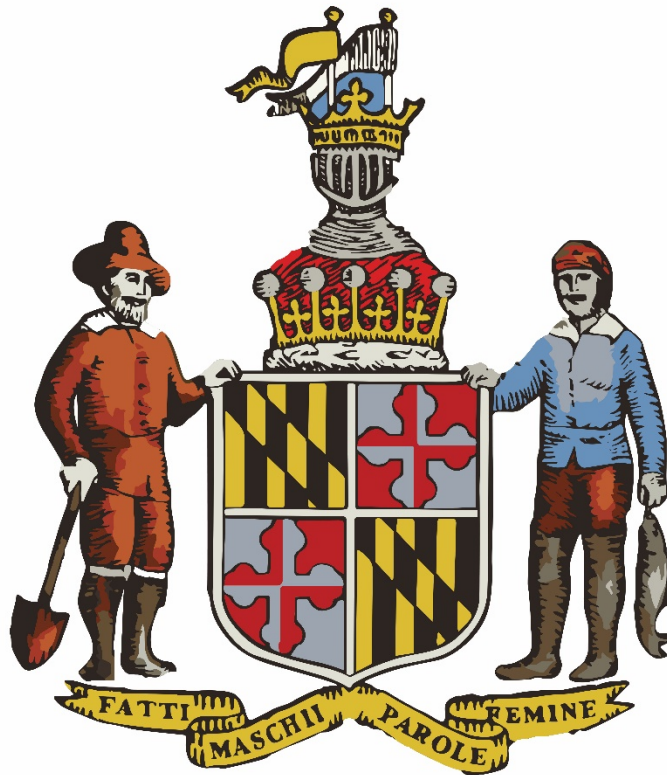


# Board of License Commissioners for Anne Arundel County



## Liquor Board

Rules and Regulations

## **TO ALL LICENSEES**

The Board of License Commissioners publishes this book to acquaint all members of the public, 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. Unless otherwise stated, any references to any statute shall be intended to reference the Alcoholic Beverages and Cannabis Article, Annotated Code of Maryland.

### **Chairman**

Wayne B. Harris

### **Commissioner**

Otis M. Duffie

### **Commissioner**

Bernadette L. Snoops

### **Attorney**

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ORDERED by the Board of License Commissioners of Anne Arundel County this 10<sup>th</sup> day of September, 2024, that pursuant to the power invested in it by Section 11-208 of the Alcoholic Beverages and Cannabis Article, Annotated Code of Maryland, 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.

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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 the parties' 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**

##### **DEFINED TERMS<sup>1</sup>**

"Administrator" means the person currently appointed to the position of Administrator of the Anne Arundel County Board of License Commissioners.

"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.

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

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

"Board Approved Manager" means an individual designated by the license holder who (i) is employed in a supervisory capacity and/ or anyone in a supervisory position; (ii) is certified by an approved alcohol

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<sup>1</sup> Capitalized terms used throughout the Rules and Regulations shall have the meanings as set forth in this section unless otherwise specified.

awareness program; (iii) is over twenty-one (21) years of age; (iv) is approved and recognized by the Board and; (v), is the Licensee's representative, responsible for all alcohol when the Licensee(s) is not present.

“Chair” means the person currently appointed to the position of Chairman or Chairwoman of the Board.

“Commissioner” means a person currently appointed to the position of Commissioner of the Board.

“Chief Inspector” means the person currently appointed to the position of Chief Inspector of the Board.

“Counsel to the Board” the Attorney currently appointed to the position of Counsel to the Board.

“District” as set forth in § 11-1602 of the Alcoholic Beverages and Cannabis Article<sup>2</sup>, shall mean the market area as determined by the Board from testimony and evidence presented during the public hearing.

“Executive Director” means the person currently appointed to the position of Executive Director of the Board.

“Licensee” means any individual whose name appear(s) on a license issued by the Board, who is a citizen, or permanent resident of the United States; and is, able to speak, understand, read and write the English language in a proficient manner. 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.

“Light Wine” has the meaning stated in §11-101(d).

“Management Agreement” means a Board approved document listing any Board Approved Manager(s). Applications to become a Board Approved Manager identified on the Management Agreement must be submitted using forms provided by the Board and applicant shall be

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<sup>2</sup> Unless otherwise stated, all citations to specific sections of the Annotated Code of Maryland shall reference the Alcoholic Beverages and Cannabis Article.

subject to the requirements therein.

“Memorandum of Decision” means the Board’s written decision and order in connection with any matter that brought before it for judgment at a hearing.

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

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

“Restaurant” means any lunchroom, cafe or other establishment located in a permanent building with ample space and accommodations for the public wherein hot meals are habitually prepared, sold 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.

“Tavern” means any establishment that is not a Restaurant, is in a permanent building, and has a drink service bar (“Bar”). All taverns shall be required to have a Bar. The Bar must be fully open and operational any time the establishment is open to the public. The Bar must have ice and other ingredients traditionally associated with Bar alcohol service, all readily available for serving. Such service must be available upon request and drinks must be available in varying portions served in a cup, glass, or similar vessels. The Bar and immediate Bar vicinity may not be utilized in a manner that in any way obstructs service to the public (e.g. must not be used for unrelated storage purposes or allowed to accumulate clutter). Every Tavern 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 which provides an unobstructed view of the interior from the outside at all hours during which sales are prohibited. Notwithstanding anything to the contrary hereunder, the above-referenced requirement for “ice and other ingredients traditionally associated with Bar alcohol service”, shall not apply to any liquor license granted by the Board prior to February 26, 2024.

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## LICENSE CLASSES

### **AABWF- §11-1304, *et seq.***

#### *Special Beer and Wine Festival*

##### License Description:

(a) Allows the sale of beer and wine at the Anne Arundel County Beer and Wine Festival in accordance with §11-1304, *et seq.*

(b) The annual fee for such license shall be Two Thousand Five Hundred (\$2,500) 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 the Alcoholic Beverages and Cannabis Article, Annotated Code of Maryland.

(c) 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.

(d) 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 §11-1304, *et seq.*

### **A - (Wine only) - §11-701**

#### *Light Wine License*

License Description: 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.

### **A - (Beer & Wine) - §11-801**

### **A - (Beer, Wine & Liquor) - §11-901**

#### *Package Goods/Carry-Out*

License Description: Off Premises sale only, no consumption on the licensed Premises.

### **B - (Beer & Wine) - §11-802**

### **B - (Beer, Wine & Liquor) - §11-902**

#### *Restaurant*

License Description: On and off Premises sales. Must operate a kitchen



and serve hot meals at least twice daily.

**B-LSH - (Beer & Light Wine)- §11-806**

*Limited-Service Hotel*

License Description:

- (a) For use in a hotel that contains more than 50 rooms and operates a kitchen licensed as a food service facility;
- (b) authorizes the Licensee to sell beer and Light Wine at one or more locations in the hotel for on Premises consumption; and
- (c) allows for Sunday sales.

**B-LSH - (Beer, Wine and Liquor) - §11-906**

*Limited-Service Hotel*

License Description:

- (a) For use in a hotel that contains more than 50 rooms and operates a kitchen licensed as a food service facility;
- (b) authorizes the Licensee to sell beer, wine, and liquor at one or more locations in the hotel for on Premises consumption; and
- (c) allows for Sunday sales.

**BLX - (Beer, Wine & Liquor) - §11-1608**

*Deluxe Restaurant*

License Description (Furtherance of the provisions contained in §11-1608):

- (a) On Premises sale only;
- (b) must qualify as a Restaurant, minimum of 100 seats for dining, no more than twenty-five percent (25%) of seating capacity in the cocktail lounge/Bar area;
- (c) parking facilities for minimum of 75 vehicles; and
- (d) a minimum capital investment of at least Eight Hundred Thousand Dollars (\$800,000) exclusive of the cost of land/buildings.

**C (Beer & Wine) - §11-803**

**C (Beer, Wine & Liquor) - §11-903**

*Club*

License Description:

(a) Must be a nationwide bona-fide non-profit organization or fraternal/service organization with no less than one hundred (100) Persons and dues not less than Five Dollars (\$5.00) per Person;

(b) on Premises sale only;

(c) on Premises consumption by members and guests only;

(d) all guests must sign a guest book and identify their club member sponsor;

(e) any event for which the club advertises or promotes must disclose whether any such event is members and guests only or is open to the public;

(f) no member may have an unreasonable number of guests at any one event and;

(g) for avoidance of doubt, the club must obtain a One-Day License/Permit in connection with any event open to the public.

**CB - (Beer, Wine & Liquor) §11-1002.1**

*Commercial Bingo*

License Description: authorizes the license holder to sell beer, wine, and liquor from any location in the commercial bingo establishment for on Premises consumption anywhere in the establishment.

**D - (Beer & Wine) - §11-804**

**D - (Beer, Wine & Liquor) - §11-904**

*Tavern*

License Description: On and off Premises sale.

**D - (Beer & Wine) - §11-804**

**D - (Beer, Wine & Liquor) - §11-904**

*Tavern*

License Description: Limited to on Premises consumption only.

## **EC - (Beer, Wine & Liquor) §11-1004**

### *Entertainment Concessionaire*

License description:

- (a) authorizes the license holder to sell beer, wine, and liquor on the Premises of the concessionaire for consumption anywhere in the entertainment facility;
- (b) the playing of music and dancing in the licensed Premises; and
- (c) beer, wine, and liquor purchased under the license may be taken into and consumed anywhere in an entertainment facility.

## **EF - (Beer, Wine & Liquor) §11-1005**

### *Entertainment Facility*

License Description:

- (a) authorizes the license holder to sell beer, wine, and liquor by the glass or by the bottle in any location of the entertainment facility that is not covered by an entertainment concessionaire license for consumption anywhere in the entertainment facility; and
- (b) subject to § 4-605, the playing of music, dancing, plays, live performances, comedy shows, and other artistic shows in the licensed Premises. (2) By administrative action, the Board may allow the sale of alcoholic beverages for a promotional event in an area adjacent to the entertainment facility that: (i) is controlled by the license holder; (ii) has controlled access; and (iii) is a parking lot, picnic ground, building, or terrace. (3) Beer, wine, and liquor purchased under the license may be taken and consumed anywhere in an entertainment facility.

## **GB - (Beer, Wine & Liquor) - § 11-1006.1**

### *Gift Basket*

License Description:

- (a) The Licensee's primary business is the sale and delivery of flowers; whose business includes the sale and delivery of gift baskets of flowers, food, or other items; and who does not hold any other alcoholic beverages license or permit under this article.
- (b) The Board may not issue the permit for use in conjunction with or on the Premises of a chain store, supermarket, or discount house.

## **H - (Beer & Wine) - §11-805**

## **H - (Beer, Wine & Liquor) - §11-905**

### *Restaurant*

License Description:

- (a) On Premises consumption only; and
- (b) must operate a kitchen and serve hot meals at least twice daily

## **HMR Complex- §11-907**

### *Hotel, Motel, Restaurant Complex*

License Description:

- (a) on Premises sale only;
- (b) allows for Sunday sales, music and dancing.

## **MT - (Beer & Wine) - § 11-1006.2**

### *Movie Theater*

License Description:

- (a) On Premises consumption by a patron who has purchased a ticket to a current or future showing of a movie on the licensed Premises;
- (b) a license holder may sell beer or wine between the hours of 4 p.m. and midnight in single-serve containers from a counter separate from a counter serving food and nonalcoholic beverages; and
- (c) a license holder may serve a patron only a single serving of beer or wine at a time, with a maximum of two servings of beer or wine per patron per day.

## **SAC- §11-1001**

### *Special Airport Concessionaire Licenses*

License Description: 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*

License Description: Permits the sale of any and all alcoholic beverages within the confines of the airport terminal buildings.

## **SCC- §11-1003**

### *Special Country Club*

License Description:

- (a) Permits the sale of alcohol for on sale only;
- (b) must have at least two hundred (200) members with dues not less than Seventy-Five dollars (\$75.00) annual; and
- (c) must have two (2) or more tennis courts and a swimming pool at least 30' x 80' in size.

## **SGCC- §11-1002.2**

### *Special Golf & Country Club*

License Description:

- (a) Permits the sale of alcohol for on Premises sale only;
- (b) must have at least two hundred (200) members with dues not less than Seventy-Five dollars (\$75.00) annual;
- (c) 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.

## **SL - §11-1002**

### *Barbershop and Beauty Salon*

License Description:

- (a) authorizes the license holder to provide not more than 12 ounces of beer or 5 ounces of wine by the glass for on Premises consumption by a barbershop or beauty salon customer;
- (b) a license holder may serve beer and wine for on Premises consumption during normal business hours but not later than 9 p.m.;
- (c) and allows for Sunday sales

**SRC- §11-1008***Special Resort Club*

License Description: Permits the sale of alcohol for on Premises 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- §11-1010***Special Yacht Club*

License Description:

(a) Permits the sale of alcohol for on Premises sale only, with fifty (50) or more bona-fide members with dues not less than Seventy-Five (\$75.00) per year per member; and

(b) must maintain a clubhouse with seating capacity of at least one hundred (100) Persons and slips/berths for seventy-five (75) boats or more and at least one (1) acre of ground.

**SRT- §11-1007***Special Race Track*

License Description:

(a) Permits the sale of any and all alcoholic beverages within the confines of the racing park.

(b) The hours during which sales of alcoholic beverages may be made are from two (2) hours preceding the running and/or simulcasting any authorized race until two (2) hours after the running and/or simulcasting any authorized race, and not otherwise.

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## PERMITS

### **Beer & Wine Tasting Permit- §11-1307**

Permits issued to Class A licenses only, for tasting purposes, on Premises, of beer & Light Wine. The license holder may serve to an individual: Light Wine in a quantity of not more than one ounce (1oz) from each offering; and beer in a quantity of not more than three ounces (3oz).

### **Beer, Wine & Liquor Tasting Permit - § 11-1308**

Permits issued to Class A licenses only, for tasting purposes, on Premises, of beer, wine & liquor. The license holder may serve to an individual: liquor in a quantity of not more than one-half ounce (1/2 oz) each from any of five (5) offerings per day; Light Wine in a quantity of not more than one ounce (1 oz) from each offering; and beer in a quantity of not more than three ounces (3 oz).

### **Crowler Permit - § 11-1103.1**

Non-refillable container permit – draft beer - A license holder of a Class A, B, or D license is authorized to sell draft beer for off Premises consumption in a disposable, non-refillable container approved by the Board. Each license holder wishing to exercise such privilege shall apply to the Board through a form provided by the Board. The hours of sale for a non-refillable container permit shall begin at the same time as those allowed by the alcoholic beverage license and shall end at midnight.

### **Dancing Permit- §11-1102(d)**

The permit authorizes the holder to provide music, dancing, and other legal forms of entertainment, if located at least one hundred feet (100 ft) from all residentially zoned property.

### **Delivery Permit - §3-506**

Retail delivery to a purchaser of alcoholic beverages is prohibited unless:

- (a) a retail license holder obtains a letter of authorization from the Board to make deliveries (and such letter is kept on Premises at all times);

- (b) All delivery Persons must be alcohol awareness certified and at least twenty-one (21) years of age and must be a bona-fide employee on the payroll of the licensed establishment;
- (c) all alcoholic beverages for off Premises consumption or delivery must be in the original sealed manufacturer's container;
- (d) the individual receiving the alcoholic beverage must be twenty-one (21) years of age or older and Licensee's employee delivering such alcohol must check the identification of the customer;
- (e) deliveries may only be made until 11:00 p.m.;
- (f) third party sales or deliveries are not allowed, (e.g. Drizly, Door Dash, GrubHub, UberEats, etc.); and
- (g) no deliveries may be made outside of Anne Arundel County, Maryland.

#### **Entertainment Permit - §- 11-1102**

The permit authorizes live music with not more than four (4) musicians; and the playing of: more than one (1) television; a karaoke machine; and music by a disc jockey. The permit holder may not allow dancing, floor shows, or similar live entertainment.

#### **Growler Permit - §11-1103**

Refillable container permit – A license holder of a Class A, B, or D license may exercise the privilege to sell draft beer for off Premises consumption in a refillable container approved by the Board. Each license holder wishing to exercise such privilege shall apply to the Board through a form provided by the Board. The hours of sale for a refillable container permit shall begin at the same time as those allowed by the alcoholic beverage license and shall end at midnight.

#### **Late Hours Permit- §11-2007, §11-2008**

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 twenty-five percent (25%) of the Licensees 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.

**Music Permit- §11-1102(b)**

The permit authorizes the playing of recorded music or live music with not more than two (2) musicians, and one (1) television screen.

**One-Day License/Permit - (Beer & Wine) (Beer, Wine & Liquor)- §11-1311, *et seq.***

On Premises sale only, unless otherwise authorized by the Annotated Code of Maryland. Available exclusively to individuals hosting an event through a non-profit club, society, or association at the specified venue described in the license, valid for up to seven (7) consecutive days from the effective date. License fees are non-refundable. Persons issued a One-Day License/Permit are responsible for the purchase of any and all alcohol associated with the event in accordance with law. The Board may choose to place certain restrictions on a One-Day License Permit at its sole discretion.

**Sunday Permit- §11-2005**

Allows for Sunday sales.

**Wine Sampling Permit- §11-1305**

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.

**Wine Tasting Permit- §11-1306**

(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 Premises 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.

**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**

The Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school. This section does not apply to:

- (a) The City of Annapolis;
- (b) Any transfer or assignment of a license located within the one-thousand-foot (1,000) requirement;
- (c) Any non-profit club or non-profit organization;
- (d) 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;
- (e) Any Class H (Beer, Wine) License (on sale) or Class H (Beer, Wine, Liquor) License (on sale);
- (f) 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;
- (g) Any Off Sale License located within 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 HEARINGS**

(a) General:

1. The Board may choose to hold virtual zoom or similar hearings.
2. Public participation shall be limited to written statements submitted by mail or email which must be received five (5) days prior to the hearing.
3. All applications submitted must be complete or made complete prior to any public hearing.
4. All Application documents shall be accepted as applicant exhibits and filed electronically as well as otherwise required. Applicants shall provide a numbered list of all exhibits.
5. All expert testimony shall be filed in writing, with a short executive summary.
6. Applicants' presentation shall be limited to thirty minutes (30:00) unless otherwise shortened or lengthened by the Board.
7. Applicant individual testimony shall be limited to five minutes (05:00), including argument by legal counsel, unless shortened or lengthened by the Board.
8. Applicants may comment on written public comments timely received by the Board, but there shall be no right of personal cross examination.
9. Due to concerns involving the Maryland Open Meetings Act or other statutory constraints, for good shown, the Board may postpone any hearing until hearings can comply with all statutory requirements. However, absent a showing of prejudice, a Board decision to not postpone a hearing shall be deemed correct and

in the public interest pursuant to the Governor's Executive Orders.

(b) Conduct:

1. Public Hearings: All hearings before the Board shall be public. No hearing shall be private even though all parties agree. All witnesses shall testify under oath, administered by the Chair, the Executive Director, Administrator, Chief Inspector, or other Board administrator that the Chair so chooses. All Persons attending the meeting who decline to testify may sign the witness list and thereby be provided with notice of all future proceedings involving the appeal.

2. Stenographer and Transcripts: The Board shall furnish an official stenographer for taking testimony of the hearing in all appeals. Anyone desiring a transcript of the testimony may obtain a copy from the official stenographer and shall bear the full cost.

3. Continuance: A continuance, if requested by any party, either before or during a hearing, may be granted by majority vote of the Board for good cause shown. If a case is continued for more than 60 days, the case shall be re-advertised at the sole expense of the party requesting the continuance.

4. Presentation of Evidence: Evidence at the public hearing shall be presented first by the applicants, then by Persons in opposition represented by counsel, then by those in favor, then by those opposed and then rebuttal by the applicants.

5. Hearing Procedures: The Chair shall regulate the course of the hearing and shall rule upon procedural matters and objections made during the course of the hearing. Counsel to the Board shall be present at all hearings to advise the Board on legal and procedural issues.

6. Admissibility of Evidence and Exhibits: For purposes of judicial and administrative economy, the Chair may delegate to Counsel to the Board the duty to rule on admissibility of evidence

and exhibits, which ruling shall constitute the ruling of the Chair, unless such ruling is vacated or modified by the Chair during the hearing. If the Chair is recused or otherwise not available to attend a hearing, the Chair may delegate another Commissioner as acting Chair for the hearing. If the Chair has not designated an acting Chair during the Chair's absence for a hearing, the remaining Commissioners shall agree upon which shall be the acting Chair.

7. Recess: A hearing may be recessed from time to time for good cause shown, and if the time and place of the recessed hearing is announced publicly, no further notice of the recessed hearing shall be required.

8. Decisions: The Board shall render its Memorandum of Decision and Order in writing within a reasonable time after the hearing has been concluded, based upon the summary deliberations of the Commissioners at the conclusion of hearing, and supplemented by testimony and exhibits submitted during the hearing. The Board may include by reference in its Memorandum of Decision, all or portions of the official transcript of the hearing, to support the Board's decision and order.

## **2.02 APPLICATION**

(a) Application for a license, or the transfer or renewal thereof, shall be made upon printed forms or online application obtainable at the office of the Board or the Board's website. The information requested thereon shall be filled in by the applicant or under applicant's 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(es) 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. Unless the application is submitted through the Board's website, an original and six (6) copies of all applications and supporting documentation shall be submitted to the Board. Nothing in Subparagraph 2.02 (a) shall apply to One-Day Licenses/Permits.

(b) 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 ten (10) working days prior to the scheduled hearing date. At the hearing, the Board, may excuse the failure to comply with this provision.

### **2.03 APPLICATION FEE**

To apply for a license or transfer, the following conditions must be met:

- (a) Applications must be submitted using forms provided by the Board.
- (b) A non-refundable application fee of Six Hundred Dollars (\$600.00) must be paid.
- (c) No applications for license issuance or transfer will be accepted without meeting these requirements.

### **2.04 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 1<sup>st</sup>, but prior to May 1<sup>st</sup>, 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 non-refundable fee of Fifty Dollars (\$50.00) in addition to the annual license fee.
- (e) The Board, in its sole discretion, may require a Licensee to personally pick up a renewed license at the Board office.
- (f) From the last day of February through May 1<sup>st</sup> in any calendar

year, the Board shall not process new licenses, transfers, or modifications to currently existing licenses to allow for the timely processing of all renewals.

## **2.05 PARTNERSHIPS AND INDIVIDUALS**

A license for a partnership shall be applied for and issued to all of the partners, as individuals.

## **2.06 CORPORATIONS**

(a) 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. 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.

(b) 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. 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.

## **2.07 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. 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.

## **2.08 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, the Board shall cause to be served upon the Licensee, 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 Licensee 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 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 on 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 Board Approved Manager or resident agent 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.

## **2.09 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 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.

(c) 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 licensed Premises is located. Such protest shall be in writing and filed with the Board, on a form made available by the Board, during the month of March before the expiration of the license for which renewal is sought.

(d) 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.

(e) 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) business days prior to the scheduled hearing date. At the hearing, the Board may excuse the failure to comply with this provision.

## **2.10 INTENTIONALLY DELETED**

## **2.11 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 the Alcoholic Beverages Article, except if the main building on the Premises is destroyed by fire, wind or flood the Board 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.

## **2.12 MULTIPLE APPLICATIONS**

(a) 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.

(b) 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.

## **2.13 ZONING**

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

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#### **2.14 TRANSFERORS OBLIGATIONS**

(a) The Board 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 creditors has been made. The Board shall not be bound by this prohibition unless a bona fide creditor submits a 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.

(b) 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 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.

#### **2.15 VACATION OF PREMISES BY LICENSEE, EVICTION**

On the tenth (10<sup>th</sup>) day after the holder of any license issued under provisions of Subparagraph 2.01(b) 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 or an application pursuant to Section 11-1701, *et seq.* 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.

#### **2.16 PENALTIES**

(a) 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.

(b) The Board may impose a fine of not more than Two Thousand Five Hundred dollars (\$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.

## **2.17 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 Dollars (\$50.00), 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.

## **2.18 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 and is responsible for ensuring that such training remains current.

(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.

## **2.19 MARYLAND SALES & USE TAX LICENSE**

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

## **2.20 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.

## **2.21 ADMINISTRATIVE FEE**

In addition to the application fees outlined herein, the Board may charge an administrative fee, not to exceed Two Hundred Dollars (\$200.00) for any change to a license incurred as the result of the request of the Licensee.

## 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, Section 11-1607 of the Alcoholic Beverages Article.

(c) All Licensees shall file a Management Agreement application and receive Board confirmation for any and all Board Approved Managers at their establishment, on forms provided by the Board.

(d) Either a Licensee or at least one (1) Board Approved Manager must be on the premises during hours when alcohol is available for sale. Licensee(s) violating the terms of Sub-paragraph 3.01(d) shall be subject to:

1. For the first offense, a One Hundred Dollar (\$100.00) fine; and;
2. for the second offense within a five (5) year period from the date of the first offense, a Five Hundred Dollars (\$500.00) fine and;
3. for an offense subsequent to the second offense within a five (5) year period from the date of the second offense, a citation shall be issued to Licensee and Licensee shall appear before the Board at a hearing to determine the fine and any other action the Board sees fitting and proper to take, if any.
4. No hearing shall be required for a first or second offense under this Sub-paragraph 3.01(d) unless requested by the Licensee or otherwise required by the Board.

(e) All Board Approved Managers must be able to speak, communicate, 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 the Alcoholic Beverages Article. 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, Office of Planning and Zoning, Grand Jury and representatives of other government agencies whenever such Person(s) are on official business.

(b) Licensees shall, in time allotted by the following, conform to all lawful requirements specified by representatives of the Board, members of the Police Department, Fire Department, Health Department, Office of Planning and Zoning, Grand Jury and representatives of other government agencies whenever 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, the Police Department of Anne Arundel County, and other government agencies.

(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.

### **3.04 LIGHTING**

Licensees shall have every portion of their licensed Premises, which is open to the public, illuminated indoors and outdoors by sufficient natural or artificial lighting to ensure clear visibility and to permit patrons to read a menu or newsprint or to walk the Premises safely.

### **3.05 SANITATION AND SAFETY**

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**

(a) Except for Class A licenses, Licensees shall provide for patrons on the licensed Premises toilet facilities. 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.

(b) 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

(c) 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

(d) Equipment and Services including:

1. Properly operating toilet; and
2. Porcelain or similar hand washing basin with hot and cold running water; and
3. Either towels (cloth or paper) or air hand dryer mechanism, and soap; and

4. Covered waste receptacle.

(e) Rest rooms must be cleaned at least once daily with intermittent cleaning as necessary during the time the Premises are open to the public. Walls, floors, and equipment must always be maintained in a clean and sanitary condition.

**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 COMMUNICATIONS**

Licensees shall provide on the licensed Premises telephone equipment, the phone number of which shall be on file with the Board. Licensees shall also provide a phone number and email address where they can be reached when the Premises are closed for business. Licensee shall keep the Board apprised in a timely manner should any such contact information change.

**3.11 SALES AND CONSUMPTION ADJACENT TO PREMISES**

(a) The Board 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.

### **3.12 LICENSES AND DOCUMENTS**

Every Person receiving a license under the provisions of these rules and regulations shall frame the license and place the same so that they shall at all times be conspicuous and easily read at eye level in the place of business, in addition to any other applicable state, federal and local licenses, certificates, or documents required for operation, which may be required by the Board for display or to be kept on the premises

### **3.13 TRADE NAMES**

No Licensee may change the name of the licensed establishment without prior approval from the Board. The Trade Name shall be displayed prominently on the outside of the licensed establishment and shall be consistent throughout all media.

### **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 RESTRICTIONS**

Licensee shall at all times abide by the restrictions as set forth on the license, if any.

### 3.16 **LICENSE CLASS**

Licensee shall at all times operate their establishment in a manner consistent with the class of liquor license issued to Licensee by the Board.

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## Chapter 4.

### **PROHIBITED PRACTICES**

#### **4.01 MINORS**

(a) No Licensee, Licensee 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).

(b) 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 minor's parent or guardian in the presence of the owner or operator.

(c) 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 legal 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

(d) By special written permission of the Board for good cause shown.

#### **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 Licensee's establishment to solicit for themselves 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 Licensee's 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 loudspeaker 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 ALCOHOL, FOOD, AND PRIZES**

(a) Notwithstanding anything to the contrary herein, no Licensee shall offer or provide free alcoholic drink(s) for any reason.

(b) 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 other traditional bar snacks in connection with the consumption of alcoholic beverages on the Premises.

(c) 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 patrons 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 Sunday permit 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 Sunday permit.

(d) No holder of an on-sale license in Anne Arundel County shall be required to close Licensee's 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 their 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 (15:00) 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 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 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, the annual fee therefore, being Ten Dollars (\$10.00). The Board 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 legal guardian.

(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) Other than Growlers, no Licensee shall reuse or refill any bottle or other container of alcoholic beverages and;

(b) no Licensee shall adulterate, dilute, or fortify the contents of any such bottle or container of alcoholic beverages.

#### **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 (which includes champagne) 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 licensed 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 any cons (including, but not limited to, newspapers, periodicals, online publications, or social media), 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-THROUGH/CURB-SIDE ALCOHOL SERVICE**

(a) No licensee may operate a drive-through alcohol service or curbside alcohol service without the express written consent of the Board.

(b) No alcoholic beverages may be sold, served, or consumed anywhere on the licensed Premises of Licensees maintaining drive-through alcohol service, except inside permanent buildings situated thereon which are licensed or permitted 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 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 race, sex, gender identification, sexual orientation, national origin, native language, religion, age, disability, marital status, citizenship, genetic information, pregnancy, or any other characteristic protected by law. Provided that no such qualifications are contrary to law, the Board recognizes that Class C licenses may have certain discerning qualifications for membership.

**4.13 GAMBLING**

Except as authorized by the Alcoholic Beverages Article, no Licensee shall allow the licensed 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 the licensed 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 pubic hair, anus, cleft of the buttocks, vulva or genitals or any portion of the female breast below the top of the areola.



(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 their genitals or anus.

(b) No license shall permit or suffer the licensed 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 the licensed Premises to become a disorderly house.

#### **4.16 UNAUTHORIZED CONDUCT**

No Licensee shall commit or allow the commission on the licensed 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 and an authorized storage permit from the Comptroller of the State of Maryland or the Alcohol Tobacco

Cannabis Commission, as applicable.

**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.

(a) 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 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 AND VAPING PRODUCTS**

(a) No Licensee, Licensee agent or employee shall in any way furnish, or sell any tobacco or vaping products to any Person under the age of twenty-one (21).

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## 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 operated on the proposed Premises, or (2) plans for a Restaurant, drawn to scale, with dimensions, including fixtures and furniture, and 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” Country 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 Sections 11-1607 & 11-1609, 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, 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 Sections 11-1607 & 11-1609 of the Alcoholic Beverages Article 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.
- (f) Requests to convert floor space of a licensed Premises with a Class D license permitting off-site consumption to floor space devoted to retail sales or retail storage shall be accompanied by a justification addressing the criteria of § 4-210 as to the licensed Premises after the proposed conversion. Requests for conversions pursuant to this paragraph (f) which propose more than 10,000 square feet of floor space to be devoted to retail sales or storage are governed § 4-206(c).

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## Chapter 6.

### **POLICIES**

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 Service Permit 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 an Outdoor Service permit is One Hundred Dollars (\$100.00.). The Board may request documentation and photographic evidence showing where the proposed outdoor service is to be held.
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.
7. Requests for the conversion of floor space pursuant to Special Class Requirements Paragraph (f), which would result in more than twenty-five percent (25%) of the total licensed Premises floor space being dedicated to retail sales or storage will be considered at a public hearing and should be

accompanied by a public needs analysis addressing § 4-210(a)(1)-(4) for the proposed conversion and specific operating procedures related to the proposed conversion demonstrating compliance with § 4-210(a)(5).

**END**