



**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**OCTOBER 21, 2019  
COUNCIL CHAMBERS  
GOVERNMENT OFFICE BUILDING**

- 4:30 p.m. Ordinance – CFES Grant for Salisbury Youth Civics Council – Neighborhood Relations Manager Kevin Lindsay, Youth Development Specialist Jermichael Mitchell *(rvsd – Ordinance amount – typo corrected)*
- 4:40 p.m. Ordinance – Budget Amendment - Insurance Claim Check – Fire Chief John W. Tull
- 4:50 p.m. Ordinance – Budget Amendment - Sale of Surplus Items – Fire Chief John W. Tull
- 5:00 p.m. Ordinance – Budget Amendment in the case of a tie election – Asst. City Clerk Diane Carter
- 5:10 p.m. Salisbury Board of License Commissioners – Council discussion *(rvsd – documents attached)*
- 5:20 p.m. Motion to Convene in Closed Session to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with the Annotated Code of Maryland §3-305(b)(8)
- 5:35 p.m. Convene in Open Session/Report to Public/Council discussion
- 5:40 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Posted 10/17/19 *(rvsd 10.21.19)*

# Finance Department / HCDD

## MEMO

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**To: Keith Cordrey**

**From: Robert McClure**

**Subject: Ordinance – Budget Amendment – Acceptance of Community Needs Grant funding through the Community Foundation of the Eastern Shore to support the Salisbury Youth Civics Council.**

**Date: October 2, 2019**

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In 2019, the City of Salisbury submitted an application to the Community Foundation of the Eastern Shore (CFES) to be considered for funding through their Community Needs Grant. This grant solicited funds to support the work of the Youth Civics Council (SYCC) for the 2019/2020 school year, and included funding for supplies and food. From this application, the City of Salisbury has been approved for \$3,512. These funds are to be appropriated into a new account to serve this purpose.

Attached are several pages from the grant application/agreement with the amount of the grant awarded highlighted on page 4.

Please forward this information to the City Council to be placed on the work session agenda for the October 21, 2019 meeting, then on the legislative agenda for first reading at the October 28, 2019 meeting, and second reading / final passage at the November 12, 2019 meeting. Thank you for your assistance.



Robert A. B. McClure  
Grants Coordinator  
Finance Department / HCDD

Attachments

CC: Olga Butar  
Deborah Stam  
Julia Glanz  
Andy Kitzrow  
Kim Nichols  
Diane Carter  
Kevin Lindsay  
Mark Tilghman  
Kristine Devine

## FY20 Round 1 Community Needs Grants - City of Salisbury | Lindsay, Kevin

### Applicant View

#### Agency Information

Agency Information	
*EIN Number (no dash necessary):	526000806
*Agency Name:	City of Salisbury, MD
*Street Address:	207 W. Main Street
Street Address 2:	
*City:	Salisbury
*State:	MD
*Zip Code:	21801
*Agency Type:	Government agency
*Phone Number:	410-341-9550
*Executive Director/Church Elder/School Principal/Governmental Official Name:	Kevin Lindsay
*Email:	klindsay@salisbury.md
Project Details	
*Project Name or Single Sentence Description (max 15 words):	
Youth Civics Council	
*Project Coordinator:	Kevin Lindsay
*Email:	klindsay@salisbury.md
*Anticipated Project Start Date:	8/26/2019
*Anticipated Project Completion Date:	6/19/2020
*Amount Requested (Max \$5,000):	\$3,902
*Has your organization previously applied for grants from CFES?	Yes
*Has your organization participated in any CFES sponsored grant writing workshops or courses?	Yes

#### Demographics Information

Demographics Information	
*Geographic area of residents to be served by this grant project:	Wicomico
*Primary age group to be served by this grant:	Child (5-18)
*Approximate number of people this grant will serve:	15
*Mission Focus (choose the community need closest to your mission focus): **Community Improvement = Alliances, Chambers, Economic Development, Neighborhood Associations, Service Clubs, etc.***Youth Development = Centers, Clubs, Mentoring, Scouting, Professional Societies, etc.	Youth Development***
*Project Focus(choose the community need closest to your project/program focus):	Civil/Social Action/Advocacy

#### Project Proposal Narrative

Project Proposal Narrative All responses are 200 words or less
*Briefly describe the specific purpose and evidence of need for which this grant is requested:
<p>The City of Salisbury Youth Civics Council (SYCC) is an official extension of the Salisbury City Council. The SYCC mission is to mobilize and empower youth, grades 7-12, of our community by providing meaningful opportunities to engage in civic leadership and service learning. The City of Salisbury has doubled down our commitment to serving the youth in our community by hiring a full-time Youth Specialist. This position has a varying portfolio to make sure that strong, results/metric driven programs are created to have a lasting impact. The SYCC has been revamped and will focus on five areas; music and the arts, homelessness, youth, elderly, and legacy. The SYCC will have 15 student cohort and will meet two times a month. They will learn leadership and organizational skills, along with developing projects around the five areas. At the end of the year the students will present their finished projects and recommendations to the City Council and any other appropriate body. The budget will be used for notebooks, leadership curriculum, project materials, and snacks. We look forward to developing strong leaders that will give back in our community.</p>

## FY20 Round 1 Community Needs Grants - City of Salisbury | Lindsay, Kevin

*Are there any other agencies/organizations in the area doing this or similar work?	No
*Are you partnering with any local agencies for this project?	No
Project Management Capacity	
*Who is the staff person(s) carrying out and supervising this project?	
Jermicael Mitchell, Youth Development Specialist and Kevin Lindsay, Neighborhood Relations Manager.	
*Name:	Kevin Lindsay
*Title:	Neighborhood Relations Manager The city
*Email address:	klindsay@salisbury.md
*Why is your agency uniquely situated to deliver this program?	
Mayor Day and the City of Salisbury has decided that the youth are as vital to cities growth just as much as anyone. We have started, PAL ( Police Athletic League) program with Salisbury Police Department, a summer youth work program, and have opened up one community center and are in the process of opening up another one. We are fully committed in developing youth in all areas. This would be another extension of that.	
If you have additional comments or important information you want us to know about this project, please document that in the following comment box:	

### Budget Information

Budget Information	
Expense Table Worksheet:	
Please download the expense table worksheet and upload it once completed:	
*Upload the Expense Table Worksheet:	Expense Table Worksheet (1) (3) (7).xlsx
Budget Narrative:	
Note: Please enter the narrative for all the Project Expenses as per the Project Expenses that you have entered on the uploaded Expense Table Worksheet.	
*Budget Narrative for Project Expense 1:	
4 packs of pens at \$5.59 apiece	
*Add another Expense 2:	Yes
*Budget Narrative for Project Expense 2:	
15 Handbooks at \$185.00 a piece	
*Add another Expense 3:	Yes
*Budget Narrative for Project Expense 3:	
20 shirts at \$9.24 a piece	
*Add another Expense 4:	Yes
*Budget Narrative for Project Expense 4:	
15 Hats at \$13.01 a piece	
*Add another Expense 5:	Yes
*Budget Narrative for Project Expense 5:	
Food from Old town Deli. Refreshments, sandwiches, chips and light snacks for the entire school year for 20 meetings throughout school year.	
*Add another Expense 6:	No
*Total project expenses from Expense Table Worksheet:	\$3,902
*Amount requested from the Community Foundation:	\$3,512
*Percentage of the project budget being requested from the Community Foundation:	90
Project Revenue	

## FY20 Round 1 Community Needs Grants - City of Salisbury | Lindsay, Kevin

List all potential funding sources for this project including those that may be pending approval through a donor or grant maker. Note: Please be sure to consider and include all potential sources of in-kind support (including volunteer hours, donated materials, etc.) associated with the project. Matching fund requirement: A minimum of 10% of revenue must come from sources other than CFES.

*Government Grants Amount:	\$0
*Community Foundation Grants (this request):	\$3,512
*Other Foundation Grants Amount:	\$0
*United Way Amount:	\$0
*Corporate Sponsors Amount:	\$0
*Individual Contributions Amount:	\$0
*Earned and/or Interest Income Amount:	\$0
*In-Kind Support Amount:	\$390
*Fundraising Income:	\$0
*Cash Contribution (general revenue) :	\$0
*Total project revenue:	3902

Note: Total project expenses must match total project revenue. If they do not match, please check your figures.

\*Please list planned and potential future funding sources that will sustain this program after the CFES grant period has ended:

Local Businesses  
 Wicomico County Board of Education  
 City of Salisbury

### Required Documentation

Required Documentation	
Please upload copies of the following:	
Local partner letter(s) of support, out of area applicants only:	
*Listing of current board of directors (or governing body) (Your list should include detail about board member occupation/employment and city/state):	City Organization.pdf
*Copy of most recent available signed board (or governing body) meeting minutes. These meetings should be held at least four times per year.:	Board meeting.docx
*Upload a letter of board or governing body support of this funding request, signed by the board chair or other governing body leadership:	Board meeting.docx
*Upload a Copy of current year's operating budget:	HCDD Budget.pdf
*Upload one of the following: 1) An annual audit of financial services by an independent certified public accountant for total annual revenue of \$750,000 or more. 2) A financial review by an independent certified public accountant for total annual revenues between \$300,000 and \$749,999. 3) If total annual revenues are under \$300,000, upload a compilation by an independent certified public accountant or unaudited financial statements and a 990 tax form.	FY19 Operating Budget.pdf
Please upload supporting vendor quotes or contract invoices for the budget:	

### Project Goals

Project Goals	
**Along with your individual project goals, CFES will require you to keep track of the number of volunteers, volunteer hours, number of individuals served, and the amount of grant dollars leveraged for this project. Please start planning now for this new requirement. Grant updates are due at six and twelve months post grant award.**	
*Goal 1:	to teach youth about state and local government
*Goal 2:	To teach organization, good setting, delegation of assignments and execution of different projects
Goal 3:	To teach networking and researching resources.
*How will you measure the success of this project? Discuss the ways you will measure your project goals, and the specific objectives and strategies to achieve those goals. Include details such as methods, dates, data sources and who will be responsible for project evaluation.	

## FY20 Round 1 Community Needs Grants - City of Salisbury | Lindsay, Kevin

We will measure success by end of the term(one year) evaluation forms for each youth. The meeting after each project will have a reflection period, where we will discuss pros and cons of certain project. The target number of youth that we would like to engage including the 11-15 on council, about another 100 youth. We will keep written track records, along with Jermichael Mitchell and Kevin Lindsay, from City of Salisbury, responsible for project evaluation. We will track youth by having members complete evaluation forms after each session and based off the number of youth reached based off service projects completed.

### Signature

Approval	
*Electronic Signature:	Kevin Lindsay 7/31/2019 3:34 PM
*Title:	Neighborhood Relations Manager

### Grant Agreement

Amount Awarded:	FY20 Round 1 Community Needs Grants Awarded On 09-19-2019, \$3,512
Please review the attached document for grant agreement terms for your grant award:	
*Please sign to acknowledge you have reviewed the attached grant agreement:	Kevin Lindsay 9/19/2019 12:05 PM
*Please enter the date below:	9/19/2019

### Interim Report

Interim Report	
Grant Amount:	FY20 Round 1 Community Needs Grants Awarded On 09-19-2019, \$3,512
*Grantee Organization:	
*Number of people actually served through this grant funding:	
*Number of Volunteers who served during this project:	
*Number of Volunteer Hours recorded for project:	
*Direct funding support leveraged through our grant funds (in dollar amount only):	
Note: All essay questions have a 200 word limit.	
*Describe the project for which Foundation funds were granted:	
*Report data on measurable goals of this project:	
*Please describe the impact of Foundation funds on your project:	
*What is the future of the project?	
Were there any complications or challenges to completing this project?	
Other Comments:	
Please share with us any success stories that occurred as a result of this grant:	
*Please upload copies of receipts, invoices, press releases, or other forms of publicity concerning the project:	
*Signature:	

### Final Report

Final Report	
Grant Amount:	FY20 Round 1 Community Needs Grants Awarded On 09-19-2019, \$3,512
*Grantee Organization:	
*Number of people actually served through this grant funding (numeric value only):	
*Counties actually served by this grant:	
*Number of Volunteers who served during this project:	
*Number of Volunteer Hours recorded for project:	
*Direct funding support leveraged through our grant funds (in dollar amount only):	

## FY20 Round 1 Community Needs Grants - City of Salisbury | Lindsay, Kevin

Note: All essay questions have a 200 word limit.	
*Describe the project for which Foundation funds were granted:	
*Review the goals section of your grant application. Did you meet the proposed goals?	
*Report data on measurable goals of this project:	
*Please describe the impact of Foundation funds on your project:	
*What is the future of the project?	
Were there any complications or challenges to completing this project?	
Other Comments:	
Please share with us any success stories that occurred as a result of this grant:	
*Please upload copies of receipts, invoices, and/or payroll records showing grant expenditures (totaling the full amount of the grant):	
Please upload any photos, press releases, or publicity that you would like to share from this project:	
*Signature:	

### Grant Modification Request

Grant Modification Request	
Grant Amount:	FY20 Round 1 Community Needs Grants Awarded On 09-19-2019, \$3,512
*Current balance of unspent grant funds:	
*Grantee Organization:	
*I am requesting an extension of the current grant period.	
*Current Grant End Date (one year from award date):	
*New End-Date Requested (maximum of 6 months past end of current grant period):	
*Reason for extending the grant period (briefly describe the circumstances necessitating an extension):	
*I am requesting approval to revise the budget for the remaining funds.	
*Original intention for these funds (please list the expenses for which the remaining funds were originally allocated):	
*New expenses (list the expenses for which you would now like to use the remaining funds):	
*Briefly describe the reason for the reallocation of funds:	
Additional comments (please provide any additional information that may be pertinent to this request):	
Supporting documents (optional):	
*Signature:	

**FY20 Round 1 Community Needs Grants - City of Salisbury | Lindsay, Kevin**

<b>Project Expenses</b>	<b>Item Name</b>	<b>Amount</b>	<b>Quote Source</b>
<i>Exp1</i>	<i>Pens</i>	22	Amazon
<i>Exp2</i>	<i>Handbooks</i>	1,500	Cambridge Handbook
<i>Exp3</i>	<i>Tshirts</i>	185	Custom Ink T-shirts
<i>Exp4</i>	<i>Hats</i>	195	Custom Ink T-shirts
<i>Exp5</i>	<i>Good</i>	2,000	Old town Deli
<i>Exp6</i>			
<i>Exp7</i>			
<i>Exp8</i>			
<i>Exp9</i>			
<i>Exp10</i>			
<i>Exp11</i>			
<b>(A) Total project expenses</b>		3,902	

**NOTES**

Do NOT make any changes to  
Row 1, Row 13, or Column A!



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND  
APPROVING A BUDGET AMENDMENT OF THE GRANT FUND TO  
APPROPRIATE FUNDS FROM A COMMUNITY NEEDS GRANT,  
FROM THE COMMUNITY FOUNDATION OF THE EASTERN  
SHORE, INC., AWARDED FOR THE CITY OF SALISBURY YOUTH  
CIVICS COUNCIL.

WHEREAS, the Community Foundation of the Eastern Shore, Inc. (CFES) has a Community Needs Grant Fund; and

WHEREAS, the purpose of the Community Needs Grant is to provide support to a broad range of charitable programs; and

WHEREAS, youth empowerment and mobilization is identified as a critical component of the future of the City of Salisbury; and

WHEREAS, the mission of the City of Salisbury’s Youth Civics Council is to mobilize and empower the youth of our community by providing meaningful opportunities to engage in civic leadership and service; and

WHEREAS, CFES has awarded a Community Needs Grant to the City of Salisbury, which provides funding in the amount of \$3,512 for the City of Salisbury’s Youth Civics Council; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, THAT the City's Grant Fund Budget be amended as follows:

- 1) Increase the FY19 CFES Community Needs Grant Revenue Account (10500-426100-XXXXX) by \$3,512
- 2) Increase the FY19 CFES Community Needs Grant Expense Account (10500-546006-XXXXX) by \$3,512

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 28<sup>th</sup> day of October, 2019, and thereafter, a statement of the substance

45 of the Ordinance having been published as required by law, was finally passed by the Council  
46 on the 12<sup>th</sup> day of November, 2019.

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49 ATTEST:

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54 Kimberly R. Nichols  
55 CITY CLERK

\_\_\_\_\_

John R. Heath  
COUNCIL PRESIDENT

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59 APPROVED BY ME THIS  
60 \_\_\_\_\_ day of October, 2019.

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64 \_\_\_\_\_  
65 Jacob R. Day  
MAYOR

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## MEMORANDUM

**To:** Julia Glanz,  
**From:** John W. Tull, Fire Chief  
**Subject:** Budget Amendment Request  
**Date:** October 1, 2019

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The Fire Department is requesting the approval of a budget amendment for reimbursement of \$4,827.79 to the FY20 Fire Department's vehicle operating account (24035-534308) for insurance proceeds received from the Local Government Insurance Trust (LGIT). This insurance claim was filed due to damage sustained to Ambulance A-2 while responding to a medical emergency on June 30, 2019.

On September 9, 2019 an insurance claims check from LGIT (see attached) was issued directly to the City of Salisbury for the repair cost to Ambulance A-2 in the amount of \$4,827.79 and was deposited into City's general fund revenue account. This request for reimbursement of these funds will replenish the Fire Department's vehicle repair account and bring this account back in line with the approved FY20 budget.

Thank you in advance for your time and consideration on this request. If you should have any questions or need any additional information, please do not hesitate to contact me.

Attachment: Budget Amendment Ordinance – Insurance Claim  
Local Government Insurance Check Payment (Copy)

# LOCAL GOVERNMENT INSURANCE TRUST

# CLAIMS CHECKING 63699

CLAIM NUMBER	DATE OF OCCURRENCE	DESCRIPTION	PAYMENT AMOUNT
09/09/2019 AU-2019-0045577-001	06/30/2019	Repair cost for VIN A85208.	\$5,827.79
AU-2019-0045577-001	06/30/2019	Deductible Applied EMS Unit- A2	-\$1,000.00
		Claim #45577 Salisbury Fire Dept. 2016 Ford F550 XLT 2D Ford Red	\$4,827.79
CHECK NUMBER		TOTALS ▶	

P.O. # \_\_\_\_\_

VENDOR # 1478

INVOICE # N/A / Pmt. Check

INVOICE DATE 9.9.19

INVOICE AMOUNT TO BE PAID CREDIT CHECK 4,827.79

ACCT # 90001-555010

INVOICE IS APPROVED FOR PAYMENT

Frank Ennis  
Signature

DATE 9.16.19

**RECEIVED**

SEP 16 2019

BY: F. Ennis

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS



7225 PARKWAY DRIVE  
HANOVER, MD 21076

M&T  
BALTIMORE, MD

63699 7-11  
520

FOUR THOUSAND EIGHT HUNDRED TWENTY-SEVEN DOLLARS AND 79 / 100

CHECK DATE	CHECK NO.
09/09/2019	63699

-VOID AFTER 180 DAYS-

PAY TO THE ORDER OF

CHECK AMOUNT
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY2020 FIRE DEPARTMENT BUDGET TO TRANSFER INSURANCE FUNDS RECEIVED BY THE CITY TO THE FIRE DEPARTMENT OPERATING BUDGET FROM THE GENERAL FUND FOR REVENUE RECEIVED FOR REPAIRS TO AMBULANCE A-2.

WHEREAS, damage was done to Ambulance A-2, during legitimate City of Salisbury Fire Department duties; and

WHEREAS, the Fire Department paid for the repairs to Ambulance A-2 out of the FY2020 Fire Department Operating Budget; and

WHEREAS, the City has received insurance proceeds from the Local Government Insurance Trust (LGIT) in the amount of \$4,827.79 for the repairs to Ambulance A-2; and

WHEREAS, the insurance proceeds are to be used to replenish the Fire Department Operating Budget and to bring it back in line with planned FY2020 budget expense projections for the remainder of the fiscal year.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the City's Fiscal Year 2020 budget be amended as follows:

- 1) Increase the General Fund Revenue – Insurance proceeds account by \$4,827.79
- 2) Increase the Fire Department's Expense - Vehicles account (24035-534308) by \$4,827.79

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this \_\_\_\_ day of \_\_\_\_\_ 2019, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jacob R. Day, Mayor



City of  
**Salisbury**  
Jacob R. Day, Mayor

## MEMORANDUM

**To:** Julia Glanz,  
**From:** John W. Tull, Fire Chief  
**Subject:** Budget Amendment Request  
**Date:** October 8, 2019

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The Fire Department is requesting the approval of a budget amendment in the amount of \$5,226.25 for proceeds received from the auction sale of two (2) Fire Department vehicle's listed below that were declared as surplus:

- 1999 Ford Crown Victoria (EMS 1)
- 2005 Chevrolet Suburban (Car 1)

Both vehicles were sold through auction in compliance with City code and policy.

Thank you in advance for your time and consideration on this request. If you should have any questions or need any additional information, please do not hesitate to contact me.

Attachment: Budget Amendment Ordinance

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2020 FIRE DEPARTMENT BUDGET TO TRANSFER FUNDS FROM THE CITY GENERAL FUND TO THE FIRE DEPARTMENT OPERATING BUDGET TO COVER EXPENSES FOR VEHICLE MAINTENANCE.

WHEREAS, the City has declared a 1999 Ford Crown Victoria and a 2005 Chevrolet Suburban as surplus and the vehicles have been sold at auction: and

WHEREAS, both vehicles were operated by the Salisbury Fire Department; and

WHEREAS, the City has received a total of \$5,226.25 from the proceeds generated from the auction sale and placed the funds in the City General Fund; and

WHEREAS, the Fire Department has use for the funds received and requests that the funds of \$5,226.25 be reallocated to the Fire Department Operating Budget for FY2020.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SALISBURY, MARYLAND that the City's Fiscal Year 2020 budget be and is hereby amended as follows:

- 1) Increase the General Fund Revenue – sale of assets proceeds account by \$5,226.25
- 2) Increase the Fire Department's Expense - Vehicles account (24035-534308) by \$5,226.25

BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_ day of \_\_\_\_\_, 2019, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_ day of \_\_\_\_\_, 2019.

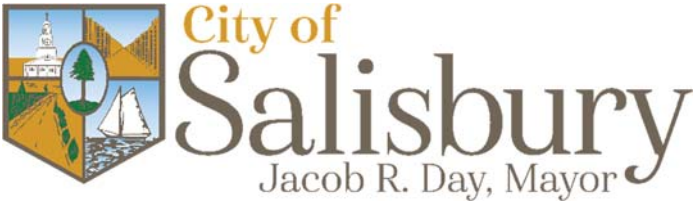
ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jacob R. Day, Mayor



## MEMORANDUM

**To:** City Council  
**From:** Kim Nichols, City Clerk  
**Subject:** Budget Amendment for possible tie election  
**Date:** October 17, 2019

Attached is a budget amendment appropriating funds from the FY 2020 General Fund to Elections to conduct a Special Election should the upcoming November 5, 2019 election result in a tie in one or more districts. The first reading of the ordinance must occur now in case there is a tie so that the second reading and approval by Council can be scheduled within the time period needed to conduct the Special Election, within 45 to 60 days after the General Election.

Our estimates to conduct the Special Election for one district total \$12,444.00. If all five districts result in ties, approximately \$47,370.00 would be required. Because costs of advertising, printing and mailings can fluctuate, and we can only estimate the time required from the Elections Office staff to conduct this possible additional election, we should transfer \$53,000 to cover any additional unexpected costs. Attached are the calculated estimates.

I recommend that the City Council approve the attached ordinance for first reading, and should a tie not occur in one or more districts, the budget ordinance will not be presented for second reading. If we do need to fund a Special Election, there will be time for a second reading.



**Amend**

	1 Tie Election (Within 45-60 days)	5 Tie Elections
<b>SALARIES</b>		
Board Chairman - Annual Compensation		
2 Board Members - Annual Compensation		
Election Office Staff - County Time (\$4500)	900	4500
Election Office Staff - Personal Time (\$2000)	400	2000
Part-time Office Help (\$11.00 an hour)	200	1000
10 Chief Judges (\$350 each)	2 Chiefs 700	10 Chiefs 3500
10 Check In Judges (\$250 each)	2 CI 500	10 CI 2500
30 Voting Judges (\$250 each)	1 Unit 1500	5 Units 7500
5 Provisional Judges (\$225 each)		
Mileage - Staff, Election Day Support	250	250
<b>POLLING PLACE RENTALS</b>		
Dist 1 thru 5 (\$200 each)	1 poll 250	4 polls 1000 (no fee for Fire Dept.)
<b>VOTING EQUIPMENT</b>		
E Pollbook Programming	1000	1000
Audio Programming, ADA voting unit	1000	1000
10 DS-200 Scanner Units (\$100 each, 2/location)	2 DS-200 200	10 TS 1000
5 ADA Voting Units (\$100 each; 1/location)	1 ADA 100	5 ADA 500
12 DS-200 Scanner Unit memory sticks (\$50 each)	2 sticks 100	10 sticks 500
10 Electronic Pollbooks (\$100 each)	2 EPB 200	10 EPB 1000
2 DS-200 Scanner Units (\$100 each, 2/canvass)	2 Unit 600	2 Units 600
Equipment Transportation (\$600 per site) - Vendor	1 site 600	5 sites 3000
<b>ADVERTISING</b>		
Daily Times Notice of Election	800	800
<b>PRINTING</b>		
Sample Ballot production and printing - Vendor	700	3500
7,000 Election Day ballots (40% turnout +\$500 fee)	500	2500
700 Absentee Applications - Vendor (\$300)	60	300
Envelopes-mailing, Abs return-oath envelope (\$200)	40	200
600 Absentee Ballots (\$0.20 each) - Vendor	24	120
<b>SUPPLIES - ELECTION AND OFFICE</b>		
Polling Place and Election Supplies - \$300	60	300
<b>POSTAGE</b>		
Specimen Ballot postage- Vendor (\$8500)	1700	8500
Postage for mailing Absentee Ballots (\$300)	60	300
<b>Total - 1:</b>	<b>12444</b>	<b>Total - 4: 47370</b>

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 2020 GENERAL FUND BUDGET TO APPROPRIATE FUNDS NEEDED TO ADMINISTER AN ELECTION IN DISTRICTS ONE, TWO, THREE, FOUR AND FIVE IN THE EVENT OF A RESULTING TIE IN THE NOVEMBER 5, 2019 CITY ELECTION.

WHEREAS, the November 5, 2019 City of Salisbury Election may result in a tie for the winner in one or more election districts; and

WHEREAS, in that event, the City must fund a Special Election to determine the single winner of these districts; and

WHEREAS, the City's FY 2020 budget does not contain an appropriation sufficient to cover the expense of conducting this additional election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Fiscal Year 2020 General Fund Budget be and hereby is amended as follows:

- 1) Increase Current Surplus Available (01000- 469810) by \$53,000
- 2) Increase Elections (13000-xxxxxx) by \$53,000

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this \_\_\_\_ day of \_\_\_\_\_ 2019, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Diane K. Carter, Assistant City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jacob R. Day, Mayor

## Title 7 – Alcohol Control Board

### Chapter 7.02 - ALCOHOLIC BEVERAGES

#### 7.02.010 - Definitions.

For the purposes of this chapter, the following words and phrases have the meanings indicated:

"Alcoholic beverage" means alcohol, brandy, whiskey, rum, gin, beer, ale, porter, stout, wine and cider, and in addition, any spirituous, vinous, malt or fermented liquor, liquids and compounds, by whatever name called, containing one-half of one percent or more of alcohol by volume, which are fit for beverage purposes. "Alcoholic beverage" does not include (1) wine and cider manufactured for home consumption and which are not sold for the maker or manufacturer, nor by the maker or manufacturer; and (2) alcohol used exclusively for the manufacture of medicinal, antiseptic or toilet preparations, flavoring extracts and other preparations unfit for beverages.

"Club" means an association or corporation which is organized and operated exclusively for education, social, fraternal, charitable, civic, political, patriotic or athletic purposes, and not for profit.

"Hotel" means any establishment for the accommodation of the public equipped with not less than twenty bedrooms, containing not less than one bed in each room, with sufficient covering for each bed, and one room with toilet and bathing facilities for each seven bedrooms, and containing a restaurant as defined by this section.

"Refillable container" means a jug or other vessel used to transport draft beer.

"Restaurant" means any lunchroom, café or other establishment located in a permanent building with ample space and accommodations in which hot meals habitually are prepared, sold and served to the public during the hours it is open regularly for business. It shall be equipped with a public dining room with sufficient tables, chairs, cutlery and glassware to serve the meals prepared, and with a kitchen having complete facilities and utensils for preparing and serving hot and cold meals to the public. Each restaurant shall maintain a menu or card advertising the serving of a variety of hot meals. There shall be maintained on the premises at all times sufficient food to fill orders made from the menus. No drugstore or grocery store shall be construed to be a restaurant.

"Tavern" means any properly licensed premises used and operated primarily for the sale of alcoholic beverages; provided, however, that nuts, pretzels, potato chips, sausages, sandwiches, salads and other foodstuffs generally associated with taverns may be sold and consumed in taverns.

"Wine bar" means any properly licensed premises used and operated for the sale of wine and to a lesser extent the sale of beer; provided, however, light fare generally associated with wine bars may be sold and consumed in wine bars.

#### 7.02.020 - Applicability of State law.

Except as otherwise provided in this chapter, the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland (1957 Edition and supplements) apply to the sale, consumption and licensing for sale of alcoholic beverages in the City.

### Chapter 7.03 Alcohol Control Board

#### 7.03.010 – Salisbury Alcohol Control Board—Established—Appointments.

A Salisbury Alcohol Control Board is created. The board consists of five residents of the City, who have demonstrated reputation for honesty, integrity and character, and who have a knowledge and understanding of the operation of establishments possessing alcoholic beverage licenses in the City of Salisbury, together with the laws and regulations pertaining to the establishment. The members of the board shall serve without compensation. The members of the board shall be appointed by the Mayor and confirmed by a majority vote of the City Council for terms of three years, or until their successors are appointed and duly qualify, commencing on July 1st of the year in which appointed. The City Council may designate the initial terms of the members of the board and provide for staggered terms so that the terms of not more than two members of the board expire in any one year.

#### 7.03.020 – Salisbury Alcohol Control Board—Annual organization and report.

The board annually shall elect a chairman and a secretary from among its membership, each of whom shall serve for a term of one year. The board shall submit to the City Council, not later than January 1st of each year, an annual written report regarding the board's activities during the preceding fiscal year, together with any recommendations for revisions in the alcoholic beverage laws.

#### 7.03.030 – Salisbury Alcohol Control Board—Rules and regulations.

The board shall adopt rules, not inconsistent with the provisions of this chapter or the Alcoholic Beverages Article of the Annotated Code of Maryland, as it deems necessary and desirable for the regulation and conduct of its meetings and administrative activities and as it deems necessary and proper for the proper operation and conduct of licensed establishments. Each rule and regulation shall have the force of law and shall become effective not less than forty-five days following its promulgation by the board, unless an objection to the rule or regulation, or to any portion, is registered by the City Council by a resolution adopted prior to the effective date of the rule or regulation. In addition to the foregoing, the City Council may adopt by resolution any rule recommended by the board for expedited implementation. If so adopted, each such rule shall become effective upon the approval of the resolution.

#### 7.03.040 – Salisbury Alcohol Control Board—Powers and duties generally.

- A. Subject to the provisions of this chapter and the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, the board may:
  - 1. Grant or deny an application for an alcoholic beverage license or for the upgrading, renewal or transfer of an alcoholic beverage license;
  - 2. Suspend or revoke an alcoholic beverage license, or take any other action permitted by law in order to secure the enforcement of all alcoholic beverage laws, ordinances, rules and regulations applicable to licensed establishments;
  - 3. Administer and enforce its rules and regulations.
- B. The board shall conduct a public hearing prior to:
  - 1. Acting upon an application for an alcoholic beverage license or for the renewal, upgrading or transfer of an alcoholic beverage license;
  - 2. Acting upon any proposed suspension or revocation of an alcoholic beverage license, or taking any other enforcement action permitted by law; or
  - 3. Adopting any rule or regulation.

- C. The board, through its chairman, may administer oaths, summon any witness and require the testimony of any witness and the production of any books, documents, records, or any other tangible item which may be of value to the board in connection with any hearing or investigation it is authorized to conduct.

7.03.050 – Salisbury Alcohol Control Board—Delegated authority.

Wherever in this chapter or in the Alcoholic Beverages Article of the Annotated Code of Maryland any of the power and authority specified in Section 7.03.040 is granted to, or vested in, the City Council or the Board of License Commissioners for the City, that power and authority is delegated to the Salisbury Alcohol Control Board created by this chapter.

7.03.060 – Salisbury Alcohol Control Board—Appeal from.

Any action or decision of the board taken under the authority of Section 7.03.040, may be appealed to the circuit court for the County, in accordance with the procedures and requirements of the Alcoholic Beverages Article of the Annotated Code of Maryland and the Maryland Rules of Procedure relating to appeals from decisions of administrative agencies.

7.03.070 – Salisbury Alcohol Control Board—Administration.

The City Clerk shall provide administrative support for the board. Testimony by a member of the board shall be inadmissible with regard to the exercise of the powers enumerated in Section 7.03.040(A)(1) and (2). Any and all investigations conducted to ascertain compliance with the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, this Code, and the board's rules and regulations shall be performed by or at the direction of the Police Department, subject to the administration and supervision of the Chief of Police and the Mayor as with all other activities of the department.

Chapter 7.04 Consumption of Alcoholic Beverages

(or break into 2 chapters for sale and consumption and move sections around)

7.04.010 - Public consumption and possession.

- A. A person may not consume any alcoholic beverage or possess an open alcoholic container or possess an alcoholic beverage container on which the seal has been broken in or on any of the following areas or places within the City:
1. Any street, public way, highway, alley, sidewalk, road or parking area;
  2. Any vehicle;
  3. Any station or terminal;
  4. Any park, playground, parking lot, or any other public facility leased, owned or operated by the City; and

5. On the premises outside the structure of any establishment possessing a valid alcoholic beverage license, including any shopping center parking lot where there is an alcoholic beverage licensed establishment located in the shopping center, and any parking lot located adjacent to the premises of an alcoholic beverage licensed establishment.
- B. The Salisbury Alcohol Control Board may permit the consumption of:
1. Beer and wine at City run functions. Any possession, consumption or sale of beer and/or wine at City run functions must comply with all applicable requirements of this Chapter.
  2. Alcoholic beverages in or on any of the places identified in Subsection A during special events determined by the Mayor to be of significance to the City, or if, in the board's judgment, the consumption would not be contrary to the public interest. Any action of the board denying a request shall be accompanied by a written statement of the reasons for the denial.
- C. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine or imprisonment, or both as established by resolution of the City Council.

#### 7.04.020 - Possession or consumption on public highways.

- A. For the purposes of this section:
1. "Alcoholic beverage" means the same as in the Alcoholic Beverages Article of the Annotated Code of Maryland, as amended from time to time.
  2. "Container" means any object, regardless of shape or design or of material from which made, including but not limited to, a can, bottle, cup, carton or glassware, capable of holding and dispensing any substance.
  3. "Open" means any container not in sealed manufactured package form.
  4. "Public highway" includes any street, highway, shoulder, median, right-of-way, alley, sidewalk, road, parking lot or area, lane, path or public way, or any other land or portion of land owned or leased by the City, the County or the State, used, or intended or obtained for use, and whether or not in use, for public conveyance of vehicles or persons.
  5. "Vehicle" means the same as in the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- B. A person may not consume an alcoholic beverage on a public highway or in a vehicle while it is moving, stopped, standing or parked on a public highway.
- C. A person may not possess an open container of alcoholic beverage on a public highway in the City or in a vehicle while it is moving, stopped, standing or parked on a public highway.
- D. The prohibitions of this section do not apply to:
1. The consumption of alcoholic beverages or the possession of one or more alcoholic beverage containers by a nondriver passenger in a registered class B vehicle (for hire), as defined in Section 13-913 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time;
  2. The possession or consumption of alcoholic beverages on any premises licensed for the consumption of alcoholic beverages under this chapter and the Alcoholic Beverages Article of the Annotated Code of Maryland, as amended from time to time;
  3. Consumption of alcoholic beverages or possession of open containers of alcoholic beverages on a public highway if allowed under the terms of a proper permit issued by an authorized State or local agency having jurisdiction over the highway;
  4. The carrying or transporting of open containers of alcoholic beverages in a part of any vehicle not within the immediate control of the driver or any passenger of the vehicle.

- E. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine, or imprisonment, or both as established by resolution of the City Council.

#### Chapter 07.05 Sale of Alcoholic Beverages

##### 7.5.010 - Sale to comply with chapter.

No person shall sell, offer for sale or keep for sale any alcoholic beverages except as provided by this chapter. This section does not apply to sales made by a person under a provision of law or order or decree of a court of competent jurisdiction requiring the sale of personal property.

##### 7.05.020 - License—Application.

- A. Every individual, partnership or corporation applying for a license to sell alcoholic beverages in the City shall file an application for a license. The application for the license shall conform with the requirements of the Alcoholic Beverages Article of the Annotated Code of Maryland and, for two years next preceding the filing of the application, the applicant shall have been a resident, a taxpayer and a registered voter of the City and/or Wicomico County.
- B. Plans or drawings:
  - 1. In the case of a new enterprise, the application for any class of beer license, beer and light wine license and beer, wine and liquor license shall be accompanied by an architect's plans or drawings of the building, premises and lot for which a license is applied. The plans or drawings shall include all exterior as well as interior features of the building, including but not limited to the location where the food and beverages will be prepared and served and all other accommodations of the building, including the types of material to be used and signs to be posted. In the case of off-sale and distributor licenses, the locations of storage and sales shall be included. The license, if granted, shall not become effective until the building is completed in accordance with the filed plans.
  - 2. The application for the transfer of an existing beer, beer and light wine or beer, wine and liquor license shall not require the submission of an architect's plans or drawings.
- C. Every application for a new or transfer of an existing alcoholic beverage license shall be accompanied by a nonrefundable fee of two hundred dollars. In addition, the applicant shall pay all advertising fees necessary for publication.
- D. Application for refillable container license:
  - 1. Every applicant for a class of license that permits the sale of draft beer in refillable containers shall:
    - a. Complete the form that the Salisbury Alcohol Control Board provides; and
    - b. Pay an annual license fee set by resolution of the City Council based upon whether the applicant holds a license with an off-sale privilege at the time of application.
  - 2. Every applicant for a class of license that permits the sale of draft beer in refillable containers whose license, at the time of application, does not include an off-sale privilege shall meet the same advertising, posting of notice and public hearing requirements as those for the license that the applicant holds at the time of application.

##### 7.05.030 - License—Hearings—Petitions.

The Salisbury Alcohol Control Board shall publicly hear petitions from residents of the district, or persons living or doing business in the vicinity of the place for which a license under this chapter is applied, or for the transfer of any license, or for the renewal of any license, in favor of or in protest of the granting, transfer or renewal of the license. Hearings for new applications and transfers may be held throughout the year. Hearings for renewals shall be held during April of each year. Any person who files a protest against a renewal by March 31st of each year shall be given an opportunity to testify at the public hearing held by the Salisbury Alcohol Control Board. The hearing may not be held, and the license may not be renewed, until all persons filing a protest have been notified of the time, date and location of the hearing. Notification shall be by a letter mailed to the address of each protestor as given in the written protest document. In all cases the board is the sole judge of the propriety of issuing, transferring or renewing the license or whether or not the applicants are fit persons to have the license granted, transferred or renewed.

#### 7.05.040 - Alcohol License—Suspension—Revocation—Fines.

If sufficient cause at any time is shown, or proof is made to the Salisbury Alcohol Control Board, that the party licensed was guilty of any fraud in securing the license, has violated any law, rule or regulation of the State or City relating to the sale of alcoholic beverages, or has repeatedly operated the licensed premises or any property accessory to the licensed premises in a manner that violates the provisions of Title 17 of this code, as determined by the Director of Infrastructure and Development, the board after giving notice to the persons licensed, may revoke or suspend the license, or, in lieu of a suspension of the license, may impose a fine on the licensed establishment as established by resolution of the City Council.

#### 7.05.050 - License—Records.

The Salisbury Alcohol Control Board shall keep a full record of all applications for licenses under the provisions of this chapter, of all recommendations for and remonstrations against the granting of the licenses and of the action on all applications. The vote of the board, by yeas and nays, shall be taken on the question of granting or refusing every application for a license.

#### 7.05.060 - License—Disuse.

Any new license issued under this chapter shall be placed in use within six months of the date of the granting of the license. If not used within the six-month period, the license shall expire and be null and void, unless extended by the Salisbury Alcohol Control Board prior to the expiration of the six-month period.

#### 7.05.070 - License—Term.

All licenses issued under the provisions of this chapter expire on April 30th of each year.

#### 7.05.080 - License—Public notice of applications.

- A. Notice by Publication. The City Clerk shall give notice, by publication at least two times, not on consecutive days, in a newspaper published in the City and having a general circulation in the City,



of all applications for licenses under this chapter or for transfer or for assignment of licenses to other persons or premises. The Salisbury Alcohol Control Board may act upon an application at any time it deems proper after completion of the publication. Publication of the notice shall be at the expense of the applicant for the license or for the transfer of the license.

- B. Notice by Posting. The applicant shall give further public notice by the posting of a conspicuous sign upon the premises, at its main entrance on the main street or artery bounding the property, stating the time and place of the public hearing and the purposes for which it is to be held. The sign shall contain lettering and shall be of a size and type as prescribed by the board, shall be posted at least fifteen days prior to the scheduled hearing and shall remain in place until after the hearing. The posting of the premises shall be at the expense of the applicant.
- C. Payment or Satisfaction of Financial Obligations. The Salisbury Alcohol Control Board shall not approve an application for the transfer of a license unless all financial obligations of the current licensees, pertaining to the licensed establishment, have been paid fully or some arrangement concerning debts and obligations satisfactory to the creditors of the establishment have been made. A bona fide creditor must submit a claim, under affidavit, to the board prior to the hearing held on the transfer, and the claim must involve an indebtedness incurred in the operation of the licensed premises. The provisions of this subsection also shall apply to an application for a new license whenever it appears to the board that the application for a new license is being used as a subterfuge for avoiding the payment of financial obligations of an existing licensed establishment.

#### 7.05.090 - License—Reapplication.

- A. If a license under this chapter is refused, except as provided in this section, no further application shall be considered from the applicant or for the premises, as the case may be, for a period of six months from the date of rejection of the prior application. If a subsequent application by the same applicant or for the same premises is refused within the two-year period immediately following the date of the first refusal, then no further application shall be considered from the applicant or for the premises, as the case may be, until the two-year period provided for in this subsection has elapsed.
- B. The provisions of subsection A of this section restricting reapplication within six months or two years from the date of rejection of a prior application do not apply where the license was refused on the grounds that it was not necessary for the accommodation of the public or because the premises were not suitable for the sale of alcoholic beverages under the license applied for, and also do not apply against the premises set forth in an application when the license applied for was refused because the applicant personally was determined not to be a proper person to be issued the license.

#### 7.05.100 - License—Compliance with restrictions.

No person shall sell or furnish any alcoholic beverage to any person except at the times and hours, and in strict compliance with the regulations, set out in Sections 7.05.110 through 7.05.170.

#### 7.05.110 - License—Types and classes.

- A. The following types and classes of alcoholic beverage licenses may be issued in the City:
  - 1. Beer: B;
  - 2. Beer and light wine: BW;

3. Beer, wine and liquor: BWL.

B. In addition, each alcoholic beverage license shall be of the class:

1. Package goods retail stores:

Class A-1,

Class A-1.b,

Class A-1.c,

Class A-2,

Class A-2.b,

Class A-2.c;

2. Restaurants:

Class B-1,

Class B-1.X,

Class B-2,

Class B-2.X,

Class B-3,

Class B-3.a,

Class B-3.X,

Class B-3.X.a,

Class B-4,

Class B-4.a,

Class B-4.a.b,

Class B-4.X,

Class B-4.X.a,

Class B-4.X.a.b;

3. Clubs:

Class C;

4. Taverns:

Class D-1,

Class D-1.a,

Class D-1.a.b;

5. Hotels:

Class E-1,  
Class E-1.a,  
Class E-1.a.b,  
Class E-1.X,  
Class E-1.X.a,  
Class E-1.X.a.b;

6. Yacht clubs:  
Class F;
7. (Expired)
8. Institutions for the care of the aged;  
Class ICA.
9. Wine bars:  
Class WB.

#### 7.05.120 - Package goods retail stores.

- A. This section applies to package goods retail stores.
- B. There shall be no display of the stock of alcoholic beverages on the days, or during the hours, when sales are prohibited. At those times, the stock of alcoholic beverages upon any premises which remains open shall be hidden from view by substantial, nontransparent shutters, blinds or doors, or within nontransparent closets or cabinets, and locked with visible padlocks. A notice shall be prominently displayed to be easily readable by purchasers of alcoholic beverages and shall contain the following statement: "Consumption of alcoholic beverages on the public streets, parks and other public ways of the City of Salisbury is prohibited by law."
- C. Package goods retail stores license classes are as follows:
  1. Class A-1: Off sale only of package goods from six a.m. to twelve midnight, Monday through Saturday;
  2. Class A-2: Off sale only of package goods from six a.m. to twelve midnight, seven days a week;
  3. Class A-1.b and Class A-2.b: In addition to the off sale of package goods as authorized, the license permits the consumption for tasting or sampling purposes only, on premises, of beer, light wine and liquor. The licensee may not serve more than three ounces of beer or one ounce of wine or one ounce of liquor from each given brand to any one person.
  4. Class A-1.c and Class A-2.c: In addition to the off sale of package goods as authorized, the license permits the on-premises consumption of wine. Licensee must maintain no less than two thousand, two hundred (2,200) square feet of retail space open to the public.

#### 7.05.130 - Restaurants.

- A. This section applies to restaurants.

- B. Holders of restaurant class 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 at least four months the original invoices or sales tickets of food and alcoholic beverages so purchased.
- C. Upon making application for renewal of a restaurant class license, the applicant shall furnish a sworn statement reporting the ratio of the daily receipts from the sale of food to the combined daily receipts from the sale of food and from the sale of alcoholic beverages. The daily receipts shall be averaged on a quarterly basis for the calendar year preceding the year for which application for renewal of the restaurant class license is being made.
- D. Restaurant-class licenses are as follows:
  - 1. Class B-1: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and twelve midnight, Monday through Saturday. The premises shall not contain a bar open to the public.
  - 2. Class B-1.X: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and two a.m., Monday through Saturday. The premises shall not contain a bar open to the public.
  - 3. Class B-2: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week. The premises shall not contain a bar open to the public.
  - 4. Class B-2.X: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and two a.m., seven days a week. The premises shall not contain a bar open to the public.
  - 5. Class B-3: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, Monday through Saturday.
  - 6. Class B-3.X: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., Monday through Saturday.
  - 7. Class B-4: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week.
  - 8. Class B-4.X: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., seven days a week.
  - 9. Class B-3.a, class B-3.X.a, class B-4.a and class B-4.X.a: In addition to the on sale of alcoholic beverages, off sale is permitted Monday through Saturday during authorized hours.
  - 10. Class B-4.a.b and class B-4.X.a.b: In addition to the on sale of alcoholic beverages and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on Sunday during authorized hours.

#### 7.05.140 - Clubs.

- A. This section applies to clubs.
- B. Club-class licenses are Class C: alcoholic beverages are restricted to on-sale only six a.m. to two a.m., seven days a week.

#### 7.05.150 - Taverns.

- A. This section applies to taverns.

- B. The premises of any licensed tavern shall be closed from twelve midnight to six a.m.
- C. Tavern-class licenses are as follows:
  - 1. Class D-1: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week.
  - 2. Class D-1.a: In addition to the on sale of alcoholic beverages, off sale is permitted Monday through Saturday from six a.m. to twelve midnight.
  - 3. Class D-1.a.b: In addition to the on sale of alcoholic beverages and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on Sunday during authorized hours.
  - 4. Class D-1.a.b.c.: In addition to the on-sale of alcoholic beverages and off-sale of alcoholic beverages Monday through Sunday, the License permits the on-premises consumption of light wine for tasting or sampling purposes only. The Licensee shall not serve more than one ounce of wine from each given brand to any one person.

#### 7.05.160 - Hotels.

- A. This subsection applies to hotels.
- B. Hotel-class licenses are as follows:
  - 1. Class E-1: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week.
  - 2. Class E-1.X: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., seven days a week.
  - 3. Class E-1.a and class E-1.X.a: In addition to the on sale of alcoholic beverages, off sale is permitted Monday through Saturday during authorized hours.
  - 4. Class E-1.a.b and class E-1.X.a.b: In addition to the on sale of alcoholic beverages and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on Sunday during authorized hours.

#### 7.05.170 - Yacht clubs.

- A. This subsection applies to yacht club licenses.
- B. Yacht-club-class licenses are class F: Alcoholic beverages are restricted to on sale only, all hours, seven days a week. This license shall be issued to a bona fide organization maintaining wharves and docking piers, with a membership of at least twenty-five paid-up members. The yacht club shall adjoin its wharves and docking facilities and shall not be open for private profit, nor shall the club be open to the public generally, but shall be maintained for its members and guests.

#### 7.05.175 - Wine festivals.

#### 7.05.180 – Care Home.

- A. This section applies to Care Homes.
- B. Care Homes are Class ICA: alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., seven days a week. The license shall be issued to

a Care Home as defined in Chapter 17.04. The sale of alcohol shall be limited to on-premises consumption by residents and their bona fide guests.

#### 7.05.190 - Wine bars.

- A. This section applies to wine bars.
- B. Wine-class license is Class WB-1: Wine and beer are restricted to on and off sale only during the hours of eleven a.m. to midnight Monday through Sunday.

#### 7.05.200 - Fees.

After approval of the license applied for under the provisions of this chapter, the applicant shall pay to the City Clerk the sum of money as established by resolution of the City Council.

#### 7.05.210 - Special hours for New Year's Day.

Notwithstanding any other restriction contained in this chapter with respect to the hours of sale applicable to an alcoholic beverage licensed establishment, the holder of any on-sale alcoholic beverage license in the City shall be permitted to remain open for business until two a.m. on January 1st of any year, commonly referred to as New Year's Day, and the holder shall be permitted to sell any alcoholic beverage which the holder is authorized to sell by the terms of the license until two a.m. on any New Year's Day. During these extended hours, the licensee shall comply in all other respects with the terms, conditions or restrictions applicable to the license and to all rules and regulations set forth in this chapter.

#### 7.05.220 - When premises shall be closed.

- A. No licensed premises shall remain open to the public or private persons or parties for any purpose for more than fifteen minutes after the hours and days for sale as set forth in this code for its class of license, regardless of the fact that no sales are made after the hours of closing.
- B. The provisions of Subsection A of this section shall not apply to holders of a Class C club license. In the case of a Class C club license, although the premises may remain open for twenty-four hours, alcoholic beverages shall not be sold or consumed between the hours of two a.m. and six a.m.
- C. A violation of this section shall incur the same penalty as a violation for making a sale of alcoholic beverages after hours.

#### 7.05.230 - Permitting persons to leave premises with open beverage.

No licensee under this chapter knowingly shall permit any person to leave the licensed premises with an alcoholic beverage open for consumption.

#### 7.05.240 - Licenses for consumption on the premises only.

Subject to all other applicable provisions contained in this chapter and in the Alcoholic Beverages Article of the Annotated Code of Maryland pertaining to the issuance of alcoholic beverage licenses, the Salisbury Alcohol Control Board may issue a beer, wine and liquor license which authorizes the holder to keep for sale and sell beer, wine and liquor at any establishment within the City for consumption on the premises only.

#### 7.05.250 - Temporary special class C license to clubs.

- A. All clubs which do not hold a one-year alcoholic beverage license as set forth in this chapter shall not sell, raffle or award by lottery any alcoholic beverage except after application for and receipt of a special license, class C, for the sale or awarding of beer or beer, wine and liquor in conjunction with any bona fide entertainment conducted by any club at the place described in the license.
- B. A special beer license, class C, or special beer, wine and liquor license, class C, entitles the licensee to exercise the privileges of a one-year class C license for a period not exceeding seven consecutive days, upon payment of a special beer license fee or of a special beer, wine and liquor license fee as established by resolution of the City Council.
- C. License applications under this section are expressly exempt from the provisions of Section 7.05.090.
- D. The license provided for by this section shall be applied for and be issued to three of the officers of the club, as individuals.
- E. The City Clerk shall issue the special one-day license on behalf of the City in accordance with the established policy and laws. Any denial by the City Clerk of the issuance of the special license may be appealed to the Salisbury Alcohol Control Board at its next meeting, and a hearing date shall be scheduled after that meeting.

#### 7.05.260 - Additional license class—Refillable container license.

- A. The Salisbury Alcohol Control Board may issue to Class A, Class B, Class D, and Class E license holders a class of license that authorizes refillable containers. The suffix ".g" shall indicate that a license permits the sale of draft beer in refillable containers.
- B. Subject to paragraph C. of this section, the classes of license authorizing the sale of draft beer in refillable containers entitle the license holder to sell, for consumption off the licensed premises, draft beer in refillable containers with a capacity of not less than thirty-two ounces and not more than one hundred twenty-eight ounces.
- C. To be used as a refillable container under Paragraph B. of this section, a container shall:
  - 1. Be sealable;
  - 2. Be branded with an identifying mark of a license holder;
  - 3. Bear the Federal Health Warning Statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
  - 4. Display instructions for cleaning the container; and
  - 5. Bear a label stating that:
    - a. Cleaning the container is the responsibility of the consumer; and
    - b. The contents of the container are perishable, should be refrigerated immediately, and should be consumed within forty-eight hours after purchase.

- D. The term of a refillable container license issued to a successful applicant shall be the same as the term of the license that the applicant holds at the time of application.
- E. The hours of sale for a refillable container license shall begin at the same time as the hours for the license already held by the license holder and shall end at midnight.
- F. A license holder may refill only a refillable container that was branded by a license holder.
- G. The Salisbury Alcohol Control Board shall adopt regulations to carry out this section.

#### 7.05.270 - Music—Exits—Dress codes.

Each alcoholic beverage licensee shall observe the following rules:

- A. All mechanical, electronic, live or other music within a licensed premises shall cease fifteen minutes prior to the closing hour as designated for the class license except that establishments holding class C and class F licenses shall cease no later than two a.m.
- B. Appropriate sound suppression techniques shall be employed to ensure that noise or sounds of music originating within a structure are not audible off the premises upon which the structure is located.
- C. No mechanical, electronic, live or other music shall be played or performed on the exterior portion of a licensed premises without the express approval of the Salisbury Alcohol Control Board and except upon compliance with conditions specified by the board.
- D. An alcoholic beverage served within a structure on the licensed premises shall be consumed solely within that structure. An alcoholic beverage served within an approved exterior portion of the licensed premises shall be consumed solely within the approved exterior portion of the licensed premises or within a structure on the premises.
- E. The use of all live music or entertainment shall be posted or listed with the City Clerk; provided, that this rule does not apply to nonprofit organizations organized and operated exclusively for educational, social, fraternal, charitable, civic, political, patriotic or athletic purposes.
- F. All doors, entrances and exits must be closed at all times. This provision does not apply to class A licenses.
- G. All dress codes shall be posted.

#### 7.05.280 - Allowing alcohol consumption without license.

- A. No person may give or allow to be consumed on that person's premises, or on premises under the person's possession or control, if the premises constitute a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment, or on premises open to the general public, any alcoholic beverage other than as specifically permitted or provided in the Alcoholic Beverages Article of the Annotated Code of Maryland and this chapter. This prohibition does not apply to:
  - 1. The room of a registered guest in any hotel, motel or hospice; or
  - 2. Licensees holding a state-issued Class E steamboat license who intend to serve alcoholic beverages to paying passengers of a bona fide regularly scheduled or chartered tour while on a vessel made fast to a wharf or pier.
- B. Any owner, operator, manager or employee of any premises or places described in subsection A of this section who knowingly permits consumption in violation of this section is guilty of a misdemeanor and upon conviction shall be fined as established by resolution of the City Council.



#### 7.05.290 - Intoxicated persons.

No person in the City, either directly or indirectly, shall sell, furnish, give or deliver any alcoholic beverage to any person who is visibly affected by alcoholic beverages or by any other intoxicant.

#### 7.05.300 - Discriminatory practices prohibited.

- A. An establishment licensed under the provisions of Sections 7.05.140, 7.05.170 and 7.05.250 shall not exclude from membership solely on the basis of race, sex, religion, physical handicap or national origin in its membership.
1. In addition to any other requirements of law, each application for a new license, a transfer of a license, or a renewal of a license, described in Sections 7.05.140, 7.05.170 and 7.05.250, shall be accompanied by an affidavit declaring that the establishment for which the license is sought does not engage in any practice prohibited by Subsection A of this section.
  2. The issuance, transfer or renewal of a license described in Sections 7.05.140, 7.05.170 and 7.05.250 shall not be approved if the affidavit required by Subsection (A)(1) of this section is not submitted.
  3. A person who signs an affidavit pursuant to this section which contains a false statement intended to avoid the denial of the application as described in Subsection (A)(2) shall be guilty of a misdemeanor.
  4. The provisions of Subsection (A) shall be enforced only as provided in Subsections (A)(1), (2) and (3).
  5. The provisions of this section shall not be applicable to applications for Class C alcoholic beverage licenses filed on behalf of organizations formed solely for religious purposes.

### Chapter 7.06 - Minors

#### 7.06.010 - Minors—Sale or providing to.

No person, either alone, or by a clerk, agent, servant or employee, directly or indirectly, shall sell, furnish, give, serve or deliver any alcoholic beverage to any person under the age of twenty-one years. Violation of this section shall be a municipal infraction punishable by a fine as established by resolution of the City Council and shall be assessed against the person serving the alcohol to the underage person.

#### 7.06.020 - Minors—Warning sign.

Licensees under the provisions of this chapter shall place in a prominent position in all places where intoxicating beverages are sold or served one or more signs not less than eight inches by ten inches in size, printed in black ink on a white background, in type not less than thirty-point boldface in size, and bearing the following inscription:

The sale, gift or delivery, directly or indirectly, of liquor to minors under the age of twenty-one years, for their own use or for the use of any other person, is prohibited by law.

These signs shall be furnished by the Salisbury Alcohol Control Board without cost to licensees.

7.06.030 - Minors—Misrepresenting age.

- A. A person may not represent falsely the person's age for the purpose of illegally purchasing, receiving or obtaining any alcoholic beverages, either for that person's own use or for the use of any other person.
- B. A person may not represent falsely the age of any person for the purpose of aiding, assisting or abetting a person to illegally purchase, receive or obtain any alcoholic beverage.
- C. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined, or imprisoned, or both as established by resolution of the City Council.

7.06.040 - Minors—Employment.

No person in the City shall employ a minor to sell or serve alcoholic beverages; provided, however, that a person eighteen years of age or older may serve alcoholic beverages while acting in the capacity of a waiter or waitress. Persons under the age of twenty-one years of age may not act as a bartender or barmaid or in any solely tavern-related or bar-related capacity, notwithstanding any other provisions to the contrary.

7.06.050 - Minors—Purchase, consumption or possession of alcoholic beverages.

- A. A person under the age of twenty-one years may not purchase, procure, possess or consume any alcoholic beverage on premises licensed for the sale of alcoholic beverages.
- B. Any person violating this section is guilty of a misdemeanor and, upon conviction, shall be fined, or imprisoned, or both as established by resolution of the City Council.

SENATE BILL \_\_\_\_\_

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By: **Senator**

Introduced and read first time:

Assigned to:

Report:

Senate action:

Read second time:

A BILL ENTITLED

1 AN ACT concerning

2  
3 **ALCOHOLIC BEVERAGES**  
4 **TITLE 1. DEFINITIONS; GENERAL PROVISIONS**  
5 **AND**  
6 **TITLE 34. CITY OF SALISBURY**  
7

8 FOR the purpose of allowing the City of Salisbury to establish a local Board of License  
9 Commissioners for the City of Salisbury.

10  
11 BY repealing and reenacting, with amendments,  
12 Article-Alcoholic Beverages  
13 Section 1-101(m) and (p). Definitions  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2018 Supplement)

16  
17 BY adding,  
18 New Title – Alcoholic Beverages Article, Title 34 – City of Salisbury  
19 Sections 34-101 through 34-2802  
20 Annotated Code of Maryland

21  
22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24  
25 **ALCOHOLIC BEVERAGES**  
26 **DIVISION I. GENERAL PROVISIONS AFFECTING MULTIPLE JURISDICTIONS.**  
27 **TITLE 1. DEFINITIONS; GENERAL PROVISIONS**  
28 **SUBTITLE 1. DEFINITIONS**  
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30 **1–101. Definitions.**

31  
32 **Jurisdiction.**

33 (m) “Jurisdiction” means a county, **THE CITY OF SALISBURY**, or the City of Annapolis.

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35 **Local collecting agent.**

36 (p) (1) “Local collecting agent” means:

37 (i) in the City of Annapolis **AND IN THE CITY OF SALISBURY**, the city clerk;

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**TITLE 34.  
CITY OF SALISBURY**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**34-101. DEFINITIONS.**

**IN GENERAL.**

**(A) IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**BOARD.**

**(B) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CITY OF SALISBURY.**

**CITY.**

**(C) "CITY" MEANS THE CITY OF SALISBURY.**

**34-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN THE CITY OF SALISBURY.**

**34-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**34-201. MAYOR AND CITY COUNCIL MAY CONSTITUTE BOARD; POWER TO DELEGATE AUTHORITY.**

**THE MAYOR AND THE CITY COUNCIL MAY:**

**(1) CONSTITUTE THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY; OR**

**(2) DELEGATE ALL OR PART OF THE AUTHORITY TO REGULATE LICENSE HOLDERS TO A SUBSIDIARY BOARD THAT THE MAYOR AND CITY COUNCIL ESTABLISH.**

85 **34-202. WICOMICO COUNTY BOARD — NO JURISDICTION.**

86  
87 **THE BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY**  
88 **DOES NOT HAVE JURISDICTION IN THE CITY.**

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90 **34-203. REGULATIONS.**

91  
92 **IN GENERAL.**

93 **(A) THE MAYOR AND CITY COUNCIL OF THE CITY MAY ADOPT REGULATIONS**  
94 **THAT IN THEIR JUDGMENT GIVE THE CITY MORE EFFECTIVE CONTROL OF**  
95 **EACH LICENSED ESTABLISHMENT.**

96  
97 **ADDED OR SUBSTITUTED REGULATIONS.**

98 **(B) THE REGULATIONS:**

99 **(1) MAY BE ADDED TO OR SUBSTITUTED FOR PROVISIONS OF THIS**  
100 **ARTICLE; BUT**

101 **(2) MAY NOT BE INCONSISTENT WITH THOSE PROVISIONS.**

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104 **SUBTITLE 3. LIQUOR CONTROL.**

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106 **34-301. LIQUOR CONTROL-NOT APPLICABLE.**

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108 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR**  
109 **CONTROL IN THE CITY.**

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112 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

113  
114 **34-401. APPLICATION OF GENERAL PROVISIONS.**

115  
116 **WITHOUT EXCEPTION OR VARIATION.**

117 **(A) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**  
118 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**  
119 **EXCEPTION OR VARIATION:**

- 120 **(1) § 2-201 (“ISSUANCE BY COMPTROLLER”);**  
121 **(2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);**  
122 **(3) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);**  
123 **(4) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);**  
124 **(5) § 2-205 (“CLASS 3 WINERY LICENSE”);**  
125 **(6) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);**  
126 **(7) § 2-207 (“CLASS 5 BREWERY LICENSE”);**  
127 **(8) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);**  
128 **(9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);**  
129 **(10) § 2-211 (“RESIDENCY REQUIREMENT”);**  
130 **(11) § 2-212 (“ADDITIONAL LICENSES”);**  
131 **(12) § 2-213 (“ADDITIONAL FEES”);**

132 (13) § 2–214 (“SALE OR DELIVERY RESTRICTED”);  
133 (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND  
134 RETAILERS”);  
135 (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —  
136 PROHIBITED PRACTICES”); AND  
137 (16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND  
138 RETAILERS — PROHIBITED”).  
139

140 **EXCEPTION.**

141 **(B) SECTION 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)**  
142 **OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**  
143

144 **VARIATIONS.**

145 **(C) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**  
146 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

147 § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO § 34-403.  
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151 **34–402. HOURS AND DAYS OF SALE OR DELIVERY.**  
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153 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**  
154 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**  
155 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**  
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158 **34–403. CLASS 7 MICRO–BREWERY LICENSE.**  
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160 **A HOLDER OF A CLASS 7 MICRO–BREWERY LICENSE MAY NOT**  
161 **COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 45,000**  
162 **BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR.**  
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165 **34–404. ADDITIONAL PUB–BREWERY OR MICRO–BREWERY LICENSE.**  
166

167 **IN ENTERPRISE ZONE.**

168 **(A) THE COMPTROLLER MAY ISSUE ONE CLASS 6 PUB–BREWERY LICENSE OR**  
169 **ONE CLASS 7 MICRO–BREWERY LICENSE, BUT NOT BOTH, FOR A LOCATION IN**  
170 **AN ENTERPRISE ZONE, TO A PERSON THAT HOLDS NOT MORE THAN FIVE**  
171 **CLASS B BEER, WINE, AND LIQUOR LICENSES.**  
172

173 **CLASS A LICENSE HOLDERS.**

174 **(B) A HOLDER OF A CLASS A LICENSE MAY ALSO HOLD A CLASS 7 MICRO–**  
175 **BREWERY LICENSE AND NOT MORE THAN FIVE CLASS B BEER, WINE, AND**  
176 **LIQUOR LICENSES.**  
177  
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179 SUBTITLE 5. WHOLESALER'S LICENSES.

180  
181 **34-501. APPLICATION OF GENERAL PROVISIONS.**

182 **WITHOUT EXCEPTION OR VARIATION.**

183 **(A) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 ("WHOLESALER'S**  
184 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**  
185 **EXCEPTION OR VARIATION:**

- 186 (1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");  
187 (2) § 2-302 ("CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER'S  
188 LICENSE");  
189 (3) § 2-303 ("CLASS 2 WINE AND LIQUOR WHOLESALER'S LICENSE");  
190 (4) § 2-304 ("CLASS 3 BEER AND WINE WHOLESALER'S LICENSE");  
191 (5) § 2-305 ("CLASS 4 BEER WHOLESALER'S LICENSE");  
192 (6) § 2-306 ("CLASS 5 WINE WHOLESALER'S LICENSE");  
193 (7) § 2-307 ("CLASS 6 LIMITED WINE WHOLESALER'S LICENSE");  
194 (8) § 2-308 ("CLASS 7 LIMITED BEER WHOLESALER'S LICENSE");  
195 (9) § 2-309 ("SALE AND DELIVERY OF BEER OR WINE FROM  
196 WHOLESALER'S VEHICLE");  
197 (10) § 2-310 ("SALE AND DELIVERY TO RETAIL LICENSE HOLDER");  
198 (11) § 2-311 ("ADDITIONAL WHOLESALER'S LICENSES");  
199 (12) § 2-312 ("DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES");  
200 (13) § 2-313 ("SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE  
201 OR PERMIT");  
202 (15) § 2-315 ("INTERACTION BETWEEN WHOLESALING ENTITIES AND  
203 RETAILERS");  
204 (16) § 2-316 ("DISTRIBUTION OF ALCOHOLIC BEVERAGES —  
205 PROHIBITED PRACTICES"); AND  
206 (17) § 2-317 ("RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS  
207 AND RETAILERS — PROHIBITED").  
208  
209

210 **EXCEPTION.**

211 **(B) SECTION § 2-314 ("BEER SALE ON CREDIT TO RETAIL DEALER**  
212 **PROHIBITED") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

213  
214  
215 **34-502. HOURS AND DAYS OF SALE OR DELIVERY.**

216  
217 **EXCEPT AS PROVIDED IN § 34-503 OF THIS SUBTITLE, A HOLDER OF A**  
218 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES**  
219 **TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY**  
220 **DAY EXCEPT SUNDAY.**

221  
222  
223 **34-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

224  
225 **DELIVERY ON EFFECTIVE DATE OF LICENSE.**

226 (A) A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN  
227 AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER  
228 SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF  
229 THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

230  
231 **DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

232 (B) THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS  
233 SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL,  
234 AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.—

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238 **SUBTITLE 6. BEER LICENSES.**

239  
240 **34-601. RESERVED.**

241  
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243 **SUBTITLE 7. WINE LICENSES.**

244  
245 **34-701. LIGHT WINE LICENSES – NOT APPLICABLE**

246  
247 **A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE CITY.**

248  
249  
250 **SUBTITLE 8. BEER AND WINE LICENSES.**

251  
252 **34-801. BEER AND LIGHT WINE LICENSES AUTHORIZED.**

253  
254 **THE BOARD MAY ISSUE A LICENSE TO SELL BEER AND LIGHT WINE, AT**  
255 **RETAIL, FOR:**

256 **(1) ON-PREMISES CONSUMPTION; OR**

257 **(2) ON- AND OFF-PREMISES CONSUMPTION.**

258  
259  
260 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

261  
262 **34-901. BEER, WINE, AND LIQUOR LICENSE.**

263  
264 **ESTABLISHED.**

265 **(A) THERE IS A BEER, WINE, AND LIQUOR LICENSE.**

266  
267 **SCOPE OF AUTHORIZATION.**

268 **(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,**  
269 **AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**  
270 **CONSUMPTION.**





320 **(D) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

321  
322 **FEE.**

323 **(E) THE ANNUAL PERMIT FEES ARE:**

324 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**  
325 **PRIVILEGE; AND**

326 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**  
327 **OFF-SALE PRIVILEGE.**

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330 **SUBTITLE 12. CATERER'S LICENSES.**

331  
332 **34-1201. RESERVED.**

333  
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335 **SUBTITLE 13. TEMPORARY LICENSES.**

336  
337 **PART I. IN GENERAL.**

338  
339 **34-1301. APPLICATION OF GENERAL PROVISIONS.**

340  
341 **TITLE 4, SUBTITLE 12 ("TEMPORARY LICENSES") OF DIVISION I OF THIS**  
342 **ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

343  
344 **34-1302. RESERVED.**

345  
346 **34-1303. RESERVED.**

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348  
349 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

350  
351 **34-1304. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

352  
353 **ESTABLISHED.**

354 **(A) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS WS**  
355 **WINE SAMPLING LICENSE.**

356  
357 **AUTHORIZED HOLDER.**

358 **(B) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE**  
359 **TO A NONPROFIT ORGANIZATION.**

360  
361 **SCOPE OF AUTHORIZATION.**

362 **(C) (1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF**  
363 **WINE FOR SAMPLING:**

364 **(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR**  
365 **BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE**  
366 **CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES;**

367 **OR**

368 **(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

369 **(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B**  
370 **LICENSED PREMISES FOR SAMPLING.**

371 **LICENSE APPLICATION.**

372 **(D) THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT**  
373 **LEASE 15 DAYS BEFORE THE LICENSE IS ISSUED.**

374 **LIMIT ON NUMBER OF LICENSES.**

375 **(E) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE NOT MORE**  
376 **THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT**  
377 **ORGANIZATION.**

378 **LIMIT ON SERVINGS.**

379 **(F) THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2**  
380 **OUNCES FROM EACH OFFERING TO AN INDIVIDUAL.**

381 **FEE.**

382 **(G) THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE**  
383 **FEE.**

384 **34-1305. BEER AND WINE TASTING LICENSE.**

385 **ESTABLISHED.**

386 **(A) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS**  
387 **BWT BEER AND WINE TASTING LICENSE.**

388 **AUTHORIZED HOLDER.**

389 **(B) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE**  
390 **TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER,**  
391 **WINE, AND LIQUOR LICENSE.**

392 **SCOPE OF AUTHORIZATION.**

393 **(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON-PREMISES**  
394 **CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.**

395 **LIMIT ON SERVINGS.**

396 **(D) THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

397 **(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM**  
398 **EACH OFFERING; AND**

399 **(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.**

400 **FEE.**

401 **(I) THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE**  
402 **FEE.**

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**34-1306. RESERVED.**

**34-1307. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**34-1308. RESERVED.**

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**34-1401. APPLICATION OF GENERAL PROVISIONS.**

**WITHOUT EXCEPTION OR VARIATION.**

**(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”);**
- (7) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (9) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (10) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**VARIATIONS.**

**(B) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

- (1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 34-1402 OF THIS SUBTITLE; AND**
- (2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 34-1403 OF THIS SUBTITLE.**

**34-1402. RESIDENCY REQUIREMENT.**

**AN APPLICANT FOR A LICENSE ISSUED IN THE CITY MAY MEET THE RESIDENCY REQUIREMENT IN § 4-109(A)(4) OF THIS ARTICLE BY RESIDING ANYWHERE IN WICOMICO COUNTY.**

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463 **34-1403. COLLECTION AND DISPOSITION OF LICENSE FEES.**

464 **THE CITY CLERK SHALL COLLECT ALL LICENSE FEES AND PAY THEM**  
465 **TO THE CITY.**

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469 **34-1404. SETTING OF FEES AND RENEWAL PERIODS.**

470 **THE MAYOR AND CITY COUNCIL MAY:**

471 **(1) SET THE FEES FOR ALL LICENSES AUTHORIZED TO BE ISSUED IN**  
472 **THE CITY; AND**

473 **(2) DETERMINE A PERIODIC BASIS ON WHICH PAYMENTS FOR THE**  
474 **RENEWAL OF A LICENSE MAY BE MADE.**

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478 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

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480 **34-1501. APPLICATION OF GENERAL PROVISIONS.**

481 **WITHOUT EXCEPTION OR VARIATION.**

482 **(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR**  
483 **DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**  
484 **CITY WITHOUT EXCEPTION OR VARIATION:**

485 **(1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

486 **(2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

487 **(3) § 4-207 (“LICENSES ISSUED TO MINORS”);**

488 **(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**

489 **(5) § 4-209 (“HEARING”);**

490 **(6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

491 **(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

492 **(8) § 4-212 (“LICENSE NOT PROPERTY”);**

493 **(9) § 4-213 (“REPLACEMENT LICENSES”); AND**

494 **(10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**  
495 **APPLICATIONS”).**

496  
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498 **VARIATIONS.**

499 **(B) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR**  
500 **DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**  
501 **CITY:**

502 **(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §**  
503 **34-1502 OF THIS SUBTITLE;**

504 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO I**  
505 **NDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 34-1503 OF THIS**  
506 **SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**

507 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR**

508 SAME PREMISES”), SUBJECT TO § 34–1503 OF THIS SUBTITLE AND  
509 SUBTITLE 13, PART III OF THIS TITLE.

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512 **34–1502. AUTHORITY OF BOARD.**

513  
514 **IN GENERAL.**

515 **(A) LICENSES SHALL BE APPROVED BY THE BOARD OF LICENSE**  
516 **COMMISSIONERS OF THE CITY AND ISSUED BY THE CITY CLERK.**

517  
518 **LICENSES NOT ISSUED BY WICOMICO BOARD.**

519 **(B) THE BOARD OF LICENSE COMMISSIONERS OF WICOMICO COUNTY MAY**  
520 **NOT ISSUE LICENSES IN THE CITY.**

521  
522 **34–1503. BOWLING ESTABLISHMENTS.**

523  
524 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO**  
525 **AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A**  
526 **CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED**  
527 **LIABILITY COMPANY IF:**

528 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**  
529 **WINE LICENSES; AND**

530 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**  
531 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

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533  
534 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**  
535 **PART I. LICENSING CONDITIONS.**

536  
537 **34–1601. RESERVED.**

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539 **34–1602. RESERVED.**

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543 **PART II. MULTIPLE LICENSING PLANS.**

544  
545 **34–1603. RESERVED.**

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548 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

549  
550 **34–1701. APPLICATION OF GENERAL PROVISIONS.**

551  
552 **TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION**  
553 **OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**  
554 **CITY WITHOUT EXCEPTION OR VARIATION.**

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**SUBTITLE 18. RENEWAL OF LICENSES.**

**34-1801. APPLICATION OF GENERAL PROVISIONS.**

**WITHOUT EXCEPTION OR VARIATION.**

**(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-403 (“RENEWAL APPLICATION”);**
- (2) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”);**
- (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4-406 (“PROTESTS”);**
- (5) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);**
- (6) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);**
- (7) § 4-409 (“MULTIPLE LICENSES”); AND**
- (8) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**VARIATIONS.**

**(B) SECTION § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”) OF TITLE 4, SUBTITLE 4 OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 34-1802 OF THIS SUBTITLE.**

**34-1802. PAYMENT SCHEDULE OF RENEWAL FEE.**

**THE MAYOR AND CITY COUNCIL MAY DETERMINE A PERIODIC PAYMENT SCHEDULE FOR THE RENEWAL OF A LICENSE.**

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**34-1901. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**34-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**IN GENERAL.**

**(A) (1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC**

602 BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.  
603 (2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES  
604 LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW  
605 CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER  
606 PARAGRAPH (1) OF THIS SUBSECTION.  
607

608 **PENALTY.**

609 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
610 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**  
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613 **34-2002. BEER LICENSES.**  
614

615 THE BOARD MAY SET THE HOURS OF SALE FOR BEER LICENSES.  
616  
617

618 **34-2003. BEER AND WINE LICENSES.**  
619

620 THE BOARD MAY SET THE HOURS OF SALE FOR BEER AND LIGHT WINE  
621 LICENSES.  
622  
623

624 **34-2004. BEER, WINE, AND LIQUOR LICENSES.**  
625

626 THE BOARD MAY SET THE HOURS OF SALE FOR BEER, WINE, AND  
627 LIQUOR LICENSES.  
628  
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630 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**  
631

632 **34-2101. APPLICATION OF GENERAL PROVISIONS.**  
633

634 TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL  
635 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT  
636 EXCEPTION OR VARIATION.  
637

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639 **SUBTITLE 22. EXPIRATION OF LICENSES.**  
640

641 **34-2201. APPLICATION OF GENERAL PROVISIONS.**  
642

643 TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I  
644 OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.  
645  
646

647 **34-2202. SEASONAL CLOSING.**  
648



649 THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES  
650 FOR NOT MORE THAN 6 MONTHS IF:

651 (1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS  
652 SEASONALLY OPERATED; AND

653 (2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE  
654 BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF  
655 CLOSING.

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658 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

659 **34-2301. APPLICATION OF GENERAL PROVISIONS.**

660  
661  
662 TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF  
663 THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

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666 **SUBTITLE 24. JUDICIAL REVIEW.**

667  
668 **34-2401. APPLICATION OF GENERAL PROVISIONS.**

669  
670 TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS  
671 ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.

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674 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

675  
676 **34-2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF**  
677 **ALCOHOLIC BEVERAGES IS PROHIBITED.**

678  
679 **PROHIBITION AGAINST INDIVIDUAL.**

680 (A) FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME  
681 ALCOHOLIC BEVERAGES IN:

682 (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

683 (2) A PLACE OF PUBLIC ENTERTAINMENT; OR

684 (3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF  
685 MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED  
686 UNDER THE BUSINESS REGULATION ARTICLE.

687  
688 **PROHIBITION AGAINST OWNER OR MANAGER.**

689 (B) AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE  
690 SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY  
691 ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS  
692 SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

693  
694 **PENALTY.**

695 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR

696 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.  
697

698  
699 **SUBTITLE 26. ENFORCEMENT.**  
700

701 **34–2601. APPLICATION OF GENERAL PROVISIONS.**  
702

703 **WITHOUT EXCEPTION OR VARIATION — SUBJECT TO CITY REGULATION.**

704 **(A) SUBJECT TO REGULATION BY THE CITY OF THE POSSESSION OR**  
705 **CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY OWNED**  
706 **BY THE CITY OR ON A PUBLIC HIGHWAY, THE FOLLOWING SECTIONS OF**  
707 **TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE**  
708 **APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- 709 (1) § 6–202 (“INSPECTIONS”);  
710 (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY  
711 OF ALCOHOLIC BEVERAGES”);  
712 (3) § 6–205 (“PEACE OFFICERS”);  
713 (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF  
714 ALCOHOLIC BEVERAGE”);  
715 (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE  
716 EVIDENCE OF SALE”);  
717 (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL  
718 IN PUBLIC PLACES”);  
719 (7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF  
720 CONSUMPTION”); AND  
721 (8) §6–211 (“FINES AND FORFEITURES”).  
722

723 **EXEMPTIONS.**

724 **(B) SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY**  
725 **INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN**  
726 **THE CITY.**  
727

728 **VARIATION.**

729 **(C) SECTION § 6–204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF**  
730 **THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 34–2602 OF THIS SUBTITLE.**  
731  
732

733 **34–2602. SERVICE OF SUMMONS.**  
734

735 **IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER §**  
736 **6-204 OF THIS ARTICLE, THE CITY POLICE DEPARTMENT MAY SERVE A**  
737 **SUMMONS.**  
738

739 **SUBTITLE 27. PROHIBITED ACTS.**  
740

741 **34–2701. APPLICATION OF GENERAL PROVISIONS.**  
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**WITHOUT EXCEPTION OR VARIATION.**

**(A) THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**
- (3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**
- (12) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (13) § 6–320 (“DISORDERLY INTOXICATION”);**
- (14) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);**
- (15) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);**
- (16) § 6–326 (“UNLICENSED OUT–OF–STATE SALE OF ALCOHOLIC BEVERAGES”);**
- (17) § 6–327 (“TAX EVASION”);**
- (18) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND**
- (19) § 6–329 (“PERJURY”).**

**EXCEPTIONS.**

**(B) THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

- (1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND**
- (2) § 6–322 (“POSSESSION OF OPEN CONTAINER”).**

**VARIATION.**

**(C) SECTION 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 34–2703 OF THIS SUBTITLE.**

790  
791 **34-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL**  
792 **UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

793  
794 **PROHIBITED.**

795 **(A) A PERSON MAY NOT SELL OR PROVIDE DIRECTLY OR INDIRECTLY**  
796 **ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS**  
797 **FOR THE INDIVIDUAL’S OWN USE OR FOR THE USE OF ANY OTHER PERSON.**

798  
799 **DUE CAUTION STANDARD — DECEPTIVE DOCUMENTARY EVIDENCE.**

800 **(B) A DEFENDANT MAY NOT BE FOUND GUILTY OF SELLING ALCOHOLIC**  
801 **BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IF:**

802 **(1) THE INDIVIDUAL WILLFULLY REPRESENTED THAT THE INDIVIDUAL**  
803 **IS AT LEAST 21 YEARS OLD AND OBTAINED AN ALCOHOLIC BEVERAGE;**  
804 **AND**

805 **(2) THE DEFENDANT PROVES AT THE TRIAL THAT:**

806 **(I) MISREPRESENTATION OF AGE OCCURRED;**

807 **(II) DUE CAUTION WAS USED IN ASCERTAINING THE AGE OF THE**  
808 **INDIVIDUAL BEFORE PROVIDING THE ALCOHOLIC BEVERAGE TO**  
809 **THE INDIVIDUAL;**

810 **(III) IN THE EXERCISE OF DUE CAUTION, THE DEFENDANT WAS**  
811 **DECEIVED BY THE USE OF DOCUMENTARY EVIDENCE; AND**

812 **(IV) BECAUSE OF THE USE OF DOCUMENTARY EVIDENCE, THE**  
813 **DEFENDANT WAS UNABLE TO ASCERTAIN THAT THE INDIVIDUAL**  
814 **WAS UNDER THE AGE OF 21 YEARS.**

815  
816 **PENALTY.**

817 **(C) THE CITY COUNCIL MAY PROVIDE BY ORDINANCE THAT A VIOLATION OF**  
818 **THIS SECTION IS A MUNICIPAL INFRACTION.**

819  
820 **NO BAR TO ADMINISTRATIVE ACTION.**

821 **(D) THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE**  
822 **HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF**  
823 **THIS SECTION DOES NOT BAR THE BOARD FROM PROCEEDING**  
824 **ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

825  
826  
827 **34-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**  
828 **INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

829  
830 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE**  
831 **HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF §**  
832 **6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING**  
833 **ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

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836 **SUBTITLE 28. PENALTIES.**

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**34-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY.**

**34-2802. PENALTY IMPOSED BY BOARD.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 IN LIEU OF SUSPENDING A LICENSE FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS OF THE CITY.**

\_\_\_\_\_  
**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**  
[Brackets] indicate matter deleted from existing law.

\_\_\_\_\_  
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Approved:

\_\_\_\_\_  
Governor

\_\_\_\_\_  
Speaker of the House of Delegates

\_\_\_\_\_  
President of the Senate