

**RULES AND REGULATIONS OF THE
BOARD OF LICENSE COMMISSIONERS
OF
GARRETT COUNTY, MARYLAND**

**RULES AND REGULATIONS OF THE
BOARD OF LICENSE COMMISSIONERS OF
GARRETT COUNTY**

The Board of License Commissioners of Garrett County have adopted the following rules and regulations for the conduct of licensees in Garrett County, pursuant to authority conferred upon the Board by ~~Section 16-301 of Article 2B~~ **Section 21-205 of the Alcoholic Beverages Article** of the Annotated Code of Maryland.

The Board requests the cooperation of all licensees and citizens to enforce these rules in the best interest of the Board, licensees and citizens of the County.

While these rules and regulations are published for your guidance, they are not intended to cover all the requirements of the liquor laws or to excuse any violation of other parts of the Alcoholic Beverage Laws of Maryland.

*As Amended June 23, 1989
Amended June 10, 1993
Amended January 19, 1995
Amended December 3, 1998
Amended February 6, 2003
Amended July 1, 2004
Amended April 3, 2008
Amended February 5, 2009
Amended May 17, 2014
Amended XXXX XX, 2017*

TABLE OF CONTENTS

Chapter 1

Administrative Rules and Regulations

- 1.1 – License Application Fees
- 1.2 – Background Checks
- 1.3 – License Hearings
- 1.4 – Renewal Applications
- 1.5 – Wine Festival Licenses
- 1.6 – Off-Premise Wine Sales Option
- 1.7 – Beer and Wine Tasting Option
- 1.8 – Deliveries
- 1.9 – Sunday Sales Option
- 1.10 – Off-Premise Distilled Spirits Sales Option

Chapter 2

Administrative Procedures

As Required by Chapter 712 of the 1998 Legislative Session
Sales to minors fines and suspension guidelines

Chapter 3

Rules & Regulations for the Conduct of Business

- 3.1 – Noises
- 3.2 – Display of License
- 3.3 – Record and Age of Employees
- 3.4 – Age of Patrons
- 3.5 – Change of Business Location or Applicant
- 3.6 – Inspections
- 3.7 – License – Changes
- 3.8 – Report of Violation of Criminal Law
- 3.9 – Sanitation
- 3.10 – Required Law Book, Rules & Regulations
- 3.11 – Special Rules – Class “D” Licensees
- 3.12 – Special Rules – Wine Tasting Option
- 3.13 – Special Rules – Multi-Event License
- 3.14 – Closing Times – Hours of Operation
- 3.15 – Beer Keg Registration
- 3.16 – Penalty – Failure to Obey Rules & Regulations

1. ADMINISTRATIVE RULES AND REGULATIONS

1.1 License Application Fees

Original applications will require a \$150 nonrefundable application fee, effective July 1, 2009. Also required is the nonrefundable fee necessary to publish the notice of application, as required by Article 2B, the Alcoholic Beverages Article of the Annotated Code of Maryland.

Special Class “C” and Renewal license applications and temporary licenses are currently exempt from an application fee.

The \$150 nonrefundable application fee will be waived in the event that the license is being transferred from the licensee(s) operating as individual(s) on the license to the same licensee(s) operating as a Corporation, Partnership, Unincorporated Association or a Limited Liability Company. In accordance with Article 2B, § 16-301 the Alcoholic Beverages Article § 21-205. Approved on February 5, 2009

1.2 Background Checks

According to Article 2B, § 10-103 (b)(13)(x) the Alcoholic Beverages Article § 21-1402 a criminal history record check may be conducted on an applicant for an alcoholic beverage license in Garrett County. Both a Maryland and FBI electronic record check will be required. The background check MUST be completed and the favorable results received electronically via email to the Board office prior to the application hearing. The charges for fingerprinting may vary from location to location. Each

applicant will pay the entity that is conducting the fingerprinting.

1.3 License Hearings

At a new license hearing, at least one of the applicants listed on the application must be present at the hearing for the issuance of the license.

At a **Special Class "C" Temporary** License hearing, at least one of the applicant/officers of the organization or a representative for the organization must be present at the hearing for the issuance of a **Special Class "C" Temporary** License.

1.4 Renewal Applications

If a licensee's completed renewal application is not received by May 1st, or by such other date designated by the Board, the licensee shall be assessed a fee of \$50 per day payable before the license is issued. **In addition, a show cause hearing will automatically be scheduled before the Board for the continuance of the alcoholic beverage license.**

1.5 **Wine Festival Licenses**

(a) The **license fee for a Wine Festival License fee** is \$50. **In accordance with the Alcoholic Beverages Article § 21-1305 (j)**

(b) **The Beer Festival License fee is \$100.**
In accordance with the Alcoholic Beverages Article § 21-1304 (i)

1.6 Off-Premise Wine Sales Option

An Off-Premise Wine Sales Option may be added on to any Class "B" B&W or BWL On-Sale License. The annual cost is \$200 for the "two bottle" option and \$600 for the "twelve bottle" option. The Board shall charge a one-time issuing fee in an amount equal to the annual option fee. In accordance with **Article 2B § 9-212 (b) the Alcoholic Beverages Article § 21-1503.** *Approved on July 1, 2004 / May 17, 2014*

1.7 Beer & Wine Tasting Option

A Beer & Wine Tasting Option may be added to a beer and wine license or a beer, wine and liquor license. The annual license fee is \$100 in addition to the cost of the beer and wine license or the beer, wine and liquor license. The Board shall charge an issuing fee in an amount equal to the annual license fee. In accordance with **Article 2B § 8-406.1 (b) the Alcoholic Beverages Article § 21-1306.** *Approved on April 3, 2008*

1.8 Deliveries

Licensed establishments who have properly registered with the Board and have in their possession a Letter of Authorization approving off-premise deliveries and a current I.D. Checking Guide for the U.S. and the International Edition if applicable may deliver alcoholic beverages in any quantity in a sealed package or container to a person of legal drinking age in Garrett County only. The delivery may only be made by a licensee or designated employee who is at least 21 years of age that is registered with the Board and has current certification in an approved alcohol awareness class.

Deliveries may be made only during approved hours and may not be made to any other licensed premise or any property where alcohol is prohibited. Delivery forms must be used giving the establishments name and address, date and time the order was taken, the delivery address, phone number, customer's name, address, date of birth, the type and quantity of alcoholic beverages, certification that the person receiving the delivery of alcoholic beverages is over 21 years of age. **Acknowledgement that** it is a criminal offense for the alcoholic beverages to be turned over to a person under 21 years of age, **the** receiver's name and signature if applicable and the customer's and the delivery person's signatures **must be on the form**. The original Delivery Form must be turned in to the Board by the 10th of the following month. The annual cost for the Delivery Option is \$150 effective July 1st, 2008. The Board shall charge an issuing fee in an amount equal to the annual fee. The first sales to minor violation in the course of an alcohol delivery transaction will result in the suspension of the delivery privilege for the remainder of the license year. Each year at license renewal, the Board must approve the delivery option for the upcoming license year. In accordance with **Article 2B § 12-301 (4) the Alcoholic Beverages Article § 21-1903**.

Approved on April 3, 2008 / May 17, 2014.

1.9 Sunday Sales Option

The provisions of this section apply **to on-premise sales and off-premise sales** in the following **an** election districts and precincts **of an election district in which the voters in a referendum authorized by law approve Sunday sales**. On-premise sales are authorized in: 1, 2, 3-1, 3-2, 4, 5, 6, 7, 8-1, 9, 10, 11, 12, 14-1 and 15 and 16. Off-premise sales are authorized in: 1, 2, 3-1, 3-2, 4, 5, 6, 7, 8-1, 9, 10, 11, 12, 14-1, 15 and 16. Or in any other election district or precinct of an election district in which the voters in a referendum authorized by law approve

Sunday sales as specified in **Article 2B § 11-512(c) the Alcoholic Beverages Article § 21-2006**. ~~The Sunday Sales Option may be added to holders of a Class "C" license issued to a service club, Class "B" license issued to a restaurant or B&B, Class "D" license issued to a tavern under certain circumstances, and a special Class "C" license.~~

Each approved licensee who engages in **the Sunday Sales Option** is required to comply with the following procedures:

- (a) Sunday sales must be in compliance with **Article 2B § 11-512(c) the Alcoholic Beverages Article § 21-2006** and as set forth in this regulation.
- ~~(b) The consumer must place an order for a legitimate meal unless exempt from this regulation.~~
- ~~(c) Alcoholic beverages may be consumed on premises only. Off premises consumption is not permitted unless authorized by referendum vote. Premises is defined as set forth in the license holder's application.~~
- (d) Licensees approved with the Catering Option will only be permitted to cater in districts / precincts approved on Sundays. The Board may require a copy of the Catering Contract for the license file.
- (e) All prearranged ticketed events that are open to the public must be approved by the Board of License Commissioners at least seven days prior to the event.
- (f) **No Sunday sales are allowed after 10:00 PM from 10:00 AM until midnight where authorized, on a Sunday. Consumption must cease by 11:00 PM. Effective July 1, 2017**

(g) The renewal of a Class “B” alcoholic beverage license will require a certification of gross receipts for the sale of food and alcoholic beverages. The Board may request the submission of accounting and/or income tax records for determination of compliance.

(h) Failure to comply with the established regulations will result in suspension of the Sunday Sales privilege for a period of twelve months following the violation. In order to reinstate the Sunday sales privilege, the establishment would have to reapply to the Board for approval. In accordance with ~~Article 2B § 16-301~~ **the Alcoholic Beverages Article § 21-205**. *Approved on February 5, 2009 / May 17, 2014*

1.10 Off-Premise Distilled Spirits Sales Option

An Off-Premise Distilled Spirits Option may be added on to any Class “B” BWL On-Sale License. The option is only available to qualifying Class B BWL license holders approved by the Board. The license holder must have a distinct line of distilled spirits manufactured and labeled for their licensed establishment. The annual cost is \$300 for the “three bottle” option. The Board shall charge a one-time issuing fee in an amount equal to the annual option fee. In accordance with the **Alcoholic Beverages Article § 21-1503**. *Approved on May xx, 2017*

2. ADMINISTRATIVE PROCEDURES as Required by Chapter 712 of the 1998 Legislative Session

Sales to minors fines and suspension guidelines:

- 1st Offense--\$300 fine & letter of reprimand.
- 2nd Offense--\$500 fine & up to 10-day suspension.
- 3rd Offense--\$1000 fine & up to a 30-day suspension.
- 4th Offense--Maximum fine & up to one-year suspension.

Along with these fines and suspension, the Board may require additional alcohol awareness training and review and evaluate internal procedures concerning sales to minors at the licensed establishment. If the licensed establishment goes two years with no additional sales to minors, their record is expunged. *Approved on May 17, 2014*

3. RULES AND REGULATIONS For The CONDUCT OF BUSINESS

3.1 Noises

All licensees shall operate their business establishments in such a manner so as to avoid disturbing the peace, safety and quiet of the neighborhood where located. All unnecessary noises, including the playing of music, loud talking and singing at unreasonable times are prohibited or any action that the Board would find inappropriate.

3.2 Display of License

Every license holder shall display their license in a suitable frame, under glass, placed on the wall in the main room of the licensed establishment in full view of the public at all times. **In accordance with the Alcoholic Beverages Article § 3-507.**

3.3 Record and Age of Employees

(a) All license holders shall keep on their premises a record containing the names, addresses and ages of all persons employed by them on said premises, said record shall be open at all times to duly authorized representatives of the Board.

(b) A licensee may not employ a person under the age of 21 years to sell or deliver alcoholic beverages except a licensee may employ a person at least 18 years old to:

1. Serve and sell alcoholic beverages in a restaurant in connection with the serving or selling of a meal.
2. Serve alcoholic beverages from a service bar to a seated customer.

(c) A licensee may not employ a person under the age of 18 years to handle alcoholic beverages.

3.4 Age of Patrons

No persons under the age of twenty-one (21) years shall be allowed to loaf or loiter about the place of business for which said license is issued.

3.5 Change of Business Location or Applicant

(a) No license holders shall be permitted to transfer their place of business to another location or change the name of the applicant (as in the case of a club) without express approval of the Board.

(b) A change in location or applicant would require the filing of a new application.

3.6 Inspections

~~The Board Members, its employees, any Alcoholic Beverage Inspectors and all other law enforcement officials shall be permitted to inspect all licensed premises on any day and at any time, without a search warrant; and no licensee or their agent shall refuse to admit any such official to enter upon the licensed premises and inspect said premises. Any building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit may be inspected and searched, without a warrant, by:~~

1. ~~the Comptroller or an authorized deputy, inspector, or clerk of the Comptroller;~~
2. ~~the local licensing board or an authorized agent or employee of the local licensing board; and~~
3. ~~a peace officer of the county or city where the place of business is located.~~

~~In accordance with the Alcoholic Beverages Article § 6-202.~~

Licensees must keep accurate records of all alcoholic beverages purchases for 2 years from the date of their purchases on the licensed premise. Copies of such documents must readily available during an inspection.

3.7 License—Changes:

If there are any changes in information that is reported on a licensee's application after the application is filed, including but not limited to Change of Telephone Number, Change of Address, Death of a Licensee, Dissolution of a Corporation, Change of Name by Marriage, Election or Change of Officer(s) and/or any other information necessary for the records, these

changes are to be immediately reported in writing to the office of the Board of License Commissioners.

3.8 Report of Violation of Criminal Law

All license holders must report to the Maryland State Police or Garrett County Sheriff's Department all violations of the criminal laws of the United States Government, State of Maryland or of Garrett County occurring on the licensed premises and failure to do so shall constitute prima facie cause to suspend or revoke such license. In the event your establishment fails a compliance check, it is your responsibility to notify the office of the Board of License Commissioners.

3.9 Sanitation.

(a) All Garrett County licensees must be in full compliance with regulations of the State of Maryland Department of Mental Health & Hygiene. All license holders must comply with all State, County and City Sanitary and Health Laws and Regulations that may apply to their business.

(b) An applicant must have approval of the Garrett County Health Department and be in compliance with all Health Department Regulations before a new or renewal application can be approved.

(c) The failure to be in compliance with all Health Department regulations is cause for suspension or revocation of a license.

3.10 Required Law Book, Rules & Regulations

(a) All licensees are required to have a current copy of The Laws and Regulations of the State of Maryland Relating to Alcoholic Beverages and Tobacco Tax at the licensed premises. The Maryland Annotated Code can be accessed from the following web address.

<http://www.garrettcounty.org/liquor-control-board/maryland-annotated-code>

3.11 Special Rules—Class “D” Licensees

(a) The Board may require licensees holding (or applying for if applicant is an existing Class D licensee) a Class D (on-sale) or Class D (off-sale) license to produce any or all of the following documents as evidence that the Class D licensee holds the proper Class D license.

- (1) Invoices
- (2) Sales slips
- (3) Register tapes
- (4) Journals
- (5) Any other accounting or income tax

records that may disclose information necessary for this determination.

(b) Class D licensees shall maintain their accounting records in such a manner that facilitates a determination by the Board which type of Class D license should be held by a licensee.

(c) If the Board determines that a licensee has not maintained or has not properly disclosed records that are adequate for the Board to determine which type of class D license should be held by a licensee, the Board may issue the license having the greater fee to the license holder.

(d) The Board will generally make the determination of which Class D license a license holder shall hold based on data pertaining to the year immediately preceding application or renewal. However, in situations involving new licenses, situations where the relationship of on-sale and off-sales may have changed, or in any other situation where the Board deems it to be appropriate, the Board may consider current year information in making its determination.

(e) The Board will base its determination on annual sales (actual, or if applicable, planned) and not base its determination on short time periods during which special events may distort the result.

3.12 Special Rules—Wine Tasting Option

(a) The fact that wine is being served pursuant to a wine tasting option does not in and of itself limit the quantity of wine that can be served to each person.

(b) The number of bottles of wine from which this quantity is being served is not limited.

3.13 Special Rules —Multi Event License

(a) A Special Class “C” Multi-Event licensee shall notify the Board in writing at least seven days before the event of the date, time and nature of the event.

(b) Storage of alcoholic beverages on the premise is not permitted between events unless approved by the Board. In accordance with the Alcoholic Beverages Article § 21-1311

3.14 Closing Times – Hours of Operation

The Board requires that those establishments with on premises accommodations provide for all patrons to be out of the established business by 2:00 A.M. and closed to the public at such time.

3.15 Beer Keg Registration

Each retail licensed dealer who engages in the off-premise sale of beer kegs is required to comply with the following procedures:

(a) Abide by the Beer Keg Registration Law of Article 2B, § 21-106 the Alcoholic Beverages Article § 5-303.

(b) Include the driver’s license or, if none, Social Security Number under the purchaser’s signature on Part B of the keg sticker.

(c) Failure to comply by licensees will result in a fine of up to \$100.00 and other remedies the Board may impose.

3.16 Penalty – Failure to Obey Rules and Regulations.

Any licensee who fails to comply with the Rules and Regulations of the Board shall be summoned before the Board for a hearing and said Board, in their discretion, may revoke or suspend the license if the licensee is adjudged guilty of any violation of the Rules and Regulations of the Board.