage served within an approved exterior portion of the Licensed Premises shall be consumed solely within that approved exterior portion of the Licensed Premises or within the Enclosed Premises.
6. Dress codes, if any, shall be posted.
7. A description of all live music or entertainment shall be filed at least annually with the City Clerk. However, this Rule shall not apply to Clubs.
8. The Licensee shall maintain records on the Premises containing the name, aliases, address, date of birth and Social Security number of all persons currently employed on the Premises or employed during the previous six (6) months. Further, the Licensee shall maintain on the Premises certificates issued to employees who have completed an

Alcohol Awareness Program. All such records shall be promptly provided to any government inspector or police officer upon request.

9. Each Licensee shall display its Alcoholic Beverage License on the Licensed Premises under glass in a conspicuous place so that it is easily readable by the public. Licenses shall not be copied by any means for this purpose.
 10. A Licensee shall immediately suspend the sale of Alcoholic Beverages upon the seizure of its License by any governmental authority. The Licensee shall be entitled to review of the seizure as provided by law. If the Licensee continues to keep its Premises open during any lawful seizure period, there shall be no display of the stock of Alcoholic Beverages, and the stock of Alcoholic Beverages shall either be removed from the Premises or shall be hidden from view by shutters, blinds, or doors, or shall be stored within closets or cabinets so as not to be visible, and such shutters, blinds, doors, closets or cabinets shall be locked with padlocks that are visible to the observer.
 11. On that date when change from Daylight Savings Time to Standard Time occurs, the Licensee shall observe Daylight Savings Time with respect to hours of initial closing and shall not reopen until normal Standard Time as permitted by the License.
- K. *Special Events.* The Board may permit consumption of Alcoholic Beverages in or on any of the following areas or places, if in the judgment of the Board such consumption would not be contrary to the public interest:
1. Any street, public way, highway, alley, sidewalk, road or parking area;
 2. Any station or terminal;
 3. Any public park, playground, parking lot, or other public facility leased that is owned or operated by the City, including the Market House; and
 4. On areas outside a Licensed Premises, including parking lots adjacent to a Licensed Premises and shopping center parking lots if there is a Licensed Premises in the shopping center.
- L. *Consumption of Outside Alcoholic Beverages.* No Licensee shall permit the consumption of any Alcoholic Beverage on a Licensed Premises unless such beverage shall have been sold by the Licensee for consumption on that Licensed Premises.

3.2 SPECIAL RULES APPLICABLE TO CERTAIN CLASSES OF LICENSE.

- A. *Package Goods Retail Stores (Class A).* The following special rules shall apply to all Class A Licenses:
1. Even if the Premises are open for other legal purposes, there shall be no display of the stock of Alcoholic Beverages during hours or days when sales are prohibited by the License. At such times, the stock of Alcoholic Beverages shall be hidden from view by shutters, blinds, or doors, or shall be stored within closets or cabinets so as not to be visible, and such shutters, blinds, doors, closets or cabinets shall be locked with padlocks that are visible to the observer.
 2. A notice shall be prominently displayed in such a manner and location to be easily read by those purchasing Alcoholic Beverages, which notice shall read:
Consumption of Alcoholic Beverages on the public streets, parks and other public ways of the City is prohibited by law. (Sec. 7.12.220 (A) and (B))
- B. *Restaurants (Class B).* A Class B Licensee shall keep complete records, including, but not

limited to, original invoices, sales tickets, and sales receipts, of food purchases, food sales, and

purchases and sales of Alcoholic Beverages on the Premises for one (1) year from the date of generation. The Board may issue a subpoena for production of such records, and shall state the records to be produced, the reason for the subpoena, and providing the Licensee with at least ten (10) days to produce the records unless extraordinary circumstances, in the discretion of the Board, warrant less than ten (10) days. Upon applying for renewal of a Class B License, the applicant shall furnish a sworn statement reporting the ratio of daily receipts from the sale of food to the combined daily receipts from the sale of food and Alcoholic Beverages. The daily average for each quarter of the calendar year preceding the calendar year in which renewal application is made shall be reported.

- C. *Taverns (Class D)*. A Class D Licensee shall close their Premises closed from 12 Midnight to 6:00 a.m.
- D. *Institution for the Care of the Aged (Class ICA)*. The following special rules shall apply to all Class ICA Licenses:
1. The ICA License shall explicitly define the Licenses Premises within which alcohol shall be served.
 2. The ICA Licensee and its facility shall provide full meal service in a common dining room, but the Licensed Premises are not necessarily limited to that common dining room.
 3. Alcohol shall be served only to ICA residents and their guests.
 4. Alcohol shall be consumed on the Licensed Premises. Closed or open containers of Alcoholic Beverages shall not be removed from the Licensed Premises by ICA residents or their guests. However, the Class ICA Licensee may deliver Alcoholic Beverages to its residents for consumption in the residents' quarters.
 5. Hours of service of Alcoholic Beverages shall be determined by the Board.
 6. Terms of any Special Exception issued by the City shall be incorporated into the Class ICA License, and shall be directly enforceable by the Board.
- E. *Wine Bars (Class WB)*. The following special rules shall apply to all Class WB Licenses:
1. A Class WB License shall only be available in the MX Zoning District. A Class WB License shall not be available for Premises holding any other License for the sale of Alcoholic Beverages.
 2. Wine may be served to patrons for consumption on the Licensed Premises. Unopened containers of Wine may be purchased from the Class WB Licensee for consumption off the Licensed Premises. Partially consumed Wine bottles may be removed from the Premises by patrons only after such bottles are re-corked or capped by the Class WB Licensee, and only if that patron has also consumed food on the Premises.
 3. Beer may be served for consumption on the Licensed Premises, and unopened containers of Beer may be sold for consumption off of the Premises.
 4. Light fare, as defined in Section 1.02(NN) and rather than a full meal, may be served by a Class WB Licensee on the Premises with or without consumption of Wine or Beer.

F. *Consuming Wine Not Bought on Premises.*

An individual in a Restaurant, Club, or Hotel for which a Class B or Class C License allowing the sale of Wine is issued may consume Wine not purchased from or provided by the Holder only if:

1. The Wine is consumed with a meal during the hours of sale specified by the License;
2. The individual receives the approval of the Holder;
3. The Wine is not available for sale on the Holder's Wine list; and
4. The Holder obtains a permit, at no charge, from the Board before allowing an individual the privilege of consuming Wine not purchased from or provided by the Holder.
5. The Holder shall dispose of Wine described under this Section 3.02(F) that remains after the meal is finished, and an individual may remove from the Licensed Premises a bottle of wine, the contents of which are only partially consumed with the meal, if the Holder or any employee of the Holder inserts a cork in or places a cap on the bottle.

G. *Record Retention.* All Licensees shall keep complete records, including, but not limited to, original invoices, sales tickets, and sales receipts, of food purchases, food sales, and purchases and sales of Alcoholic Beverages on the Premises for one (1) year from the date of generation. The Board may issue a subpoena for production of such records, and shall state the records to be produced, the reason for the subpoena, and providing the Licensee with at least ten (10) days to produce the records unless extraordinary circumstances, in the discretion of the Board, warrant less than ten (10) days. This Section 3.02(G) shall not apply to Class B Licenses and/or Licensees, who are governed by Section 3.02(B) of these Rules and Regulations.

3.3 ALCOHOLIC BEVERAGE CONTAINERS.

- A. A Licensee shall not reuse or refill any Refillable Container of Alcoholic Beverages, unless otherwise authorized by the Alcoholic Beverages Article of the Annotated Code of Maryland. A Licensee shall not adulterate, dilute, or fortify the contents of any such Refillable Container.
- B. No Licensee shall sell or otherwise transfer or offer to sell or otherwise transfer the contents of a Keg for consumption off Premises unless:
1. The Licensee provides the purchaser with a Keg registration form approved and distributed by the State Comptroller that is designed to be affixed to the Keg and that indicates the name and address of the Licensed Premises and a registration number.
 2. The purchaser of a Keg provides valid identification and completes and signs a registration form with (i) the purchaser's name and address; (ii) the birth date of the purchaser; and (iii) the date of purchase.
 3. The Licensee affixes the completed Keg registration form to the Keg and retains a copy of the form for at least thirty (30) days on the Licensed Premises.
- C. Upon return of the registered Keg, the Licensee shall remove or obliterate the Keg registration form attached to the Keg. On the copy of that form remaining in the Licensee's possession, the Licensee shall note the date of that removal and the person's name and address, if different than the purchaser shown on the Keg registration form.

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- D. If a Keg is returned without a registration form attached, the Licensee shall cause the City Clerk to be notified no later than the close of business the following business day and shall provide all pertinent information necessary to permit an investigation by the City Police Department. The Licensee shall not return the Keg to the wholesaler or alter the Keg in any way pending the completion of an investigation by the City or the City Police Department on behalf of the Board.
 - E. If a Keg is made of disposable packaging that is not returned to the Licensee, the Licensee shall so indicate on the Keg registration form.
 - F. A Licensee may charge a non-refundable Keg registration fee to a purchaser.
 - G. The existence of a completed Keg registration form signed by the purchaser shall be prima facie evidence of compliance with these Rules and Regulations.
 - H. All Licensees engaged in selling Kegs shall maintain records of sales in a form easily readable and understandable by City police officers or inspectors authorized to enforce these Rules and Regulations.
 - I. A Licensee who sells Kegs in violation of any provision of these Rules and Regulations shall be subject to a fine not exceeding one hundred dollars (\$100.00), or suspension or revocation of its Alcoholic Beverages License, or both the fine and the suspension or revocation.

3.4 SEXUALLY ORIENTED PRACTICES.

- A. No Licensee shall permit any of the following activities on the Licensed Premises:
 - 1. Employment or use of any person to mingle with the patrons, or to sell or serve Alcoholic Beverages or food on the Premises while the person is unclothed or in attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola, or any portion of male or female pubic hair, anus, cleft of the buttocks, or genitals.
 - 2. Touching, caressing or fondling the breasts, buttocks, or genitals of any person.
 - 3. Performance or simulation of acts of a sexual nature.
 - 4. The approach of an entertainer closer than six (6) feet from a patron, unless the entertainer is fully clothed and in a manner not prohibited by these Rules and Regulations.
 - 5. Exhibition of any motion picture, still picture, or other visual reproduction depicting acts of a sexual nature.
 - 6. Permit any person to remain on the Premises who exposes to public view any portion of the genitals or the anus.

3.5 UNDERAGE PERSONS.

- A. No Licensee, in person or by an agent or employee, directly or indirectly, shall serve, sell, give or deliver an Alcoholic Beverage to a person who is under the age of twenty-one (21) years.
- B. Persons under the age of twenty-one (21) years shall not be employed or permitted to sell or serve Alcoholic Beverages. However, a person at least eighteen (18) years of age may serve

Alcoholic Beverages while acting in the capacity of a waiter or waitress, and a person at least sixteen (16) years of age may be employed as a stock clerk. Persons under the age of twenty-one (21) shall not serve as a bartender or barmaid in any Licensed Premises, or in any other capacity which is solely related to a Tavern or bar notwithstanding any provision in these Rules and Regulations to the contrary.

3.6 PURCHASE FOR RESALE.

A Licensee shall only purchase Alcoholic Beverages from a duly licensed manufacturer or wholesaler. A Licensee shall not sell Alcoholic Beverages to another Licensee. No Alcoholic Beverages shall be permitted on the Premises unless purchased in accordance with all applicable State, local and City laws and these Rules and Regulations.

3.7 CONTROLLED DANGEROUS SUBSTANCES.

A Licensee shall not permit the possession, transfer, sale, or use of controlled dangerous substances as defined in the Criminal Law Article of Annotated Code of Maryland. The conviction of persons engaging in such prohibited activity on the Premises shall be prima facie evidence to the Board of the Licensee's permission for that prohibited activity.

3.8 TRADE OR BUSINESS NAME.

A Licensee shall obtain a corrected trader's license and a corrected sales and usage tax license after changing any name or type of entity under which the Licensee or the Premises does business. The Licensee shall provide the City with such corrected trader's license and corrected sales and usage tax license within thirty (30) days of the name or entity change taking effect.

3.9 OFF-SITE DELIVERY BY CLASS A LICENSEES.

- A. A Class A Licensee shall not make off-site or off-Premises deliveries of Alcoholic Beverages without prior authorization from the Board. Such Board authorization shall be requested at each annual renewal if the Licensee proposes to begin or to continue off-site or off-Premises deliveries of Alcoholic Beverages. Requests for such authorization shall be made in a form prescribed by the Board and shall include a detailed description of the methods to be used to avoid delivery to persons under the age of twenty-one (21) years old.
- B. Provided a Class A Licensee has obtained the Board authorization specified in Section 3.09(A), that Licensee may allow its patrons to order deliveries of Alcoholic Beverages in person, by telephone, or electronically. The Licensee shall require that all such deliveries are made by one of its employees who is at least twenty-one (21) years of age. The Licensee shall ensure that deliveries are only made to persons who are at least twenty-one (21) years of age.

3.10 FAILURE TO MEET FOOD SERVICE REQUIREMENTS

- A. Any Licensee who fails to meet the minimum food service requirements established by any law, ordinance, or regulation shall be ordered by the Board to take curative measures within thirty (30) days of such order to bring the Premises into compliance with all applicable minimum food service requirements.
- B. At the conclusion of the thirty (30) day cure period, if the Licensee has failed to bring the Premises into compliance with all applicable minimum food services requirements, the Board shall consider the Licensee in violation of these Rules and Regulations, and the Board may exercise any and all powers granted it by Chapter 5 of these Rules and Regulations

CHAPTER 4 SIDEWALK CAFES

4.1 REQUIREMENTS FOR APPROVAL OF SERVICE OF ALCOHOLIC BEVERAGES.

Licensee seeking to amend its License to serve Alcoholic Beverages on a portion of the Premises comprising a Sidewalk Café shall make application on forms provided by the City Clerk. The Board shall consider such application and apply the same standards applicable to the issuance of a new Alcoholic Beverage License to this application.

4.2 ADHERENCE TO TERMS OF SIDEWALK CAFÉ PERMIT.

- A. Alcohol shall only be served in conjunction with service of food.
- B. A Licensee who fails to observe any terms of its Sidewalk Café Permit, including, but not limited to, number of seats and tables, unobstructed passage, service area as defined in accompanying and approved plans, requirements of the Historic Preservation Commission, and/or requirements of the Department of Public Works, shall be deemed in violation of its License, which License shall then be subject to the same sanctions as any other violation.
- C. Notwithstanding any contrary or different hours of operation in the License, a Licensee shall not sell, serve or allow consumption of Alcoholic Beverages on its Sidewalk Café within thirty (30) minutes before the Premises' permitted closing time.

CHAPTER 5 ENFORCEMENT AND PENALTIES

5.1 GENERAL POWERS OF ENFORCEMENT.

The Board may impose a fine on a Licensee, suspend or revoke an Alcoholic Beverage License, issue a warning, or take any other action not prohibited by law, ordinance, or these Rules and Regulations in order to serve the public interest.

5.2 INFRACTION CITATIONS AND HEARINGS.

Infractions of the Alcoholic Beverages Article of the Annotated Code of Maryland, the Code of the City of Annapolis, or of these Rules and Regulations shall cause a citation(s) to be issued to the Licensee or an authorized agent of the Licensee on the Premises. A copy of the citation shall then be delivered to the City Clerk and placed on the Board's agenda for a public hearing. The Licensee shall be notified of the time and place of the public hearing.

5.3 FINES, SUSPENSIONS, REVOCATIONS.

The Board, upon finding that a Licensee has violated the Alcoholic Beverages Article of the Annotated Code of Maryland, the Code of the City of Annapolis, or these Rules and Regulations, may order the Licensee to pay a fine not exceeding two thousand dollars (\$2,000.00) for each violation, or one hundred dollars (\$100.00) in the case of a violation of Section 3.03(I) of these Rules and Regulations, or may order the suspension or revocation of the License. In the discretion of the Board, previous violations shall be considered in determining the penalty. If the Licensee continues to keep its Premises open during any suspension period, there shall be no display of the stock of Alcoholic Beverages, and the stock of Alcoholic Beverages shall either be removed from the Premises or shall be hidden from view by shutters, blinds, or doors, or shall be stored within closets or cabinets so as not to be visible, and such shutters, blinds, doors, closets or cabinets shall be locked with padlocks that are visible to the observer.

Orders of the Board shall become effective immediately. Copies of all decisions of the Board shall be posted in City Hall and mailed to the Licensee.

5.4 WARNINGS.

The Board may, in lieu of a fine, suspension or revocation, issue warnings to a Licensee. The Board may consider any and all such warnings in determining the disposition of any subsequent violations.

ALCOHOL AWARENESS PROGRAM

6.1 TRAINING.

- A. At all times while alcohol is sold or served, the Licensee shall have at least one (1) person on the Premises who has successfully completed training in an Alcohol Awareness Program.
- B. Certification under such an Alcohol Awareness Program shall be valid for a period of four (4) years from the date of successful completion, and re-certification shall be required for each successive four (4) year period.
- C. If a Licensee is found guilty of serving an underage person, the Board may, in its discretion, require re-certification in an Alcohol Awareness Program.

AMUSEMENT TAX

7.1 COLLECTION AND RECORDS.

- A. A Licensee shall pay and/or collect all applicable Admissions and Amusement Taxes, as defined and required by the State Comptroller and Title 4 of the Tax-General Article of the Annotated Code of Maryland, and as may be further required by a legislative act or resolution of the City Council.

- B. A Licensee shall submit all tax returns and shall maintain all records related to Admissions and Amusement Taxes, as required by the State Comptroller and Title 4 of the Tax-General Article of the Annotated Code of Maryland. The Licensee shall simultaneously send the Board copies of any returns, records, and/or reports that the Licensee sends the State Comptroller.

CHANGES TO THESE RULES AND REGULATIONS

8.01 NOTICE REQUIRED.

Before the Board shall deliberate and vote on any proposed revisions, changes, or modifications to these Rules and Regulations, the Board shall provide written notice to the City Council and all License Holders of all such proposed revisions changes or modifications and shall comply with the public notifications requirements of Section 2.04.090 of the City Code.

**APPENDIX A
TYPES AND CLASSES OF LICENSES; FEES**

(R-10-14)
(Effective July 1, 2014)

A, off sale, Package Goods Retail Store:

-1	Six a.m. to twelve midnight, Monday through Saturday	
	Beer.....	\$730
	Beer and Light Wine	\$1,810
	Beer, Wine and Liquor	\$3,280
-2	Six a.m. to twelve midnight, seven days per week (special Sunday License)	
	Beer.....	\$880
	Beer and Light Wine.....	\$2,320
	Beer, Wine and Liquor.....	\$4,140
.b	Plus Beer, Wine and Liquor tasting	
	Beer, Light Wine and Liquor	\$480
.g	Refillable Container with current off sale privilege.....	\$50
	Refillable Container without current off sale privilege.....	\$500

B, Restaurant:

-1	Only with meals, six a.m. to twelve midnight, Monday through Saturday	
	Beer.....	\$510
	Beer and Light Wine.....	\$1,190
	Beer, Wine and Liquor.....	\$1,890
-2	Only with meals, six a.m. to twelve midnight, seven days per week (special Sunday License)	
	Beer	\$760
	Beer and Light Wine.....	\$1,470
	Beer, Wine and Liquor	\$2,230
-3	On sale, six a.m. to twelve midnight, Monday through Saturday	
	Beer	\$680
	Beer and Light Wine	\$1,890
	Beer, Wine and Liquor	\$2,940
-4	On sale, six a.m. to twelve midnight seven days per week (special Sunday License)	
	Beer	\$1,190
	Beer and Light Wine	\$2,410
	Beer, Wine and Liquor	\$3,800
.x	In addition, sales as authorized from twelve midnight to two a.m.	
	Beer	\$410

Beer and Light Wine	\$1,020
Beer, Wine and Liquor	\$1,360

.a	In addition, off-sale Monday through Saturday during hours	
	Beer.....	\$210
	Beer and Light Wine	\$410
	Beer, Wine and Liquor	\$920

.b	In addition, off-sale Sunday during authorized hours (special Sunday License)	
	Beer.....	\$110
	Beer and Light Wine	\$160
	Beer, Wine and Liquor	\$410

.g	Refillable Container with current off sale privilege.....	\$50
	Refillable Container without current off sale privilege.....	\$500

C, Clubs:

	On sale, six a.m. to two a.m., seven days per week	
	Beer	\$1,130
	Beer and Light Wine	\$1,890
	Beer, Wine and Liquor	\$2,260

D, Taverns:

-1	On sale, six a.m. to twelve midnight, seven days per week (special Sunday License)	
	Beer	\$1,130
	Beer and Light Wine	\$2,070
	Beer, Wine and Liquor	\$3,090

.a	In addition, off-sale, Monday through Saturday during authorized hours	
	Beer	\$560
	Beer and Light Wine	\$680
	Beer, Wine and Liquor	\$1,070

.b	In addition, off-sale Sunday during authorized hours (special Sunday License)	
	Beer	\$160
	Beer and Light Wine	\$250
	Beer, Wine and Liquor	\$420

.c	Plus, on-Premise Wine Tasting	
	Light Wine	33% of base fee

.g	Refillable Container with current off sale privilege.....	\$50
	Refillable Container without current off sale privilege.....	\$500

E, Hotels:

-1	On sale, six a.m. to twelve midnight, seven days per week (special Sunday License)	
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Beer	\$1,020
Beer and Light Wine.....	\$2,410
Beer, Wine and Liquor	\$3,460

.x	In addition, sales as authorized from twelve midnight to two a.m.	
	Beer	\$610
	Beer and Light Wine	\$1,020
	Beer, Wine and Liquor	\$1,890

.a	In addition, off-sale Monday through Saturday during authorized hours	
	Beer	\$410
	Beer and Light Wine	\$610
	Beer, Wine and Liquor	\$820

.b	In addition, off-sale Sunday during authorized hours (special Sunday License)	
	Beer	\$160
	Beer and Light Wine	\$210
	Beer, Wine and Liquor.....	\$280

F, Yacht Clubs

	On sale, all hours, seven days per week (special Sunday License)	
	Beer.....	\$2,270
	Beer and Light Wine	\$4,560
	Beer, Wine and Liquor	\$6,830

ICA, Institutions for the Care of the Aged

	On sale, seven days per week, during authorized hours	
	Beer, Wine and Liquor	\$2,660

WB, Wine Bars

	On and off sale, seven days per week, eleven a.m. to twelve midnight, Monday through Sunday	
	Beer and Wine	\$2,300

APPENDIX B
APPROVAL OR DENIAL OF A LICENSE APPLICATION

Effective: July 1, 2016

MD Code, Alcoholic Beverages, § 4-210

Formerly cited as MD CODE, Art. 2B, § 10-202

§ 4-210. Approval or denial of license application

Factors in deciding whether to approve license application

(a) Before deciding whether to approve an application and issue a license, a local licensing board shall consider:

- (1) the public need and desire for the license;
- (2) the number and location of existing license holders;
- (3) the potential effect on existing license holders of the license for which application is made;
- (4) the potential commonality or uniqueness of the services and products to be offered by the business of the applicant;
- (5) the impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience; and
- (6) any other factor that the local licensing board considers necessary.

Grounds for denial of license application

(b) The local licensing board shall deny a license application:

- (1) if the local licensing board determines that:
 - (i) the granting of the license is not necessary to accommodate the public;
 - (ii) the applicant is not a fit person to receive the license;
 - (iii) the applicant has made a material false statement in the application;
 - (iv) the applicant has acted fraudulently in connection with the application; or
 - (v) if the license is issued, the operation authorized by the license would unduly disturb the peace of the residents of the neighborhood of the location described in the application; or
- (2) for other reasons that the local licensing board considers sufficient.

Approval of license application

(c) Subject to subsection (a) of this section, if a local licensing board does not find grounds listed under subsection (b) of this section to deny a license application, the application shall be approved and the local licensing board shall issue the license for which application is made on payment of the fee required to the local collecting agent.

**** Approved by the ABCB APRIL 3, 2019****