

# **Rules and Regulations of the Board of License Commissioners**

*for Charles County, Maryland*

## **To All Licensees**

This booklet is published by the Board of License Commissioners to acquaint all licensees and their employees with the Rules and Regulations governing the sale of alcoholic beverages in Charles County.

It is recommended that these Rules and Regulations be carefully studied and that all employees are familiar with them.

# Chapter 1: Introduction

## Rule 1.101 – Definitions

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1. Alcohol Enforcement – Alcohol Enforcement Officer, Alcohol Inspector, and other peace officers, who are tasked with carrying out the enforcement responsibilities of the Board. This unit is responsible for (1) enforcing the provisions of the Alcoholic Beverages and Cannabis Article that are within the jurisdiction of the Board; (2) enforcing these Rules and Regulations; (3) conducting inspections and investigations on behalf of the Board; (4) presenting evidence and other findings to the Board; and (5) advising the Board when appropriate. The Board may delegate this responsibility, in full or in part, to the Charles County Sheriff's Office, which may then designate an Alcohol Enforcement Officer(s) and an Alcohol Inspector(s), both of whom shall be employees of the Charles County Sheriff's Office.
2. Affidavit – An oath or affirmation sworn or made before an officer or other person authorized to administer an oath or take affirmation that the matters and facts set forth in the paper writing to which it pertains are true to the best of the affiant's knowledge, information, and belief.
3. Attorney – An individual licensed by the Supreme Court of Maryland to practice law within the state of Maryland, acting in their capacity as attorney.
4. Board – The Board of License Commissioners of Charles County.
5. Comptroller - The Comptroller of the Treasury of the State of Maryland.
6. Financial interest - Ownership, including of any stocks, bonds, interest in membership, receipt or share the proceeds from the activities of partnerships, corporations, limited liability companies, and unincorporated associations or other similar financial interest.
7. Licensee or License Holder – Any individual whose name appears on a license issued by the Board. With regard to any practice stated in these Rules and Regulations, the term "Licensee" shall also refer to any duly authorized agent, servant, or employee of a licensee as herein defined.
8. Live entertainment - One or more of any of the following, performed live by one or more individuals, regardless of whether done for compensation or if there is a charge or fee for admission: (a) musical act, including karaoke; (b) theatrical act, including a play, revue, or stand-up comedy; (c) dance; (d) magic act; (e) disc jockey; or (f) similar activity. Live entertainment does not include adult entertainment.
9. Off-Premises or Off-Sale - The sale of alcoholic beverages that may only be consumed off the licensed premises.
10. On-Premises or On-Sale - The sale of alcoholic beverages that may only be consumed on the licensed premises.
11. Premises – Any and all appurtenant real property which the licensee(s) lease, own or otherwise have an interest in, including the parking lot.
12. Renewal - The reissuance of an existing license for the same premises, licensee(s), and type of license.
13. Resident licensee – A licensee, who is the resident of Charles County.
14. Restaurant – Any lunchroom, café, or other establishment located in a permanent building with space and accommodations wherein meals are habitually prepared, sold, and served to the public.
15. Retail license holder/licensee – A licensee that sells an alcoholic beverage to any person other than another licensee.

**Rule 1.102 – Schedule of License and Permit Fees**

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<b>Class of License, Permit Type</b>	<b>Annual Fee</b>
Class A – Beer, Wine, & Spirituous Liquors (off sale) Package Goods	\$960
Class B - Beer, Wine, and Spirituous Liquors (on sale only) alcoholic beverage licenses:	
B/BLX (Luxury Restaurant)	\$2,400 */**
B/R (Restaurant)	\$360 */**
B/RB (Restaurant/Bar)	\$460 */**
B/T (Tavern)	\$460 */**
B/N (Nightclub)	\$610 **
B/H (Hotel)	\$360 */**
B/B&B (Bed and Breakfast)	\$25 - \$50
B/Stadium	\$2,200
B/Resort Complex	\$3,500 for 2 outlet locations, \$1,750 for each additional outlet */**
Class C – Beer, Wine, & Spirituous Liquors (on sale only) Non-Profit Club	\$350 */**
Class D – Beer, Wine, & Spirituous Liquors (on/off sale)	\$1320 */**
Class D – Beer & Wine (on/off sale) Liquor (off sale only)	\$1020 */**
Class D – Beer & Wine (on/off sale)	\$340 */**
Class H – Beer & Wine (on sale only)	\$340 */**
Class D – Beer (on sale only)	\$240 */**
Class D – Beer (on/off sale)	\$240 */**
Beer and Wine Festival License	\$100
Live Entertainment *	\$200
Outside Area **	\$200
On-Site Consumption Permit	\$460
Refillable Container Permit (with an Off-Sale Privilege)	\$50
Refillable Container Permit (without an Off-Sale Privilege)	\$500
Retail Delivery	\$100

**Rule 1.103 – Name**

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The name of the board shall be Board of License Commissioners for Charles County, Maryland (the “Board”).

**Rule 1.104 – Authority**

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Pursuant to the authority granted by Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland, as amended (“Alcoholic Beverages and Cannabis Article”), the Board hereby adopts the following Rules and Regulations to enable the Board to effectively discharge its duties. In case of conflict between Alcoholic Beverages and Cannabis Article, these Rules and Regulations, and any other provision of Maryland State Law, the Alcoholic Beverages and Cannabis Article or its equivalent prevails.

**Rule 1.105 – Purpose**

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The purpose of these Rules and Regulations is to regulate the conduct of the Board’s proceedings, to establish rules and regulations governing the sale and consumption of alcoholic beverages in Charles County, and to assist constituents having business before the Board.

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## Chapter 2: Board Membership and Organization

### Rule 2.101 – Membership/Members

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The Board shall consist of five (5) members who shall be appointed by the County Commissioners of Charles County, Maryland. The term of a Board member is four (4) years. A member may not serve more than two (2) consecutive terms.

### Rule 2.102 – Financial Interest

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No member of the Board shall have any financial interest directly or indirectly in a license issued for the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage, purchased, or sold under the provisions of the Alcoholic Beverages and Cannabis Article or these Rules and Regulations.

### Rule 2.103 – Officers

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1. Chair: The Chair shall preside over all meetings of the Board, appoint members to committees, and coordinate the Board activities. With the concurrence of the Board members, the Chair may represent the Board at official gatherings. As the presiding officer, the Chair shall maintain order while conducting the business of the Board, shall oversee all procedures subject to these Rules and Regulations, and respond to points of order called by a member. The Chair shall maintain the authority to sign and execute, on behalf of the Board, all instruments approved in accordance with the Code of Charles County and the Alcoholic Beverages and Cannabis Article.
2. Vice Chair: In the absence of the Chair, the Vice Chair shall preside over all meetings of the Board and shall perform the duties of the Chair.
3. Election: At a regular meeting held in January of each year the Board shall nominate, from the floor, candidates for the offices of Chair and Vice Chair. A candidate receiving a majority vote of the entire membership of the Board shall be declared elected and will serve until the regular meeting is held in January of the following year or until a successor is elected. Any officer is eligible for re-election. An election may also be held when an officer vacates his/her/their position.

### Rule 2.104 – Staff Support/Alcohol Enforcement

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1. Clerk to the Board will:
  - a. Maintain the records of the Board;
  - b. Be responsible for overall coordination of the officers and employees of the Board;
  - c. Provide clerical support during meetings of the Board;
  - d. Provide a written statement to the Chair for closed sessions and public hearings;
  - e. Maintain sign-in sheets and keep the time clock for both personal appearances and public meetings/hearings, and maintain a record of votes;
  - f. Record and keep the minutes of all meetings of the Board in an appropriate Minute Book;
  - g. Issue publications of all notices required by the Alcoholic Beverages and Cannabis Article or by these Rules and Regulations;
  - h. Schedule agenda meetings within twelve (12) calendar days of the next meeting with appropriate staff to identify projects for the next agenda;
  - i. Distribute the agenda (after approval of the Chair);
  - j. Post the agenda and all relevant documentation in a timely and appropriate format; send public notices, and agendas for posting on the webpage of the Board in coordination with the Media Department.
2. Legal Advisor: The County Attorney shall be the legal advisor for the Board. The County Attorney shall provide advice and assistance to any member desiring to publish an independent or minority opinion. The County Attorney may delegate these duties, from time to time, to an Associate County Attorney. The County Attorney, or Associate County Attorney, will attend all Board meetings, unless excused by the Chair.

3. Show Cause Attorney: The County Attorney may designate a “Show Cause Attorney” to assist Alcohol Enforcement by reviewing, preparing, and presenting evidence and/or documents to be filed with the Board concerning alleged violations of these Rules and Regulations and/or of any provisions of the Alcoholic Beverages and Cannabis Article within the jurisdiction of the Board. The Show Cause Attorney may also advise Alcohol Enforcement concerning the enforcement of these Rules and Regulations and/or provisions of the Alcoholic Beverages and Cannabis Article within the jurisdiction of the Board. The Show Cause Attorney may also present information, evidence, and/or facts to the Board that are relevant to issuing, transferring, or renewing of license(s), or otherwise advise the Board upon request. The County Attorney may delegate these duties to an Associate County Attorney so long as this designee is different than the Associate County Attorney, designated as a Legal Advisor to the Board. The Board does not have a budgetary responsibility for the Show Cause Attorney.
4. Alcohol Enforcement:
  - a. The Board is responsible for enforcing these Rules and Regulations and provisions of the Alcoholic Beverages and Cannabis Article that are within its jurisdiction; such enforcement shall be implemented pursuant to these Rules and Regulations and §18-2601 *et seq.* of the Alcoholic Beverages and Cannabis Article. The Board may delegate this enforcement responsibility, in whole or in part, to the Charles County Sheriff’s Office, which may then designate an Alcohol Enforcement Officer and/or Alcohol Inspector, both of whom are employees of the Charles County Sheriff’s Office.
  - b. Alcohol Enforcement shall conduct routine inspections of licensed establishments. Results of inspections shall be submitted to the Board.

Violations of these Rules and Regulations and/or provisions of the Alcoholic Beverages and Cannabis Article within the jurisdiction of the Board that are discovered by the Alcohol Enforcement Officer and/or Alcohol Inspector shall be documented in an Incident Report, which may then be presented to the Show Cause Attorney, who advises on appropriate next step(s), if any. If the Show Cause Attorney does not advise the issuance of a show cause order, a copy of the same Incident Report shall be provided for the Board’s review and decision on the issuance of a show cause order.

## Chapter 3: Meetings/Hearings in General

### Rule 3.101 – Compliance with State and Local Laws

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1. Code of Civility: All Board members shall comply with the County Code of Civility and shall conduct themselves at Board meetings in a fair, understanding, and gracious manner. The Board shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official Board business.
2. Ethics Code: All Board members are subject to and shall comply with the County Ethics Code. The Ethics Code requires annual submission of a financial statement. Late or incomplete financial statements may be referred to the County Commissioners by the Ethics Board for action which may include removal.
3. Open Meetings Act: All Board members shall complete the Open Meetings Act Training on the Maryland Attorney General's website and provide a copy of the certificate of completion to the Clerk of the Board.
4. Attendance: It shall be the duty of each member to attend all meetings. If unable to attend a specific meeting, the Board member shall notify the Clerk of the Board as soon as possible or at least 24 hours prior to the meeting. Board members who accrue three or more unexcused meeting absences during the calendar year will be reported to the County Commissioners in accordance with the County Commissioners Resolution 96-45.

### Rule 3.102 – Schedule of Meetings

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The regular meetings of the Board are generally held on the second Thursday of each month at 10:00 AM, unless determined otherwise by the Chair or indicated on the Public Notice. Meetings are held in the Charles County Government Meeting Room at 200 Baltimore Street, La Plata, Maryland. In exceptional circumstances, upon the decision of the Chair, meetings may be held virtually. If necessary, the Chair may call for an emergency meeting.

### Rule 3.103 – Cancellations of Meetings

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1. Inclement Weather/Emergencies: Meeting cancellation shall be on a case-by-case basis. In the event that Charles County Public Schools are closed system-wide due to weather related issues, any scheduled business meetings of the Board will be cancelled. Where schools are delayed or close early, or when school is not in session, or other significant issues arise, cancellation shall be on a case-by-case basis. Notice will be posted through the County website and through such external mediums as are typically and/or traditionally used for public outreach.
2. By the Chair: In case there are no items for discussion, review, or action by the Board, or a quorum is not met, the Chair may cancel a meeting.

### Rule 3.104 – Minutes

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The minutes shall be distributed by the Clerk of the Board prior to the meeting. All corrections shall be presented and read during the Board meeting in the identified order of the agenda. The Chair will call for the minutes and request corrections. Corrections, if any, and approval shall be done by unanimous consent of the Board.

### Rule 3.105 – Publicity of Meetings

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All meetings are broadcast and recorded and comply with the Open Meetings Act. All evidence and testimony shall be presented to the Board in meetings open to the public. The general public and representatives of the news media are encouraged and invited to attend all meetings and reasonable seating facilities shall be provided. All persons attending meetings are expected to maintain order and decorum and to refrain from disturbing the orderly process of the meetings.

### Rule 3.106 – Transcripts

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1. The Board shall cause to be prepared an official record of its proceedings in each case which shall include testimony and exhibits.
2. The Board shall furnish to any person, upon submission of a written request and payment of expenses of recording, a recording of any part of the Board's recorded proceedings.

3. Any person wishing to order a typewritten transcript of recorded Board proceedings, must submit a written request to the Board. Upon receipt of the written request, the Clerk of the Board shall provide the recording of the relevant proceeding to a third-party transcription company, who is in charge of producing typewritten transcripts. The person, who requested the typewritten transcript, shall then coordinate with the third-party transcription company on obtaining the ordered transcript. The fee for the transcript shall be paid by the requestor directly to the transcription company.

**Rule 3.107 – Interpreter Services**

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1. If a witness testifying before the Board is deaf or cannot readily understand or communicate the spoken English language, any party may apply to the Clerk of the Board for the appointment of a qualified interpreter to assist that person. The application for interpreter services must be submitted in written form and at least ten (10) business days prior to the hearing date.
2. Upon receipt of the application under subsection 1 of this section, the Board will, at its own discretion, appoint a qualified interpreter to assist that person.

## Chapter 4: License Applications and Hearing Procedures

### Rule 4.101 – Applications

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Applications for a license, or the transfer (which, *inter alia*, includes substitution of licensees), or renewal thereof, shall be made upon standard printed forms obtainable at the office of the Board which shall not be altered by the applicant, except by handwritten notation. The information requested thereon shall be filled in by the applicant or under his/her/their personal supervision and shall be typewritten or printed so as to be clearly legible. The completed application shall be signed and notarized under oath that statements therein are true. The completed application (including all documentation as outlined below) shall be submitted to the Board and a review for legal sufficiency will be conducted within fifteen (15) business days of receipt. In the event that the application is deemed to be incomplete, the application together with the application fees will be returned to the applicant along with a statement as to why the application was deemed to be incomplete, subject to any exclusions or limitations by State law. The applicant will be required to resubmit the application, which will need to be reviewed anew for legal sufficiency. Public notice posters (as required under Rule 4.103 herein) shall not be issued until the County Attorney's Office has confirmed that the application together with the required documentation has been reviewed for legal sufficiency and is, in fact, complete. Furthermore, applications will not be placed on the Board's agenda unless the application package is deemed to be complete and has no outstanding violations or "holds" before other agencies, that would preclude approval of the application. In addition, the applicant(s) must append the following documentation:

1. Completed Application, along with posting fee and legal notice fee.
2. Statement of Owner of Premises.
3. Drawing or diagram of Premises (if new license) including seating / bar area.
4. Consent to Transfer (if applicable).
5. Petition (signed by at least ten (10) citizens who are owners of real property and registered voters of the precinct in which the business is to be conducted).
6. Maryland and FBI criminal history report (electronically filed with the Board on approved applications).
7. Authorization for Release of Personal Information.
8. Open Container Affidavit.
9. Bulk Transfer Affidavit (signed by each outgoing owner, if pertinent).
10. Credit rating for each applicant.
11. Certification from an approved Alcohol Awareness Course.
12. Health Permit (the Board may approve the application contingently upon issuance of the same).
13. Use and Occupancy Permit (the Board may approve the application contingently upon issuance of the same).
14. Maryland State Sales Tax ID Certificate.
15. Workers' Compensation certificate of compliance.
16. Lease and/or contract of sale (naming corporate entity).
17. Deed for Property.
18. Affidavit of posting in accordance with Alcoholic Beverages and Cannabis Article, §18-1504.
19. Certification that the applicant and/or his/her/their designee has successfully completed the Crowd Manager E-Course training program offered by the State Fire Marshal found at the following link: <https://mdsp.maryland.gov/firemarshal/Pages/CrowdManagerTraining.aspx>
20. Signed FBI Privacy Act Statement.
21. If applicant is applying for an Open Air Exception:
  - a. Diagram of outside service area, identical to that submitted to the Department of Planning and Growth Management for its Use and Occupancy Permit; and

- b. Photographs of the proposed Open Air Exception area and surrounding area, depicting proximity to street and parking area.
22. In addition to complying with Rule 4.101, where the applicants proposed to operate as a corporation the following requirements must be met:
- a. The applicant(s) shall provide the Board with copies of the current corporate charter and by-laws and a certification of good standing from the State Department of Assessments and Taxation (“SDAT”) (or if applicable, the certifying agency in another state); a stock sheet showing the total amount of stock outstanding and the amount and class owned by each stockholder. This sheet shall also state the name, address and phone number of each officer, director of the corporation, and of each stockholder, in addition to copies of relevant corporate minutes.
  - b. All of the individuals applying for the license must have a pecuniary interest in the corporation. “Pecuniary interest” is defined as ownership of at least twenty percent (20%) of the stock in the corporation. This provision does not apply to an applicant who applies for a BLX license.
  - c. At least one of the stockholders making an application under the provision contained in the Alcoholic Beverages and Cannabis Article, must be a resident of Charles County. In addition, she/he/they must meet the “pecuniary interest” requirement referred to in subsection (b) above.
  - d. Licensees who operate an establishment under the corporate form must report to the Board any stock transfers, redemption, issue, or reissue. These transactions must be reported to the Board in writing within thirty (30) days of the occurrence.
23. In addition to complying with Rule 4.101, where the applicants proposed to operate as a limited liability company the following requirements must be met:
- a. If the application is made for a limited liability company, the license shall be applied for by and issued to three (3) of the authorized persons of that limited liability company, as individuals, for the use of the limited liability company, and at least one (1) of whom shall be a resident of Charles County.
  - b. The application shall also set forth the names and addresses of each of the authorized persons and shall be signed by the three (3) authorized persons to whom the license shall be issued.
    - (i) In the case of a limited liability company, in which there are less than three (3) authorized persons of the limited liability company, all authorized persons shall make the application as provided in this section.
  - c. All of the individuals applying for the license must have a pecuniary interest in the limited liability company. “Pecuniary interest” is defined as ownership of at least twenty percent (20%) membership of the limited liability company. This provision does not apply to an applicant who applies for a BLX license.
  - d. Licensees who operate an establishment under a limited liability company must report to the Board any membership transfers, additions, or redemption. These transactions must be reported to the Board in writing within thirty (30) days of the occurrence.
24. Except as otherwise provided by law, an individual, entity, partnership, corporation, limited liability company, or unincorporated association may not have direct or indirect financial interest in more than one license issued by the Board. In applications for a license, transfer (which, *inter alia*, includes substitution of licensees), or renewal thereof, the identity, address and percentage of ownership of any and all individuals, entities, partnerships, corporations, limited liability companies, and unincorporated associations, having 5% or more of direct and any percentage of indirect (through subsidiary or parent companies) ownership interest in the business conducted on the licensed premises shall be disclosed to the Board in writing.
25. Copy of driver’s license or state-issued ID, featuring the name, photo, birth date and current address of the person signing the application.

#### **Rule 4.102 – Application Fee**

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1. No application for the issuance of a license or transfer shall be accepted unless made on forms prescribed by the Board and unless application and posting fee of Two Hundred Thirty-Five Dollars (\$235) is paid, along with Legal Notice Publication fee, payable to the newspaper of general circulation in Charles County.
2. No application for the renewal of a license shall be accepted unless made on a form prescribed by the Board and unless application fee of One Hundred and Fifty Dollars (\$150) is paid.

#### **Rule 4.103 – Advertising**

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1. The applicant shall cause notice of such application to be published two (2) times, in successive weeks, in one (1) newspaper of general circulation in Charles County. The said notice shall specify the name of the applicant, the corporate entity and trade name, the kind of license applied for, the location of the place of business proposed to be licensed, and the time and place fixed by the Board for hearing upon the application which shall not be less than seven (7) days nor more than thirty (30) days after the last publication.

If the application is for a new alcoholic beverage license, the Clerk of the Board shall notify, in writing, the Board of Education.

2. In addition to the posting requirements set forth in the Alcoholic Beverages and Cannabis Article, the public notice poster shall be not less than 24" x 36" in size, and if the proposed premises are under construction or renovation or not easily accessible to the general public, an additional public notice shall be posted at a perimeter location easily accessible to the public, i.e., at the entrance, driveway or curbside.

#### **Rule 4.104 – License Fees**

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Fees shall be paid by the applicant at the time of the issuance of the license. All checks shall be made payable to the Charles County Treasurer.

#### **Rule 4.105 – Scheduling for Hearing**

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Upon receipt of the wholly completed application with all its supporting documents, the Clerk of the Board shall determine and schedule the time and date of the hearing. She/he/they shall then promptly notify the applicant in writing of the time, date, and place of the hearing and enter a copy of the notice in the Record of Proceedings. A party wishing a continuance of the hearing of the matter shall submit the relevant written request stating the reason to the Board at least ten (10) business days prior to initially scheduled hearing date.

#### **Rule 4.106 – Conduct of Hearing for License, Transfer or Renewal Application**

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1. At the beginning of the hearing, the Chair shall call the docket. At the Chair's discretion, she/he/they may cause to be heard and disposed of all preliminary matters, requests for continuance, and other motions.

Those cases which are not concluded as scheduled may be continued to a day and time fixed by the Board.

2. The applicant shall have the opportunity to state his/her/their case by presenting witnesses, exhibits, and other evidence. All persons testifying shall be required to take the following oath given by the Chair or Clerk of the Board:

*"Do you declare and affirm under penalty of perjury that the testimony which you are about to give is the truth?"*

3. The Board may take a notice of the neighborhood for which the license is sought and the number and the types of licenses therein.

#### **Rule 4.107 – Order of Presentation for License, Transfer, or Renewal Applications**

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1. Introduction of reports and official documents.
2. Applicant's presentation.
  - a. Direct examination of witnesses.

- b. Cross-examination of witnesses by the opposition's attorney and by the County Attorney/Alcohol Enforcement. Normally, the cross-examination shall be conducted by the opposition's attorney or a spokesman, but any person desiring to question the applicant's witness, shall first address the Chair and be recognized, request leave of the Chair to ask questions of the witness, and shall not proceed until such leave is granted. Upon initial recognition by the Chair, the person shall give the following information before questioning the witness:

*Name and address. Questions shall be brief; shall pertain only to statements made by the witness; and shall be interrogatory in nature and not argumentative.*

Questions shall not be preceded by statements, nor shall they contain allusions or motives.

3. Opposition's presentation.
  - a. Direct examination of opposition's witnesses.
  - b. Cross examination of opposition's witnesses.

4. Points of information by Alcohol Enforcement.

5. Rebuttal by applicant.

The applicant may present evidence to rebut any evidence introduced by the opposition and/or Alcohol Enforcement, but no new evidence may be introduced at this time.

- a. Summation of applicant.
- b. Summation of opposition.

6. Board's action.

The Board may determine to grant or deny the application at the end of the presentation, or it may take the case under advisement, for further deliberation and later decision. For proper reasons shown, the Board may continue the case to receive additional evidence at a later time if it is essential in making its decision. The Board may not consider any additional evidence from either side after the hearing is concluded, except in a continued case and then only in public hearing. Any further attempts by either side to influence the decision of the Board after the hearing, is not permitted. Any communications of any kind concerning the subject matter of the hearing shall not be considered.

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#### **Rule 4.108 – Questions by Members**

Any member, upon recognition by the Chair, may question any witness.

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#### **Rule 4.109 – Transfers**

1. In transfers of ownership at the same location or different location, the factors set forth in the Alcoholic Beverages and Cannabis Article shall apply.
2. During the month of April of each and every year the Board shall not act on applications for new licenses or transfers but shall exclusively act on renewal applications.
3. The Board's approval of any transfer to another person or persons may be conditioned upon the submission of evidence that all retail sales, amusement, admission, and withholding taxes have been paid to the Comptroller of the Treasury of the State and that a bulk transfer permit has been obtained if the stock of alcoholic beverages is to be transferred whether by sale, gift, inheritance, assignment, or otherwise, irrespective of whether or not consideration is paid, and that all state and local real and property taxes owed have been paid.
4. Transfer of the management responsibility and/or of any economic benefit associated with the establishment in question may not be made prior to the Board's final approval of the transfer. However, a prospective transferee(s) may work under the existing license for a period not exceeding thirty (30) days provided that the Board approves the arrangement in advance.
5. No transfer other than that referred to in subsection 4 above will be effective until final approval by the Board and no person may assume economic benefit of a license except as may be provided in subsection 4 above.

#### **Rule 4.110 – Renewals**

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1. License renewal application forms will be sent by the Clerk of the Board to the email or the mailing address on record for each licensed premises, approximately thirty (30) days prior to the filing deadline. Renewal application forms can also be obtained on the Board's website. It is incumbent upon the licensee to make certain that this renewal application form has been obtained. Failure to obtain or receive the renewal application form does not relieve the licensee of the requirement to file the renewal application in a timely manner.
2. Applications for renewal of licenses shall be filed with the Board on or before March 31st of each year. If any application for renewal is filed after March 31st, then the Board may impose on the licensee a late filing fee. The Board shall accept late renewal applications through the conclusion of the Board's April hearing. However, no renewal applications will be accepted after the Board's April hearing concludes. Failure to file an application for renewal of license will result in expiration of the license on April 30th at 11:59 p.m.
3. Each application for renewal of license is subject for the Board's consideration and approval during the April hearing. If the application for renewal of license does not get the Board's approval, the license will expire by the operation of the law on April 30th at 11:59 p.m., unless the Board has granted a postponement of the expiration of the license as set forth in Rule 4.110(5). If the existing license expires, an application for a new license shall then be submitted for consideration by the Board, subject to the off-sale license quota for any license with an off-sale privilege.
4. During its April hearing, in case of existence of any outstanding matter(s) related to the licensed establishment which would prevent the Board from approval of the renewal application, the Board may approve such renewal application contingently upon the resolution of the outstanding matter(s) before April 30th of the same year. If the outstanding matter(s) are not resolved timely, the license shall expire on April 30th at 11:59 p.m. by default.
5. A license holder may apply to the Board for a postponement of the expiration of an existing expiring license to avoid hardship. The application for postponement of expiration of the existing license shall be filed by the licensee before the April hearing of the Board. Such application is subject for the Board's consideration and approval during the April hearing. The Board may postpone the expiration of license for an additional period that may not exceed 20 days. The Board shall not consider applications for a postponement of license expiration after April 30th of each year.

#### **Rule 4.111 – Zoning**

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

#### **Rule 4.112 – Applicant's and Transferor's Financial Obligations**

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No application for a new license, a transfer, nor a renewal of a license shall be granted unless all financial obligations of the applicant and transferor concerning the purchase of alcoholic beverages and local, state, and federal taxes pertaining to the licensed establishment have been fully paid.

#### **Rule 4.113 – Decision**

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The final decision or order of the Board denying the application, granting the application, suspending the license, or revoking the license shall be in writing and signed by the Chair. The decision shall be made a part of the Record of Proceedings and shall be filed with the Clerk of the Board and maintained as part of the official records of the Board. On each case final decision shall be issued not later than forty-five (45) days after conclusion of the hearing, unless cause to the contrary be shown. The Board may, upon its own motion and with reason, therefore, extend the time of final decision for a period not exceeding ninety (90) days from the hearing date.

Upon receipt of the Board's final decision and order in any case, the Clerk shall cause copies thereof to be made and mailed to the applicant, and at reasonable cost to any person desiring a copy thereof.

**Rule 4.114 – Appeals**

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1. The decision of the Board may be appealed by an aggrieved party as provided in the laws of Maryland and the Maryland Rules of Procedure.
2. The Clerk of the Circuit Court for Charles County, Maryland, before accepting an order for appeal, shall first require that the person or persons so appealing, file a statement from the Clerk to the Board stating that all costs assessed by the Board have been paid.
3. Before filing an order for appeal in the Circuit Court for Charles County, the person or persons appealing shall pay a fee of One Hundred and Fifty Dollars (\$150) to the Board, which shall be non-refundable.

## Chapter 5: Violations and Enforcement

### Rule 5.101 – Conduct and Order of Presentation in Show Cause Hearings

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Such conduct and order of presentation in Show Cause Orders shall conform to Rule 4.106 and Rule 4.107, *supra*, except that the petitioning party shall be deemed the “applicant” and the responding party shall be deemed the “opposition.”

#### Show Cause Orders.

1. A Show Cause Order shall be served personally at the licensed establishment by the Alcohol Enforcement Officer/Alcohol Inspector upon a licensee, or an individual designated by the Licensee who is employed in a supervisory/managerial capacity. If service in this manner is not possible, the resident licensee shall be served personally at his/her/their address on file with the Board. The Show Cause Order must be served at least ten (10) calendar days before the Show Cause Hearing date.
2. The Board shall decide whether to proceed with a Show Cause Hearing notwithstanding voluntary surrender of the license by the Licensee, or to dismiss the Show Cause Order. If the Board proceeds with the Show Cause Hearing, the Board may impose monetary fine and/or a suspension or revocation of the license upon a finding of a violation.
3. Where a Show Cause Order concerns a first-time violation of Alcoholic Beverages and Cannabis Art. §18-1902.1 (alcohol awareness program/manager on duty requirement) and such violation is not contested, the licensee may admit the violation by signing an “Agreement in Lieu” and pay a One Hundred Dollars (\$100) fine before the hearing date, in which case the licensee’s appearance before the Board in relation to such violation will be waived.
4. All the licensees shall attend the Show Cause Hearing.

### Rule 5.102 – Fines, Suspension or Revocation of Licenses

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All licenses, whether issued before or after the date of adoption of the foregoing Rules and Regulations, may be subject to a fine and/or suspension or revocation by the Board upon finding a licensee in violation of any of the Rules set forth herein or the provisions of the Alcoholic Beverages and Cannabis Article.

1. If, after a hearing, the Board finds a licensee in violation of the laws of Maryland and/or these Rules and Regulations, the Board may impose a fine not in excess of Two Thousand Five Hundred Dollars (\$2,500) and/or suspend or revoke an alcoholic beverage license, upon a license holder for any violation that is cause for such suspension or revocation under the alcoholic beverage laws affecting Charles County, unless otherwise prohibited by the laws of Maryland.
2. If a licensee or an employee of an alcoholic beverage licensee sells alcoholic beverages to a person under twenty-one (21) years of age, the Board shall:
  - a. For the first offense of the licensee, suspend the license for not more than three (3) days or impose a fine upon the licensee not to exceed Seven Hundred Fifty Dollars (\$750), or both; and
  - b. For each subsequent offense of the licensee, impose a penalty upon the licensee as determined by the Board.
  - c. For the first offense of an employee, the Board shall afford the employee an opportunity to sign an “Agreement in Lieu,” stating that she/he/they: 1) will forego attending the Board hearing; and 2) agrees to pay One Hundred Dollars (\$100) fee. Signing the Agreement in Lieu does not mean the admission of guilt by an employee. Both signed Agreement in Lieu and proof of payment of the \$100 fee shall be submitted to the Clerk of the Board before the close of business of the day prior to the scheduled hearing date on the same Show Cause Order, otherwise, the hearing on Show Cause Order will go forward as scheduled. The Clerk of the Board shall maintain a list of first-time offenders. This subsection is not applicable to licensees.
  - d. For each subsequent offense of an employee, impose a fine on the employee not to exceed Five Hundred Dollars (\$500) per offense.
3. If, upon establishing of any violation, the Board decides to impose a fine or suspend an alcoholic beverage license, or both, the Board may hold such penalty, or any portion of it, in abeyance.

**Rule 5.103 – Penalties**

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1. All orders of the Board shall take effect immediately, unless determined otherwise by the Board.
2. Suspensions of license privileges shall begin thirty (30) calendar days after the date of order and shall be on consecutive days that the establishment is open to the public, unless determined otherwise by the Board.
3. Unless otherwise determined by the Board, all monetary fines without a directed suspension, imposed by the decision of the Board, must be paid within thirty (30) calendar days of the date of the order. Any monetary fines with a directed suspension must be paid before the suspended license is returned to the licensee(s) after the expiration of the term of suspension.

**Rule 5.104 – Posting of Notice of Suspension**

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If the Board suspends an alcoholic beverage license of any licensee, the licensee must post a Notice provided by the Board, on or by the date the suspension takes effect. The Notice must be posted in a conspicuous place on the licensed premises at its primary public entrance. The Notice must indicate that the license has been suspended by order of the Board and must include any specific violation of the Maryland State Alcoholic Beverages Laws, these Rules and Regulations, or both. No person may remove or alter the Notice until the suspension period has expired. The Board may have the premises inspected regularly during the suspension period for compliance with this regulation. This posting requirement does not apply to any assessed days of suspension held in abeyance.

## Chapter 6: Standards of Operation

### Rule 6.101 – Ownership and Operation

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1. In individual or partnership situations, every licensee shall be the actual owner of the business conducted on the licensed premises.
2. The identity of any person, not a licensee, having any financial interest in said business shall be disclosed to the Board in writing. The disclosure shall also set forth the percentage of each individual's ownership in the business.

### Rule 6.102 – Records/Invoices

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1. Licensees shall keep on their premises complete and accurate records of the following:
  - a. Invoices, receipts, and bulk transfer documentation of all alcoholic beverages purchased, sold, and received by the licensed establishment for the last two (2) years, organized in vendor order, including for all the inventory purchased and/or received earlier than two (2) years but still present on the licensed premises at the time of inspection;
  - b. Employment records, containing the legal names, addresses, ages, and social security numbers of all persons employed by the licensed establishment for the last two (2) years.
2. All the records shall be available and open for inspection at all times by duly authorized representatives of the Board, the Sheriff's Office of Charles County, the State Police, and other governmental agencies.

### Rule 6.103 – Health, Fire, and Safety Requirements

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1. All licensees will be held to a strict accountability for the enforcement and observance of all health regulations in effect in Charles County, or any incorporated municipality therein, as the case may be, concerning the proper sanitation of eating and drinking establishments.
2. All license holders shall maintain their premises at all times in such a manner as to comply with all applicable rules and regulations in reference to fire prevention and safety.
3. All licensees with an on-sale provision to their alcoholic beverage license shall certify to the Board that they or their designee(s) have successfully completed and continue to maintain Crowd Manager Training Program certification through the State Fire Marshal's Office and satisfy the requirement of one trained person for each 250 people at the establishment.

### Rule 6.104 – Noise and Music

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All licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety, health, and quiet of the neighborhood, where located, and in compliance with the noise ordinances of Charles County, or any incorporated municipality therein.

### Rule 6.105 – License Changes

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Any changes that would alter pertinent information in the files of the Board, *e.g.*, change of resident licensee's home address, change of telephone number, change of officers in the legal entity for the use of which the license has been issued, as well as in its subsidiary and parent companies, and/or any other information necessary for the Board's records are to be immediately and no later than thirty (30) days of such change, reported to the Board in writing.

### Rule 6.106 – Non-Use of License

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The holder(s) of any license issued by the Board whose establishment is to be closed for more than ten (10) consecutive calendar days must obtain the prior written approval of the Board. The written request for closing shall be submitted to the Board at least thirty (30) days before the anticipated date of closing. Failure to comply with this requirement may result in a determination by the Board that the license has expired or is no longer an accommodation to the public. This

section also applies to seasonal closing of a licensed premises, which may be authorized by the Board for not more than six (6) months.

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**Rule 6.107 – Purchase by License Holder**

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No license holder shall purchase alcoholic beverages except from a duly licensed manufacturer or wholesaler. No license holder shall at any time keep, or permit to be kept, upon the licensed premises any alcoholic beverages unless so purchased.

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**Rule 6.108 – Place of Sale**

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No alcoholic beverages may be sold, served, or consumed anywhere on the licensed premises except inside those portions of the permanent building thereon provided for such purpose, unless permission is granted by the Board to serve elsewhere on the premises.

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**Rule 6.109 – Licensed Premises**

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For the purposes of assessing responsibility for any violations of the alcohol laws, the licensed premises shall be deemed to include any and all appurtenant property which the licensee(s) lease, own, or otherwise have an interest in, including the parking lot.

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**Rule 6.110 – Clubs**

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In Charles County, if an existing license has been issued to individuals for the use of a club and thereafter the licensee desires to substitute one or more of the officers of such club, such substitution may be requested by filing with the Board a petition setting forth the necessary information for such substitution without the necessity of filing a formal application of transfer. The person or persons seeking to have his/her/their name placed on the license shall make affidavit as to the information and requirements of Alcoholic Beverages and Cannabis Article on a Substitution of Officer form provided by the Clerk.

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**Rule 6.111 – Trade Names**

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In Charles County, the trade name of the business shall be the same as that appearing on the application, legal notice of hearing, as well as officially registered with the SDAT. Any change in trade name may be approved by the Board upon written request and a hearing before the Board.

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**Rule 6.112 – Minors and Intoxicated Persons**

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1. It is against the law in Maryland to serve alcoholic beverages to any person under the age of twenty-one (21) and/or intoxicated persons. Violations may lead to the issuance of criminal summons and/or the revocation of license.
2. It is also against the law in Charles County for any person under the age of twenty-one (21) to sell or serve alcoholic beverages except in the capacity of a waiter or waitress at eighteen (18) years of age or older serving in conjunction with a meal, unless otherwise noted in the Alcoholic Beverages and Cannabis Article.

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**Rule 6.113 – Nudity and Sexual Displays**

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In Charles County, licensees shall abide by all provisions of the Alcoholic Beverages and Cannabis Article §§ 4-605 and 18-2101 prohibiting nudity and sexual displays. A license issued under the provisions of the Alcoholic Beverages and Cannabis Article and these Rules and Regulations shall be revoked if after a hearing any of the activities listed in that section are found to occur on any premises or location for which the license was issued.

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**Rule 6.114 – Age of Persons Consuming Alcoholic Beverages**

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In Charles County, a licensee may not sell or furnish alcoholic beverages at any time to a person under the age of twenty-one (21) years.

(Ref.: Alcoholic Beverages and Cannabis Article §§ 6-304 and 18-2702).

### **Rule 6.115 – Age of Persons Serving Alcoholic Beverages**

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In Charles County, a person eighteen (18) years of age or older may serve alcoholic beverages in restaurants in connection with the serving of a meal. Persons under twenty-one (21) years of age may not act as bartender or in any solely bar-related capacity in Charles County.

(Ref.: Alcoholic Beverages and Cannabis Article §§ 4-504 and 18-1902).

### **Rule 6.116 – Death of Licensee**

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1. In Charles County, upon the death of any married licensee holding that license for the benefit of a partnership or corporation, upon application to the Board, a new license shall be issued to the (1) surviving spouse; (2) surviving partners for the benefit of the partnership, or (3) the senior surviving officer of the corporation for the benefit of the corporation without the necessity of any further proceedings and for the balance of the current license year. A renewal license may be issued to: (1) surviving spouse; (2) the surviving partners of a partnership; or (3) senior surviving officer of a corporation for the benefit of a corporation if they qualify to hold a license. The Board may issue a renewal license without a hearing.
2. On application to the Board and payment of a fee of \$1 by the personal representative or special administrator of the estate of a deceased licensee, the Board may grant a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased licenses for a period not exceeding 18 months after the death of the license holder.
3. The personal representative or special administrator to whom a certificate of permission has been granted may apply to the Board for the transfer of the license for the benefit of the estate of the license holder. On approval of the application for transfer of the license and payment of the balance of any license fee due until the expiration of the license year, the license is reinstated.

(Ref.: Alcoholic Beverages and Cannabis Article, §§ 4-801 *et seq.*, 18-2301, and 18-2302).

### **Rule 6.117 – Display of Licenses**

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In Charles County, every person receiving a license shall frame the original license under glass and place the same so that it shall be conspicuous and easily read in his/her/their place of business at all times.

(Ref.: Alcoholic Beverages and Cannabis Article §4-508).

### **Rule 6.118 – Employment of Minors by Retail Dealers**

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In Charles County, a person under twenty-one (21) years of age may not be employed by any holder of a Class D beer, wine, and liquor license in the sale of alcoholic beverages and no person under the age of eighteen (18) shall be employed for the sale of alcoholic beverages in any other licensed establishment.

(Ref.: Alcoholic Beverages and Cannabis Article §§ 4-504 and 18-1902).

### **Rule 6.119 – Hours and Days for Sale of Alcoholic Beverages**

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1. In Charles County, the hours of sale for alcoholic beverages shall be Monday through Saturday from 6:00 a.m. to 2 a.m. the following day; and on Sunday from 6 a.m. to Midnight.
2. An alcoholic beverages licensee may sell non-alcoholic beverages on:
  - a. Monday through Saturday, from 5 a.m. to 2 a.m. the next day; and
  - b. Sunday, from 6 a.m. to Midnight.
3. It is unlawful for any licensee, his/her/their agent or employee, to sell any alcoholic beverages or keep part of any premises, where alcoholic beverages are sold or displayed open on any day and hours, other than indicated under subsection 1 of this section. In the case of any on-sale class of license, all bottles and containers must be removed from the table or other surface where bottles and containers are customarily placed on or before the hours of closing indicated in subsection 1 of this section.

4. The hours established in this section for the sale of alcoholic beverages are hereby declared to be in accordance with Eastern Standard Time whenever such time is in effect or in accordance with daylight time whenever such time is in effect.

(Ref.: Alcoholic Beverages and Cannabis Article §§18-2001, 18-2002, 18-2003 and 18-2004).

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**Rule 6.120 – Windows and Doors to be Unobstructed**

In Charles County, no licensee and no agent, servant, or employee of said licensee shall be permitted to sell any alcoholic beverages except in a room having one or more plain glass windows or doors so as to enable persons standing on the outside to observe the interior of the premises at all hours of operation, and no curtain, blind, screen or other obstruction shall be placed before such windows or doors so as to obstruct such outside observation.

(Ref.: Alcoholic Beverages and Cannabis Article §18-1903).

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**Rule 6.121 – Sales to Intoxicated Persons**

In Charles County, a licensee or employee of the licensee is prohibited from selling or furnishing alcoholic beverages at any time to a person who is visibly under the influence of any alcoholic beverage.

(Ref.: Alcoholic Beverages and Cannabis Article §§ 6-307, 18-2703 and 18-2704).

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**Rule 6.122 – Alcohol Awareness Program**

In Charles County, a holder of any class of retail alcoholic beverage license who is authorized to sell alcoholic beverages or an employee designated by the license holder shall complete training in an approved alcohol awareness program and shall be present on the licensed premises at all times when alcoholic beverages may be sold.

(Ref.: Alcoholic Beverages and Cannabis Article §§ 4-505 and 18-1902.1).

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**Rule 6.123 – “Go Cup” Prohibited**

In Charles County, a retail alcoholic beverage licensee may not sell or give any person or otherwise provide any person with a cup commonly known as a “go cup” for off-premises use for consuming alcoholic beverages.

(Ref.: Alcoholic Beverages and Cannabis Article §18-2705).

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**Rule 6.124 – Alcoholic Beverage Containers**

In Charles County, no licensee shall reuse or refill any bottle or other container of alcoholic beverages; nor shall any licensee adulterate, dilute, or fortify the contents (tamper with) of any such bottle or container, with the exception of those permitted pursuant to Alcoholic Beverages and Cannabis Article §18-1102 – Refillable Container Permit – Draft Beer.

(Ref.: Alcoholic Beverages and Cannabis Article §§ 6-313 and 18-1102).

## Chapter 7: Licenses of Specific Types and Permits

### Rule 7.101 – Beer and Wine Festival License

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1. A Beer and Wine Festival license may be granted to qualifying vendors, prospective participants, upon approval by the Board, payment of the fee, and endorsement of the promoter. A public hearing for each vendor shall not be required unless requested by petition from ten persons who are registered voters in the same election district wherein the event is scheduled.
2. The fee for a vendor license for each participating vendor shall be One Hundred Dollars (\$100) and is payable at the time application is made.
3. Participating vendors shall hold an existing retail alcoholic beverage license, a State Class 3 or a State Class 4 limited winery license. A copy of that license shall be attached to the Beer and Wine Festival license application.
4. In the event that the applicant is an alcoholic beverage license holder for a state other than Maryland, in addition to the following, the applicant must supply copies of the necessary permits (i.e., comptroller and any other necessary permits and/or documentation) showing compliance with all laws, rules and regulations relating to the sale, purchase and consumption of alcoholic beverages in Charles County and the State of Maryland.
5. Completed Beer and Wine Festival license applications must be filed with the Board not less than forty-five days before the first day of the event. A completed application shall include:
  - a. A copy of the State license currently held by the applicant;
  - b. The signatures of all those licensees whose names appear on the State license;
  - c. One Hundred Fifty Dollar (\$150) application fee; and
  - d. If out of State vendor, such additional information the Board may require.
6. Participating winery vendors may only sell and display wine that is licensed for sale in the State of Maryland and states. Wine sales shall be at retail and open containers shall be consumed on the festival premises only on the days and at hours designated by the Board for the Charles County Beer and Wine Festival. All opened containers must be consumed or disposed of on the festival premises. Only unopened containers that are commercially sealed with proof of purchase may be removed from the premises of the Beer and Wine Festival.
7. Participating brewery vendors may only sell and display beer that is brewed by a brewer who brews less than 60,000 barrels of beer annually. Beer sales shall be at retail and open containers shall be consumed on the festival premises only on the days and at hours designated by the Board for the Charles County Beer and Wine Festival. All opened containers must be consumed or disposed of on the festival premises. Only unopened containers that are commercially sealed with proof of purchase may be removed from the premises of the Beer and Wine Festival.
8. The Board may issue a Beer and Wine Festival license to a vendor holding an existing alcoholic beverage license of a different class.
9. In accordance with Alcoholic Beverages and Cannabis Article §4-508, all vendors shall be required to display their vendor's license at their concession so as to be conspicuous and easily read.
10. Licensees shall be subject to all provisions of:
  - a. Alcoholic Beverages and Cannabis Article; and
  - b. These Rules and Regulations.

### Rule 7.102 – Open Air Exception a/k/a Outside Service Area

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1. A licensee, wishing to make application to the Board for an Open Air Exception to expand their licensed serving area to include an outside area, shall submit an application and appear before the Board at a regular meeting. In determining whether or not an Open Air Exception shall be granted, the Board shall review each request on an individual basis and consider the impact on the general health, safety and welfare of the community, including issues related to crime, traffic conditions, parking and/or convenience, and the safety of the persons that would use the Open Air Exception area.

2. An application for an Open Air Exception must include the following:
  - a. A diagram identical to that submitted to the Department of Planning and Growth Management for its Use and Occupancy Permit; and
  - b. Photographs of the proposed Open Air Exception area and surrounding area, depicting proximity to street and parking area; and
  - c. The Clerk shall publish a legal notice, as well as prepare a public notice to be posted upon the property by the applicant, in accordance with the publication and posting requirements described in Alcoholic Beverages and Cannabis Article, §18-1504 Publication in Charles County and Rule 4.103 of these Rules and Regulations, the cost of which shall be borne upon the applicant.
3. The Open Air Exception must satisfy the following criteria and requirements:
  - a. The Open Air Exception area shall not exceed 50% of the area of the licensed premises, as defined in Rule 6.109.
  - b. An Open Air Exception for an outside service area is prohibited if located adjacent to a residential area.
  - c. Live entertainment and amplified music shall be prohibited in an outside service area.
  - d. The Open Air Exception area shall be enclosed in a manner to restrict access so that the sale and consumption of alcoholic beverages can be restricted and controlled, by a barrier (wall or fencing), at least 4 ft. tall.
  - e. Ingress and Egress to the Open Air Exception area shall be through the licensed premises only.
  - f. Barriers sufficient to protect against vehicular traffic must be installed and maintained.
  - g. A Use and Occupancy Permit for the outside area (if required), along with photographs incorporating the above-listed requirements, must be submitted to the Clerk before final approval of the outside service area is given.
  - h. Bars or service areas within the confines of the Open Air Exception area shall be prohibited.
  - i. Restraints on the days and times of operation may be imposed by the Board.
  - j. The Board may consider the percentage of food sales vs. alcohol sales.
  - k. The Board may waive any of these criteria or requirements if it concludes, based upon the evidence presented, that the granting of the Open Air Exception would not unduly disturb the peace or otherwise negatively impact the general health, safety and welfare of the community.
4. Upon receipt of the written request for an Open Air Exception in reasonable detail, along with a diagram, before photographs and the Legal Notice fee, the Board will conduct a public hearing to determine if tentative approval is to be granted. If approved, upon build-out, the applicant must present a copy of the approved Use and Occupancy Permit if amended, and photographs depicting the improvements to the Open Air Exception area to the Clerk to the Board.
5. If granted, the applicant and the Board shall enter into a consent agreement identifying the physical dimensions of the Open Air Exception area and the conditions according to which it shall operate. Any deviation from those terms without prior approval of the Board; any relevant violations of the Alcoholic Beverages and Cannabis Article; or, any other indication that the Open Air Exception is disturbing the peace or otherwise negatively impacting the general health, safety and/ or welfare of the community, may result in the Board revoking its consent to the Open Air Exception.
6. Any deviation from the approved Consent Order and/or previously approved specifications and agreements shall be prohibited without a written request and a new hearing before the Board.

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**Rule 7.103 – Per Diem (Temporary) Licenses**

1. The Alcoholic Beverages and Cannabis Article authorizes the Board to issue two (2) types of per diem (temporary) licenses: (1) Class D (beer only) and (2) Class C (beer, wine, and liquor).
2. An application for a temporary license must be filed at least thirty (30) days prior to the desired hearing date. The person signing the application on behalf of the entity must be a resident of Charles County and satisfy one of the

following conditions: be (1) an Officer or Authorized Person with the authority to bind the entity (e.g. club, association, etc.) or (2) shall present a signed and sworn affidavit from the Officer or Authorized Person that confirms that she/he/they is vested with the authority to apply for and hold the per diem license on behalf of the entity. In addition, the applicant must append the following documentation to the application:

- a. Diagram of the premises/area where the event will take place, indicating areas of service of alcohol;
  - b. Copy of driver's license of the person signing the application;
  - c. Proof of non-profit 501(c)(3) status of the entity, together with Tax ID # / Federal Number; and
  - d. Copies of State issued licenses and permits of the vendors who will be serving/selling alcohol at the event (if applicable).
3. Prior to the hearing, the Clerk of the Board will verify that the entity is in "good standing" with the SDAT. Applicants should verify the entity's status prior to filing the Application. Temporary license will not be issued to an entity that is not in good standing.
  4. Within fifteen (15) calendar days following submission, the Clerk will contact the applicant by email to confirm that the application has been reviewed and legally sufficient. All portions of the application must be completed. An application will not be placed on the agenda of the Board until it is legally sufficient. The Board's agenda is finalized approximately ten (10) calendar days prior to hearing and items will not be added to the agenda after it is finalized.
  5. The person signing the application must appear before the Board for the scheduled hearing and be knowledgeable about the event (purpose, scope, etc.). If she/he/they does not have a familiarity with the event, she/he/they may be accompanied by the event organizer, who may offer testimony about the event. At minimum, the person signing the application must be able to confirm the accuracy of the information stated in the application.

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**Rule 7.104 – On -Site Consumption Permit Issued to Holders of a Class 1 Limited Distillery License**

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1. The Board is authorized to issue an On-Site Consumption Permit to the holder of a Class 1 Limited Distillery License (hereinafter referred to as "Manufacturer" in this Rule 7.104).
2. The Manufacturer must complete the form approved by the Board for use in administering this On-Site Consumption Permit program. The form shall be filed at least thirty (30) days prior to a regularly-scheduled hearing date to enable Board staff to review the application for legal sufficiency. There shall be an application fee of Hundred and Fifty Dollars (\$150). Upon verification of legal sufficiency, the Clerk shall place the item on the Board's agenda for consideration.
3. The Manufacturer shall appear at a regularly-scheduled hearing to seek initial approval of the On-Site Consumption Permit. The Manufacturer shall agree to be bound by Alcoholic Beverages and Cannabis Article §§ 4-505 and 18-1902.1 and the issuance of the On-Site Consumption Permit shall be conditioned upon the same. Additionally, the Manufacturer shall agree to be bound by all applicable trade practices and the issuance of the On-Site Consumption Permit shall be conditioned upon the same. If approved by the Board, the On-Site Consumption Permit shall automatically expire on April 30 of each year. The annual On-Site Consumption Permit fee shall be Four Hundred and Sixty Dollars (\$460).
4. The Manufacturer shall file a renewal application and the same shall be processed pursuant to Alcoholic Beverages and Cannabis Article §§ 4-401 *et seq.* and 18-1802.
5. In the event that the Class 1 Limited Distillery License is revoked for any reason, the On-Site Consumption Permit shall immediately expire by operation of law and without any action by the Board.
6. The Manufacturer shall abide by all applicable provisions of the Alcoholic Beverages and Cannabis Article relative to sale and service of alcoholic beverages by holders of locally-issued retail licenses for on-site consumption. In the event that a Manufacturer is alleged to have violated a provision of the Alcoholic Beverages and Cannabis Article, the same process and procedures used for locally-issued retail licenses shall apply, and if the Board determines by a preponderance of the evidence that the violation has occurred, the Board may decide to suspend or revoke the permit.

## Rule 7.105 – Retail Delivery

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1. Each delivery person shall be one of the following:
  - a. a retail license holder; or
  - b. an employee of the retail license holder.
2. All retail license holders desiring to deliver alcoholic beverages shall file an application for retail delivery and receive a letter of authorization from the Board before deliveries may be made. The retail delivery application shall be signed by all the license holders of the licensed establishment. Delivery approval will be noted on the retail license holder's licenses.
3. The original delivery forms and/or approved electronic records of sales, and invoices shall be made available to the Board's inspectors on inspection of the retail license holder's premises.
4. Delivery Protocols:
  - a. Alcoholic beverages shall be delivered in a sealed package or container. No mixed drinks may be delivered.
  - b. To complete the delivery, the delivery person shall require from the intended recipient a government-issued photographic identification, showing that the intended recipient is at least twenty-one (21) years old.
  - c. A delivery person shall refuse delivery if the intended recipient:
    - (i) Is under twenty-one (21) years old; or
    - (ii) Appears to be intoxicated.
  - d. On-Line Delivery Service – Licensees that provide delivery service upon request by customers through any mode of electronic contact (e.g. smartphone application, or internet on-line purchase, etc.), shall deliver those alcoholic beverages in accordance with this section.
  - e. Deliveries may not be made to another licensed establishment.
  - f. Deliveries may be made only within the Charles County.
  - g. Deliveries may only be made until 11:00 p.m.
  - h. The privilege of delivering alcoholic beverages may be withdrawn by the Board if a restriction is not followed.
5. Delivery by a third-party contractor is not allowed (e.g. Door Dash, GrubHub, UberEats, etc.).

## Chapter 8: Validity

### Rule 8.101 – Severability

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Should any section, subsection, sentence, clause, or phrase of these Rules and Regulations be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Rules and Regulations in their entirety or of any part thereof, other than that so declared to be invalid.

The Board hereby declares that it would have adopted these Rules and Regulations and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.

### Rule 8.102 – Amendments

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The Board may amend these Rules and Regulations from time to time.

### Sections of the Alcoholic Beverages and Cannabis Article pertaining to Charles County (NOT all inclusive.)

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4-505, 18-1902.1	Alcohol Awareness Program
4-109, 18-1405	Application, what to contain
4-210, 18-1505	Approval or Denial of License Application
5-303	Beer keg registration
18-1605, 18-1703	BLX Luxury Restaurant License
4-1102, 18-1101	Corkage – consuming wine not purchased at licensed establishment
4-103, 4-104, 4-105, 18-1404, 18-1703	Partnership/Corporation/LLC Application
4-802, 4-803, 18-2301, 18-2302	Death of Licensee
4-508, 18-1901	Display of License
3-605	Effects of Revocation
4-504, 18-1902	Employment of underage individuals
18-2702, 18-2802	Fines - Penalties
18-2001, 18-2002, 18-2003, 18-2004	Hours of Sale/Consumption; Removal of Bottles/Containers; Sale of Non-alcoholic items
4-212	License not property
4-206	Limitation on Retail Floor space

18-2005	New Year's Day
18-1601	Off-sale license quota
4-210, 18-1501, 18-1505	Procedure for Issuance
4-203, 4-204, 18-1307, 18-1308, 18-1501, 18-1503, 18-1601, 18-1605, 18-1606	Prohibition – more than 1 license/person, premises; BLX Exception
18-2501	Prohibition – Bottle Clubs
4-205, 4-303, 4-410, 18-1501, 18-1701, 18-1801	Prohibition – Chain store
6-308, 18-2701	Prohibition – Allowing on-premises possession or consumption of alcoholic beverages not purchased from license holder.
6-309, 18-2701	Prohibition – Allowing on-premises consumption or possession of alcoholic beverages by individual under the age of 21
18-2705	Prohibition – Go cups
4-605, 18-2502	Prohibition - Nudity and Sexual Displays
6-322, 18-2701	Prohibition – Open containers
6-311, 18-2701	Prohibition - Purchase from other than a wholesaler
6-304, 6-307, 18-2702, 18-2703	Prohibition – Sale to minor/intoxicated person
6-313, 18-2701	Prohibition – Tampering/refilling containers
1-408	Recordkeeping and Reporting Requirements – Invoices and Employee records
4-806, 18-2301	Refunds
4-210, 4-214, 4-407, 18-1501, 18-1505, 18-1507, 18-1801	Refusal to issue/renew license
4-402, 4-405, 4-406, 4-805, 18-1801, 18-1803, 18-1804	Renewals, revocation of license; Protest to Renewal

2-202, 18-901	Sampling
18-2202	Seasonal Closing
4-602, 18-2101	Suspend/Revoke, authority
18-1307	Temporary – Class D – Beer Only
18-1308	Temporary – Class C – Beer, Wine, and Liquor
4-302, 18-1702	Transfer of license
4-702, 18-2201	Vacation of premises