



**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**OCTOBER 7, 2019  
COUNCIL CHAMBERS  
GOVERNMENT OFFICE BUILDING**

4:30 p.m. **SPECIAL MEETING** – Separate Agenda

**WORK SESSION**

4:45 p.m. Healthy Water Briefing- Alan Girard Eastern Shore Director, Chesapeake Bay Foundation and Tom Leigh, Regional Watershed Services Manager, Healthy Waters Working Group

5:00 p.m. Resolution to extend temporary acting capacity for Sanitation personnel- Field Ops Director Tom Stevenson

5:10 p.m. Ordinance to accept donated funds to purchase (3) K-9 vests- Colonel Dave Meienschein

5:20 p.m. Resolution to amend Employee Handbook- City Administrator Julia Glanz, Human Resources Director Jeanne Loyd

5:35 p.m. Ordinance to update the Maryland Building Performance Standards to the 2018 codes- Permits and Inspections Manager Bill Holland

5:50 p.m. Ordinance to approve a budget amendment to appropriate funds for community centers- Department of Infrastructure & Development Director Amanda Pollack

6:00 p.m. Salisbury Alcohol Control Board- Council discussion

6:30 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).*

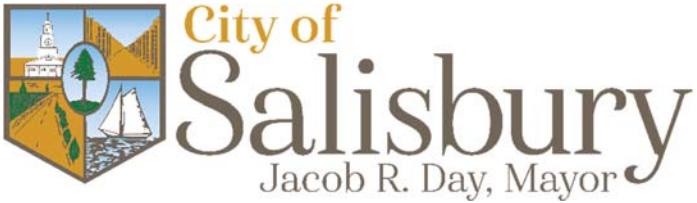
# Healthy Waters Briefing and Boat Trip

The *Healthy Waters Briefing and Boat Trip* features progress and opportunities to restore water quality in Delmarva's rivers and streams. Organized for local elected officials, the program is co-sponsored by the Healthy Waters Working Group and Envision the Choptank to highlight and support county and town investments in clean water. Participants in this event will:

- ✓ [Hear the latest on two major initiatives accelerating restoration progress on the Eastern Shore](#)
- ✓ [See projects that improve water quality first-hand and interact with experts on the water](#)
- ✓ [Identify opportunities for collaboration among Eastern Shore local jurisdictions and partners](#)
  
- **Healthy Waters Working Group.** Local government participants in the *Healthy Waters Round Table* identified gaps in technical assistance as a major barrier to achieving water quality goals. Six Eastern Shore localities responded by partnering with the Maryland Department of the Environment, National Fish and Wildlife Foundation and the Chesapeake Bay Foundation to invest in a circuit rider who helps these communities collaboratively plan, finance, and implement environmental restoration projects. As Maryland seeks cost-effective ways to meet Bay restoration commitments, the three-year pilot tests the efficacy of technical assistance that is shared among rural local governments. Partners include Cambridge, Easton, Oxford, Salisbury, and Queen Anne's and Talbot counties.
  
- **Envision the Choptank.** Established in 2015, *Envision the Choptank* brings together non-profits, government, scientists, and community groups to identify solutions that will provide fishable and swimmable waters in the Choptank River and enhance the health and productivity of native oyster reefs in a way that best meets the needs of surrounding communities. The collaborative's Common Agenda, informed by a diverse range of communities and stakeholders, pairs local knowledge with the latest science and technology to target work in places where it will be the most effective and long-lasting for improving Choptank River water quality, wildlife habitat, and community well-being.

## FRIDAY, OCTOBER 25, 2019

- 9:30**                    **Arrival**
- Oxford Community Center, 200 Oxford Rd, Oxford, MD (parking in rear)
- 
- 9:45**                    **Boat, Bay, and Best Management Practice Tour**
- Upland, shoreline, and in-water habitat restoration
- 
- 12:00**                   **Lunch**
- 
- 12:30**                   **Progress and Opportunities**
- Alan Girard, Eastern Shore Director – Chesapeake Bay Foundation
  - Matt Rowe, Assistant Director – Maryland Department of the Environment
  - Tom Leigh, Regional Watershed Services Manager – Healthy Waters Working Group
  - Joanna Ogburn, JBO Conservation – Envision the Choptank
- 
- 1:15**                    **Adjourn**



## MEMORANDUM

**To:** Julia Glanz, City Administrator  
**From:** Tom Stevenson, Director of Field Operations  
**Subject:** 6 Month Extension of Two Acting Positions in FO Sanitation Department (2<sup>nd</sup>)  
**Date:** 9/18/19

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Due to an extended absence by the Sanitation Department's Supervisor, Marc Gonzales, Jerimiah Arrington is temporarily reassigned from MEO III to Sanitation Supervisor which was effective on 11/14/2018. This reassignment has also vacated Jerimiah Arrington's position of MEO III which is now temporarily assigned to Michael Smiley effective 12/10/2018.

On July 23, 2019, by consent of Resolution No. 2966, it was approved for these two positions to be extended for six (6) additional months. Therefore, this extends the "Acting" status of Jerimiah Arrington until November 14, 2019 and "Acting" status of Michael Smiley until December 10, 2019.

At this time, the Sanitation Supervisor, Marc Gonzales' status has not been determined, therefore we are seeking the advice and consent of the City Council to extend both temporary assignments an additional six (6) months. Therefore, this will extend the "Acting" status of Jerimiah Arrington until May 14, 2020 and "Acting" status of Michael Smiley until June 10, 2020.

Unless you or the Mayor have further questions, please forward a copy of this Memo and Resolution to the City Council.

1 RESOLUTION No.

2  
3 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND AGREEING TO  
4 THE EXTENSION OF THE ACTING STATUS FOR ACTING SANITATION SUPERVISOR  
5 JERIMIAH ARRINGTON, AND ACTING MOTOR EQUIPMENT OPERATOR III MICHAEL  
6 SMILEY, BOTH ASSIGNED TO THE DEPARTMENT OF FIELD OPERATIONS.  
7

8 WHEREAS, the City’s Employee Handbook, Section 0308, provides that employees may  
9 only serve in acting status for a term of six months unless they have the advice and consent of  
10 the Council; and  
11

12 WHEREAS, Jerimiah Arrington has been serving in “Acting” status since November 14,  
13 2018 and reached his six-month anniversary on May 14, 2019; and Michael Smiley has been  
14 serving in “Acting” status since December 10, 2018 and reached his six-month anniversary on  
15 June 10, 2019; and  
16

17 WHEREAS, by consent of Council per Resolution No. 2966 dated July 22, 2019, it was  
18 approved to extend the “Acting” status of Jerimiah Arrington until November 14, 2019, and to  
19 extend the “Acting” status of Michael Smiley until December 10, 2019; and  
20

21 WHEREAS, the Director of Field Operations desires that Jerimiah Arrington and  
22 Michael Smiley continue serving in acting capacity and would like to extend their acting status  
23 for an additional six months.  
24

25 NOW THEREFORE, BE IT RESOLVED that the Salisbury City Council hereby agrees  
26 to extend the “Acting” status of Jerimiah Arrington until May 14, 2020 and to extend the  
27 “Acting” status of Michael Smiley until June 10, 2020.  
28

29 THE ABOVE RESOLUTION was introduced, read, and duly passed at a meeting of the  
30 Council of the City of Salisbury, Maryland held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
31 and is to become effective immediately upon adoption.  
32

33 ATTEST:

34  
35 \_\_\_\_\_  
36 Kimberly R. Nichols, City Clerk

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

37  
38  
39 APPROVED by me this \_\_\_\_ day of \_\_\_\_\_ 2019  
40  
41

42 \_\_\_\_\_  
43 Jacob R. Day, Mayor  
44  
45



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

September 30, 2019

TO: Julia Glanz  
FROM: Colonel David Meienschein  
SUBJECT: Ordinance – Budget Amendment

Attached is an ordinance to accept funds from the Heron Agility Group, The Furry Friends Group and from Mrs. Allison Niles, in memory of her mother, Mrs. Joan Clark in the amount of \$3,000.

I am requesting these funds to be put into our animal supplies account 21021-546010 which will be used to purchase the Police K-9 Bullet Proof Vest.

Unless you or the Mayor has further questions, please forward this Ordinance to the City Council.

David Meienschein  
Assistant Chief of Police



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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

DATE: October 2, 2019

TO: Julia Glanz, City Administrator

FROM: Jeanne Loyd, Director of Human Resources

*jeloyd*

SUBJ: Employee Handbook Changes

Please find attached a copy of a Resolution to effect the changes identified in the City Employee Handbook which include our first page of print and Chapters 1 and 2.

We have added our Mission, Core Values and Vision Statement which has been collaboratively developed and is ready for further dissemination via the Handbook.

Chapter 1- Changes include updating each of the sections Section 0101 – 0108, some minor and other areas more in-depth, such as the Equal Employment Opportunity Section 0104. This section was changed to include the EEOC statement developed by the Human Relations Committee for use on our web site.

Chapter 2 – Changes in sections 0201 – 0203 are for further clarity. Section 0204 has been changed to reflect where the policy for Travel may be found since this is a finance policy and not a Human Resources Policy. All of the Policies are available on the intranet in electronic format for access. This policy and the forms are all updated regularly by the Finance Department which may not always be the case in the Employee Handbook.



1 RESOLUTION NO. \_\_\_\_\_

2 A RESOLUTION OF THE CITY OF SALISBURY TO AMEND THE  
3 DISCLAIMER AND CHAPTERS 1 AND 2 OF THE EMPLOYEE  
4 HANDBOOK TO UPDATE THE EMPLOYEE HANDBOOK.

5  
6 WHEREAS, the City of Salisbury has an Employee Handbook; and

7  
8 WHEREAS, the Mayor's Office and the Human Resources Department have reviewed  
9 the Employee Handbook; and

10  
11 WHEREAS, the Mayor's Office and the Human Resources Department recommend  
12 updating the Employee Handbook; and

13  
14 WHEREAS, the City of Salisbury desires to amend the Employee Handbook in  
15 segments; and

16  
17 WHEREAS, the City of Salisbury will amend the rest of the Employee Handbooks in  
18 future resolutions; and

19  
20 WHEREAS, the recommended changes have been approved by the Mayor and reviewed  
21 by the City Council.

22  
23 NOW, THEREFORE, BE IT RESOLVED by the City of Salisbury, Maryland that the  
24 Disclaimer of the Employee Handbook is amended as follows:

25  
26 EMPLOYEE HANDBOOK CITY OF

27 SALISBURY

28 Revised February 28, 2017 October  
29 2019

30  
31 DISCLAIMER

32  
33 **This Employee Handbook is provided to all employees during their employee orientation when they**  
34 **are hired and upon completion of any holistic updates. It is the responsibility of employees to read**  
35 **and comply with the policies contained in the Handbook. By signing the receipt and acknowledgement**  
36 **form on the last page of this Handbook, you agree to adhere to the policies and procedures herein.**

37 This Employee Handbook supersedes, in all respects, any prior handbook, policy manual, or practices of the  
38 City and has been prepared for our employees to provide you with general information about some of  
39 your benefits and the highlights of the rules and policies under which we operate. **Additional policies**  
40 **and updates will be delivered to you from time to time from your Department Director, our Director**  
41 **of Human Resources or City of Salisbury Administration.** Obviously, ~~w~~~~e~~ ~~could~~ ~~can~~ not begin to, explain  
42 every City policy, ~~or~~ rule or benefit in this ~~H~~ handbook, and its provisions can be considered as no more  
43 than general summaries of the benefits, work rules and policies they address. While the City hopes that  
44 its personnel actions will continue to be positive, from time to time, the City may unilaterally, in

45 accordance with paragraph 0103, in its discretion, amend, supplement, modify or eliminate one or more  
46 of the benefits, work rules or policies described in this Handbook, or any other employment benefits, work  
47 rules or policies, without prior notice.

48  
49 **Nothing in this Handbook constitutes an express or implied contract of employment or warranty of**  
50 **any benefits.** We hope to have a long and mutually beneficial working relationship as we serve the  
51 citizens of the City of Salisbury. However, circumstances may arise that will cause the termination of  
52 your employment relationship with the City. The City will ~~of course~~ comply with any obligations it may  
53 have under federal, state, or local law prior to terminating an employee.

54  
55 The City notes that a variety of policies and procedures may be available to employees prior to  
56 discharge. These policies and procedures include the grievance procedures described in Chapter 9 as well as  
57 the disciplining disciplinary and corrective action procedures described in Chapter 8.

58  
59 **The City of Salisbury is dedicated to promoting, stewarding and guiding our employees as leaders to**  
60 **reach their full potential.** We ask that you dedicate yourselves as leaders to our mission:

61  
62 ***Mission Statement: The City of Salisbury's staff exists to ensure the highest quality of life for our***  
63 ***citizens. In partnership with our citizens and employees, we will provide safe, livable and diverse***  
64 ***neighborhoods. We will deliver efficient and effective municipal services at the highest level of***  
65 ***customer satisfaction. We will ensure that our infrastructure and services support our residents***  
66 ***and businesses. The City of Salisbury will emphasize protecting and enhancing the environment.***

67  
68 **Core Values:**

- 69
- 70 • **Accountability – We accept responsibility for our personal and organizational decisions and**  
71 **actions.**
- 72
- 73 • **Continuous Improvement – We provide the highest quality service with the resources available**  
74 **by promoting innovation and flexibility to meet the changing needs in the community.**
- 75
- 76 • **Diversity – We embrace differences and variety in our workforce and community.**
- 77
- 78 • **Environment – We are concerned about our natural, historic, economic and aesthetic**  
79 **resources and endeavor to enhance the sustainability for future generations**
- 80
- 81 • **Ethics – We set high standards for our personal, professional and organizational conduct and**  
82 **act with integrity as we strive to achieve our mission.**
- 83
- 84 • **Respect – We treat our coworkers and the public with courtesy and dignity.**
- 85
- 86 • **Integrity – We are honest and transparent in our words and actions.**
- 87
- 88 • **Safety – We use education, prevention and enforcement methods to protect life and property**  
89 **in our business and residential neighborhoods, and maintain our infrastructure and facilities to**  
90 **provide a safe environment in which to live, work, shop and play.**
- 91

- *Teamwork – We work together to plan, develop recommendations, deliver services and openly communicate with the public and each other by soliciting feedback and sharing information to achieve our goals.*
- *Trust – We realize the perception of our organization is dependent upon the public’s confidence in our commitment to our core values and to meeting the goals set collectively by the Mayor and City Council.*

*Vision Statement: The City of Salisbury will remain the medical, educational, cultural and economic center of the Eastern Shore. Our commitment to excellence, innovation and service, combined with sound fiscal management, will ensure Salisbury’s future as a safe, vibrant and healthy community.*

~~The Employee Handbook is readily available to all employees, and it is the responsibility of employees to read and comply with the policies contained in the Handbook.~~

~~The masculine pronoun is used throughout these policies and procedures in the generic sense and refers to both feminine and masculine antecedents.~~

AND BE IT FURTHER RESOLVED by the City of Salisbury, Maryland that Chapters 1 and 2 of the Employee Handbook is amended as follows:

## Chapter 1

### YOUR EMPLOYMENT WITH THE CITY OF SALISBURY

0101 Welcome to the City of Salisbury!

As a new employee, you are joining the team that has made our City a regional shining star, a respected Maryland municipality and a leader in customer service, business development, entrepreneurial development, and job creation. We wish you success in your new job and we hope that you will quickly feel at home. At the City of Salisbury, every position is important. We hope you will immediately connect with our core values of customer service, transparency, relationships, sustainability and stewardship. Your commitment to these values is critical for our mutual success in the service of the citizens of the City of Salisbury.

To ensure the City’s success in accomplishing its mission, this handbook has been prepared to provide you with a basic understanding of the City’s mission, vision, policies and your responsibilities as an employee. It was prepared to make you aware of what you can expect from the City of Salisbury – and what the City will expect from you.

We hope your experience here will be challenging and enjoyable. This handbook should not be construed as an employment contract or an agreement for employment for any specified period of time. The information we have included in this handbook is necessarily brief and may be subject to change; however, all laws, rules, and policies from which this handbook is derived can be found in our Department of Human Resources. If any information contained in this handbook conflicts with any of

137 the above, those laws, rules and policies take precedence over the information provided in this  
138 handbook.

139  
140 Any questions regarding the content of this handbook or policies of the City of Salisbury should be  
141 addressed through your supervisor or our Department of Human Resources.

142  
143 A. ~~—— Welcome. We are pleased that you have chosen to work for the City of Salisbury. Your personal~~  
144 ~~work satisfaction and your contribution to the community depend on how you approach your job. As~~  
145 ~~the City of Salisbury faces new challenges, the dedication of all City employees is vital. We trust you will~~  
146 ~~take pride in your work and in your role as an important part of our City.~~

147  
148 B. ~~—— Our expectations are straightforward. You are expected to treat all citizens, coworkers and~~  
149 ~~contacts with respect and professionalism. You are also expected to give your best efforts every day. In~~  
150 ~~return, the City will endeavor to be fair in all its dealings with employees.~~

151  
152 C. ~~—— Most matters relating to your employment are managed on a Departmental basis, including~~  
153 ~~most hiring and performance evaluations. The manner by which the personnel function is conducted~~  
154 ~~within each department varies among departments, depending upon the size of the department. In~~  
155 ~~some departments, the Department Director is directly involved in daily personnel matters. In others,~~  
156 ~~the responsibility may be delegated by the Department Director to supervisors within the department.~~

157  
158 D. ~~—— The Mayor of the City of Salisbury is the ultimate decision maker on personnel matters. The~~  
159 ~~Mayor's office is available to review any employment related decision that is properly presented~~  
160 ~~through the procedures explained in this Handbook.~~

161  
162 01023 About this Employee Handbook

163  
164 It is impossible in any employee handbook to anticipate all situations or new developments that may arise  
165 in employment. Accordingly, the City expressly reserves the absolute right to change the policies and  
166 practices set forth in this handbook, if it believes, in its sole discretion, that if doing so would be in the  
167 best interest of the people of Salisbury.

168  
169 ~~Further, as a document meant to be used as a guideline only, this Employee Handbook is not to be relied~~  
170 ~~upon as a guarantee of employment or as a legally binding contract. Although the City hopes this~~  
171 ~~Employee Handbook will be helpful in anticipating events relating to your employment, the City reserves~~  
172 ~~the absolute right to respond to any employment situation in the manner it alone deems to be in the~~  
173 ~~best interest of the people of Salisbury at the time. Finally, the City expressly reserves the right to~~  
174 ~~interpret this Handbook, which interpretation shall be final and binding upon all City employees.~~

175  
176 Through and by the issuance of this Employee Handbook, all prior explanations of the City's policies are  
177 superseded. This Employee Handbook specifically replaces all prior Employee Handbooks, policy  
178 directives, and manuals.

179  
180 01034 Special Note Concerning Police Department Directives

181  
182 Pursuant to the City Code, the Salisbury Police Department has established rules and regulations known  
183 as the City of Salisbury Police Department Written Directives. These written directives govern the

184 operation of the Police Department and employees of that Department. When the written directives of  
185 the Salisbury Police Department conflict with or directly address employment policies discussed in this  
186 Employee Handbook, those written directives shall control.

187

188 01042 Equal Employment Opportunity

189

190 The City of Salisbury is an equal opportunity employer. It is the City's policy to employ qualified  
191 individuals on the basis of their relative ability, knowledge and skills, without regard to race, ancestry,  
192 place of origin, color, ethnic origin, religion, ~~national origin,~~ disability, citizenship, creed, sex, sexual  
193 orientation, gender identity, age, marital or relationship status, family status, legal immigrant status,  
194 receipt of public assistance, political affiliation, religious affiliation, genetic information, social or  
195 economic status, or level of literacy and language ability unless the individual's English language  
196 ability or level of literacy would have a detrimental effect on their job performance ~~age, genetic~~  
197 ~~information, mental or physical disability, sexual orientations, or political affiliation.~~ This policy applies  
198 to all personnel-related actions, including promotion, compensation, benefits, job assignment,  
199 discipline and training.

200

201 The City is committed to a workplace free from sexual and any other unlawful forms of harassment.  
202 Any employees encountering employment discrimination or any form of unlawful harassment should  
203 immediately report the incident to their immediate Supervisor and the Department Director or the  
204 Human Resources Department. All reports will be investigated immediately.

205

206 **The City of Salisbury shall implement and enforce a positive environment in its workplace to achieve**  
207 **full access and equal opportunity and to create a harmonious environment free from discrimination,**  
208 **harassment and hate.**

209

210 **This statement of policy is intended as a reflection of the City's commitment to a fair and just**  
211 **workplace in which all existing legal rights are fully protected. This statement of policy does not,**  
212 **however, create any justiciable right.**

213

214

215 01056 The Employment Understanding

216

217 All employees of Salisbury have the right to terminate employment with the City for any reason and at any  
218 time. The City of Salisbury reserves the right to terminate probationary employees at any time for any  
219 reason. The City reserves the right to terminate any non-probationary employee at any time for cause,  
220 as determined by the City of Salisbury, including, but not limited to, reduction in work force,  
221 disciplinary misconduct or poor performance. Non-probationary employees have a right to invoke the  
222 Grievance/Appeal procedure described in Chapter 9 of this Employee Handbook to appeal any termination  
223 decision.

224

225

226 01065 Your Probationary Employment Period

227

228 A. All newly hired employees are considered to be probationary employees until they have  
229 completed a probationary period. For most positions there is a 6-month probationary period.  
230 Some departments may have a longer ~~or shorter~~ probationary period for certain jobs. For

231 example, an ~~18~~24-month probationary period applies to certified police officers and a 12-month  
232 period applies to all ~~firefighting~~**Firefighting or EMS** employees. At the time of hiring you will be  
233 informed of the probationary period applicable to your position.

234  
235 B. During probationary employment your work habits and work performance will be closely reviewed.  
236 Any disciplinary problems or attendance problems will be regarded very negatively. **Your**  
237 **probationary status may be extended in order to provide further opportunity to be**  
238 **successful in your assignment.**

239  
240 C. Employment will be ended immediately if performance or behavior is determined by the  
241 Department to be unacceptable for any reason. A decision to terminate employment during the  
242 probationary period is not appealable through the procedures described in this Handbook. A  
243 terminated probationary employee may, however, meet with the Mayor or his designated  
244 representative to discuss the termination decision.

245  
246  
247 0107 Employment Status

248  
249 A. Elected Positions ~~are~~ established by State or Local law, the incumbents of which are  
250 selected by a prescribed voting process and who serve for defined terms.

251  
252 B. Appointed Positions ~~are~~ staffed through an “at will” employment relationship. Employees in  
253 “appointed” positions serve at the pleasure and discretion of the appointing officials subject to  
254 applicable local, state, and federal laws and regulations. The City may enter into a contract or  
255 employment agreement with an employee in an appointed position that provides for terms or  
256 conditions of employment that differ from the standard terms and conditions of employment for  
257 all other employees. All appointed positions are filled through a competitive selection process  
258 based on the merit and fitness of the individual selected.

259  
260 C. Exempt Employees ~~are~~ employees not eligible for either overtime pay.

261  
262 D. Non-exempt Employees ~~are~~ employees who does not meet the statutory exemptions of  
263 the Fair Labor Standards Act and thus are is paid or given compensatory time at time and one-  
264 half the employee’s regular rate for all hours worked over forty in a week (except for public  
265 safety employees eligible for the FLSA Section 7(k) exemption).

266  
267 E. Regular Full Time Employees ~~are~~ employees who are employed on a continuing  
268 basis for a full work week, **as specified in each employee’s offer letter.**

269  
270 F. Regular Part Time Employees ~~are~~ employees who is ~~is~~ are hired to work on a continuing  
271 basis **for** a minimum of 50 percent of a work week, but less than a full work week, **as**  
272 **specified in each employee’s offer letter.**

273  
274 G. Temporary Full Time Employees ~~are~~ employees who are hired to fill a position that is  
275 anticipated to exist for less than one year (12 months). ~~is~~ **and who are** regularly scheduled to

276 work a full-time work week. **(Grant or contractual positions and must be reviewed annually**  
277 **to determine the need to continue this status.)**

278  
279 H. Temporary Part Time Employees ~~are~~ employees **who are** hired to fill a position that is  
280 anticipated to exist for less than one year (12 months) ~~is~~ **and who are** scheduled to work less  
281 than a full-time work week. **(Grant or Seasonal, must be reviewed annually to determine the**  
282 **need to continue.)**

283  
284 I. Unless specifically notified otherwise and expressly approved by the Mayor, only regular full  
285 time employees are entitled to the benefits described in the Employee Handbook.

286  
287  
288 0108 Reinstatement

289  
290 A. An employee, who leaves the employment of the City, and subsequently applies for  
291 reemployment, shall be eligible to be reinstated in his former position, at the rate of pay he would  
292 have been paid if he had not left, provided that he is reemployed within six months of the date of  
293 his resignation, and provided that his former position, or a similar position in the same  
294 classification, is available. If the employee is reinstated, he will be eligible to have his benefits  
295 restored, as if he had never left employment, except for any benefit or compensation for which  
296 the employee was paid at the time of his resignation.

297  
298 B. An employee, who leaves the employment of the City and is subsequently reemployed at any  
299 time after six months of the date of his resignation, shall be reemployed on the same terms  
300 and conditions as if he was a new employee.

301  
302 C. An employee, who is reinstated as provided in paragraph (A) of this section, and who  
303 subsequently leaves the employment of the City, shall be eligible to be reemployed as provided in  
304 paragraph (B) of this section but shall not be eligible to be reinstated again as provided in  
305 paragraph (A).

306  
307

## 308 Chapter 2

### 309 JOB ASSIGNMENTS

310  
311  
312 0201 Our View Of Job Assignments

313  
314 The employees of our City are employed to serve the citizens of Salisbury. Every attempt is made to match  
315 the strengths of each employee with a job assignment that best serves ~~the~~ **our** citizens ~~of Salisbury~~.

316  
317 From time to time, reaching this goal may involve the promotion, transfer, temporary reassignment or  
318 permanent reassignment of an employee within the employee's Department or within City  
319 government. Intra departmental changes are usually undertaken by the Department ~~Head~~ **Director**.  
320 Changes between ~~d~~Departments are usually ~~done~~ **accomplished** through cooperative efforts of the  
321 Department ~~Heads~~ **Directors** and the Mayor's Office.

322  
323 Although the City tries to place employees in jobs of their preference, this may not be possible at all times.  
324 Also, the City reserves the right to maintain an employee in the employee's existing job if determined to be  
325 in the best interests of the City.

326  
327  
328 0202 Promotions

329  
330 The City hopes that employees with superior performance and good work habits can be promoted as  
331 vacancies arise. Promotions are accomplished by a request from the Department ~~Head~~ **Director** to the  
332 Mayor's Office. Employees interested in consideration for promotion should make that interest known  
333 to the Department Director.

334  
335 A promoted employee serves a probationary period in the new position. The length of the probation  
336 (usually 6 months) is determined by each department. If work performance or work habits are  
337 unacceptable, the City reserves the right to return the employee to his former position or to terminate  
338 employment. A decision whether to terminate a promoted employee during this probationary period is  
339 subject to appeal or grievance under Chapter 9 of this Handbook.

340  
341  
342 0203 Job Reassignments

343  
344 From time to time it may be necessary to temporarily or permanently reassign an employee from one job  
345 to a different job, either within the same department or to a different department. The City reserves the  
346 right to reassign employees involuntarily.

347  
348 Job reassignments may result, for example, from reorganization of the work, reduced departmental  
349 funding, a change in technology or public needs, a change in the workforce, a change in the employee's  
350 abilities, a voluntary request from an employee, or as a disciplinary adjustment.

351  
352 Any employee reassigned by request or as a disciplinary adjustment will serve a probationary period in the  
353 new position. The length of the probation (usually 6 months) is determined by each department. If work  
354 performance or work habits are unacceptable, the City reserves the right to return the employee to his  
355 former position or to terminate employment. A decision to terminate a reassigned employee during  
356 this probationary period is subject to appeal or grievance under Chapter 9 of this Handbook.

357  
358  
359 0204 Travel Policy

360  
361 The City of Salisbury has a travel policy. A copy of that travel policy may be obtained from your  
362 Department ~~Head~~ **Director or via intranet**. **All forms may be obtained on sby.net available to**  
363 **all employees on our intranet.** Please refer to that policy in regard to travel.

364  
365 ~~0205 — Overnight Travel~~

366  
367 ~~The City of Salisbury provides for certain expenses incurred by a City employee (or elected official)~~



368 traveling on official business. Anyone traveling on official City business is expected to exercise the same  
369 care incurring expenses as would a prudent person traveling for personal reasons. Same day travel must be  
370 approved by the employee's Department Head or his designee, prior to the travel. Overnight travel must be  
371 approved by the employee's department head prior to the travel. Department Head travel must be  
372 approved by the Mayor's office prior to the travel. City Council members travel must be approved by  
373 the Council prior to the travel. Throughout this policy, references to City employee would also apply to  
374 elected officials.

375  
376 0206—Travel Advance  
377

378 An advance of funds may be obtained by completing the top portion of the Travel Expense Report,  
379 including travel purpose and dates, and submitting it to the Finance Department, at least three weeks  
380 prior to the day of travel. Advances are available from the Finance Office two weeks before the event.  
381 Upon return from travel, the employee must, within two weeks, complete the Travel Expense Report,  
382 attaching the necessary travel receipts approved by his Department Head, or designee, and submit the  
383 Report to the Finance Department for further reimbursement, or return of unused funds. A valid receipt  
384 would include the vendor, date, time, and any other information necessary to permit verification of the  
385 receipt. Where valid receipts are missing, the employee may submit an affidavit in lieu of the receipts.

386  
387 0207—Meals (Alcoholic beverages are not reimbursable expenses.)  
388

389 If an employee departs on City business two hours prior to, and returns two hours after a meal, the  
390 employee would be entitled to receive compensation for that meal. Tips are only reimbursable up to 15%  
391 of the food bill. For the purpose of this policy meal times are 8 a.m., 12 noon and 5 p.m. The maximum  
392 reimbursement amounts are as follows for the food bill:

Breakfast	\$ 8.00
Lunch	\$ 10.00
Dinner	\$ 22.00

394  
395 An employee whose spending exceeds these amounts will not be compensated for the excess.  
396

397 If a City employee on official City business stays overnight, then that employee will receive \$40.00 per day  
398 for meals and no receipts are required; however, the day of travel to and from the destination must meet  
399 the 2-hour criteria to receive an allowance for that day, again, no receipts are required. Receipts from  
400 establishments within the City of Salisbury are not reimbursable if the trip took place outside of Salisbury.  
401 **~~If meals are included in the conference, meeting, or training session fee, then the City will not~~**  
402 **~~reimburse the employee for those meals.~~**

403  
404 0208—Lodging  
405

406 Overnight lodging can be authorized when the meeting location is more than ninety (90) miles from the  
407 employee's normal workplace. For any travel where air transportation is necessary, round-trip, coach-class  
408 tickets will be purchased. If the employee wishes to drive, they must obtain a quote from a travel agency  
409 for airfare. The lesser of the reimbursement for mileage and the quote for airfare will be reimbursed to  
410 the employee. Mileage to and from a conference is reimbursable, mileage while attending a conference is

411 not. The employee will make every effort to stay at a conference hotel to take advantage of conference  
412 hotel rates. If an employee wishes to stay at a non-conference hotel, they may do so, but they will only  
413 be reimbursed at the average conference rate, which must be verified by the conference staff.

414  
415 0209—Travel Expenses  
416

417 The City will not reimburse an employee for personal phone calls, in room movies, room service or tips for  
418 baggage handling. An exception is that an employee is permitted two phone calls home. Miscellaneous  
419 expenses will be considered with proper justification.

420  
421 The City will not pay for any expenses for the employee's spouse or children in connection with all travel  
422 and lodging unless specifically exempted from this policy by the Mayor and Council.

423  
424 The rental of cars is subject to approval, in advance, by the department head, or the Mayor's office in the  
425 case of department head travel, or by the Council in the case of Council member travel. Employees may  
426 rent cars while on travel status when other means of transportation are unavailable, more costly, or  
427 impractical. The lowest cost vehicle necessary to achieve the necessary travel shall be rented.

428  
429 In addition to the cost of the rental, the employee shall be reimbursed for necessary and reasonable  
430 expenses incurred for the following items:

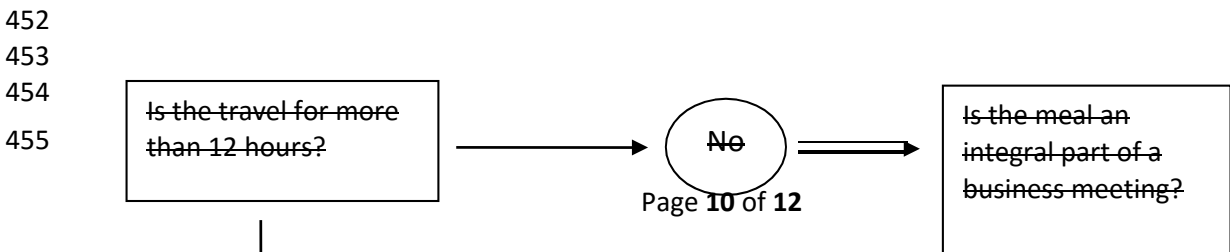
- 431  
432 1. Gasoline, oil and emergency repairs to the rental vehicle  
433 2. Parking  
434 3. Toll charges.

435  
436 0210—Same Day Travel—General  
437

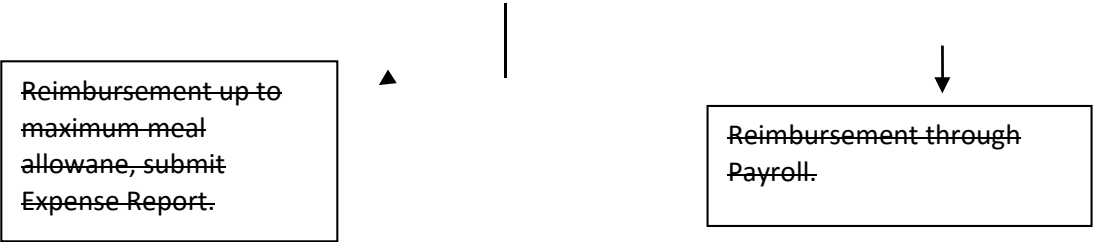
438 Employees whose travel is for less than 24 hours are encouraged to use a city vehicle provided by their  
439 department, or the Mayor's office. Otherwise, the City will reimburse that employee actual mileage times  
440 the current Federal reimbursement rate according to the IRS. Itemized receipts are required for  
441 expenses such as meals, tolls, parking, etc. With the exception of taxable meals, same day travel should be  
442 accounted for on the Travel Expense Report.

443  
444 0211—Taxable Reimbursement  
445

446 Meal reimbursement for same day travel is considered taxable income and will be included in the  
447 employee's pay. The only exception is if the meal is an integral part of the business meeting, in a clear  
448 business setting, and directly related to City business. See the following flow chart to determine if the meal  
449 is taxable. If it is not taxable, it should be accounted for on the Travel Expense Report together with any  
450 other expenses for the trip. If it is taxable, a separate Travel Expense Report for the meal(s) should be  
451 completed and attached to the bi-weekly payroll report for the department.



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When reimbursement for meal(s) is made to an employee through the City's payroll system, this money is subject to the employee's rate of IRS withholding, and at the end of the year will appear as wages on the employee's W-2, since the IRS does not consider the cost of these meals a deductible business expense.

City of Salisbury

Name: \_\_\_\_\_ Travel Expense Report Dep

Purpose of Trip: \_\_\_\_\_  
 Meeting Date(s): \_\_\_\_\_ Date Advance Needed: \_\_\_\_\_  
 Location: \_\_\_\_\_ Department Head Advance Approval: \_\_\_\_\_  
 Advance Requested: \$ \_\_\_\_\_ Department Head Expense Approval: \_\_\_\_\_

Date	Departed From/ Arrived At	Time	Auto		Air Rail	Car Rental	Taxi, Parking Tolls, Etc.	Lodging	Meals or Per Diem
			Miles	\$					

<u> taxable Travel – Meals Only</u>	<b>Check Here and Submit With Department Payroll</b>
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Notes:

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~~Be sure to attach receipts for all expenditures~~  
~~Attach personal check if advance exceeds expenses, or cash can~~  
~~be turned in at Finance Department 2005 Mileage Reimbursement~~  
Rate is ~~\$0.40~~<sup>1/2</sup> /mile

Underlined and Bold indicate additions  
~~Strikethrough~~ indicate deletions

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the City of Salisbury held on the \_\_\_\_ day of \_\_\_\_\_ 2019, and is to become effective immediately upon adoption.

ATTEST:


\_\_\_\_\_  
Kimberly R. Nichols, City Clerk  
\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

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

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

**Infrastructure &  
Development**

# Memo

**To:** Amanda Pollack, Director Infrastructure & Development  
**From:** William T Holland   
**Date:** 9/13/2019  
**Re:** Adoption of Maryland Building Performance Standards

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Attached is an ordinance updating the City's current building codes, from the 2015 International Building Codes to the 2018 International Building Codes with local amendments.

The purpose of establishing building codes is protect the public health, safety, and general welfare as they relate to the construction and occupancy of buildings and structures.

Let me know if there's any questions.

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

2 AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND SECTIONS 15.04.010, 15.04.020,  
3 AND 15.04.030 OF CHAPTER 15.04 BUILDING CODE BY ADOPTING UPDATED STANDARD CODES  
4 IN SECTION 15.04.010; AMENDING THE AMENDMENTS TO THE INTERNATIONAL BUILDING  
5 CODE (2018) (IBC) IN SECTION 15.04.020; AND AMENDING THE AMENDMENTS TO THE  
6 INTERNATIONAL PLUMBING CODE (2018) (IPC) IN SECTION 15.04.030, AND TO AMEND SECTION  
7 15.24.040 OF CHAPTER 15.24 HOUSING STANDARDS TO ADOPT THE UPDATED STANDARD  
8 CODES.

9 WHEREAS, the ongoing application, administration and enforcement of Title 15,  
10 Buildings and Construction, of the City of Salisbury Municipal Code, demonstrates a need for its  
11 periodic review, evaluation and amendment to keep Title 15 current; and

12 WHEREAS, the Mayor and City Council may amend Chapter 15.04, Building Code,  
13 pursuant to the authority granted in SC 2-15 of the Salisbury City Charter and §12-501, et seq.  
14 of the Public Safety Article, Maryland Annotated Code and related COMAR regulations; and

15 WHEREAS, the Mayor and City Council have requested that the Department of  
16 Infrastructure and Development periodically review Title 15 in light of existing building trends  
17 and practices and code updates; and

18 WHEREAS, the adoption of the Department of Infrastructure and Development does  
19 recommend approval of the proposed code changes.

20 NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury,  
21 Maryland, that Sections 15.04.010, 15.04.020, 15.04.030, and 15.24.040 be amended as  
22 follows:

23 Chapter 15.04

24 BUILDING CODE

25 15.04.010 Adoption of Standards Codes

26 The City of Salisbury adopts the following Standard Codes:

- 27 A. International Building Code (~~2015~~2018) (IBC);
  - 28 B. International Residential Code (~~2015~~2018) (IRC);
  - 29 C. International Energy Conservation Code (~~2015~~2018) (IECC);
  - 30 D. International Mechanical Code (~~2015~~2018) (IMC);
  - 31 E. International Plumbing Code (~~2015~~2018) (IPC);
  - 32 F. International Fuel Gas Code (~~2015~~2018) (IFGC);
  - 33 G. International Existing Building Code (~~2015~~2018); ~~and~~
  - 34 H. Maryland Accessibility Code; and
  - 35 I. International Green Construction Code, (2108) (IGCC).
- 36

37 15.04.020 Amendments to the International Building Code (~~2015~~2018)

38 The following additions and deletions are made to the International Building Code (~~2015~~2018):

39 A. Chapter 1 delete Section 101.2.1 Appendices, and replace with the following: Paragraph  
40 101.2.1 Appendix provisions on Appendix B. Building Board of Appeals and Appendix I.  
41 Patio Covers are adopted as part of the IBC.

42 B. Chapter 1 delete [A] 101.4.4 Property Maintenance.

43 C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure  
44 existing on the date of adoption of this code shall be permitted to continue without  
45 change, except as otherwise specifically provided for in this code, the International  
46 Existing Building Code, City of Salisbury Property Maintenance Code, International Fire  
47 Code or the NFPA Life Safety Code 101 (2018).

48 ~~D. Chapter 1 delete [A] 104.2.1 Determination of substantially improved or substantially~~  
49 ~~damaged existing buildings and structures in flood hazard areas.~~

50 ~~D.E. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet~~  
51 ~~(2134mm) high and replace with the following:~~

52 ~~[A] 105.2 Work exempt from permit.~~

53 ~~2. Fences less than fifty (50) lineal feet.~~

54 ~~E.F. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows:~~

55 ~~“Replacement windows, doors, vinyl/aluminum siding and custom trim.” Exception:~~  
56 ~~Windows being replaced in bedrooms shall not be reduced in size or shall comply with~~  
57 ~~the minimum requirements of [A] 102.6.~~

58 ~~F.G. Chapter 1 amend [A] 109.4 Work commencing before issuance of a permit issuance.~~

59 Any person who commences any work on a building, structure, electrical, gas,  
60 mechanical or plumbing system before obtaining the necessary permits may be subject  
61 to a permit fee two times the amount of the original fee.

62  
63 15.04.030 Amendments to the International Plumbing Code (~~2015~~2018).

64 The following additions and deletions are made to the International Plumbing Code  
65 (~~2015~~2018):

66 A. ~~Chapter 1 amend [A] 106.1. Any owner, owner’s authorized agent or contractor who~~  
67 ~~desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of~~  
68 ~~a building or structure, or erect, install, enlarge, alter, repair, remove, convert or replace~~  
69 ~~any plumbing system, the installation of which is regulated by this code, or to cause any~~  
70 ~~such work to be performed, shall first make application to the code official and obtain~~  
71 ~~the required permit for the work. All work as defined as plumbing in Chapter 2~~  
72 ~~Definitions, shall be performed by a Maryland registered master or Maryland registered~~  
73 ~~journeyman plumber.~~

74 ~~B. Chapter 1 amend [A] 106.3 Application for permit. Each application for a permit, with the~~  
75 ~~required fee, shall be filed with the code official on a form furnished for that purpose~~  
76 ~~and shall contain a general description of the proposed work and its location. The~~  
77 ~~application shall be signed by the master plumber of record.~~

78 ~~C. Chapter 10 delete Chapter 10 Traps, Interceptors and Separators in its entirety and~~  
79 ~~replace with the following:~~

80 The ~~2007~~ 2019 Washington Suburban Sanitary Commission Fats, Oils and Grease  
81 Requirements. ~~Section – 1003 Interceptors and Separators with amendments.~~

82

83 15.24.040 – Referenced standards.

84 A. Where the following codes are referenced within this Code, they shall be  
85 considered part of the requirements of this Code to the prescribed extent of  
86 each such reference:

- 87 1. International Building Code (~~2015~~2018) (IBC);
- 88 2. International Residential Code (~~2015~~2018) (IRC);
- 89 3. International Energy Conservation Code (~~2015~~2018) (IECC);
- 90 4. International Mechanical Code (~~2015~~2018) (IMC);
- 91 5. International Plumbing Code (~~2015~~2018) (IPC);
- 92 6. International Fuel Gas Code (~~2015~~2018) (IFGC);
- 93 7. International Existing Building Code (~~2015~~2018) (IEBC);
- 94 8. Maryland Accessibility Code; ~~and~~
- 95 9. National Electrical Code (2014); ~~and~~
- 96 10. International Green Construction Code (2018) (IGCC).

97

98 Underlined indicate additions

99 ~~Strikethrough~~ indicate deletions

100

101 AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF  
102 SALISBURY, MARYLAND, that the Ordinance shall take effect as of January 1, 2020.

103 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of  
104 Salisbury held on the \_\_\_\_ day of \_\_\_\_\_, 2019, and thereafter a statement of the  
105 substance of the ordinance having been published as requested by law in the meantime,  
106 was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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108 ATTEST:

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

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

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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



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

To: Julia Glanz, City Administrator  
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development  
Date: September 4, 2019  
Re: Budget Amendment for Community Centers

AP

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The Department of Infrastructure & Development is requesting consideration for a budget amendment to appropriate additional funds to the Community Center project.

The construction to renovate the Newton Street Community Center is underway. The construction contract value is \$355,169.00. The costs of the renovation will exceed the allotted budget due to unforeseen conditions and changes to the exterior materials to comply with Historic District guidelines. A change order is being negotiated with the Contractor and will be presented upon appropriation of additional funds. The additional funding will also be used to purchase furniture and fixtures within the Community Center. The additional funding requested for the Newton Community Center is \$125,000.00.

Additionally, the City desires to purchase the Truitt Street Community Center. The City has received a grant for the majority of the purchase. The additional funding requested for the Truitt Street Community Center purchase is \$25,000.00.

Unless you or the Mayor have further questions, please forward a copy of this memo and the ordinance to the City Council.

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

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY'S CAPITAL PROJECT FUND BUDGET AND THE FY2020 GENERAL FUND BUDGET TO APPROPRIATE FUNDS FOR COMMUNITY CENTERS.

WHEREAS, Ordinance No. 2394 authorized the City to sell bonds in FY17 which appropriated funds for various capital projects; and

WHEREAS, the FY17 bond includes funding for Community Centers; and

WHEREAS, the City has contracted for the construction of the renovations to the Newton Street Community Center and the costs of the renovations will exceed the allotted budget; and

WHEREAS, the City desires to purchase the Truitt Street Community Center.

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

Project Description	Account Description	Account	Amount
<b>Revenues:</b>			
Community Center Newton	PayGO General Fund	98117-469313-48029	125,000
Community Center Truitt	PayGO General Fund	98117-469313-48029	25,000
<b>Expenditures:</b>			
Community Center Newton	Construction	98117-513026-48029	125,000
Community Center Truitt	Land	98117-577010-48029	25,000

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

1. Increase Current Year Surplus by \$150,000.00
2. Increase Transfer General Capital Projects by \$150,000.00

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:** City Council  
**FROM:** Kim Nichols, City Clerk  
**SUBJECT:** Alcohol Control Board  
**DATE:** October 2, 2019

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The material provided is for Council discussion of an Alcohol Control Board.

HOUSE BILL \_\_\_\_\_

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By: **Delegates**

Introduced and read first time:

Assigned to:

Report:

House action:

Read second time:

A BILL ENTITLED

1 AN ACT concerning

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**ALCOHOLIC BEVERAGES**  
**TITLE 1. DEFINITIONS; GENERAL PROVISIONS**  
**AND**  
**TITLE 34. CITY OF SALISBURY**

FOR the purpose of allowing the City of Salisbury to establish a Board of License Commissioners for the City of Salisbury that is a State unit, appointed by the Governor.

BY repealing and reenacting, with amendments,

Article-Alcoholic Beverages  
Section 1-101(m) and (p). Definitions  
Annotated Code of Maryland  
(2012 Replacement Volume and 2018 Supplement)

BY adding,

New Title – Alcoholic Beverages Article, Title 34 – City of Salisbury  
Sections 34-101 through 34-2802  
Annotated Code of Maryland

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

**ALCOHOLIC BEVERAGES**  
**DIVISION I. GENERAL PROVISIONS AFFECTING MULTIPLE JURISDICTIONS.**  
**TITLE 1. DEFINITIONS; GENERAL PROVISIONS**  
**SUBTITLE 1. DEFINITIONS**

**1–101. Definitions.**

**Jurisdiction.**

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

**Local collecting agent.**

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

(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. ESTABLISHED.**

**IN GENERAL.**

**(A) THERE IS A BOARD OF LICENSE COMMISSIONERS FOR THE CITY OF SALISBURY.**

**BOARD AS A STATE UNIT.**

**(B) THE BOARD IS A STATE UNIT THAT ADMINISTERS THIS TITLE AND MAY ISSUE, DENY, REVOKE, OR SUSPEND LICENSES.**

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

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

**34-203. MEMBERSHIP.**

**COMPOSITION; APPOINTMENT OF MEMBERS.**

**(A) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

**QUALIFICATIONS.**

**(B) EACH MEMBER OF THE BOARD SHALL BE:**

- (1) A RESIDENT AND VOTER OF THE CITY; AND**
- (2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**TENURE.**

**(C) (1) THE TERM OF A MEMBER IS 4 YEARS.**  
**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS \_\_\_\_.**

**VACANCIES.**

**(D) (1) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**  
**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**REMOVAL.**

**(E) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**  
**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**  
**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

**34-204. CHAIR.**

**THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

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**34-205. SALARIES; STAFF.**

**SALARIES.**

- (A) (1) THE CHAIR OF THE BOARD SHALL RECEIVE \$5,000 ANNUALLY.
- (2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$4,000 ANNUALLY.

**STAFF.**

(B) SUBJECT TO THIS SECTION AND § 34-206 OF THIS SUBTITLE, THE BOARD MAY:

- (1) EMPLOY:
  - (I) A SECRETARY;
  - (II) INSPECTORS; AND
  - (III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND
- (2) SET THE COMPENSATION OF THE EMPLOYEES.

**ATTORNEY.**

- (C) (1) THE BOARD MAY DESIGNATE AN ATTORNEY FOR THE BOARD.
- (2) THE ANNUAL SALARY OF THE ATTORNEY:
  - (I) IS \$10,000; AND
  - (II) SHALL BE PROVIDED IN THE CITY BUDGET.

**34-206. INSPECTORS.**

**IN GENERAL.**

- (A) (1) THE BOARD SHALL APPOINT A FULL-TIME INSPECTOR AND A PART-TIME INSPECTOR.
- (2) THE SALARIES OF THE INSPECTORS SHALL BE AS PROVIDED IN THE CITY BUDGET.

**POWERS.**

(B) THE INSPECTORS HAVE THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.

**DUTIES.**

(C) THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTORS, WHICH SHALL BE FOR THE PROPER ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS IN THE CITY.

**OATH.**

(D) THE INSPECTORS SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

**BOND.**



- 179 (E) (1) THE INSPECTORS SHALL SEPARATELY PROVIDE A PENALTY BOND  
180 OF \$2,000 TO THE BOARD AND THE CITY JOINTLY ON THE CONDITION  
181 THAT THE INSPECTOR AND PART-TIME INSPECTOR FAITHFULLY  
182 PERFORM THE DUTIES OF OFFICE.  
183 (2) THE CITY SHALL PAY THE COST OF THE BONDS.  
184

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186 **34-207. DISPOSITION OF LICENSE FEES.**

187  
188 THE CITY COUNCIL SHALL PAY THE SALARIES AND EXPENSES OF THE  
189 BOARD.  
190

191  
192 **34-208. ENFORCEMENT AND REGULATIONS.**

193  
194 ENFORCEMENT.

195 (A) THE BOARD SHALL COORDINATE THE ENFORCEMENT OF ALL ALCOHOLIC  
196 BEVERAGES LICENSING LAWS FOR THE CITY.

197  
198 REGULATIONS.

199 (B) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.  
200

201  
202 **SUBTITLE 3. LIQUOR CONTROL.**

203  
204 **34-301. LIQUOR CONTROL-NOT APPLICABLE.**

205  
206 THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR  
207 CONTROL IN THE CITY.  
208

209  
210 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

211  
212 **34-401. APPLICATION OF GENERAL PROVISIONS.**

213  
214 WITHOUT EXCEPTION OR VARIATION.

215 (A) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S  
216 LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT  
217 EXCEPTION OR VARIATION:

- 218 (1) § 2-201 ("ISSUANCE BY COMPTROLLER");  
219 (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");  
220 (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");  
221 (4) § 2-205 ("CLASS 3 WINERY LICENSE");  
222 (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");  
223 (6) § 2-207 ("CLASS 5 BREWERY LICENSE");  
224 (7) § 2-208 ("CLASS 6 PUB-BREWERY LICENSE");  
225 (8) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");

- 226 (9) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);  
227 (10) § 2–211 (“RESIDENCY REQUIREMENT”);  
228 (11) § 2–212 (“ADDITIONAL LICENSES”);  
229 (12) § 2–213 (“ADDITIONAL FEES”);  
230 (13) § 2–214 (“SALE OR DELIVERY RESTRICTED”);  
231 (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND  
232 RETAILERS”);  
233 (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —  
234 PROHIBITED PRACTICES”); AND  
235 (16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND  
236 RETAILERS — PROHIBITED”).

237  
238 **EXCEPTION.**

239 **(B) SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**  
240 **THIS ARTICLE DOES NOT APPLY IN THE CITY.**

241  
242 **VARIATIONS.**

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

- 245 (1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND  
246 (2) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

247  
248  
249 **34–402. HOURS AND DAYS OF SALE OR DELIVERY.**

250 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**  
251 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**  
252 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

253  
254  
255 **34–403. CLASS 6 PUB–BREWERY LICENSE.**

256  
257 **APPLICATION OF SECTION.**

258 **(A) THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE CITY.**

259  
260 **REQUIRED NOTICE.**

261 **(B) BEFORE THE COMPTROLLER MAY ISSUE A CLASS 6 PUB–BREWERY**  
262 **LICENSE IN THE CITY, THE COMPTROLLER SHALL FORWARD A COPY OF THE**  
263 **APPLICATION TO THE BOARD.**

264  
265 **REVIEW.**

266 **(C) THE BOARD SHALL:**

- 267 (1) REVIEW THE APPLICATION;  
268 (2) HOLD A PUBLIC HEARING ON THE APPLICATION; AND  
269 (3) RECOMMEND TO THE COMPTROLLER WHETHER OR NOT TO ISSUE  
270 THE LICENSE.

273 **34-404. CLASS 7 MICRO-BREWERY LICENSE.**

274 **A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY NOT**  
275 **COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 45,000**  
276 **BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR.**

277  
278  
279 **34-405. ADDITIONAL PUB-BREWERY OR MICRO-BREWERY LICENSE.**

280  
281 **IN ENTERPRISE ZONE.**

282 **(A) THE COMPTROLLER MAY ISSUE ONE CLASS 6 PUB-BREWERY LICENSE OR**  
283 **ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, FOR A LOCATION IN**  
284 **AN ENTERPRISE ZONE, TO A PERSON THAT HOLDS NOT MORE THAN FIVE**  
285 **CLASS B BEER, WINE, AND LIQUOR LICENSES.**

286  
287 **CLASS A LICENSE HOLDERS.**

288 **(B) A HOLDER OF A CLASS A LICENSE MAY ALSO HOLD A CLASS 7 MICRO-**  
289 **BREWERY LICENSE AND NOT MORE THAN FIVE CLASS B BEER, WINE, AND**  
290 **LIQUOR LICENSES.**

291  
292  
293 **SUBTITLE 5. WHOLESALER'S LICENSES.**

294  
295 **34-501. APPLICATION OF GENERAL PROVISIONS.**

296  
297 **WITHOUT EXCEPTION OR VARIATION.**

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

- 301 (1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");  
302 (2) § 2-304 ("CLASS 3 BEER AND WINE WHOLESALER'S LICENSE");  
303 (3) § 2-305 ("CLASS 4 BEER WHOLESALER'S LICENSE");  
304 (4) § 2-306 ("CLASS 5 WINE WHOLESALER'S LICENSE");  
305 (5) § 2-307 ("CLASS 6 LIMITED WINE WHOLESALER'S LICENSE");  
306 (6) § 2-308 ("CLASS 7 LIMITED BEER WHOLESALER'S LICENSE");  
307 (7) § 2-309 ("SALE AND DELIVERY OF BEER OR WINE FROM  
308 WHOLESALER'S VEHICLE");  
309 (8) § 2-310 ("SALE AND DELIVERY TO RETAIL LICENSE HOLDER");  
310 (9) § 2-311 ("ADDITIONAL WHOLESALER'S LICENSES");  
311 (10) § 2-312 ("DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES");  
312 (11) § 2-313 ("SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE  
313 OR PERMIT");  
314 (12) § 2-314 ("BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED")  
315 (13) § 2-315 ("INTERACTION BETWEEN WHOLESALING ENTITIES AND  
316 RETAILERS");  
317 (14) § 2-316 ("DISTRIBUTION OF ALCOHOLIC BEVERAGES —  
318 PROHIBITED PRACTICES"); AND  
319 (15) § 2-317 ("RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS

320 AND RETAILERS — PROHIBITED”).

321  
322 VARIATIONS.

323 (B) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALE’S  
324 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY, SUBJECT TO  
325 § 34–504 OF THIS SUBTITLE:

326 (1) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALE’S  
327 LICENSE”); AND

328 (2) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALE’S LICENSE”).

329  
330  
331 **34–502. HOURS AND DAYS OF SALE OR DELIVERY.**

332  
333 EXCEPT AS PROVIDED IN § 34–503 OF THIS SUBTITLE, A HOLDER OF A  
334 WHOLESALE’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES  
335 TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY  
336 DAY EXCEPT SUNDAY.

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338  
339 **34–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

340  
341 **DELIVERY ON EFFECTIVE DATE OF LICENSE.**

342 (A) A HOLDER OF A WHOLESALE’S LICENSE MAY ENTER INTO AN  
343 AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER  
344 SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF  
345 THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

346  
347 **DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

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

351  
352  
353 **34–504. RESTRICTION ON SALES.**

354  
355 A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR OR CLASS 2 WINE  
356 AND LIQUOR WHOLESALE’S LICENSE MAY NOT SELL OR DELIVER LIQUOR  
357 IN THE CITY FOR RESALE.

358  
359  
360 **SUBTITLE 6. BEER LICENSES.**

361  
362 **34–601. CLASS A BEER LICENSE.**

363  
364 **ESTABLISHED.**

365 (A) THERE IS A CLASS A BEER LICENSE.

366

367 **SCOPE OF AUTHORIZATION.**

368 **(B) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT**  
369 **RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

370 **(2) A LICENSE MAY NOT BE ISSUED FOR A PREMISES HAVING A DIRECT**  
371 **OR INDIRECT CONNECTION WITH A DRUG OR PHARMACEUTICAL**  
372 **BUSINESS OR OTHER BUSINESS ESTABLISHMENT OF A TYPE**  
373 **COMMONLY KNOWN AS A DRUGSTORE.**

374 **(3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**  
375 **PACKAGE OR CONTAINER.**

376 **(4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**  
377 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE**  
378 **BEER WAS SOLD.**

379  
380 **FEES.**

381 **(C) THE ANNUAL LICENSE FEES ARE:**

382 **(1) \$175 FOR A 6-DAY LICENSE; AND**

383 **(2) \$275 FOR A 7-DAY LICENSE.**

384  
385  
386 **34-602. CLASS B BEER LICENSE.**

387  
388 **ESTABLISHED.**

389 **(A) THERE IS A CLASS B BEER LICENSE.**

390  
391 **SCOPE OF AUTHORIZATION.**

392 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**  
393 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A**  
394 **HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE F**  
395 **OR ON-AND OFF-PREMISES CONSUMPTION.**

396 **(2) (I) A LICENSE MAY BE ISSUED ONLY FOR A HOTEL OR**  
397 **RESTAURANT WHOSE AVERAGE DAILY RECEIPTS FROM THE**  
398 **SALE OF FOOD FOR EACH MONTH EXCEED THE AVERAGE DAILY**  
399 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

400 **(II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE**  
401 **SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN**  
402 **A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY**  
403 **RECEIPTS FROM THE SALE OF FOOD.**

404  
405 **FEE.**

406 **(C) THE ANNUAL LICENSE FEE IS \$275.**

407  
408  
409 **34-603. CLASS C BEER LICENSE.**

410  
411 **ESTABLISHED.**

412 **(A) THERE IS A CLASS C BEER LICENSE.**

413

414 **SCOPE OF AUTHORIZATION.**  
415 **(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT**  
416 **RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE**  
417 **DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

418  
419 **FEE.**  
420 **(C) THE ANNUAL LICENSE FEE IS \$75.**

421  
422  
423 **34-604. CLASS D BEER LICENSE.**

424  
425 **ESTABLISHED.**  
426 **(A) THERE IS A CLASS D BEER LICENSE.**

427  
428 **SCOPE OF AUTHORIZATION.**  
429 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**  
430 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE**  
431 **PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES**  
432 **CONSUMPTION.**  
433 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

434  
435 **FEE.**  
436 **(C) THE ANNUAL LICENSE FEE IS \$275.**

437  
438  
439 **SUBTITLE 7. WINE LICENSES.**

440  
441 **34-701. CLASS A WINE LICENSE.**

442  
443 **ESTABLISHED.**  
444 **(A) THERE IS A CLASS A WINE LICENSE IN THE CITY.**

445  
446 **AUTHORIZED HOLDER.**  
447 **(B) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED**  
448 **WINERY LICENSE.**

449  
450 **SCOPE OF AUTHORIZATION.**  
451 **(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**  
452 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED**  
453 **AT THE WINERY.**  
454 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**  
455 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE**  
456 **LICENSED PREMISES.**

457  
458 **FEE.**  
459 **(D) THE ANNUAL LICENSE FEE IS \$50.**

460

461  
462 **SUBTITLE 8. BEER AND WINE LICENSES.**  
463

464 **34-801. CLASS A BEER AND WINE LICENSE.**

465 **ESTABLISHED.**

466 **(A) THERE IS:**

- 467 (1) **A CLASS A BEER AND WINE 6-DAY LICENSE; AND**  
468 (2) **A CLASS A BEER AND WINE 7-DAY LICENSE.**  
469

470 **SCOPE OF AUTHORIZATION.**

471 **(B) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**  
472 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

473 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**  
474 **SEALED PACKAGE OR CONTAINER.**

475 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**  
476 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE**  
477 **BEER OR WINE IS SOLD.**  
478

479 **DRUGSTORE PROHIBITION.**

480 **(C) A PERSON MAY NOT HOLD THE LICENSE FOR USE BY AN ESTABLISHMENT**  
481 **WITH A DIRECT OR INDIRECT CONNECTION WITH A DRUGSTORE.**  
482

483 **FEES.**

484 **(D) THE ANNUAL LICENSE FEES ARE:**

- 485 (1) **\$275 FOR A 6-DAY LICENSE; AND**  
486 (2) **\$350 FOR A 7-DAY LICENSE.**  
487  
488  
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490

491 **34-802. CLASS B BEER AND WINE LICENSE.**

492 **ESTABLISHED.**

493 **(A) THERE IS A CLASS B BEER AND WINE LICENSE.**  
494  
495

496 **SCOPE OF AUTHORIZATION.**

497 **(B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**  
498 **LICENSE MAY BE ISSUED FOR USE BY A HOTEL OR RESTAURANT**  
499 **IF, FOR EACH MONTH, THE AVERAGE DAILY RECEIPTS FROM**  
500 **THE SALE OF FOOD EXCEED THE AVERAGE DAILY RECEIPTS**  
501 **FROM THE SALE OF ALCOHOLIC BEVERAGES.**

502 **(II) FOODSTUFF IN A MIXED DRINK MAY NOT BE CONSIDERED AS**  
503 **FOOD WHEN CALCULATING AVERAGE DAILY RECEIPTS FROM**  
504 **THE SALE OF FOOD.**

505 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**  
506 **AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE**  
507 **DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES**

508           **CONSUMPTION.**

509  
510       **FEE.**

511       **(C) THE ANNUAL LICENSE FEE IS \$400.**

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514       **34-803. CLASS C BEER AND WINE LICENSE.**

515  
516       **ESTABLISHED.**

517       **(A) THERE IS A CLASS C BEER AND WINE LICENSE.**

518  
519       **SCOPE OF AUTHORIZATION.**

520       **(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND**  
521       **WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT**  
522       **THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

523  
524       **FEE.**

525       **(C) THE ANNUAL LICENSE FEE IS \$125.**

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527  
528       **34-804. CLASS D BEER AND WINE LICENSE.**

529  
530       **ESTABLISHED.**

531       **(A) THERE IS:**

532           **(1) A CLASS D BEER AND WINE 6-DAY LICENSE; AND**

533           **(2) A CLASS D BEER AND WINE 7-DAY LICENSE.**

534  
535       **SCOPE OF AUTHORIZATION.**

536       **(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND**  
537       **WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**  
538       **OFF-PREMISES CONSUMPTION.**

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540       **DRUGSTORE PROHIBITION.**

541       **(C) THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

542  
543       **FEES.**

544       **(D) THE ANNUAL LICENSE FEES ARE:**

545           **(1) \$275 FOR A 6-DAY LICENSE; AND**

546           **(2) \$400 FOR A 7-DAY LICENSE.**

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549                   **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

550  
551       **34-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

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553       **ESTABLISHED.**

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



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**AUTHORIZED HOLDER.**

**(B) (1) A LICENSE MAY BE ISSUED ONLY TO AN ESTABLISHMENT THAT HAS BEEN:**

**(I) ISSUED A CLASS B LICENSE; AND**

**(II) CONTINUALLY OPERATING AS A RESTAURANT IN THE CITY SINCE AT LEAST 3 MONTHS BEFORE THE APPLICATION FOR THE LICENSE.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE TO AN ESTABLISHMENT THAT IS A CORPORATION OR LIMITED LIABILITY COMPANY UNLESS THE LICENSE APPLICANT OWNS 75% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR THE LIMITED LIABILITY COMPANY.**

**(3) THE BOARD MAY ISSUE NOT MORE THAN THREE LICENSES IN THE CITY.**

**SCOPE OF AUTHORIZATION.**

**(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL AT THE PLACE DESCRIBED IN THE APPLICATION, FOR OFF- PREMISES CONSUMPTION.**

**(2) THE PLACE DESCRIBED IN THE APPLICATION:**

**(I) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN THE OPERATION OF THE RESTAURANT BUSINESS; AND**

**(II) SHALL BE CONTIGUOUS TO AND ADJOIN THE RESTAURANT ESTABLISHMENT.**

**DRUGSTORE PROHIBITION; EXCEPTION.**

**(D) THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**LIQUOR PURCHASES FROM COUNTY DISPENSARY.**

**(E) (1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL SALE FROM A COUNTY DISPENSARY.**

**(2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15% ABOVE THE WHOLESALE OPERATING COST TO THE DISPENSARY.**

**FEE.**

**(F) THE ANNUAL LICENSE FEE IS \$4,400 AND IS IN ADDITION TO THE FEE PAID FOR THE CLASS B LICENSE.**

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**34-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**ESTABLISHED.**

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

**AUTHORIZED HOLDER.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A HOTEL THAT HAS:**

**(I) AT LEAST 25 ROOMS;**

**(II) A LOBBY WITH REGISTRATION, MAIL DESK, AND SEATING FACILITIES; AND**

**(III) A DINING ROOM THAT SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY; OR**

**(2) (I) A RESTAURANT THAT:**

**1. HAS A PROPER AND ADEQUATE DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**2. NOT COUNTING SEATING AT A BAR OR COUNTER, HAS TABLE SEATING FOR AT LEAST 40 INDIVIDUALS; AND**

**3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT COUNTING FOODSTUFF CONTAINED IN A MIXED DRINK, THAT EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(II) THE SEATING REQUIREMENT IN ITEM (I)1 OF THIS ITEM DOES NOT APPLY TO A CLASS B BEER, WINE, AND LIQUOR LICENSE HOLDER WHO HELD THE LICENSE ON JULY 1, 1978.**

**SCOPE OF AUTHORIZATION.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**LOUNGE AREA RESTRICTIONS.**

**(D) (1) IN THIS SUBSECTION, "LOUNGE AREA" MEANS AN AREA THAT INCLUDES:**

**(I) A BAR WHERE ALCOHOLIC BEVERAGES ARE SERVED; AND**

**(II) AN ENTERTAINMENT FACILITY IN THE SAME AREA AS THE BAR.**

**(2) THE LICENSE HOLDER MAY:**

**(I) PROHIBIT AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE FROM ENTERING THE LOUNGE AREA AFTER 9 P.M. UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO IS OF THE LEGAL DRINKING AGE; AND**

**(II) CHARGE AN ENTERTAINMENT FEE FOR EACH INDIVIDUAL WHO IS PRESENT WHILE LIVE ENTERTAINMENT IS IN PROGRESS**

649 **IN THE LOUNGE AREA.**

650 **PURCHASE OF LIQUOR FROM COUNTY DISPENSARY.**

651 **(E) (1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL SALE**  
652 **FROM A COUNTY DISPENSARY.**

653 **(2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15%**  
654 **ABOVE THE WHOLESALE OPERATING COST TO THE COUNTY**  
655 **DISPENSARY.**

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658 **FEES.**

659 **(F) THE ANNUAL LICENSE FEES ARE:**

660 **(1) \$1,980 FOR A HOTEL; AND**

661 **(2) \$1,320 FOR A RESTAURANT.**

662  
663 **WINE PERMIT.**

664 **(G) (1) THE BOARD MAY ISSUE A WINE PERMIT TO A HOLDER OF THE**  
665 **LICENSE FOR USE BY A RESTAURANT THAT:**

666 **(I) AT LEAST 5 DAYS PER WEEK, OFFERS FOR SALE AND**  
667 **DESCRIBES IN A PRINTED MENU:**

668 **1. BREAKFAST AND LUNCH;**

669 **2. BREAKFAST AND DINNER; OR**

670 **3. LUNCH AND DINNER; AND**

671 **(II) HAS AN AREA USED FOR THE PREPARATION AND**  
672 **CONSUMPTION OF FOOD AND BEVERAGES THAT IS AT LEAST 80%**  
673 **OF THE AREA OF THE PREMISES.**

674 **(2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS SHALL BE INCLUDED**  
675 **IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE**  
676 **OF ALCOHOLIC BEVERAGES UNDER § 34-901(C)(2)(I)3 OF THIS SUBTITLE.**

677 **(3) THE WINE PERMIT AUTHORIZES THE LICENSE HOLDER TO SELL, AT**  
678 **RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:**

679 **(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION;**  
680 **AND**

681 **(II) WINE FOR OFF-PREMISES CONSUMPTION.**

682 **(4) THE TERM OF THE WINE PERMIT IS THE SAME AS THE TERM OF THE**  
683 **CLASS B LICENSE.**

684 **(5) IF THE PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT, THE**  
685 **HOURS AND DAYS OF SALE FOR THE WINE PERMIT ARE:**

686 **(I) 10 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY; AND**

687 **(II) 12:30 P.M. TO MIDNIGHT ON SUNDAY.**

688 **(6) WINE SOLD UNDER THE WINE PERMIT MAY NOT HAVE AN ALCOHOL**  
689 **CONTENT GREATER THAN 15.5%.**

690 **(7) AN APPLICANT FOR THE WINE PERMIT SHALL COMPLETE THE**  
691 **FORM THAT THE BOARD PROVIDES.**

692 **(8) ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING**  
693 **REQUIREMENTS FOR THE WINE PERMIT ARE THE SAME AS THOSE**  
694 **FOR CLASS B LICENSES.**

695 **(9) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS**

696 SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF WINE PERMITS  
697 TO BE GRANTED.

698 (10) THE ANNUAL PERMIT FEE IS \$1,500.  
699

700 **34-903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

701  
702 **ESTABLISHED.**

703 **(A) THERE IS:**

704 (1) A 6-DAY CLASS C BEER, WINE, AND LIQUOR LICENSE; AND

705 (2) A 7-DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.  
706

707 **AUTHORIZED HOLDER.**

708 **(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**  
709 **FRATERNAL, SOCIAL, OR VETERANS' CLUB THAT:**

710 (1) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS IMMEDIATELY  
711 BEFORE THE APPLICATION FOR THE LICENSE IS MADE;

712 (2) IS IN A CLUBHOUSE OR PREMISES THAT IS USED PRINCIPALLY FOR  
713 CLUB PURPOSES;

714 (3) DURING THE YEAR IMMEDIATELY BEFORE THE FILING OF THE A  
715 PPLICATION:

716 (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, HAS AT  
717 LEAST 100 DUES-PAYING MEMBERS; OR

718 (II) IF THE CLUB IS COMPOSED ONLY OF MEMBERS WHO SERVED  
719 IN THE ARMED FORCES OF THE UNITED STATES, HAS AT LEAST  
720 50 DUES-PAYING MEMBERS; AND

721 (4) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE  
722 PREMISES TO MEMBERS AND GUESTS.  
723

724 **SCOPE OF AUTHORIZATION.**

725 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,**  
726 **AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-**  
727 **PREMISES CONSUMPTION.**  
728

729 **PURCHASE OF ALCOHOLIC BEVERAGES.**

730 **(D) (1) A LICENSE HOLDER SHALL PURCHASE ALCOHOLIC BEVERAGES**  
731 **FOR RETAIL SALE, EXCEPT BEER AND WINE, FROM THE LIQUOR**  
732 **CONTROL BOARD.**

733 (2) A LICENSE HOLDER MAY PURCHASE A BOTTLE FROM THE LIQUOR  
734 CONTROL BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT  
735 IS STAMPED OR OTHERWISE DESIGNATED "ON-SALE ONLY" BY THE  
736 LIQUOR CONTROL BOARD.  
737

738 **FEES.**

739 **(E) (1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE, DEPENDING ON**  
740 **THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:**

741 (I) \$275, FOR A MEMBERSHIP OF 50 TO 399;  
742

743 (II) \$550, FOR A MEMBERSHIP OF 400 TO 599; AND  
744 (III) \$825, FOR A MEMBERSHIP OF AT LEAST 600.  
745 (2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE, DEPENDING ON  
746 THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:  
747 (I) \$400, FOR A MEMBERSHIP OF 50 TO 399;  
748 (II) \$675, FOR A MEMBERSHIP OF 400 TO 599; AND  
749 (III) \$950, FOR A MEMBERSHIP OF AT LEAST 600.  
750 (3) A LICENSE FEE SHALL BE ESTABLISHED ON THE MAXIMUM NUMBER  
751 OF DUES-PAYING MEMBERS DURING THE CALENDAR YEAR  
752 IMMEDIATELY BEFORE THE FILING OF THE APPLICATION FOR THE  
753 LICENSE.

754  
755  
756 **34-904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

757  
758 **ESTABLISHED.**

759 **(A) THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

760  
761 **AUTHORIZED HOLDER.**

762 **(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A TAVERN THAT, NOT**  
763 **INCLUDING THE DANCE FLOOR OR BAR AREA, HAS SEATING FOR AT LEAST**  
764 **140 INDIVIDUALS.**

765  
766 **SCOPE OF AUTHORIZATION.**

767 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,**  
768 **AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-**  
769 **PREMISES CONSUMPTION 7 DAYS A WEEK.**

770  
771 **INDIVIDUALS UNDER LEGAL DRINKING AGE EXCLUDED.**

772 **(D) AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY NOT ENTER THE**  
773 **LICENSED PREMISES.**

774  
775 **DRUGSTORE PROHIBITION.**

776 **(E) THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

777  
778 **FEE.**

779 **(F) THE ANNUAL LICENSE FEE IS \$2,200.**

780  
781  
782 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND**  
783 **VENUES.**

784  
785 **34-1001. CONFERENCE CENTER LICENSE.**

786  
787 **ESTABLISHED.**

788 **(A) THERE IS A CLASS B-CONFERENCE CENTER LICENSE.**

789

790 **AUTHORIZED HOLDER.**

791 **(B) THE BOARD MAY ISSUE A LICENSE FOR USE BY A CONFERENCE CENTER**  
792 **THAT HAS:**

- 793 **(1) A MINIMUM CAPACITY OF 500 INDIVIDUALS;**
- 794 **(2) A KITCHEN;**
- 795 **(3) DINING SPACE; AND**
- 796 **(4) MEETING SPACE.**

797

798 **SCOPE OF AUTHORIZATION.**

799 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,**  
800 **AND LIQUOR FOR ON-PREMISES CONSUMPTION TO INDIVIDUALS ATTENDING**  
801 **A CONFERENCE CENTER EVENT.**

802

803 **EXISTING LICENSE MAY BE AMENDED.**

804 **(D) AN EXISTING CLASS B LICENSE MAY BE AMENDED TO ONE FOR**  
805 **CONFERENCE CENTER USE.**

806

807 **HOURS AND DAYS OF SALE.**

808 **(E) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**  
809 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR**  
810 **LICENSE UNDER § 34-2005 OF THIS TITLE.**

811

812 **FEE.**

813 **(F) THE ANNUAL LICENSE FEE IS \$1,500.**

814

815

816 **34-1002. ENTERTAINMENT AND AMUSEMENT LICENSE.**

817

818 **ESTABLISHED.**

819 **(A) THERE IS A CLASS D BEER, WINE, AND LIQUOR ENTERTAINMENT AND**  
820 **AMUSEMENT LICENSE.**

821

822 **AUTHORIZED HOLDER.**

823 **(B) (1) THE BOARD MAY ISSUE THE LICENSE FOR AN ENTERTAINMENT**  
824 **AMUSEMENT CENTER THAT:**

- 825 **(I) IS A BUSINESS ESTABLISHMENT THAT ACCOMMODATES THE**  
826 **PUBLIC;**
- 827 **(II) HAS A MINIMUM SEATING CAPACITY OF 140 INDIVIDUALS,**  
828 **NOT INCLUDING THE BAR AREA OR DANCING FLOOR AREA;**
- 829 **(III) MEETS THE MINIMUM REQUIREMENTS OF THE FIRE CODE**  
830 **APPLICABLE FOR THE JURISDICTION IN WHICH THE PREMISES IS**  
831 **LOCATED;**
- 832 **(IV) IS EQUIPPED WITH AN ADEQUATE DINING ROOM WITH**  
833 **FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**
- 834 **(V) HAS AN INITIAL CAPITAL INVESTMENT OF AT LEAST \$300,000,**  
835 **EXCLUDING THE COST OF THE LAND AND BUILDING; AND**
- 836 **(VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, HAS**

837 MORE THAN 50% OF ITS FLOOR SPACE DEDICATED TO OR  
838 OCCUPIED BY EQUIPMENT FOR FOOSBALL, BILLIARDS, DARTS,  
839 VIRTUAL REALITY SIMULATION GAMES, AND OTHER GAMES  
840 THAT THE BOARD APPROVES THAT REQUIRE THE ACTIVE  
841 PHYSICAL PARTICIPATION OF ONE OR MORE PLAYERS.

842 (2) UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION:

843 (I) FLOOR SPACE MAY NOT BE DEDICATED TO OR OCCUPIED BY  
844 EQUIPMENT FOR KENO, A CARD GAME, A PINBALL MACHINE, OR  
845 A BAR GAME; AND

846 (II) THE FLOOR SPACE REQUIREMENT MAY NOT BE MET BY  
847 FLOOR SPACE OCCUPIED BY:

848 1. A JUKEBOX OR SIMILAR PASSIVE ENTERTAINMENT  
849 DEVICE; OR

850 2. THE KITCHEN.

851 SCOPE OF AUTHORIZATION.

852 (C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,  
853 AND LIQUOR 7 DAYS A WEEK FOR ON-PREMISES CONSUMPTION.

854 AGE REQUIREMENT FOR ENTRY.

855 (D) AN INDIVIDUAL WHO IS:

856 (1) UNDER THE AGE OF 21 YEARS MAY NOT ENTER OR REMAIN ON THE  
857 LICENSED PREMISES AFTER 9 P.M.; AND

858 (2) UNDER THE AGE OF 17 YEARS MAY NOT ENTER THE LICENSED  
859 PREMISES WITHOUT A PARENT OR GUARDIAN.

860 HOURS AND DAYS OF SALE.

861 (E) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE  
862 HOURS AND DAYS AS SET OUT FOR A CLASS D BEER, WINE, AND LIQUOR  
863 LICENSE UNDER § 34-2005 OF THIS TITLE.

864 FEE.

865 (F) THE ANNUAL LICENSE FEE IS \$4,000.

866 34-1003. GOLF COURSE LICENSE.

867 ESTABLISHED.

868 (A) THERE IS A CLASS B BEER, WINE, AND LIQUOR (GOLF COURSE) LICENSE.

869 AUTHORIZED HOLDER.

870 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF  
871 LICENSE COMMISSIONERS MAY ISSUE THE LICENSE FOR THE USE OF A  
872 GOLF COURSE OR ORGANIZATION THAT:

873 (I) IS OPEN TO THE PUBLIC;

874 (II) IS OPERATED FOR PROFIT;

- 884 (III) OWNS REAL ESTATE IN THE CITY; AND  
885 (IV) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.  
886 (2) (I) THE LICENSE MAY BE ISSUED FOR A GOLF COURSE THAT HAS  
887 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH  
888 MONTH THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM  
889 THE SALE OF ALCOHOLIC BEVERAGES.  
890 (II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE  
891 SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN  
892 A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY  
893 RECEIPTS FROM THE SALE OF FOOD.

894  
895 **SCOPE OF AUTHORIZATION.**

- 896 (C) (1) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR  
897 CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE  
898 CLUBHOUSE, USED FOR GOLFING PURPOSES.  
899 (2) A PATRON NEED NOT BE SEATED TO BE SERVED.  
900 (3) (I) ALCOHOLIC BEVERAGES OTHER THAN BEER AND WINE THAT  
901 ARE SOLD OR OFFERED FOR SALE SHALL BE PURCHASED FROM  
902 THE LIQUOR CONTROL BOARD.  
903 (II) EACH BOTTLE CONTAINING ALCOHOLIC BEVERAGES SHALL  
904 BE STAMPED OR OTHERWISE DESIGNATED "ON-SALE ONLY" BY  
905 THE LIQUOR CONTROL BOARD.

906  
907 **HOURS AND DAYS OF SALE.**

- 908 (D) A HOLDER OF THE LICENSE MAY SELL BEER, WINE, AND LIQUOR:  
909 (1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE  
910 FOLLOWING DAY; AND  
911 (2) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT.

912  
913 **FEE.**

- 914 (E) THE ANNUAL LICENSE FEE IS \$2,200.  
915

916  
917 **34-1004. STADIUM LICENSE.**

918  
919 **ESTABLISHED.**

- 920 (A) THERE IS A CLASS B (STADIUM) BEER AND WINE LICENSE.  
921

922 **AUTHORIZED HOLDER.**

- 923 (B) (1) THE BOARD MAY ISSUE THE LICENSE:  
924 (I) TO THE OWNER OF A PROFESSIONAL BASEBALL TEAM  
925 FRANCHISE, REGARDLESS OF WHETHER THE FRANCHISE IS A  
926 PARTNERSHIP OR CORPORATION; AND  
927 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONLY FOR  
928 A STADIUM THAT HAS THE AVERAGE DAILY RECEIPTS FROM  
929 THE SALE OF FOOD FOR EACH MONTH EXCEED THE AVERAGE  
930 DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.



931 (2) AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK  
932 MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE  
933 OF FOOD.

934  
935 **SCOPE OF AUTHORIZATION.**

936 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND**  
937 **WINE:**

- 938 (1) FOR ON-PREMISES CONSUMPTION;  
939 (2) IN PLASTIC, STYROFOAM, PAPER, OR ALUMINUM CONTAINERS ON  
940 THE STADIUM PREMISES, EXCEPT THAT GLASS CONTAINERS MAY BE  
941 USED IN AN ENCLOSED DINING PREMISES IN WHICH THE PATRONS  
942 ARE SEATED; AND  
943 (3) TO AN INDIVIDUAL PRESENT AT ANY EVENT HELD AT THE STADIUM.

944  
945 **CARRYING ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED**  
946 **PREMISES.**

947 **(D) THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY**  
948 **ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

949  
950 **HOURS AND DAYS OF SALE.**

951 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**  
952 **HOLDER MAY SELL BEER AND WINE:**

953 (I) ON MONDAY THROUGH SATURDAY, FROM NOON TO 9 P.M.;  
954 AND

955 (II) ON SUNDAY, FROM 1 P.M. TO 5 P.M.

956 **(2) DURING A BASEBALL GAME, A HOLDER OF A STADIUM BEER AND**  
957 **WINE LICENSE MAY NOT SELL BEER OR WINE:**

958 (I) AFTER THE BEGINNING OF THE EIGHTH INNING; OR

959 (II) DURING A DOUBLEHEADER, AFTER THE BEGINNING OF THE  
960 SIXTH INNING OF THE SECOND GAME.

961  
962 **FEE.**

963 **(F) THE ANNUAL LICENSE FEE IS \$2,000.**

964  
965  
966 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

967  
968 **34-1101. APPLICATION OF GENERAL PROVISIONS.**

969  
970 **WITHOUT EXCEPTION OR VARIATION.**

971 **(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL**  
972 **LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY**  
973 **WITHOUT EXCEPTION OR VARIATION:**

974 (1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM  
975 LICENSE HOLDER ON LICENSED PREMISES”); AND

976 (2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE  
977 FROM LICENSED PREMISES”).

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**EXCEPTION.**

**(B) SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

**VARIATION.**

**(C) SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 34–1102 OF THIS SUBTITLE.**

**34–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**AUTHORIZED PERMIT HOLDER.**

**(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF ANY LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE, CLASS D LICENSE, C CLASS B–CONFERENCE CENTER LICENSE, AND CLASS B–STADIUM LICENSE.**

**APPLICATION FORM.**

**(B) AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**HOURS OF SALE.**

**(C) THE HOURS OF SALE FOR THE PERMIT:**

- (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**
- (2) END AT MIDNIGHT.**

**CALCULATION OF AVERAGE DAILY RECEIPTS.**

**(D) RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B RESTAURANT LICENSE, CLASS B HOTEL LICENSE, AND CLASS B GOLF COURSE LICENSE.**

**FEE.**

**(E) THE ANNUAL PERMIT FEE IS \$500.**

**SUBTITLE 12. CATERER’S LICENSES.**

**34–1201. LOCAL CATERER’S LICENSE.**

**ESTABLISHED.**

**(A) THERE IS A LOCAL CATERER’S LICENSE.**

**AUTHORIZED HOLDER.**

- 1025 **(B) THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**  
1026 **(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE**  
1027 **LICENSE; OR**  
1028 **(2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND**  
1029 **LIQUOR LICENSE.**

1030  
1031 **SCOPE OF AUTHORIZATION.**

- 1032 **(C) THE LICENSE AUTHORIZES A HOLDER TO:**  
1033 **(1) (I) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF**  
1034 **THE PREMISES FOR WHICH THE HOLDER'S CLASS B**  
1035 **RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE IS**  
1036 **ISSUED; OR**  
1037 **(II) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS**  
1038 **HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B**  
1039 **RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR**  
1040 **LICENSE IS ISSUED; AND**  
1041 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**  
1042 **HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B**  
1043 **LICENSE.**

1044  
1045 **FOOD REQUIREMENT.**

- 1046 **(D) THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**  
1047 **CATERED EVENT.**

1048  
1049 **FEE.**

- 1050 **(E) THE ANNUAL LICENSE FEE IS \$550.**

1051  
1052 **EFFECT OF SECTION.**

- 1053 **(F) THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT**  
1054 **OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR A CLASS B RESTAURANT**  
1055 **OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL**  
1056 **CATERER'S LICENSE UNDER THIS SECTION FOR CATERING ON THE PREMISES**  
1057 **FOR WHICH THE CLASS B LICENSE IS ISSUED.**

1058  
1059  
1060 **SUBTITLE 13. TEMPORARY LICENSES.**

1061  
1062 **PART I. IN GENERAL.**

1063  
1064 **34-1301. APPLICATION OF GENERAL PROVISIONS.**

1065  
1066 **WITHOUT EXCEPTION OR VARIATION.**

- 1067 **(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY**  
1068 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**  
1069 **EXCEPTION OR VARIATION:**

- 1070 **(1) § 4-1202 ("PER DIEM LICENSES");**  
1071 **(2) § 4-1203 ("CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**

- 1072 AND WINE LICENSES”);  
1073 (3) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);  
1074 (4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);  
1075 (5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);  
1076 (6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND  
1077 (7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).  
1078

1079 **EXCEPTION.**

1080 **(B) SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES**  
1081 **NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 34–1311 OF THIS SUBTITLE.**  
1082

1083 **34–1302. RESERVED.**

1084

1085 **34–1303. RESERVED.**

1086

1087

1088 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

1089

1090 **34–1304. BEER FESTIVAL LICENSE.**

1091

1092 **ESTABLISHED.**

1093 **(A) THERE IS A BEER FESTIVAL LICENSE.**

1094

1095 **AUTHORIZED HOLDER.**

1096 **(B) (1) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 5**  
1097 **BREWERY LICENSE, CLASS 6 PUB–BREWERY LICENSE, CLASS 7**

1098 **MICRO–BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

1099 **(2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER FESTIVAL**  
1100 **SHALL OBTAIN A BEER FESTIVAL LICENSE.**

1101

1102 **SCOPE OF AUTHORIZATION.**

1103 **(C) THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER**  
1104 **OWNED AND MANUFACTURED BY THE LICENSE HOLDER.**

1105

1106 **TIME AND CONDITIONS OF DISPLAY AND SALE.**

1107 **(D) A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

1108 **(1) AT RETAIL FOR ON–PREMISES CONSUMPTION; AND**

1109 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

1110

1111 **TIME AND LOCATION OF FESTIVAL.**

1112 **(E) (1) THE BOARD MAY DESIGNATE THE NUMBER OF TIMES DURING A**  
1113 **CALENDAR YEAR THAT THE LICENSE MAY BE ISSUED.**

1114 **(2) THE FESTIVAL SHALL BE HELD AT A LOCATION THAT IS NOT**  
1115 **ALREADY LICENSED.**

1116

1117 **DURATION OF LICENSE.**

1118 **(F) THE LICENSE MAY BE IN EFFECT FOR NOT MORE THAN 3 CONSECUTIVE**

1119 **DAYS.**

1120

1121 **HOLDING ANOTHER LICENSE ALLOWED.**

1122 **(G) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT**  
1123 **CLASS OR NATURE.**

1124

1125 **FEE.**

1126 **(H) THE LICENSE FEE IS \$50 PER DAY.**

1127

1128

1129 **34–1305. WINE FESTIVAL LICENSE.**

1130

1131 **ESTABLISHED.**

1132 **(A) THERE IS A WINE FESTIVAL LICENSE.**

1133

1134 **AUTHORIZED HOLDER.**

1135 **(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**  
1136 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

1137

1138 **SCOPE OF AUTHORIZATION.**

1139 **(C) THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE**  
1140 **THAT IS:**

- 1141 **(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**  
1142 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**  
1143 **FILED.**

1144

1145 **TIME AND CONDITIONS OF DISPLAY AND SALE.**

1146 **(D) THE LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

- 1147 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**  
1148 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

1149

1150 **TIME, LOCATION, AND FOCUS OF FESTIVAL.**

1151 **(F) THE BOARD SHALL:**

- 1152 **(1) CHOOSE ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,**  
1153 **EACH YEAR FOR THE FESTIVAL;**  
1154 **(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**  
1155 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE**  
1156 **PROMOTION OF MARYLAND WINE.**

1157

1158 **HOLDING ANOTHER LICENSE ALLOWED.**

1159 **(G) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT**  
1160 **CLASS OR NATURE.**

1161

1162 **INVOICING AND DELIVERY.**

1163 **(H) WINE DISPLAYED AND SOLD SHALL BE:**

- 1164 **(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3**  
1165 **WINERY, OR CLASS 4 LIMITED WINERY; AND**

1166 (2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF  
1167 THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.  
1168

1169 **DELIVERY AGREEMENT.**

1170 **(I) A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED**  
1171 **WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A**  
1172 **WINE FESTIVAL LICENSE TO:**

1173 (1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE  
1174 DATE OF THE LICENSE; AND

1175 (2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE  
1176 EXPIRATION DATE OF THE LICENSE.  
1177

1178 **FEE.**

1179 **(J) THE LICENSE FEE IS \$50 PER DAY.**  
1180

1181 **REGULATIONS.**

1182 **(K) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**  
1183  
1184

1185 **34-1306. BEER TASTING LICENSE.**  
1186

1187 **ESTABLISHED.**

1188 **(A) THERE IS A BEER TASTING (BT) LICENSE.**  
1189

1190 **AUTHORIZED HOLDER.**

1191 **(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER**  
1192 **AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**  
1193

1194 **SCOPE OF AUTHORIZATION.**

1195 **(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON-PREMISES**  
1196 **CONSUMPTION OF BEER.**  
1197

1198 **APPLICATION PROCESS.**

1199 **(D) (1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN**  
1200 **APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

1201 **(2) THE BOARD MAY ISSUE A LICENSE WITHOUT A HEARING.**

1202 **(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY**  
1203 **REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

1204 **(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER**  
1205 **AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS**  
1206 **RENEWED.**  
1207

1208 **NOTICE TO BOARD BEFORE TASTING EVENT.**

1209 **(E) A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5**  
1210 **DAYS BEFORE A BEER TASTING EVENT.**  
1211

1212 **LIMIT ON SERVINGS.**

1213 **(F) THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT**  
1214 **MORE THAN 3 OUNCES OF BEER FROM EACH OFFERING FOR TASTING.**

1215  
1216 **OPEN BOTTLES.**

- 1217 **(G) (1) A MAXIMUM OF SIX CONTAINERS OF BEER MAY BE OPEN AT ONE**  
1218 **TIME AT A BEER TASTING EVENT.**  
1219 **(2) ONCE OPENED, EACH CONTAINER SHALL BE MARKED THAT IT IS TO**  
1220 **BE USED FOR THE BEER TASTING ONLY.**  
1221 **(3) ONCE EMPTY, ALL CONTAINERS SHALL BE DESTROYED.**

1222  
1223 **MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

1224 **(H) THE DAYS DURING WHICH A BEER TASTING EVENT IS HELD MAY NOT**  
1225 **EXCEED 50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

1226  
1227 **FEE.**

1228 **(I) THE ANNUAL LICENSE FEE IS \$150.**

1229  
1230 **PROHIBITED ACTS.**

- 1231 **(J) (1) THE CONTENTS OF A CONTAINER MAY NOT BE MIXED WITH ANY**  
1232 **OTHER CONTAINER.**  
1233 **(2) BEER TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH**  
1234 **WINDOW.**

1235  
1236  
1237 **34-1307. WINE TASTING LICENSE.**

1238  
1239 **ESTABLISHED.**

1240 **(A) THERE IS A WINE TASTING (WT) LICENSE.**

1241  
1242 **AUTHORIZED HOLDER.**

1243 **(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER**  
1244 **AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

1245  
1246 **SCOPE OF AUTHORIZATION.**

1247 **(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES**  
1248 **CONSUMPTION OF WINE.**

1249  
1250 **APPLICATION PROCESS.**

- 1251 **(D) (1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN**  
1252 **APPLICATION ON A FORM THAT THE BOARD PROVIDES.**  
1253 **(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**  
1254 **(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY**  
1255 **REQUEST A PUBLIC HEARING BEFORE THE BOARD.**  
1256 **(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER**  
1257 **AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS**  
1258 **RENEWED.**

1259

1260 **NOTICE TO BOARD BEFORE TASTING EVENT.**  
1261 **(E) A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5**  
1262 **DAYS BEFORE A WINE TASTING EVENT.**

1263  
1264 **LIMIT ON SERVINGS.**  
1265 **(F) THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT**  
1266 **MORE THAN 1 OUNCE OF WINE FROM EACH OFFERING FOR TASTING.**

1267  
1268 **OPEN BOTTLES.**  
1269 **(G) (1) A MAXIMUM OF SIX BOTTLES OF WINE MAY BE OPEN AT ONE TIME**  
1270 **AT A WINE TASTING EVENT.**  
1271 **(2) ONCE OPENED, EACH BOTTLE SHALL BE MARKED THAT IT IS TO BE**  
1272 **USED FOR THE WINE TASTING EVENT ONLY.**  
1273 **(3) ONCE EMPTY, EACH BOTTLE SHALL BE DESTROYED.**

1274  
1275 **MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**  
1276 **(H) THE DAYS DURING WHICH A WINE TASTING EVENT IS HELD MAY NOT**  
1277 **EXCEED 50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

1278  
1279 **FEE.**  
1280 **(I) THE ANNUAL LICENSE FEE IS \$150.**

1281  
1282 **PROHIBITED ACTS.**  
1283 **(J) (1) THE CONTENTS OF A BOTTLE MAY NOT BE MIXED WITH THAT OF**  
1284 **ANY OTHER BOTTLE.**  
1285 **(2) WINE TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH**  
1286 **WINDOW.**

1287  
1288  
1289 **34-1308. BEER AND WINE TASTING LICENSE.**

1290  
1291 **ESTABLISHED.**  
1292 **(A) THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

1293  
1294 **AUTHORIZED HOLDER.**  
1295 **(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER**  
1296 **AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

1297  
1298 **SCOPE OF AUTHORIZATION.**  
1299 **(C) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES**  
1300 **CONSUMPTION OF BEER OR WINE.**

1301  
1302 **APPLICATION PROCESS.**  
1303 **(D) (1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN**  
1304 **APPLICATION ON A FORM THAT THE BOARD PROVIDES.**  
1305 **(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**  
1306 **(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY**



1307 **REQUEST A PUBLIC HEARING BEFORE THE BOARD.**  
1308 **(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER**  
1309 **AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS**  
1310 **RENEWED.**

1311  
1312 **NOTICE TO BOARD BEFORE TASTING EVENT.**  
1313 **(E) A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5**  
1314 **DAYS BEFORE A BEER AND WINE TASTING EVENT.**

1315  
1316 **LIMIT ON SERVINGS.**  
1317 **(F) THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL, FOR TASTING, A**  
1318 **QUANTITY OF NOT MORE THAN:**  
1319 **(1) 1 OUNCE OF WINE FROM EACH OFFERING; OR**  
1320 **(2) 3 OUNCES OF BEER FROM EACH OFFERING.**

1321  
1322 **OPEN BOTTLES.**  
1323 **(G) (1) A MAXIMUM OF SIX BOTTLES OF WINE AND SIX CONTAINERS OF**  
1324 **BEER MAY BE OPEN AT ONE TIME AT A BEER AND WINE TASTING**  
1325 **EVENT.**  
1326 **(2) ONCE OPENED, EACH BOTTLE OR CONTAINER SHALL BE MARKED**  
1327 **THAT IT IS TO BE USED FOR THE BEER AND WINE TASTING EVENT**  
1328 **ONLY.**  
1329 **(3) ONCE EMPTY, EACH BOTTLE AND CONTAINER SHALL BE**  
1330 **DESTROYED.**

1331  
1332 **MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**  
1333 **(H) THE DAYS DURING WHICH BEER AND WINE TASTING EVENTS ARE HELD**  
1334 **MAY NOT EXCEED 50 IN ANY PERIOD FOR WHICH THE LICENSE IS IN EFFECT.**

1335  
1336 **FEE.**  
1337 **(I) THE ANNUAL LICENSE FEE IS \$250.**

1338  
1339 **PROHIBITED ACTS.**  
1340 **(J) (1) THE CONTENTS OF A BOTTLE OR CONTAINER MAY NOT BE MIXED**  
1341 **WITH THAT OF ANY OTHER BOTTLE OR CONTAINER.**  
1342 **(2) BEER AND WINE TASTING MAY NOT BE CONDUCTED FROM A**  
1343 **DRIVE-THROUGH WINDOW.**

1344  
1345 **34-1309. RESERVED.**

1346  
1347 **34-1310. RESERVED.**

1348  
1349 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

1350  
1351 **34-1311. LICENSE FEES.**

1352  
1353 **CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

1354 (A) THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER  
1355 DIEM BEER AND WINE LICENSE IS \$30 PER DAY.

1356  
1357 CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

1358 (B) THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS  
1359 \$45 PER DAY.

1360  
1361  
1362 34-1312. CLASS C MULTIPLE EVENT ENTERTAINMENT LICENSE FOR FIRE  
1363 DEPARTMENTS.

1364 ESTABLISHED.

1365 (A) THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER LICENSE, BEER  
1366 AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE.

1367  
1368 SCOPE OF AUTHORIZATION.

1369 (B) THE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY  
1370 PRIVILEGE CONFERRED BY THE LICENSE AT AN ENTERTAINMENT EVENT  
1371 HELD BY A FIRE DEPARTMENT.

1372  
1373  
1374 LICENSE FORM.

1375 (C) (1) THE LICENSE APPLICATION SHALL BE IN THE FORM THAT THE  
1376 BOARD PROVIDES.

1377 (2) THE APPLICANT SHALL SIGN THE FORM.

1378  
1379 LIMITATIONS.

1380 (D) A LICENSE HOLDER:

1381 (1) MAY USE ONLY ONE MULTIPLE EVENT LICENSE IN A LICENSE YEAR;  
1382 AND

1383 (2) MAY NOT USE THE LICENSE FOR MORE THAN 40 DAYS IN A  
1384 CALENDAR YEAR.

1385  
1386 NOTICE TO BOARD.

1387 (E) THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7  
1388 DAYS BEFORE EACH DAY THAT THE LICENSE IS TO BE USED.

1389  
1390 PER DIEM LICENSE AVAILABLE.

1391 (F) A FIRE DEPARTMENT IS NOT PREVENTED FROM OBTAINING A CLASS C PER  
1392 DIEM LICENSE UNDER § 4-1202 OF THIS ARTICLE.

1393  
1394 FEES.

1395 (G) THE ANNUAL FEE FOR A LICENSE IS:

1396 (1) \$400 FOR NOT MORE THAN 10 DAYS;

1397 (2) \$800 FOR AT LEAST 11 BUT NOT MORE THAN 20 DAYS;

1398 (3) \$1,000 FOR AT LEAST 21 BUT NOT MORE THAN 30 DAYS; AND

1399 (4) \$1,100 FOR AT LEAST 31 BUT NOT MORE THAN 40 DAYS.

1400

1401  
1402 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**  
1403

1404 **34–1401. APPLICATION OF GENERAL PROVISIONS.**  
1405

1406 **WITHOUT EXCEPTION OR VARIATION.**

1407 **(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**  
1408 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY**  
1409 **WITHOUT EXCEPTION OR VARIATION:**

1410 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**  
1411 **BOARD”);**

1412 **(2) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**  
1413 **COMPANY”);**

1414 **(3) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

1415 **(4) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

1416 **(5) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF**  
1417 **SUPPORT”);**

1418 **(6) § 4–111 (“PAYMENT OF LICENSE FEES”);**

1419 **(7) § 4–112 (“DISPOSITION OF LICENSE FEES”);**

1420 **(8) § 4–113 (“REFUND OF LICENSE FEES”); AND**

1421 **(9) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**  
1422

1423 **VARIATIONS.**

1424 **(B) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**  
1425 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

1426 **(1) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT TO**  
1427 **§ 34–1403 OF THIS SUBTITLE;**

1428 **(2) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), IN**  
1429 **ADDITION TO § 34–1406 OF THIS SUBTITLE;**

1430 **(3) § 4–107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §**  
1431 **34–1402 OF THIS SUBTITLE; AND**

1432 **(4) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN**  
1433 **GENERAL”), IN ADDITION TO § 34–1404 OF THIS SUBTITLE.**  
1434  
1435

1436 **34–1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

1437 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD**  
1438 **INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL**  
1439 **REPOSITORY.**  
1440

1441 **34–1403. APPLICATION MADE ON BEHALF OF PARTNERSHIP.**  
1442

1443 **CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY AS**  
1444 **PARTNER.**

1445 **(A) IF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IS A**  
1446 **PARTNER OF A PARTNERSHIP APPLYING FOR A LICENSE, THE APPLICATION**  
1447

1448 **SHALL STATE:**

- 1449 (1) THE NAME OF EACH OWNER OF MORE THAN 33% OF THE STOCK IN  
1450 THE CORPORATE PARTNER;  
1451 (2) THE NAME OF EACH OWNER OF MORE THAN 33% OF OWNERSHIP  
1452 INTEREST OF THE PARTNERSHIP PARTNER; OR  
1453 (3) THE NAME OF EACH MEMBER WITH MORE THAN A 33% INTEREST IN  
1454 THE LIMITED LIABILITY COMPANY PARTNER.  
1455

1456 **STADIUM BEER AND WINE LICENSES.**

- 1457 **(B) (1) AN APPLICATION FOR A STADIUM BEER AND WINE LICENSE FOR A**  
1458 **PARTNERSHIP SHALL BE MADE BY AND THE LICENSE ISSUED TO**  
1459 **THREE INDIVIDUALS WHO:**  
1460 (I) SHALL BE AUTHORIZED IN WRITING TO APPLY FOR AND HOLD  
1461 THE LICENSE ON BEHALF OF THE PARTNERSHIP; BUT  
1462 (II) ARE NOT REQUIRED TO BE PARTNERS.  
1463 (2) ONE OF THE THREE INDIVIDUALS WHO APPLIES FOR A LICENSE  
1464 SHALL:  
1465 (I) HAVE BEEN A RESIDENT OF THE CITY FOR AT LEAST 2 YEARS  
1466 BEFORE THE APPLICATION IS FILED; AND  
1467 (II) HAVE BEEN A REGISTERED VOTER OF THE CITY FOR AT  
1468 LEAST 1 YEAR IMMEDIATELY BEFORE THE APPLICATION IS  
1469 FILED.  
1470 (3) THE NAME OF EACH PARTNER SHALL BE STATED ON THE  
1471 APPLICATION.  
1472  
1473

1474 **34-1404. STATEMENTS REQUIRED IN APPLICATION.**

1475  
1476 AN APPLICANT SHALL INCLUDE A STATEMENT IN THE APPLICATION  
1477 THAT:

- 1478 (1) THE APPLICANT CONSENTS TO AN INVESTIGATION BY THE BOARD  
1479 OF THE APPLICANT'S CRIMINAL RECORD; AND  
1480 (2) (I) THE APPLICANT IS AT LEAST 21 YEARS OLD; OR  
1481 (II) IF THERE IS MORE THAN ONE APPLICANT, AT LEAST ONE OF  
1482 THE APPLICANTS IS AT LEAST 21 YEARS OLD.  
1483  
1484

1485 **34-1405. RESIDENCY REQUIREMENTS FOR LICENSE.**

1486  
1487 **ISSUANCE OF LICENSE RESTRICTED.**

1488 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD  
1489 MAY NOT ISSUE A LICENSE TO A CORPORATION OR LIMITED LIABILITY  
1490 COMPANY UNLESS THE INDIVIDUAL QUALIFYING UNDER THIS ARTICLE:

- 1491 (1) HAS BEEN A REGISTERED VOTER, TAXPAYER, AND RESIDENT OF  
1492 THE CITY FOR AT LEAST 2 YEARS BEFORE THE SUBMISSION OF THE  
1493 APPLICATION; AND  
1494 (2) OWNS AT LEAST 20% OF THE TOTAL ISSUED CAPITAL STOCK OF

1495 THE CORPORATION OR 20% OF THE TOTAL INTERESTS OF THE  
1496 LIMITED LIABILITY COMPANY.

1497  
1498 NO EFFECT ON ALREADY ISSUED LICENSE.

1499 (B) THIS SECTION DOES NOT AFFECT A LICENSE THAT HAS ALREADY BEEN  
1500 ISSUED.

1501  
1502  
1503 34-1406. INDICATION OF FINANCIAL INTEREST BY CLUB OFFICERS NOT  
1504 REQUIRED.

1505 IF THREE OFFICERS OF A CLUB ACTING AS INDIVIDUALS APPLY FOR A  
1506 CLASS C CLUB LICENSE, THE APPLICANTS ARE NOT REQUIRED TO FILE A  
1507 STATEMENT INDICATING A FINANCIAL INTEREST IN THE BUSINESS TO BE  
1508 CONDUCTED UNDER THE LICENSE.

1509  
1510  
1511 34-1407. APPLICATION FEE.

1512  
1513 AMOUNT OF FEE.

1514 (A) IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN  
1515 APPLICATION FEE OF \$75 SHALL BE CHARGED FOR AN APPLICATION FOR A  
1516 NEW LICENSE, MADE PAYABLE TO THE CITY COLLECTING AGENT.

1517  
1518 APPLICATION FEE NOT REFUNDABLE.

1519 (B) THE APPLICATION FEE IS NONREFUNDABLE WHETHER THE LICENSE IS  
1520 ISSUED OR DENIED.

1521  
1522 NOT APPLICABLE TO LICENSE RENEWAL OR TRANSFER.

1523 (C) THE APPLICATION FEE DOES NOT APPLY

1524  
1525 MAYOR AND CITY COUNCIL MAY:

1526 (D) (1) SET THE FEES FOR ALL LICENSES AUTHORIZED TO BE ISSUED IN  
1527 THE CITY; AND

1528 (2) DETERMINE A PERIODIC BASIS ON WHICH PAYMENTS FOR THE  
1529 RENEWAL OR TRANSFER OF A LICENSE FOR THE SAME PREMISES MAY  
1530 BE MADE.

1531  
1532  
1533 SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

1534  
1535 34-1501. APPLICATION OF GENERAL PROVISIONS.

1536  
1537 WITHOUT EXCEPTION OR VARIATION.

1538 (A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR  
1539 DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE  
1540 CITY WITHOUT EXCEPTION OR VARIATION:

1541 (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);

- 1542 (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);  
1543 (3) § 4–207 (“LICENSES ISSUED TO MINORS”);  
1544 (4) § 4–209 (“HEARING”);  
1545 (5) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);  
1546 (6) § 4–213 (“REPLACEMENT LICENSES”); AND  
1547 (7) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE  
1548 APPLICATIONS”).

1549  
1550 **VARIATIONS.**

1551 **(B) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR**  
1552 **DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**  
1553 **CITY:**

- 1554 (1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO  
1555 INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 34–1502 AND  
1556 34–1506 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;  
1557 (2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR  
1558 SAME PREMISES”), SUBJECT TO §§ 34–1502 AND 34–1506 OF THIS  
1559 SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;  
1560 (3) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”),  
1561 SUBJECT TO § 34–1503 OF THIS SUBTITLE;  
1562 (4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT  
1563 TO § 34–1507 OF THIS SUBTITLE;  
1564 (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”),  
1565 SUBJECT TO § 34–1508 OF THIS SUBTITLE; AND  
1566 (6) § 4–212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 34–1509 OF THIS  
1567 SUBTITLE.

1568  
1569  
1570 **34–1502. PROHIBITION AGAINST ISSUANCE OF MULTIPLE LICENSES —**  
1571 **EXCEPTIONS.**

1572  
1573 **THE PROHIBITIONS AGAINST ONE PERSON BEING ISSUED MORE THAN**  
1574 **ONE LICENSE UNDER § 4–203 OF THIS ARTICLE DO NOT APPLY TO:**

- 1575 (1) A CLASS 6 PUB–BREWERY LICENSE ISSUED UNDER § 2–208 OF THIS  
1576 ARTICLE OR A CLASS 7 MICRO–BREWERY LICENSE ISSUED UNDER §  
1577 2–209 OF THIS ARTICLE; OR  
1578 (2) A CLASS B BEER, WINE, AND LIQUOR LICENSE ISSUED UNDER §  
1579 34–902 OF THIS ARTICLE IF:

- 1580 (I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE  
1581 CITY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND  
1582 (II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS AT  
1583 LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE  
1584 OF AT LEAST \$200,000.

1585  
1586  
1587 **34–1503. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**  
1588

1589 SECTION 4-205 OF THIS ARTICLE DOES NOT APPLY TO A LICENSE  
1590 ISSUED UNDER:

1591 (1) § 2-208 OR § 2-209 (REGARDING PUB-BREWERY AND MICRO-  
1592 BREWERY LICENSES) OF THIS ARTICLE; OR

1593 (2) § 34-902 (REGARDING CLASS B BEER, WINE, AND LIQUOR LICENSES)  
1594 OF THIS ARTICLE IF:

1595 (I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE  
1596 CITY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND

1597 (II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS AT  
1598 LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE  
1599 OF AT LEAST \$200,000.

1600  
1601  
1602 **34-1505. LICENSE FOR INCOMPLETE, REMODELED, OR RENOVATED BUILDING.**

1603  
1604 **TENTATIVE APPROVAL BY BOARD.**

1605 (A) THE BOARD MAY GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR  
1606 AN ESTABLISHMENT THAT IS NOT COMPLETED OR THAT IS TO BE  
1607 REMODELED OR RENOVATED, BASED ON THE BUILDING PLANS AND  
1608 SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.

1609  
1610 **FINAL APPROVAL BY BOARD.**

1611 (B) THE BOARD MAY GIVE FINAL APPROVAL OF A LICENSE APPLICATION  
1612 UNDER THIS SECTION ON COMPLETION OF THE CONSTRUCTION,  
1613 REMODELING, OR RENOVATION IN ACCORDANCE WITH THE PLANS AND  
1614 SPECIFICATIONS.

1615  
1616  
1617 **34-1506. BOWLING ESTABLISHMENTS.**

1618  
1619 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO**  
1620 **AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A**  
1621 **CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED**  
1622 **LIABILITY COMPANY IF:**

1623 (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE  
1624 LICENSES; AND

1625 (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT  
1626 LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

1627  
1628  
1629 **34-1507. POSTING OF NOTICE OF APPLICATIONS TO BE HEARD.**

1630  
1631 **AT LOCATION DESCRIBED IN THE LICENSE.**

1632 (A) IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF  
1633 THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A  
1634 CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN AN APPLICATION  
1635 FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.

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**CONTENTS.**

**(B) A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH THE APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

**34-1508. OTHER FACTORS IN DECIDING WHETHER TO ISSUE LICENSE.**

**INSPECTION.**

**(A) THE BOARD SHALL MAKE A PHYSICAL INSPECTION OF THE LOCATION DESCRIBED IN THE APPLICATION BEFORE ISSUING A LICENSE.**

**OTHER FACTORS.**

**(B) BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND DETERMINE AS SUITABLE:**

**(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE APPLICANT;**

**(2) THE APPROPRIATENESS OF THE LOCATION DESCRIBED IN THE APPLICATION, TAKING INTO CONSIDERATION THE NUMBER OF EXISTING LICENSES; AND**

**(3) THE GENERAL FITNESS OF THE APPLICANT TO ENGAGE IN THE BUSINESS AUTHORIZED BY THE LICENSE.**

**34-1509. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

**A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) A DISTRRAINT FOR RENT.**

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.  
PART I. LICENSING CONDITIONS.**

**34-1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

**IN GENERAL.**

**(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A PLACE OF WORSHIP OR A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR THE PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL IS TO BE THE DISTANCE THAT AN INDIVIDUAL COULD WALK DIRECTLY FROM THE MAIN ENTRANCE OF THE ESTABLISHMENT TO**



1683 THE MAIN ENTRANCE OF THE PLACE OF WORSHIP OR SCHOOL.

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**EXCEPTIONS.**

- (B) (1) A PERSON MAY APPLY FOR A LICENSE WITHIN 6 MONTHS FOLLOWING THE TERMINATION OF A LICENSE AT AN EXISTING LOCATION THAT FALLS WITHIN THE RESTRICTION IMPOSED BY SUBSECTION (A) OF THIS SECTION.**
- (2) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**
  - (I) A TEMPORARY LICENSE; OR**
  - (II) THE DOWNTOWN PLAZA OF SALISBURY THAT:**
    - 1. IS WITHIN THE AREA STARTING FROM THE INTERSECTION OF CAMDEN AVENUE AND CARROLL STREET, EASTWARD ALONG CARROLL STREET TO U.S. ROUTE 13, THEN NORTHWARD TO U.S. ROUTE 50, THEN WESTWARD TO MILL STREET, AND THEN SOUTHWARD TO THE POINT OF ORIGIN; BUT**
    - 2. DOES NOT INCLUDE BUSINESSES LOCATED ON THE OPPOSITE SIDES OF THE STREETS LISTED IN ITEM 1 OF THIS ITEM.**

**34-1602. RESERVED.**

**34-1603. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**34-1604. RESERVED.**

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

**34-1701. APPLICATION OF GENERAL PROVISIONS.**

**WITHOUT EXCEPTION OR VARIATION.**

**(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”); AND**
- (2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

**EXCEPTION.**

**(B) SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 34-1704 OF THIS SUBTITLE.**

1730 **VARIATIONS.**

1731 **(C) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF**  
1732 **LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF**  
1733 **THIS ARTICLE APPLY IN THE CITY:**

1734 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE**  
1735 **AND INVENTORY”), SUBJECT TO § 34–1702 OF THIS SUBTITLE; AND**

1736 **(2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 34–1703 OF**  
1737 **THIS SUBTITLE.**

1738

1739

1740 **34–1702. WAIVER OF PUBLICATION NOTICE AUTHORIZED.**

1741

1742 **THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED UNDER**  
1743 **§ 4–302(B)(4) OF THIS ARTICLE FOR THE TRANSFER OF A CLASS C CLUB**  
1744 **LICENSE IF:**

1745 **(1) THE PERSON WHOSE NAME APPEARS ON THE LICENSE BECOMES**  
1746 **INELIGIBLE; AND**

1747 **(2) A NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS**  
1748 **PROPERLY FILED WITH THE BOARD WITHIN 10 DAYS AFTER THE**  
1749 **PERSON BECOMES INELIGIBLE.**

1750

1751

1752 **34–1703. FEE.**

1753

1754 **THE FEE FOR A TRANSFER OF A LICENSE IS \$75, IN ADDITION TO THE**  
1755 **COSTS OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED.**

1756

1757

1758 **34–1704. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

1759

1760 **CONDITIONS FOR SUBSTITUTION.**

1761 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE**  
1762 **ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE**  
1763 **HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A**  
1764 **DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

1765 **(I) HAS DIED;**

1766 **(II) HAS RETIRED; OR**

1767 **(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR**  
1768 **CLUB.**

1769 **(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY**  
1770 **THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE**  
1771 **ORIGINAL OFFICER.**

1772

1773 **AFFIDAVIT REQUIRED.**

1774 **(B) THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT**  
1775 **CONTAINS:**

1776 **(1) THE SUBSTITUTION OF THE OFFICER; AND**

1777 (2) AN EXPLANATION FOR THE SUBSTITUTION.

1778  
1779 CORRECTED LICENSE TO BE ISSUED.

1780 (C) ON RECEIPT OF THE AFFIDAVIT BY THE BOARD AND PAYMENT OF A \$50  
1781 FEE TO THE CITY TREASURER, THE BOARD SHALL:

1782 (1) AMEND ITS RECORDS; AND

1783 (2) ISSUE A CORRECTED LICENSE.

1784  
1785  
1786 SUBTITLE 18. RENEWAL OF LICENSES.

1787  
1788 34-1801. APPLICATION OF GENERAL PROVISIONS.

1789  
1790 WITHOUT EXCEPTION OR VARIATION.

1791 (A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL  
1792 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT  
1793 EXCEPTION OR VARIATION:

1794 (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);

1795 (2) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”);

1796 (3) § 4-406 (“PROTESTS”);

1797 (4) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);

1798 (5) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);

1799 (6) § 4-409 (“MULTIPLE LICENSES”); AND

1800 (7) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

1801  
1802 VARIATIONS.

1803 (B) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL  
1804 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

1805 (1) § 4-403 (“RENEWAL APPLICATION”), SUBJECT TO § 34-1802 OF THIS  
1806 SUBTITLE; AND

1807 (2) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §  
1808 34-1803 OF THIS SUBTITLE.

1809  
1810  
1811 34-1802. RENEWAL APPLICATION FEE.

1812  
1813 AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL  
1814 APPLICATION FEE OF \$50 TO THE LOCAL COLLECTING AGENT IN ADDITION  
1815 TO THE LICENSE FEE.

1816  
1817  
1818 34-1803. PAYMENT OF TAXES.

1819  
1820 THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER  
1821 PRESENTS THE BOARD WITH A CERTIFICATE OF RECEIPT ISSUED BY THE  
1822 CITY FINANCE DEPARTMENT SHOWING THAT THERE ARE NO UNPAID TAXES  
1823 ON THE INVENTORY AND PERSONAL PROPERTY OF THE RENEWAL

1824 **APPLICANT DUE TO THE CITY, COUNTY OR STATE.**

1825

1826 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

1827

1828 **34-1901. APPLICATION OF GENERAL PROVISIONS.**

1829

1830 **TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF**  
1831 **DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR**  
1832 **VARIATION.**

1833

1834

1835 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

1836

1837 **34-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

1838

1839 **IN GENERAL.**

1840 **(A) (1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**  
1841 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC**  
1842 **BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

1843 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**  
1844 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW**  
1845 **CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER**  
1846 **PARAGRAPH (1) OF THIS SUBSECTION.**

1847

1848 **PENALTY.**

1849 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
1850 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

1851

1852

1853 **34-2002. BEER LICENSES.**

1854

1855 **THE BOARD MAY SET THE HOURS OF SALE FOR BEER LICENSES.**

1856

1857

1858 **34-2003. BEER AND WINE LICENSES.**

1859

1860 **THE BOARD MAY SET THE HOURS OF SALE FOR BEER AND LIGHT WINE**  
1861 **LICENSES.**

1862

1863

1864 **34-2004. BEER, WINE, AND LIQUOR LICENSES.**

1865

1866 **THE BOARD MAY SET THE HOURS OF SALE FOR BEER, WINE, AND**  
1867 **LIQUOR LICENSES.**

1868

1869

1870 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

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

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

**SUBTITLE 22. EXPIRATION OF LICENSES.**

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

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

**34-2202. SEASONAL CLOSING.**

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

- (1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS SEASONALLY OPERATED; AND**
- (2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF CLOSING.**

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

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

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

**SUBTITLE 24. JUDICIAL REVIEW.**

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

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

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**34-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

1918 **SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**  
1919 **BEVERAGES.**

1920  
1921 **(A) A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS**  
1922 **AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC**  
1923 **BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS**  
1924 **IN A PLACE OF ADULT ENTERTAINMENT THAT:**

1925 **(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**  
1926 **(2) ALLOWS AT ITS LOCATION ANY FORM OF ATTIRE OR SEXUAL**  
1927 **DISPLAY PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

1928  
1929 **PROHIBITION AGAINST OPERATOR.**

1930 **(B) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT**  
1931 **THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW**  
1932 **A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO**  
1933 **THE ESTABLISHMENT.**

1934  
1935 **PENALTY.**

1936 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
1937 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2**  
1938 **YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

1939  
1940  
1941 **34-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF**  
1942 **ALCOHOLIC BEVERAGES IS PROHIBITED.**

1943  
1944 **PROHIBITION AGAINST INDIVIDUAL.**

1945 **(A) FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**  
1946 **ALCOHOLIC BEVERAGES IN:**

1947 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**  
1948 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**  
1949 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**  
1950 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED**  
1951 **UNDER THE BUSINESS REGULATION ARTICLE.**

1952  
1953 **PROHIBITION AGAINST OWNER OR MANAGER.**

1954 **(B) AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE**  
1955 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY**  
1956 **ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS**  
1957 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

1958  
1959 **PENALTY.**

1960 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
1961 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

1962  
1963  
1964 **SUBTITLE 26. ENFORCEMENT.**

1965  
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**34-2601. APPLICATION OF GENERAL PROVISIONS.**

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

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

- (1) § 6-202 (“INSPECTIONS”);**
- (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6-204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6-205 (“PEACE OFFICERS”);**
- (5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**VARIATION.**

**(B) SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO §§ 34-2612 AND 34-2613 OF THIS SUBTITLE.**

**34-2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

**IN GENERAL.**

**(A) THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

**REFUSAL OF SUBPOENA.**

- (B) (1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**
- (2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

**34-2603. SEARCH WARRANTS.**

2012 **ISSUANCE OF WARRANT.**

2013 **(A) A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A**  
2014 **POLICE OFFICER OR OTHER APPLICANT FILES A COMPLAINT OR AN**  
2015 **AFFIDAVIT THAT:**

- 2016 **(1) IS SWORN TO BY THE APPLICANT;**
- 2017 **(2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE**
- 2018 **SEARCHED;**
- 2019 **(3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED**
- 2020 **FOR; AND**
- 2021 **(4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT**
- 2022 **ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR**
- 2023 **OTHERWISE DISPOSED OF IN VIOLATION OF LAW.**

2024

2025 **CONTENTS; REQUIREMENTS.**

2026 **(B) A WARRANT ISSUED UNDER THIS SECTION SHALL:**

- 2027 **(1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER**
- 2028 **POLICE OFFICER;**
- 2029 **(2) INCLUDE A COPY OF THE AFFIDAVIT;**
- 2030 **(3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO**
- 2031 **SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT, AND**
- 2032 **SEIZE ANY:**
  - 2033 **(I) ALCOHOLIC BEVERAGES FOUND IN QUANTITIES THAT**
  - 2034 **SUGGEST THAT THEY ARE BEING KEPT FOR SALE;**
  - 2035 **(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING**
  - 2036 **FURNITURE, IMPLEMENTS, AND EQUIPMENT;**
  - 2037 **(III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS**
  - 2038 **ALCOHOLIC BEVERAGES; AND**
  - 2039 **(IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR**
  - 2040 **THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME**
  - 2041 **OF THE ALLEGED OFFENSE; AND**
- 2042 **(4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH**
- 2043 **AND MAKE AN IMMEDIATE RETURN ON THE WARRANT.**

2044

2045 **FORM OF AFFIDAVIT, WARRANT, AND REPORT AND RETURN.**

2046 **(C) AN AFFIDAVIT, A WARRANT FOR SEARCH, AND A REPORT AND RETURN**  
2047 **SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:**

2048

2049 **STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:**

2050 **TO: ....., OF WICOMICO COUNTY:**

2051

2052 **GREETINGS: WHEREAS, THERE HAS BEEN FILED WITH THE**

2053 **UNDERSIGNED AN AFFIDAVIT, OF WHICH THE FOLLOWING IS A COPY, TO**

2054 **WIT: WHEREAS ON THIS .... DAY OF ....., 20.., BEFORE THE SUBSCRIBER, .... IN**

2055 **AND FOR SAID COUNTY, PERSONALLY APPEARED ....., AND MADE COMPLAINT**

2056 **AND OATH THAT THE APPLICANT HAS JUST AND REASONABLE CAUSE TO**

2057 **SUSPECT AND BELIEVE AND DOES SUSPECT AND BELIEVE THAT**

2058 **INTOXICATING LIQUOR IS SOLD, OR EXCEPT FOR THE PURPOSE OF BEING**



2059 **SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF THE LAW IN THE .... OF**  
2060 **.... AT, IN .... OF THE CITY OF SALISBURY, AND THAT IN AND UPON SAID**  
2061 **PREMISES AND AT SAID PLACE AND HOUSE WILL BE FOUND UPON SEARCH**  
2062 **THEREOF, THE FOLLOWING:**

2063  
2064 **INTOXICATING LIQUORS, AND THE VESSELS AND BOTTLES IN WHICH**  
2065 **THE SAME ARE CONTAINED, AND BARROOM, AND DRINKING SALOON**  
2066 **PARAPHERNALIA, AND THE UNITED STATES INTERNAL REVENUE TAX**  
2067 **RECEIPT FOR SALE OF INTOXICATING LIQUOR AT THIS TIME EFFECTIVE**  
2068 **(AND ANY OTHER FACTS MATERIAL):**

2069  
2070 **THESE ARE THEREFORE, IN THE NAME OF THE STATE OF MARYLAND,**  
2071 **TO COMMAND YOU, TOGETHER WITH THE NECESSARY AND PROPER**  
2072 **ASSISTANCE, TO ENTER INTO THE SAID .... OF THE SAID .... AT, IN .... IN THE**  
2073 **CITY AFORESAID, AND THERE DILIGENTLY SEARCH FOR THE SAID**  
2074 **INTOXICATING LIQUOR AND MEANS USED FOR THE SALE OF SAME, OR ANY**  
2075 **PART THEREOF AS DESCRIBED IN THE AFOREGOING AFFIDAVIT OF**  
2076 **COMPLAINT, AND THAT YOU BRING THE SAME, OR ANY PART THEREOF,**  
2077 **FOUND IN SUCH SEARCH, AND THE PERSON OR PERSONS IN WHOSE CUSTODY**  
2078 **THEY ARE FOUND FORTHWITH BEFORE ME TO BE DISPOSED OF AND DEALT**  
2079 **WITH ACCORDING TO LAW; AND HAVE YOU THERE THIS WARRANT.**

2080  
2081 **GIVEN UNDER MY HAND THIS .... DAY OF ....., 20...**

2082  
2083 .....  
2084 **JUDGE OF THE DISTRICT COURT**

2085  
2086 **REPORT AND RETURN**

2087  
2088 **TO HON. ....., JUDGE OF THE DISTRICT COURT IN WICOMICO COUNTY.**

2089  
2090 **THIS RETURN AND REPORT, MADE THIS .... DAY OF ....., 20..., IS TO**  
2091 **CERTIFY, THAT PURSUANT AND IN OBEDIENCE TO THE COMMANDS OF THE**  
2092 **ANNEXED WARRANT TO ME DIRECTED, I DID ON THE .... DAY OF ....., 20..., ENTER**  
2093 **AND SEARCH THE PLACE, HOUSE AND PREMISES DESCRIBED IN SAID**  
2094 **WARRANT AND FOUND AND SEIZED THE FOLLOWING, TO WIT: (HERE SET**  
2095 **FORTH WHAT WAS FOUND AND SEIZED), AND DO FORTHWITH BRING THE**  
2096 **SAME, AND ONE .... THE PERSON IN WHOSE CUSTODY THE SAME WERE FOUND**  
2097 **BEFORE YOU.**

2098  
2099 .....  
2100 **(PERSON SERVING WARRANT)**

2101  
2102  
2103 **34-2604. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

2104  
2105 **AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT**

2106 **OF THE APPLICANT MAY:**

- 2107 (1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;  
2108 (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;  
2109 AND  
2110 (3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.

2111  
2112

2113 **34-2605. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

2114

2115 **IN GENERAL.**

2116 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT**  
2117 **MAY NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

- 2118 (1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE,  
2119 HOTEL, RESTAURANT, OR BOARDING HOUSE;  
2120 (2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR  
2121 (3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC  
2122 BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE  
2123 LAW.

2124

2125 **ISSUANCE BY JUDICIAL DISCRETION.**

2126 **(B) A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER**  
2127 **DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN**  
2128 **EXAMINATION OF:**

- 2129 (1) THE APPLICANT FOR THE WARRANT; OR  
2130 (2) OTHER EVIDENCE.

2131

2132

2133 **34-2606. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

2134

2135 **IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM**  
2136 **WHICH ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE**  
2137 **SERVED UNDER THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

- 2138 (1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT  
2139 THE PLACE SEARCHED AT OR NEAR THE THING SEARCHED; AND  
2140 (2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND  
2141 MAKE RETURN OF THAT ACTION.

2142

2143

2144 **34-2607. REQUIREMENTS FOR PROSECUTION.**

2145

2146 **IN A PROSECUTION UNDER THIS TITLE:**

2147 **(1) IT IS NOT NECESSARY TO:**

- 2148 (I) DESCRIBE THE PLACE WHERE THE ALCOHOLIC BEVERAGE IS  
2149 SOLD OR HANDLED;  
2150 (II) SHOW KNOWLEDGE ON THE PART OF THE PRINCIPAL TO  
2151 CONVICT FOR THE ACTS OF THE AGENT; OR  
2152 (III) STATE THE NAME OF ANY PERSON TO WHOM THE

2153                   **ALCOHOLIC BEVERAGE IS SOLD; BUT**  
2154                   **(2) IT IS SUFFICIENT TO STATE THAT THE VIOLATION CHARGED TOOK**  
2155                   **PLACE IN THE CITY.**

2156  
2157  
2158                   **34-2608. RECEIPT IS PRIMA FACIE EVIDENCE OF SALE.**  
2159

2160                   **IN A PROSECUTION UNDER THIS ARTICLE, A RECEIPT ISSUED BY THE**  
2161                   **UNITED STATES IN THE CITY TO A PERSON AS A WHOLESALE OR RETAIL**  
2162                   **DEALER IN ALCOHOLIC BEVERAGES OR MALT LIQUOR IS PRIMA FACIE**  
2163                   **EVIDENCE OF THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES OR MALT**  
2164                   **LIQUOR AUTHORIZED TO BE SOLD UNDER THE RECEIPT:**  
2165                   **(1) BY THE PERSON;**  
2166                   **(2) IN THE CITY OR A PLACE OF BUSINESS OF THE PERSON WHERE THE**  
2167                   **RECEIPT IS POSTED; AND**  
2168                   **(3) AT THE TIME CHARGED IN A SUIT OR PROSECUTION UNDER THIS**  
2169                   **ARTICLE, IF THE TIME IS WITHIN THE LIFE OF THE RECEIPT.**

2170  
2171  
2172                   **34-2609. ITEMS SEIZED AS EVIDENCE.**  
2173

2174                   **IN GENERAL.**

2175                   **(A) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC**  
2176                   **BEVERAGES THAT ARE SEIZED SHALL BE HELD SUBJECT TO THE ORDER OF**  
2177                   **THE COURT TO BE USED AS EVIDENCE IN THE PROSECUTION OF A VIOLATION**  
2178                   **OF THIS ARTICLE.**

2179  
2180                   **PRIMA FACIE EVIDENCE.**

2181                   **(B) PRIMA FACIE EVIDENCE OF THE VIOLATION OF THIS ARTICLE INCLUDES:**  
2182                   **(1) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC**  
2183                   **BEVERAGES;**  
2184                   **(2) THE MEANS OR MATERIALS TO MANUFACTURE, TRANSPORT, OR**  
2185                   **DISPOSE OF THE ALCOHOLIC BEVERAGES; AND**  
2186                   **(3) THE PARAPHERNALIA OF A BARROOM OR SALOON.**

2187  
2188  
2189                   **34-2610. NOTICE OF HEARING.**  
2190

2191                   **POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

2192                   **(A) (1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE FOR**  
2193                   **WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL**  
2194                   **ISSUE A HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE**  
2195                   **SEARCH.**  
2196                   **(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE**  
2197                   **NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC**  
2198                   **BEVERAGES WERE FOUND.**  
2199

2200 **FAILURE TO APPEAR AT HEARING.**  
2201 **(B) IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER**  
2202 **SEIZED ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS**  
2203 **SECTION OR WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL**  
2204 **ORDER THAT THE ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED**  
2205 **OF.**

2206  
2207  
2208 **34-2611. DISPOSITION OF SEIZED ITEMS.**

2209  
2210 **PROSECUTION RESULTING IN CONVICTION.**

2211 **(A) IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND**  
2212 **AN APPEAL IS NOT TAKEN:**

- 2213 **(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE**  
2214 **PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**  
2215 **(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE**  
2216 **PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF**  
2217 **THE DEFENDANT OR THE OWNER.**

2218  
2219 **PROSECUTION NOT RESULTING IN CONVICTION.**

2220 **(B) IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A**  
2221 **CONVICTION, PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION**  
2222 **SHALL BE RETURNED TO THE PERSON FROM WHOM IT WAS TAKEN.**

2223  
2224 **CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

- 2225 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S**  
2226 **CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC**  
2227 **BEVERAGES SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING**  
2228 **SEARCHED PROVIDED IN THE COMPLAINT OR WARRANT DOES NOT**  
2229 **RESULT IN THE IMMEDIATE RETURN OF THE ALCOHOLIC BEVERAGES**  
2230 **TO THE PERSON.**  
2231 **(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER PARAGRAPH**  
2232 **(1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM**  
2233 **WHEN THE CASE IS TRIED.**  
2234 **(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**  
2235 **(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE**  
2236 **OF ALCOHOLIC BEVERAGES; OR**  
2237 **(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING**  
2238 **ALCOHOLIC BEVERAGES.**  
2239 **(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS**  
2240 **SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER**  
2241 **BY A WRIT OF REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION**  
2242 **UNDER THIS SUBTITLE IS PENDING.**

2243  
2244  
2245 **34-2612. DISTRIBUTION OF FINES.**  
2246

2247 **ONE-HALF OF EACH FINE IMPOSED IN THE CITY SHALL BE**  
2248 **DISTRIBUTED AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**  
2249

2250 **34-2613. USE OF FINES.**  
2251

2252 **DETECTIVES OR UNDERCOVER AGENTS.**  
2253

- 2254 **(A) (1) THE CITY MAY USE ANY PART OF THE FINES FOR A VIOLATION OF**  
2255 **THIS ARTICLE TO HIRE DETECTIVES OR UNDERCOVER AGENTS.**  
2256 **(2) A DETECTIVE OR AN UNDERCOVER AGENT HIRED UNDER THIS**  
2257 **SECTION SHALL BE DEPUTIZED AS AN OFFICER.**  
2258

2259 **APPROPRIATION FROM GENERAL FUND.**  
2260

- 2261 **(B) WHEN MONEY IS NOT AVAILABLE FROM FINES, THE CITY COUNCIL MAY**  
2262 **APPROPRIATE NOT MORE THAN \$200 ANNUALLY FROM THE GENERAL FUND**  
2263 **OF THE CITY TO ENFORCE THIS SUBTITLE.**  
2264

2265 **34-2614. PUBLIC NUISANCE.**  
2266

2267 **PLACE DECLARED PUBLIC NUISANCE.**  
2268

- 2269 **(A) A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF**  
2270 **THIS ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC**  
2271 **NUISANCE.**

2272 **BOND REQUIREMENT.**  
2273

- 2274 **(B) (1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE, THE**  
2275 **PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED**  
2276 **UNTIL A \$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**  
2277 **(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR OPERATOR:**  
2278 **(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF THIS**  
2279 **ARTICLE; AND**  
2280 **(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED AGAINST**  
2281 **THE OWNER.**  
2282 **(3) IF A CONDITION OF THE BOND IS VIOLATED, THE CITY MAY BRING**  
2283 **ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND**  
2284 **DAMAGES.**

2285 **JURY TRIAL; APPEAL.**  
2286

- 2287 **(C) IF A JURY TRIAL IS REQUESTED OR APPEAL IS TAKEN IN A CASE IN WHICH**  
2288 **A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE**  
2289 **CLOSED UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME**  
2290 **CONDITIONS AS THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

2291 **PENALTIES.**  
2292

- 2293 **(D) A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED**  
**IN SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**

2294 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$200 OR IMPRISONMENT**  
2295 **NOT EXCEEDING 6 MONTHS OR BOTH.**

2296  
2297

2298 **SUBTITLE 27. PROHIBITED ACTS.**

2299

2300 **34–2701. APPLICATION OF GENERAL PROVISIONS.**

2301

2302 **WITHOUT EXCEPTION OR VARIATION.**

2303 **(A) THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**  
2304 **OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR**  
2305 **VARIATION:**

2306 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

2307 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**  
2308 **INDIVIDUAL”);**

2309 **(3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC**  
2310 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

2311 **(4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION**  
2312 **OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**  
2313 **YEARS”);**

2314 **(5) § 6–310 (“PROVIDING FREE FOOD”);**

2315 **(6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**  
2316 **DEALER”);**

2317 **(7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

2318 **(8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**

2319 **(9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**  
2320 **DETACHABLE METAL TAB”);**

2321 **(10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**  
2322 **REGULAR LABEL PRESUMED ILLICIT”);**

2323 **(11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

2324 **(12) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES**  
2325 **NOT PURCHASED FROM LICENSE HOLDER”);**

2326 **(13) § 6–320 (“DISORDERLY INTOXICATION”);**

2327 **(14) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);**

2328 **(15) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID**  
2329 **MACHINE”);**

2330 **(16) § 6–326 (“UNLICENSED OUT–OF–STATE SALE OF ALCOHOLIC**  
2331 **BEVERAGES”);**

2332 **(17) § 6–327 (“TAX EVASION”);**

2333 **(18) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND**

2334 **(19) § 6–329 (“PERJURY”).**

2335

2336 **EXCEPTIONS.**

2337 **(B) THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**  
2338 **OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

2339 **(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**  
2340 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND**

2341 (2) § 6–322 (“POSSESSION OF OPEN CONTAINER”).

2342  
2343 VARIATION.

2344 (C) SECTION 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO  
2345 INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE  
2346 CITY, SUBJECT TO § 34–2703 OF THIS SUBTITLE.

2347  
2348  
2349 **34–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL**  
2350 **UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

2351  
2352 THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE  
2353 HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF §  
2354 6–304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING  
2355 ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.

2356  
2357 **34–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**  
2358 **INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

2359  
2360 THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE  
2361 HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF §  
2362 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING  
2363 ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.

2364  
2365  
2366 SUBTITLE 28. PENALTIES.

2367  
2368 **34–2801. APPLICATION OF GENERAL PROVISION.**

2369  
2370 SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE  
2371 APPLIES IN THE CITY.

2372  
2373  
2374 **34–2802. PENALTY IMPOSED BY BOARD.**

2375  
2376 IN GENERAL.

2377 (A) THE BOARD MAY SUSPEND A LICENSE OR IMPOSE A FINE NOT EXCEEDING  
2378 \$5,000 OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION UNDER  
2379 THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE CITY.

2380  
2381 FINES PAID TO DIRECTOR OF FINANCE.

2382 (B) FINES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE  
2383 DIRECTOR OF FINANCE.

2384  
2385  
2386  
2387 EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

2388 [Brackets] indicate matter deleted from existing law.

2389 \_\_\_\_\_

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2394 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2395 July 1, 2020.

2396

2397 Approved:

2398

2399 \_\_\_\_\_

2400 Governor

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2403 \_\_\_\_\_

2403 Speaker of the House of Delegates

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2406 \_\_\_\_\_

2406 President of the Senate



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**  
29

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.**

89  
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.**

102  
103  
104 **SUBTITLE 3. LIQUOR CONTROL.**

105  
106 **34-301. LIQUOR CONTROL-NOT APPLICABLE.**

107  
108 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR**  
109 **CONTROL IN THE CITY.**

110  
111  
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.  
148  
149  
150

151 **34–402. HOURS AND DAYS OF SALE OR DELIVERY.**  
152

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.**  
156

157  
158 **34–403. CLASS 7 MICRO–BREWERY LICENSE.**  
159

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.**  
163

164  
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  
178

179 SUBTITLE 5. WHOLESALER'S LICENSES.  
180

181 **34-501. APPLICATION OF GENERAL PROVISIONS.**  
182

183 **WITHOUT EXCEPTION OR VARIATION.**

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

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

235  
236  
237  
238 **SUBTITLE 6. BEER LICENSES.**

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

241  
242  
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.**

271  
272



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

321 **FEE.**

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

323 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**  
324 **PRIVILEGE; AND**

325 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**  
326 **OFF-SALE PRIVILEGE.**

327  
328  
329 **SUBTITLE 12. CATERER'S LICENSES.**

330  
331  
332 **34-1201. RESERVED.**

333  
334  
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.**

347  
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  
372 **LICENSE APPLICATION.**

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

375  
376 **LIMIT ON NUMBER OF LICENSES.**

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

380  
381 **LIMIT ON SERVINGS.**

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

384  
385 **FEE.**

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

388  
389  
390 **34-1305. BEER AND WINE TASTING LICENSE.**

391  
392 **ESTABLISHED.**

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

395  
396 **AUTHORIZED HOLDER.**

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

400  
401 **SCOPE OF AUTHORIZATION.**

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

404  
405 **LIMIT ON SERVINGS.**

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

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

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

410  
411 **FEE.**

412 **(I) THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE**  
413 **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.**

461  
462  
463 **34-1403. COLLECTION AND DISPOSITION OF LICENSE FEES.**

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

467  
468  
469 **34-1404. SETTING OF FEES AND RENEWAL PERIODS.**

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

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

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

476  
477  
478  
479 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

480  
481 **34-1501. APPLICATION OF GENERAL PROVISIONS.**

482  
483 **WITHOUT EXCEPTION OR VARIATION.**

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

487 **(1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

488 **(2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

489 **(3) § 4-207 (“LICENSES ISSUED TO MINORS”);**

490 **(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**

491 **(5) § 4-209 (“HEARING”);**

492 **(6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

493 **(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

494 **(8) § 4-212 (“LICENSE NOT PROPERTY”);**

495 **(9) § 4-213 (“REPLACEMENT LICENSES”); AND**

496 **(10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**  
497 **APPLICATIONS”).**

498  
499 **VARIATIONS.**

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

503 **(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §**  
504 **34-1502 OF THIS SUBTITLE;**

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

508 (3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR  
509 SAME PREMISES”), SUBJECT TO § 34–1503 OF THIS SUBTITLE AND  
510 SUBTITLE 13, PART III OF THIS TITLE.  
511

512  
513 **34–1502. AUTHORITY OF BOARD.**  
514

515 **IN GENERAL.**

516 **(A) LICENSES SHALL BE APPROVED BY THE BOARD OF LICENSE  
517 COMMISSIONERS OF THE CITY AND ISSUED BY THE CITY CLERK.**  
518

519 **LICENSES NOT ISSUED BY WICOMICO BOARD.**

520 **(B) THE BOARD OF LICENSE COMMISSIONERS OF WICOMICO COUNTY MAY  
521 NOT ISSUE LICENSES IN THE CITY.**  
522

523 **34–1503. BOWLING ESTABLISHMENTS.**  
524

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

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

531 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT  
532 LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**  
533  
534  
535

536 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**  
537 **PART I. LICENSING CONDITIONS.**  
538

539 **34–1601. RESERVED.**  
540

541 **34–1602. RESERVED.**  
542  
543  
544

545 **PART II. MULTIPLE LICENSING PLANS.**  
546

547 **34–1603. RESERVED.**  
548  
549

550 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**  
551

552 **34–1701. APPLICATION OF GENERAL PROVISIONS.**  
553

554 **TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION**

555 **OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**  
556 **CITY WITHOUT EXCEPTION OR VARIATION.**

557  
558 **SUBTITLE 18. RENEWAL OF LICENSES.**

559 **34–1801. APPLICATION OF GENERAL PROVISIONS.**

560  
561 **WITHOUT EXCEPTION OR VARIATION.**

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

- 565  
566 (1) § 4–403 (“RENEWAL APPLICATION”);  
567 (2) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”);  
568 (3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);  
569 (4) § 4–406 (“PROTESTS”);  
570 (5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);  
571 (6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);  
572 (7) § 4–409 (“MULTIPLE LICENSES”); AND  
573 (8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

574  
575 **VARIATIONS.**

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

579  
580  
581 **34–1802. PAYMENT SCHEDULE OF RENEWAL FEE.**

582  
583 **THE MAYOR AND CITY COUNCIL MAY DETERMINE A PERIODIC**  
584 **PAYMENT SCHEDULE FOR THE RENEWAL OF A LICENSE.**

585  
586  
587 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

588  
589 **34–1901. APPLICATION OF GENERAL PROVISIONS.**

590  
591 **TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF**  
592 **DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR**  
593 **VARIATION.**

594  
595  
596 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

597  
598 **34–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

599  
600 **IN GENERAL.**

601 **(A) (1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**

602 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC**  
603 **BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

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

608  
609 **PENALTY.**

610 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
611 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

612  
613  
614 **34-2002. BEER LICENSES.**

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

617  
618  
619 **34-2003. BEER AND WINE LICENSES.**

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

623  
624  
625 **34-2004. BEER, WINE, AND LIQUOR LICENSES.**

626  
627 **THE BOARD MAY SET THE HOURS OF SALE FOR BEER, WINE, AND**  
628 **LIQUOR LICENSES.**

629  
630 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

631  
632  
633 **34-2101. APPLICATION OF GENERAL PROVISIONS.**

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

638  
639  
640 **SUBTITLE 22. EXPIRATION OF LICENSES.**

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

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

646  
647  
648 **34-2202. SEASONAL CLOSING.**

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

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

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

657  
658 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

659  
660  
661 **34-2301. APPLICATION OF GENERAL PROVISIONS.**

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

665  
666  
667 **SUBTITLE 24. JUDICIAL REVIEW.**

668  
669 **34-2401. APPLICATION OF GENERAL PROVISIONS.**

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

673  
674  
675 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

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

679  
680 **PROHIBITION AGAINST INDIVIDUAL.**

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

683 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

684 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

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

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

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

694  
695 **PENALTY.**

696 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
697 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.  
698

699  
700 **SUBTITLE 26. ENFORCEMENT.**

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

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

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

- 710 (1) § 6-202 (“INSPECTIONS”);  
711 (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY  
712 OF ALCOHOLIC BEVERAGES”);  
713 (3) § 6-205 (“PEACE OFFICERS”);  
714 (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF  
715 ALCOHOLIC BEVERAGE”);  
716 (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE  
717 EVIDENCE OF SALE”);  
718 (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL  
719 IN PUBLIC PLACES”);  
720 (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF  
721 CONSUMPTION”); AND  
722 (8) §6-211 (“FINES AND FORFEITURES”).  
723

724 **EXEMPTIONS.**

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

728  
729 **VARIATION.**

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

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

735  
736 **IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER §**  
737 **6-204 OF THIS ARTICLE, THE CITY POLICE DEPARTMENT MAY SERVE A**  
738 **SUMMONS.**  
739

740  
741 **SUBTITLE 27. PROHIBITED ACTS.**  
742



743 **34-2701. APPLICATION OF GENERAL PROVISIONS.**

744 **WITHOUT EXCEPTION OR VARIATION.**

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

- 749 (1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);  
750 (2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE  
751 INDIVIDUAL”);  
752 (3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC  
753 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);  
754 (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION  
755 OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21  
756 YEARS”);  
757 (5) § 6-310 (“PROVIDING FREE FOOD”);  
758 (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL  
759 DEALER”);  
760 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);  
761 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);  
762 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH  
763 DETACHABLE METAL TAB”);  
764 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT  
765 REGULAR LABEL PRESUMED ILLICIT”);  
766 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);  
767 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES  
768 NOT PURCHASED FROM LICENSE HOLDER”);  
769 (13) § 6-320 (“DISORDERLY INTOXICATION”);  
770 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);  
771 (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID  
772 MACHINE”);  
773 (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC  
774 BEVERAGES”);  
775 (17) § 6-327 (“TAX EVASION”);  
776 (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND  
777 (19) § 6-329 (“PERJURY”).

778 **EXCEPTIONS.**

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

- 781 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO  
782 INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND  
783 (2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).  
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785 **VARIATION.**

786 **(C) SECTION 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**  
787 **INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**  
788 **CITY, SUBJECT TO § 34-2703 OF THIS SUBTITLE.**  
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**34-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**PROHIBITED.**

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

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

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

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

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

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

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

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

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

**PENALTY.**

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

**NO BAR TO ADMINISTRATIVE ACTION.**

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

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

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

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**SUBTITLE 28. PENALTIES.**

**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

Title 7 – Alcohol Control Board

OR

Chapter 5.02 - ALCOHOLIC BEVERAGES (or Chapter 7.02)

(7)5.02.010 - 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)5.02.020 - Applicability of State law.

Except as otherwise provided in this chapter, the provisions of Article 2B 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.

(or Chapter 7.03 Alcohol Control Board)

5.02.030 – Salisbury Alcohol Control Board—Established—Appointments. (or 7.03.010)

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.

5.02.040 – Salisbury Alcohol Control Board—Annual organization and report. (or 7.03.020)

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.

5.02.050 – Salisbury Alcohol Control Board—Rules and regulations. (or 7.03.030)

The board shall adopt rules, not inconsistent with the provisions of this chapter or Article 2B 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.

5.02.060 – Salisbury Alcohol Control Board—Powers and duties generally. (or 7.03.040)

- A. Subject to the provisions of this chapter and the provisions of Article 2B 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.

5.02.070 – Salisbury Alcohol Control Board—Delegated authority. (or 7.03.050)

Wherever in this chapter or in Article 2B of the Annotated Code of Maryland any of the power and authority specified in Section 5.02.060 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.

5.02.080 – Salisbury Alcohol Control Board—Appeal from. (or 7.03.060)

Any action or decision of the board taken under the authority of Section 5.02.060, may be appealed to the circuit court for the County, in accordance with the procedures and requirements of Article 2B of the Annotated Code of Maryland and the Maryland Rules of Procedure relating to appeals from decisions of administrative agencies.

5.02.090 – Salisbury Alcohol Control Board—Administration. (or 7.03.070)

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 5.02.060(A)(1) and (2). Any and all investigations conducted to ascertain compliance with the provisions of Article 2B 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.

(or Chapter 7.04 Sale and Consumption of Alcoholic Beverages)(or break into 2 chapters for sale and consumption and move sections around)

5.02.100 - Public consumption and possession. (or 7.04.010)

- 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.

#### 5.02.110 - Sale to comply with chapter. (or 7.04.020)

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.

#### 5.02.120 - License—Application. (or 7.04.030)

- 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 Article 2B 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.

#### 5.02.130 - License—Hearings—Petitions. (or 7.04.040)

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.

#### 5.02.140 - Alcohol License—Suspension—Revocation—Fines. (or 7.04.050)

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 21 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.

#### 5.02.150 - License—Records. (or 7.04.060)

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.

#### 5.02.160 - License—Disuse. (or 7.04.070)

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.

#### 5.02.170 - License—Term. (or 7.04.080)



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

5.02.180 - License—Public notice of applications. (or 7.04.090)

- 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.

5.02.190 - License—Reapplication. (or 7.04.100)

- 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.

5.02.200 - License—Compliance with restrictions. (or 7.04.110)

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 5.02.210 through 5.02.270.

5.02.210 - License—Types and classes. (or 7.04.120)

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.

5.02.220 - Package goods retail stores. (or 7.04.130)

- 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.

5.02.230 - Restaurants. (or 7.04.140)

- 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.

5.02.240 - Clubs. (or 7.04.150)

- 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.

5.02.250 - Taverns. (or 7.04.160)

- 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.

5.02.260 - Hotels. (or 7.04.170)

- 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.

5.02.270 - Yacht clubs. (or 7.04.180)

- 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.

5.02.275 - Wine festivals. (or 7.04.190)

5.02.276 – Care Home. (or 7.04.200)

- 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.

5.02.277 - Wine bars. (or 7.04.210)

- 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.

5.02.280 - Fees. (or 7.04.220)

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.

5.02.290 - Special hours for New Year's Day. (or 7.04.230)

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.

5.02.300 - When premises shall be closed. (or 7.04.240)

- 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.

5.02.310 - Permitting persons to leave premises with open beverage. (or 7.04.250)

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

5.02.320 - Licenses for consumption on the premises only. (or 7.04.260)

Subject to all other applicable provisions contained in this chapter and in Article 2B 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.

5.02.330 - Temporary special class C license to clubs. (or 7.04.270)

- 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 5.02.190.
- 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.

5.02.335 - Additional license class—Refillable container license. (or 7.04.280)

- 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.

5.02.340 - Music—Exits—Dress codes. (or 7.04.290)

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.

5.02.350 - Allowing alcohol consumption without license. (or 7.04.300)

- 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 Article 2B 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.

5.02.360 - Intoxicated persons. (or 7.04.310)

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.

5.02.370 - Minors—Sale or providing to. (or 7.04.320)

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.

5.02.380 - Minors—Warning sign. (or 7.04.330)

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.

5.02.390 - Minors—Misrepresenting age. (or 7.04.340)

- 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.

5.02.400 - Minors—Employment. (or 7.04.350)

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.

5.02.410 - Minors—Purchase, consumption or possession of alcoholic beverages. (or 7.04.360)

- 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.

5.02.420 - Possession or consumption on public highways. (or 7.04.370)

- A. For the purposes of this section:
  - 1. "Alcoholic beverage" means the same as in Article 2B 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 Article 2B 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.

5.02.430 - Discriminatory practices prohibited. (or 7.04.380)

- A. An establishment licensed under the provisions of Sections 5.02.240, 5.02.270 and 5.02.330 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 Section 5.02.240, 5.02.270 or 5.02.330, 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 5.02.240, 5.02.270 or 5.02.330 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.