

Rules and Regulations of the
Board of
License Commissioners
for
Anne Arundel County



2010

TO ALL LICENSEES

The Board of License Commissioners publishes this book to acquaint all licensees and their employees with the Rules and Regulations governing the sale of alcoholic beverages at retail in Anne Arundel County. Study these Rules carefully and make sure all employees are familiar with them.

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Chairman

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ORDERED by the Board of License Commissioners of Anne Arundel County this 24th day of January, 2006, that pursuant to the power invested in it by Section 16-301 (a) of Article 2B of the Maryland Code, the Rules and Regulations effective February 1, 2009, are hereby amended by the Amendments, a copy of which is attached to this order are hereby approved and adopted by this Board to regulate the sale of alcoholic beverages at retail in Anne Arundel County and to govern all parties in proceedings before the Board.

*Amendments effective March 1, 2008

**Amendments effective October 1, 2007

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Chairman

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RULES AND REGULATIONS OF THE BOARD OF LICENSE
COMMISSIONERS FOR ANNE ARUNDEL COUNTY

Chapter 1.
GENERAL PROVISIONS

1.01 ATTORNEY

Wherein these Rules and Regulations it is provided that a party may act, such act may be performed by his attorney except as otherwise provided. Where any notice is to be given, by or to a party, such notice may be given by or to the attorney for such party.

1.02 DEFINITIONS

(a) Affidavit

"Affidavit" means an oath or affirmation sworn or made before an officer or other person authorized to administer an oath or take affirmation that the matters and facts set forth in the paper writing to which it pertains are true to the best of the affiant's knowledge, information and belief.

(b) Attorney

"Attorney" means an attorney at law admitted to the bar of the Court of Appeals of Maryland.

(c) Board

"Board" means the Board of License Commissioners of Anne Arundel County.

(d) Licensee

"Licensee" means any individual whose name appear(s) on a license issued by the Board, who is a citizen of the United States; and is, able to speak,

understand, read and write the English language in a proficient manner, said provision shall not take effect for existing licensee(s) until April 1, 1999, and is a person of good moral character and repute. With regard to any practice stated in these Rules and Regulations, the term "Licensee" shall also include any agent, servant, or employee of a licensee as herein defined.

(e) Person

"Person" means any natural person of either sex for purposes of these Rules and Regulations only.

(f) Taxpayer

"Taxpayer" means person paying taxes on real property in Anne Arundel County.

(g) Restaurant

"Restaurant" means any lunchroom, cafe or other establishment located in a permanent building with ample space and accommodations wherein hot meals are habitually prepared, sold and served to the public at least twice daily. A restaurant shall be equipped with a public dining room with sufficient tables, chairs, cutlery and glassware to serve meals prepared therein. It shall be equipped with a kitchen having complete facilities and utensils for preparing and serving hot and cold meals to the public. There shall be employed a sufficient number of cooks, waiters and waitresses to serve the number of patrons provided for in the dining room. It shall maintain a menu advertising the serving of a variety of hot meals. There shall be on the premises at all times sufficient food to fill orders from the menu. No drug, grocery, candy, or confectionery store shall be construed to be a restaurant.

(h) Premises

“Premises” shall be construed to include any building, parking lot, terrace or grounds, which form an integral part of said licensed premises.

(i) Light Wine

“Light Wine” means any naturally fermented wine containing not in excess of 15.5 percent of alcohol by volume.

(j) Classes of Licenses

Class A (Wine only)

Light Wine License to be issued to the holder of a Class 4, Manufactures License or the holder of a Class 3, Manufactures license that makes wine from agricultural products grown in Maryland.

Class A (Beer & Wine)

(Beer, Wine & Liquor)

Off sale only, no consumption on the licensed premises.

Class B (Beer & Wine)

(Beer, Wine & Liquor)

Restaurant, on and off sales. Must operate a kitchen and serve hot meals at least twice daily.

Class B-LSH (Beer & Light Wine)

Limited Service Hotel, on and off sale. Allows for Sunday sales. For use in a hotel that contains more than 100 rooms and operates a kitchen licensed as a food service facility and authorizes the licensee to sell beer and light wine in containers to registered guest, who may consume the beverage in their hotel rooms or remove unopened containers from the hotel premises.

Class BLX (Deluxe Restaurant) Maximum of 6

(Beer, Wine & Liquor)

Restaurant, on sale only. Must qualify as a restaurant, minimum of 100 seats for dining, no more than 25% of seating capacity in the cocktail lounge/bar area, parking facilities for minimum of 75 vehicles and a minimum capital investment of at least \$800,000 exclusive of the cost of land/buildings. Furtherance of the provisions contained in Article 2B, Section 8-202.1

Class C (Beer & Wine)

(Beer, Wine & Liquor)

Club license, on sale only. Must be a nationwide bona-fide non-profit organization or fraternal/service organization. Must have no less than 100 persons and dues not less than \$5.00 per person. On premise consumption by members and guests only.

Class D (Beer & Wine)

(Beer, Wine & Liquor)

Tavern, on and off sales.

Class D (Beer & Wine)

(Beer, Wine & Liquor)

Tavern, limited to on premise consumption only.

Class H (Beer & Wine)

(Beer, Wine & Liquor)

Restaurant, on premise consumption only.

Must operate a kitchen and serve hot meals at least twice daily.

HMR Complex

Hotel, Motel, Restaurant Complex, on sale only. Allows for Sunday sales, music and dancing.

SAC

Special Airport Concessionaire Licenses, permits an individual, association of individuals, or a corporation which is a lessee, sub-lessee, or a concessionaire at any airport, without further residential, voting or locative qualifications, to obtain an airport concessionaire license for the sale of any and all alcoholic beverages within the airport terminal buildings. Special Airport Concessionaire License permits a licensee to hold a license for multiple locations within the terminal building, even if the person already holds one or more alcoholic beverages licenses of any type issued by the Board.

SATB

Special Airport Terminal Buildings, permits the sale of any and all alcoholic beverages within the confines of the airport terminal buildings.

SCC

Special Country Club license, permits the sale of alcohol for on sale only, must have at least 200 members with dues not less than \$75.00 annual, must have two (2) or more tennis courts and a swimming pool at least 30' x 80' in size.

SGCC

Special Golf & Country Club, permits the sale of alcohol for on sale only, must have at least 200 members with dues not less than \$75.00 annual, must have two (2) or more tennis courts, a swimming pool at least 30' x 80' in size, and a regular or championship golf course of nine (9) holes or more.

SRC

Special Resort Club, permits the sale of alcohol for on sale only, recreational area of ten (10) or more acres with beach facilities and to be able to accommodate five hundred (500) or more persons at one time.

SYC

Special Yacht Club, permits the sale of alcohol for on sale only, with fifty (50) or more bona-fide members with dues not less than \$75.00 per year per member. Must maintain a clubhouse with seating capacity of at least 100 persons and slips/berths for 75 boats or more and at least one (1) acre of ground.

SRT

Special Race Track, permits the sale of any and all alcoholic beverages within the confines of the racing park. The hours during which sales of alcoholic beverages may be made are from two hours preceding the running and/or simulcasting any authorized race until two hours after the running and/or simulcasting any authorized race, and not otherwise.

AABWF

Special Beer and Wine Festival, permits the sale of beer and wine at the Anne Arundel County Beer and Wine Festival in accordance with Section 8-302 of Article 2B of the Annotated Code of Maryland. The annual fee for such license shall be \$2,500.00 and said license can only be issued to a holder of an existing State Retail Alcoholic Beverage License, State Class 3 Winery License, or State Class 4 Winery License issued pursuant to Article 2B. A special AABWF license shall only be accepted during the month of

November of the preceding year for which the festival is to be held, and a hearing shall be held on the issuance of the license commencing in January of the year for which the festival is to be held. The Board shall have the authority to limit or condition the license in any manner deemed reasonable by the Board in furtherance of the provisions contained in Article 2B, Section 8-302.

SPECIAL LICENSES

Special 1-day (Beer & Wine) (Beer, Wine & Liquor)

On sale only. Issued only to persons holding any event by a non-profit club, society or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

Sunday

Allows for Sunday sales.

Music

Licensee is permitted to play recorded music of any kind, without dancing.

Dancing

Licensee is permitted to have live and/or recorded music, dancing, and other legal forms of entertainment if located at least 100 feet from all residentially zoned property.

Wine Tasting

(a) Permits issued to Class A licenses only, for tasting purposes, on premises, of light wine. The licensee may not serve more than one (1) ounce for each given brand to any one (1) person.

*(b) Permits issued to a Class D (Beer & Wine), on sale, for taverns without music, dancing, or other similar entertainment:

(c) Permits issued to a Class D (Beer & Wine), on sale, for taverns with music, but, without dancing, or other similar entertainment.

Beer-Wine Tasting

Permits issued to Class A licenses only, for tasting purposes, on premises, of light wine and beer. The licensee may not serve more than one (1) ounce of light wine from each given brand to any one (1) person; and beer to be served in the quantity of not more than three (3) ounces to any one (1) person.

Wine Sampling

Permits issued to bona fide non-profit organization(s) only. Authorizes the consumption of wine for tasting or sampling purposes: on Class B (Beer & Wine) (Beer, Wine & Liquor) licensed premises with the consent of the licensee; or on premises without a permanent alcoholic beverages license. The permit holder may not serve more than two (2) ounces from each brand to any one (1) person. Non-profit organization shall apply fifteen (15) days prior to the day of issuance; and may not be issued more than twelve (12) permits a year. The permit holder is authorized to bring wine on a Class B licensed premises for sampling or tasting only.

Late hours

May be issued to a Class B license, Hotel, Motel, Restaurant Complex license, Class A license with retail sale of alcoholic beverages which do not exceed 25 percent of the licensee's total retail volume, Class H license, or to any bowling alley holding a Class B or Class D license, with twenty (20) lanes or more. Permits the holder to serve food only until specified hour. All alcoholic beverages must be kept under lock and key between the hours of 2:00 a.m. and 6:00 a.m.

1.03 TIME

In computing any period of time prescribed or allowed by these Rules and Regulations, the method of computation of time provided by the Maryland Rules of Procedure promulgated by the Court of Appeals of Maryland, shall govern.

**1.04 Prohibited Distance From Certain Uses

An off-sale alcohol beverage license use shall be located away from public parks, schools, and religious facilities by at least the distance required by Article 2B, Section 9-203 (c) of the State Code. For structures, the distance shall be measured in a straight line from entry to entry except that when measuring distance from a public park, the distance shall be measured from entry of the off-sale alcoholic beverage use to the lot line of the park. This section does not apply to:

1. The City of Annapolis;
2. Any transfer or assignment of a license located within the one thousand (1,000) foot requirement;
3. Any non-profit club or non-profit organization;
4. Any restaurant destroyed by fire, flood, wind, storm or any other act of God and which held a valid alcoholic beverage license at the time it was destroyed if a new community recreational facility, parks, schools or places of worship has not been constructed within the one thousand (1,000) foot requirement ;
5. Any Class H (Beer, Wine) License (on sale) or Class H (Beer, Wine, Liquor) License (on sale);
6. Any Hotel-Motel-Restaurant Complex (Beer, Wine) or Hotel-Motel-Restaurant Complex (Beer, Wine, Liquor) (on sale) or Limited Service Hotel (Beer, Light Wine) (on and off sale) or
7. Any Off Sale License located within the Piney Orchard Plan Units Development (PUB) Area as set forth in Article 27 of the Anne Arundel County Code, Section 10-103, effective May 12, 2005.

Chapter 2. PROCEDURE

2.01 Application

(a) Application for a license, or the transfer or renewal thereof, shall be made upon printed forms obtainable at the office of the Board. The information requested thereon shall be filled in by the applicant or under his personal supervision and shall be typewritten, printed or written in ink or indelible pencil so as to be easily legible. Application for every such license shall disclose the name(s) and address(s) of the corporation, partnership, association or limited liability company, as well as the name(s) and address(s) of the applicant(s), officers, directors, partners, members and stockholders as applicable. An original and six (6) copies of all applications and supporting documentation shall be submitted to the Board. Nothing in this shall apply to Special One-Day Licenses.

(b) Original and six (6) copies of any exhibit(s) which an applicant(s) for a license, or a licensee or other interested parties intends to submit as evidence in any hearing before the Board shall be presented to the Board at least ten (10) working days prior to the scheduled hearing date. At the hearing, the Board, may excuse the failure to comply with this provision.

2.02 Application Fee

No application for the issuance of a license, or transfer, shall be accepted unless made on forms prescribed by the Board, and unless an application fee of *six hundred dollars (\$600.00) is paid.

2.03 Renewal Application

(a) All applications for renewal of licenses must be filed with the Board on or before April 1, of each year on forms furnished by the Board.

(b) An application for renewal of licenses for a corporation shall include an original certificate of Good Standing from the State Department of Assessments Taxation for said corporation.

(c) In the event an application for renewal is filed after April 1st, but prior to May 1st, of the year in which the renewal is due, the applicant(s) shall be subject to a fine of six hundred dollars (\$600.00) plus Fifty Dollars (\$50.00) for each day the application is late. The Board, for good cause shown, may waive all or any part of the fine.

(d) An applicant for the renewal of a license shall pay a nonrefundable fee of \$50.00 in addition to the annual license fee.

*2.04 Partnerships and Individuals

A license for a partnership shall be applied for and issued to all of the partners, as individuals, all of whom shall (has, have) been a resident, registered voter and taxpayer of Anne Arundel County for two (2) years next preceding the filing of this application. All partners shall continue to be a registered voter, reside in and a taxpayer of Anne Arundel County during the holding of this license.

*2.05 Corporations

A license for a corporation shall be applied for and issued to three (3) of the officers of such corporation, as individuals, for the use of the corporation, at least one (1) of whom shall have been a resident, registered voter and taxpayer of Anne Arundel County for two (2) years next preceding the filing of this application. Such officer shall continue to be a registered voter, reside in and be a taxpayer of Anne Arundel County during the holding of this license. In the event that a corporation has less than three (3) officers and/or directors, the license shall be issued to those numbers of officers and/or

directors of the corporation.

If the application is made for a club, whether incorporated or unincorporated, the license shall be applied for and be issued to three (3) of the officers of such club, as individuals, for the use of the club, at least one (1) of whom shall have been a resident, registered voter and taxpayer of the Anne Arundel County for two (2) years next preceding the filing of this application. Such Officer shall continue to be a registered voter, reside in and be a taxpayer of Anne Arundel County during the holding of this license. In addition, the application shall also, set forth the names and addresses of all the officers of such club and shall be signed by the president or vice-president thereof, as well as by the three (3) officers to whom the license shall be issued.

*2.06 Limited Liability Company

A license for a limited liability company shall be applied for by and issued to three (3) of the authorized persons of that limited liability company, as individuals, for the use of the limited liability company, at least one (1) of whom shall have been a resident, register voter and taxpayer of Anne Arundel County for at least two (2) years next preceding the filing of this application. Such authorized person shall continue to be a registered voter, reside in and be a taxpayer of Anne Arundel County during the holding of this license. In addition, the application shall also, set forth the names and addresses of each of the authorized persons and shall be signed by the three (3) authorized persons to whom the license shall be issued. In the event that there are less than three (3) authorized persons of the limited liability company, all authorized persons shall make application.

2.07 Notice of Hearing

(a) Applicant or Licensee(s) shall cause a suitable sign or notice to be posted and to remain posted for a period of ten (10) days in a conspicuous place upon the premises described in the application. The posting shall be done at least ten (10) days before action upon the application, and the notice shall also specify the class of license applied for and the time and place fixed by the Board for hearing upon the application.

(b) At least ten (10) days before any hearing shall be heard by the Board upon any charge of violation of rules, regulations or laws governing the sale of alcoholic beverages, the Board shall cause to be served upon the licensee charged therewith, a summons containing the following information:

1. Name and address of the licensee as it appears on the application.
2. The rules, regulations or laws which the licensee is charged with having violated, together with the date of such violation if it relates to a specific instance.
3. Time and place of hearing.
4. Licensee shall be notified that he may have counsel present at the hearing.

(c) A copy of the investigative report or complaint may be obtained from the office of the Board of License Commissioners between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday until the date of the hearing.

(d) Summon(s) may be served personally any licensee. If the licensee is not present when the summon(s) is sought to be served, the summon(s) may be served upon any employee of the licensee on the premises, and in addition thereto said summon(s) shall be mailed to the licensee(s) by first (1st) class postage prepaid mailed to the address of the licensee(s) on file with the Board.

2.08 Protest

(a) A protest against the issuance or transfer of any license shall be filed in writing at the office of the Board on or before the day fixed by the notice of hearing or any postponement of such time, or shall be made in person at that hearing.

(b) A person may be represented by an attorney at law admitted to practice before the Court of Appeals of Maryland. An attorney acting in a representative capacity shall file with the Board a written entry of appearance. The entry of appearance shall state:

1. The attorney's name, office address and telephone number; and
2. The names and addresses of the person(s) represented.

(i) Protest against the renewal of any expiring license shall be filed by not less than ten (10) residents or real property owners of the precinct in which the license premises is located. Such protest shall be in writing and filed with the Board during the month of March before the expiration of the license for which renewal is sought.

(ii) Protest against the renewal of any expiring license may be filed by the Board, and in such instances, the Board shall submit its reasons for protest to the licensee(s) at least thirty (30) days before the date of expiration of the license.

(c) The original and six (6) copies of any exhibit(s) which an applicant(s) for a license, or a licensee or other interested parties intends to submit as evidence in any hearing before the board shall be presented to the Board at least five (5) working days prior to the scheduled hearing date. At the hearing, the Board may excuse the failure to comply with this provision.

2.09 Membership Clubs

No license, except Class "C" shall restrict the use of his premises or any part thereof as a membership club without prior approval of the Board.

2.10 Transfers

(a) In transfer of ownership at the same location, the only issue the Board shall consider is the fitness of the applicant to hold an alcoholic beverage license.

(b) In any transfer in location of licensed premises, the question of public convenience and accommodation shall be determined.

(c) An original Certificate of Good Standing from the State Department of Assessments and Taxation shall accompany every application for transfer of ownership of a license to a corporation or an application to transfer the location of the licensed premises for a license issued to a corporation.

(d) No alcoholic beverage license in Anne Arundel County may be renewed or transferred unless the owner of it has actively engaged in the sale of alcoholic beverages as authorized by the license within one (1) year prior to the date of application for renewal or transfer. Any attempted renewal or transfer of a dormant license not in accordance with the provisions of this section is null and void. The re-issuance of any license to any licensee whose license was not renewed under the provisions of these rules section is subject to the hearing, notice and other provisions of Article 2B, Section 10-202(d), except if the main building on the premises is destroyed by fire, wind or flood the Board of License Commissioners may renew the license if it has been proven that the licensee is making substantial efforts to restore, replace or repair the building. This extension shall be effective for one (1) year from the date of approval by the Board. If the license desires another extension, he/she shall follow the same procedure. The licensee shall pay the license fee for each year even though the establishment may not be opened.

(e) The words “transfer or assignment” as used in Subsection (e) shall mean the transfer or assignment of a license from the licensee to whom issued, to a new licensee and shall not mean the relocation of a license permitting the sale of alcoholic beverages on the premises designated in the said license.

(f) The words "extended for the same building” as used in Subsection (e) of this section shall be construed to mean the extension of the area of the premises licensed and shall not be construed to mean a change in the operational classification of a license now existing, excepting when such change is from a Class B, C or D license to a Class H license.

2.11 Multiple Applications

In the event an application for a new license, increased privileges, transfer or transfer of location is denied, the applicant shall not be permitted to reapply for any other license, privilege or transfer of location for period of one (1) year from the date of such denial. A withdrawal of the application must occur forty-eight (48) hours prior to the hearing to waive the aforesaid provision.

In addition, if an application for a license is refused, other applications for a license for the same premises shall not be made by anyone for a period of one (1) year from the date of such denial. If a license for a certain premises is twice refused, other applications for a license for the same premises shall not be made by anyone for a period of two (2) years from the date of the second refusal.

2.12 Zoning

No license shall be issued which will result in a use of premises, which violates any zoning or other statutory land use restriction.

2.13 Transferors Obligations

The Board of License Commissioners for Anne Arundel County shall not approve an application for transfer of a license unless all obligations of the transferor (former licensee) pertaining to the licensed establishment have been fully paid or some arrangement concerning debts and obligations satisfactory to his creditors has been made. The Board shall not be bound by this prohibition unless a bona fide creditor submits his claim, under affidavit, to the Board prior to a hearing held on the transfer and the claim involves an indebtedness, which was incurred in the operation of the licensed premises.

The provisions of this subsection shall also apply to an application for a new license whenever it shall appear to the Board that the application for a new license is being used as a subterfuge for avoiding the aforesaid provisions regarding transfer of licenses. The Board of License Commissioners for Anne Arundel County may not permit the transfer of an alcoholic beverages license until the transferor has complied with the Bulk Transfers Act, Commercial Law Article, Title 6, and has certified such compliance, by affidavit to the Board.

2.14 Vacation of Premises by licensee, Eviction

On the tenth day after the holder of any license issued under provisions of Article 2B, shall have vacated, or been ejected from the premises for which said license was issued, said license shall expire unless an application for approval of a transfer thereto another location or assignment to another person pursuant to Section 10-503, of Article 2B or an application pursuant to Section 10-506, of Article 2B has been approved or is then pending, providing, however that, the Board may postpone such expiration, prospectively or retrospectively, for an additional period not exceeding twenty (20) days in any to avoid undue hardship.

2.15 Penalties

All orders of the Board shall take effect immediately. Suspensions and revocations of license privileges shall begin within ten (10) days of the order and shall be in consecutive days.

The Board of License Commissioners may impose a fine of not more than \$2,500.00 or suspend the license or both for any violation that is cause for suspension and shall be imposed within ten (10) days of the order.

2.16 Judicial Review

Licensees desiring a Judicial Review from any order shall file with the Clerk of the Anne Arundel County Court a Petition for a Judicial Review. The petition for Judicial Review shall be filed within thirty (30) days of the order of the Board and a check in the amount of fifty (50) dollars, shall be paid to the Board at the time of filing such petition to cover the cost of the Judicial Review and copying of the pertinent papers. The cost of the transcript of testimony shall be borne by the petitioner. Orders for such transcription shall be placed with the Board in accordance with the Maryland Rules of Procedure.

2.17 Alcohol Awareness

(a) A holder of any class of retail alcoholic beverage license (with the exception of Temporary License) or an employee(s) designated by the holder shall complete training in an approved Alcohol Awareness Program. This training is valid for a period of four (4) years, and the holder or a designated employee shall complete training for each successive four (4) year period. Licensee(s) violating the above provisions are subject to:

1. For the first offense, a one hundred dollar (\$100.00) fine; and
2. For each subsequent offense, a fine not to exceed five hundred dollars (\$500.00), or suspension or revocation of the license, or both.

(b) Licensee(s) or designated employee(s) shall forward a copy of certification received upon completion of training to the Board within ten (10) days after receipt of program provider's certificate of completion.

2.18 Maryland Sales & Use Tax License

Every licensee shall supply the Board with a copy of their Maryland Sales & Use Tax License, said license shall be enforced prior to the issuance of any alcoholic beverage license by the Board.

**2.19 Quorum

The Board may function with only one (1) Commissioner if the other two (2) Commissioners are unavailable for reasons other than recusal, the licensee or applicant may request one (1) continuance.

Chapter 3.
STANDARDS OF OPERATIONS

****3.01 Ownership and Operation**

(a) Every licensee shall be the actual owner and operator of the business conducted on the licensed premises. The identity of any person, not a licensee, having any financial interest in said business shall be disclosed to the Board in writing.

(b) Licensees of one (1) establishment cannot work, be employed by, or be a manager of another licensed establishment except pursuant to, Article 2B, Section 9-102 (h-1).

(c) All licensees shall file a Management Agreement for any and all manager(s) at their establishment, on forms provided by the Board.

*(d) All managers must be citizens of the United States; able to speak, understand, read and write the English language in a proficient manner; and be a fit and proper person to the same extent as a licensee is required under Article 2B. This provision shall not apply to management agreements existing prior to October 1, 2007.

3.02 Cooperation

(a) Licensees shall cooperate with the representatives of the Board, members of the Police Department, Fire Department, Health Department, Buildings Engineer's office, Grand Jury and representatives of other government agencies whenever any such person(s) are on official business.

(b) Licensees shall, in time allotted by the following, conform with all lawful requirements specified by representatives of the Board, members of the Police Department, Fire Department, Health Department, Buildings Engineer's office, Grand Jury and representatives of other government agencies whenever any such person(s) are on official business.

3.03 Records

(a) Licensees shall keep accurate records of all purchases of alcoholic beverages for a period of two (2) years from the date of each purchase. Such records shall include the date of each purchase, the quantity purchased, and the names and addresses of each seller. Such records shall be open for inspection at all times by duly authorized representatives of the Board.

(b) Licensees shall keep on their premises records containing legal names, aliases, addresses, ages and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Anne Arundel County and other government agencies.

3.04 Lighting

(a) Licensees shall have every portion of their licensed premises, which is open to the public, illuminated by sufficient natural or artificial lighting to insure clear visibility and to permit patrons to read a menu or newsprint.

3.05 Sanitation and Safety

(a) Licensees shall operate their establishments at all times in accordance with the requirements of the Health Department of Anne Arundel County, the Building Code of Anne Arundel County, the Plumbing Code of Anne Arundel County, the Rules and Regulations of Anne Arundel County Fire Preventions Code.

3.06 Rest Room Facilities

Licensees shall provide for patrons on the licensed premises separate toilet facilities for each sex. All rest rooms shall be entirely enclosed and separate and apart from rooms where food or drink is stored or served. All rest rooms shall have self-closing doors. In all rest rooms containing more than one toilet, each toilet shall be installed in a separate enclosure. All rest rooms shall be adequately lighted. All rest rooms shall contain mechanical ventilation. The equipment of all rest rooms shall consist of the following, which shall be in proper working order at all times:

(a) Walls consisting of ceramic tile or good conditioned plaster, cinder block or concrete walls painted with an epoxy compound or sealed with a good grade sealer and painted with a good grade, high gloss, lead free oil base paint at least four (4) feet in height; and

(b) Floor made of terrazzo, quarry tile flooring, ceramic floor tile (non-skid), vinyl tile, well laid on solid floor with vinyl type baseboard, or smooth poured concrete painted with an epoxy compound (non-skid); and

(c) Equipment and Services including

1. Properly operating toilet (open seat type) and urinals of porcelain or vitreous earthenware; and
2. Porcelain hand washing basin with hot and cold running water; and
3. Individual towels and soap; and
4. Covered waste receptacle in women's rest room.

All rest rooms shall be regularly cleaned. Walls, floors and equipment must be maintained in a clean and sanitary condition at all times. Rest rooms must be cleaned at least once daily with intermittent cleaning as necessary during the time the premises are open to the public.

3.07 Running Water

Licensees shall provide hot and cold running water at all bar fixtures, rest rooms, and in all kitchens.

3.08 Employee Sanitation

Licensees shall have prominently displayed in the kitchens and rest room facilities used by employee(s) placards issued by the Health Department of Anne Arundel County pertaining to the washing of hands after leaving the rest room facility.

3.09 Public Welfare

Licensees shall operate their establishment in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community.

3.10 Telephone

Licensees shall provide on the licensed premises telephone equipment, the number or call signals of which shall be on file with the Board. Licensees shall also provide a number where they can be reached when the premise is closed for business.

3.11 Sales and Consumption Adjacent to Premises

(a) The Board of License Commissioners of Anne Arundel County is hereby authorized and empowered to permit the sale and consumption of any alcoholic beverages permitted by law to be sold in the first, second, third, fourth, fifth, seventh and eighth taxation districts of Anne Arundel County, on or in any parking lot, picnic grounds, building or terrace which forms an integral part of the licensed premises. Permission for such sales and consumption must be in writing from the Board.

(b) It shall be unlawful for any person to consume any alcoholic beverages outside the structure, but on the premises which forms an integral part of any establishment possessing a valid alcoholic beverage license. Included in this section shall be shopping center parking lots where there is an alcoholic beverage license located in the shopping center and on any parking lot for the use of the public that is adjacent to the premises with an alcoholic beverages license. The provisions of this section shall not apply to any person, firm, organization that has obtained a valid license or permit from the Board of License Commissioners for Anne Arundel County.

3.12 Display of Licenses, Certificates and Stamps

Every person receiving a license under the provisions of these rules and regulations shall frame the license, as well as all other applicable state, federal and local licenses, certificates and/or stamps required for operation, under glass and place the same so that they shall at all times be conspicuous and easily read in the place of business.

3.13 Trade Names

No licensee may change the name of his establishment without prior approval from the Board of License Commissioners. The Trade name shall be displayed prominently on the outside of the licensed establishment.

3.14 Employees

(a) A person eighteen (18) years of age or older may serve any alcoholic beverage while serving as a food service waiter or waitress in a restaurant.

(b) No person under the age of twenty-one (21) may act as a bartender, barmaid, waiter or waitress in any solely bar or lounge related capacity.

(c) No person under the age of twenty-one (21) may act as a package goods clerk. A person sixteen (16) years of age or older may work as a stock clerk stocking alcoholic beverages.

3.15 Entrance and View

Every tavern license holder shall operate in a building with an entrance door from the street or public road and shall sell alcoholic beverages only in a room with one or more plain glass windows on a street or highway so as to provide an unobstructed view of the interior from the outside at all hours during which sales are prohibited.

Chapter 4.
PROHIBITED PRACTICES

4.01 Minors

(a) No licensee, his agent or employee may in any way furnish, allow consumption, or sell any alcoholic beverages to any person under the age of twenty-one (21). This does not prohibit the employment of any person under the age of eighteen (18) by the holder of such license or in said establishments for any lawful purpose other than selling, delivering or otherwise dealing with alcoholic beverages.

(b) Every licensee shall keep on the licensed premises and available for inspection by any agent of the Board, a book containing the signature of any person whose age has been questioned in connection with the purchase of alcoholic beverages, who has presented documentary proof to substantiate his age for the purpose of purchasing alcoholic beverages. The book shall contain copies of the following form upon which the licensee, his agent or employee shall record all information required on the form which shall be signed by the seller and the purchaser. This form is not furnished by the Board and shall therefore be prepared by the licensee for his own use.

(c) It shall be unlawful for any person having a license to keep a pool or billiard table or tables to permit or knowingly allow any minor under the age of eighteen (18) years to play upon or use same without authorization and identification card previously signed by the minors parent or guardian in the presence of the owner or operator.

(d) No holder of a Class D license shall permit any person on the premises under the age of twenty-one (21) unless:

1. Accompanied by a parent, spouse or guardian of a lawful age;
2. For employment purposes or for the purpose of providing entertainment (which shall include singers and musicians);
3. Necessary for public accommodations other than for the purposes of obtaining alcoholic beverages, and only for the time necessary to accomplish same; or
4. By special written permission of the Board for good cause shown.

Date: _____

IDENTIFICATION
(CHECK AS SHOWN)

Driver's License

Birth Certificate

Service Discharge

Draft Card

Other (Specify)

Air Force I.D. Card

Army I.D. Card

Coast Guard I.D. Card

Marine I.D. Card

Weight

DESCRIPTION OF PURCHASER

Height

Weight

Color of Eyes

Color of Hair

Outstanding Features

Seller's Signature

TO BE FILLED IN BY PROSPECTIVE PURCHASER: I declare I am of Legal age to purchase fermented malt beverages or intoxicating liquor, and I am subject to arrest and Prosecution for misrepresenting my age.

Print Full Name

Street Address

City

State

Signature

Date

4.02 Inebriates & Drug Addicts

No licensee shall sell or furnish alcoholic beverages to any person under the influence of alcohol or narcotic drugs or who is disorderly in manner or to any person known to be a habitual drunkard or user of narcotic drugs.

4.03 Solicitation

(a) No licensee shall permit or suffer any person, employed in or a frequenter of his establishment to solicit for himself or others the purchase by patrons of any product sold therein, or money with which to buy the same, or with which to play any amusement or entertainment device; nor shall any licensee permit or suffer any person, employed in his establishment to accept such product or money as a gift from a patron, except by way of bona-fide gratuity.

(b) No licensee shall pay, offer to pay, or suffer to be paid by any person any gratuity fee in money, goods or other consideration for or in connection with the sale of any product or the use of any amusement or entertainment device.

(c) No licensee shall employ any solicitor or salesman for the purpose of soliciting, outside of the licensed premises, orders for the sale of alcoholic beverages and no sale shall be consummated outside of the licensed premises.

(d) No licensee shall employ or use any loud speaker or other sound-making or amplifying device which projects the sound outside the licensed premises for the purpose of soliciting orders for the sale of alcoholic beverages.

4.04 Free Food and Prizes

(a) No licensee shall offer free food to encourage the sale of alcoholic beverages. Provided, however, that licensees may offer free of charge cheese, crackers, pretzels, nuts and the like in connection with the consumption of alcoholic beverages on the premises.

(b) No alcoholic beverages shall be sold or given away as prizes in connection with the playing of any game or device.

4.05 Prohibited Hours

(a) No licensee shall permit any person to consume alcoholic beverages on the licensed premises during hours when such sales are prohibited by law.

(b) No alcoholic beverages shall be served, dispensed, furnished or given away in any part of the premises during hours when such sales are prohibited by law.

(c) The hours in which sales of alcoholic beverages may be made under all Class A, B, B-LSH, BLX, C, D, H, Special Hotel-Motel-Restaurant Complex, Special Country Club, Special Golf and Country Club, Special Resort Complex, Special Yacht Club, Special Airport Terminal Building and Special Airport Concessionaire licenses shall be from 6 A.M. until 2 A.M. of the following day, and all persons shall vacate the premises by 2:15 A.M. No licensed premises shall be permitted to sell alcoholic beverages at any time on Sunday without a special Sunday license except that B-LSH, BLX, Special Hotel-Motel Restaurant Complex, Special Golf and Country Club, Special Yacht Club, Special Airport Concessionaire, Special Airport Terminal Building, Special Resort Complex, and Special Race Track Licenses shall not be required to have a special Sunday license.

(d) No holder of an on-sale license in Anne Arundel County shall be required to close his/her establishment at any time on January 1st of any year, and any holder of said license shall be permitted to make any sale of alcoholic beverages authorized by his/her license at any time on January 1st of any year. The holder of any license in Anne Arundel County is permitted to exercise all the privileges conferred by the license on the day of any election in Anne Arundel County.

(e) No licensed premises shall remain open to the public or to private persons or parties for any purpose for more than fifteen minutes after the hours and days fix sales set forth in this section, regardless of the fact that no sales are made after the hours of closing. Provided, that, upon application of any licensee holding a Class B license, a Class B-LSH, a Class BLX, a Class H license, or a Special Hotel-Motel Restaurant Complex license, the Board of License Commissioners may, in its discretion, permit such a licensee to serve food until a specified hour, provided the licensee proves to the satisfaction of the Board of License Commissioners that suitable precautions have been taken to prevent the sales and/or consumption of alcoholic beverages on the licensed premises after the hours of closing. Such permission shall be evidenced by a suitable license authorized and issued by the Board of License Commissioners, the annual fee therefore, being ten dollars (\$10.00). The Board of License Commissioners may, in its discretion, permit any bowling alley holding a Class B, Class D or Class H license, with twenty (20) lanes or more, to stay open for bowling and serving food until a specified hour; provided, however, that all alcoholic beverages be kept under lock and key between the hours of 2 a.m. and 6 p.m. No person under the age of eighteen (18) is allowed on the premises between the hours of 2 a.m. and 6 a.m., unless accompanied by spouse, parent or guardian. Any violation of this subsection shall incur the same penalty as a violation for making a sales of alcoholic beverages after hours.

(f) The hours established in the article for the sale of alcoholic beverages in Anne Arundel County are hereby declared to be in accordance with Eastern Standard Time, or Daylight Standard Time, whichever is established as local law.

(g) The hours during which sales of alcoholic beverages may be made under a "Race Track License" shall be from 2 hours preceding the running/simulcasting of any authorized race until 2 hours after the running/simulcasting of any authorized race, and not otherwise.

4.06 Alcoholic Beverage Containers

(a) No licensee shall reuse or refill any bottle or other container of alcoholic beverages; nor shall any license adulterate, dilute, or fortify the contents of any such bottle or container.

(b) No licensee shall sell, serve or furnish any alcoholic beverage (other than beer or wine) by the bottle for consumption on the premises.

4.07 Liquor Quantity

No holder of any class of license which allows the sale of beer, wine or liquor for consumption on premises shall sell, serve or furnish any alcoholic beverage other than beer or wine by the bottle for consumption on the licensed premises where sold.

This rule does not apply to the holder of a Special Hotel, Motel, Restaurant Complex or Limited Service Hotel license serving alcoholic beverages to patrons in rented or leased private rooms.

4.08 Illegal Possession

It shall be unlawful for any person to drink on the licensed premises of any license holder any alcoholic beverages not purchased from the license holder on said premises and not permitted by law to be consumed on the premises; and, likewise, it shall be unlawful for any license holder to permit any person to drink any alcoholic beverage not purchased from the said license holder on the premises covered by the license which he holds and not permitted by law to be consumed on the premises.

4.09 Relations with Wholesalers

(a) No licensee shall purchase alcoholic beverages except from a duly licensed manufacturer or wholesaler nor shall any licensee sell to any other licensee any alcoholic beverage; and no licensee shall at any time, keep or permit to be kept upon the license premises, any alcoholic beverages unless purchased in accordance with the Law.

(b) No licensee shall solicit or accept directly or indirectly any gift of alcoholic beverages, any tie-up advertisement in newspapers or other periodicals, or any gift or rebate of any sort, from a manufacturer, wholesaler, or person engaged in the distribution of alcoholic beverages except a sign, display, or other form of advertisement of a value not in excess of one-hundred and fifty dollars (\$150.00), advertising the products of a particular manufacturer, wholesaler, distiller, brewer, or the like.

(c) No licensee shall have any interest in the business of any manufacturer or wholesaler of alcoholic beverages, nor shall any such manufacturer or wholesaler have any interest in the business of any licensee.

4.10 Drive-In Dispensaries

No alcoholic beverages may be sold, served or consumed anywhere on the licensed premises of licensees maintaining drive-in or curbside dispensaries, except inside permanent buildings situated thereon, and provided for such purposes.

4.11 Drugs

No licensee shall use or permit to be used or dispensed on the premises any "mickey finns" or violent emetics or purges.

4.12 Discrimination

No licensee except the holder of a Class "C" license, shall directly or indirectly, refuse, withdraw from, or deny to any person the services, accommodations, advantages, facilities and privileges offered on said licensee's premises on the grounds of race, color, creed, national origin, sex or legal age.

4.13 Gambling

No licensee shall allow his/her premises to be used for the purpose of gambling in any form that is contrary to law.

4.14 Narcotic Drugs

No licensee shall allow his premises to be used for the possession, manufacture, distribution, dispensing, delivery, consumption, or use of any controlled dangerous substance or a non-controlled substance upon the representation that the substance is a controlled dangerous substance.

4.15 Sexual Practices and Obscenity

(a) No licensee shall permit, suffer, condone, authorize or sponsor any of the following activities to occur on any premises or location for which an alcoholic beverage license has been issued:

1. With respect to attire and conduct:

(i) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(ii) Employment or use of the services of any hostess or other person to mingle with the patrons while the hostess or other person is unclothed or in attire, costume or clothing as described in sub-paragraph (i) above.

(iii) Allowing any patron of such licensed establishment to place any money or gratuity on or in the costume or clothing of, on or about the person of, any performer or entertainer; nor shall any such license holder permit any performer or entertainer to accept any money or gratuity in the manner described above.

(iv) Encouragement of or permitting any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus or genitals of any other person.

2. With respect to entertainment provided:

(i) Permitting any person to perform acts of or acts which simulate:

A. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

B. The touching, caressing or fondling of the breast, buttocks, anus or genitals.

C. The displaying of the pubic hair, anus, vulva or genitals.

(ii) Permitting any entertainer whose breasts and/or buttocks are exposed (subject to the restrictions of subparagraph (i) above) to perform closer than six feet from the nearest patron.

(iii) Permitting any person to use artificial devices or inanimate objects to depict, perform or simulate any activity prohibited by subparagraph (i) above.

3. Exhibiting or showing any motion picture film, still picture, electronic reproduction or other visual reproduction depicting:

(i) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sex acts which are prohibited by law.

(ii) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(iii) Scenes where a person displays the vulva or anus or the genitals.

(iv) Scenes where artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

4. Permitting any person to remain in or upon the licensed premises who exposes to public view any portions of his genitals or anus.

(b) No license shall permit or suffer his/her premises to be used for the purpose of any sexual activity, nor shall any licensee permit or suffer any employee, patron or frequenter to solicit any person for prostitution or other immoral purposes.

(c) No licensee shall permit or suffer his/her premises to become a disorderly house.

4.16 Illegal Conduct

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

4.17 Storage

No licensee shall store or keep any alcoholic beverages, except on the premises authorized by the Board of License Commissioners and an authorized storage permit from the Comptroller of the State of Maryland.

4.18 Alterations

(a) No licensee shall make any installation or alteration of a licensed premises or change the manner in which alcoholic beverages are dispensed without the prior approval of the Board.

(b) No licensee shall make any installation or alteration on the licensed premises until a permit therefore has been obtained from the Bureau of Building of Anne Arundel County, and until the approval of the Fire Department and Health Department of Anne Arundel County has been secured, where said approval is required.

4.19 Gifts

No licensee shall give or otherwise transfer to any member of the Board or any of its agents or employees, directly or indirectly, any commission, remuneration, or gift whatsoever.

4.20 Noises

All licensee shall operate their establishment in such a fashion as to avoid the disturbing of the peace, safety and quiet of the neighborhood or community where located. All unnecessary noises including the playing of music or noisy patrons are prohibited at unreasonable hours and the use of outdoor speakers shall be discontinued at sundown.

4.21 Sale of Tobacco Products

(a) No licensee, his agent or employee shall in any way furnish, or sell any tobacco products to any person under the age of eighteen (18).

(b) No licensee shall sell or furnish any item(s) enumerated in Article 27, Section 287(A) of the Annotated Code of Maryland.

Chapter 5.
SPECIAL CLASS REQUIREMENTS

- (a) All Class “A”, off-sale licenses shall permit no consumption on the premises.
- (b) No application for a Class “B” license, a Class “BLX” and Class “H” license shall be approved unless: (1) a restaurant is being conducted on the proposed premises, or (2) architects' plans for a restaurant, designed in accordance with the Board's requirements, are filed with such application. If a Class “B”, “BLX” or “H” license is granted, it shall not be operative until a restaurant is being conducted on the licensed premises.
- (c) Holders of class “B”, “BLX” or “H” licenses shall keep in bound book form complete records of food purchases and food sales in their restaurants, as well as records of all purchases and sales of alcoholic beverages. They also shall preserve for a period of two (2) years the original invoices or sales tickets of food and alcoholic beverages so purchased. Sales receipts must be at least 51% food versus 49% alcoholic beverages.
- (d) Class “C” licenses shall be issued only to non-profit, private clubs who submit evidence satisfactory to the Board that all following conditions exists:
1. The applicant is a bona fide non-profit club,
 2. The club has been in operation for at least one (1) year,
 3. The club has sufficient number of members to support its operation with such a license,
 4. The club was not formed for the purpose of obtaining an alcoholic beverage license,

5. Non-members or guests will not be admitted unless accompanied by a member.

This does not apply to Special Class "C" County Club, Special Class "C" Golf and Country Club or Special Class "C" Yacht Club Licenses.

(e) Applications for a second license Class "H" to be issued pursuant to Article 2B, Section 9-102 (h-1), shall be subject to the following:

1. Applications shall be heard by the Board in the order in which they are filed.
2. Upon the issuance of thirty (30) second Class "H" licenses by the Board under Article 2B, Section 9-102 (h-1), no other applications for second licenses under the subsection shall be scheduled for a hearing before the Board until the number of second Class H licenses in existence is less than thirty (30).
3. Due to cost of required processing, there shall be no refund of any application fees paid to the Board, including any applications not heard by the Board pursuant to Subsection 2 above.
4. Applications for a second license pursuant to Article 2B, Section 9-102 (h-1) filed, but not heard by the Board as a result of Subsection 2 above, shall be held by the Board for a period of one (1) year from the date of filing the application with the Board. In the event the number of second Class "H" licenses issued by the Board shall fall below thirty (30), the oldest valid application as of the date of filing, shall be scheduled for a hearing and be heard by the Board.

POLICES

**The following policies have been adopted by the Board and are for informational purposes only. They may be changed at the discretion of the Board without a public hearing:

1. A Class H License will not automatically ban drinking at a bar without food.
2. If the regular monthly evening meeting becomes too busy, the Board will consider special afternoon hearings for complex violation cases and summons to appear subject to Commissioners' availability.
3. Before the Board will lift restrictions on a license it must be advertised and there must be a hearing.
4. Changes to an interior of a licensed establishment requires Board approval but may be done administratively and not require a hearing. Whether a hearing will be held on the request will be at the discretion of the Board. Approval will not be automatic.
5. Outdoor licenses must be approved by the Board each year but may be approved administratively and not require a hearing. Whether a hearing will be held on the request will be the discretion of the Board. Board approval is not automatic from year-to- year. The annual fee for a Special Outdoor License is \$100.00.
6. The Board reserves the right to limit the presentation time afforded to any person appearing at a hearing, and will not allow testimony and/or evidence which the Board does not believe has relevance to the matter pending before the Board.

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