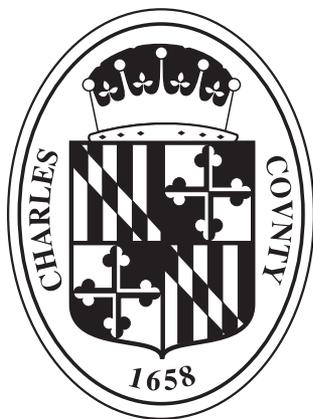


# **Rules & Regulations of the Board of License Commissioners**

*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 be carefully studied and that all employees are familiar with them.

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**Revised and Adopted: April 1998**

**Revised and Adopted: December 2014**

# Chapter 1: Financial Interest

## Rule 1.101 – Financial Interest

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No member of the Board of License Commissioners (BOLC) for Charles County 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 Article 2B of the Public General Laws of Maryland.

# Chapter 2: Procedure

## Rule 2.101 – Organization

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The Board of License Commissioners for Charles County shall consist of five (5) members who shall be appointed by the County Commissioners of Charles County, Maryland. The members shall serve for a period of four (4) years. The Chairman shall be elected by a majority of the Board members on an annual basis.

The County Attorney shall be the legal advisor for the Board of License Commissioners. 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 Clerk shall have the duty and responsibility and shall be responsible to the Chairman for the overall coordination of the officers and employees of the Board of License Commissioners.

## Rule 2.102 – Meetings and Hearings

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The Board of License Commissioners shall hold such meetings and sessions, from time to time, as may be scheduled by the Clerk or be directed by the Chairman. All evidence and testimony shall be presented to the Board of License Commissioners in hearings open to the public. All hearings are broadcast and recorded, and comply with the open meetings act.

## Rule 2.103 – Place of Hearings

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The Place of hearings of the Board of License Commissioners shall be the County Commissioners Hearing Room, Charles County Government

Building, La Plata, Maryland, unless otherwise advertised or designated at the time of hearing.

### **Rule 2.104 – Time of Hearings**

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Hearings shall be held at such times as the Chairman shall direct, or as scheduled by the Clerk.

### **Rule 2.105 – Transcripts**

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1. The Board of License Commissioners shall cause to be prepared an official record of its proceedings in each case which shall include testimony and exhibits.
2. The Board of License Commissioners shall make, furnish and/or arrange to furnish to any person upon request, a transcript or recording, of any part of said recorded proceedings, upon the payment by such a person of the expenses of such transcript or recording as herein provided.
3. All requests for transcripts shall be made in writing. Any person who orders a typewritten transcript of the proceedings as above provided, shall be deemed to have personally guaranteed the payment of the cost of the transcript. The Clerk shall require a reasonable deposit before proceeding with the transcription. The deposit shall be equal to three fourths ( $\frac{3}{4}$ ) of the Clerk's estimate of the cost of transcription. The cost of the transcription shall be the same as provided in the rules of the Seventh Judicial Circuit of Maryland for Court Reporters.

### **Rule 2.106 – Public Attendance**

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The general public and representatives of the news media are encouraged and invited to attend all hearings and reasonable seating facilities shall be provided. All persons attending hearings are expected to maintain order and decorum and to refrain from disturbing the orderly process of the hearing. It shall be the duty of the Chairman to maintain order.

### **Rule 2.107 – Applications**

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Applications for a license, or the transfer or renewal thereof, shall be made upon standard printed forms obtainable at the office of the Board of License Commissioners. The information requested thereon shall be filled in by the applicant or under his 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. In addition, the applicant(s) must append the following documentation:

1. Completed Application, along with posting and legal notice fees.
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 estate 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 BOLC 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
13. Use & Occupancy Permit
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 accord w/Art. 2B, §10-202.
19. Certification that the applicant and/or his designee has successfully completed the Crowd Manager E-Course training program offered by the State Fire Marshal found at [www.firemarshal.state.md.us/crowdmanager](http://www.firemarshal.state.md.us/crowdmanager).

20. In addition to complying with Rule 2.107, where the applicants proposed to operate as a corporation the following requirements must be met:
- a. The applicant(s) shall provide the Board of License Commissioners with copies of the current corporate charter and by-laws and a certification of good standing from the Maryland Department of Assessments and Taxation (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; and 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. A stockholder making an application under the provision contained in the last sentence of Article 2B, Section 9-101 must be a registered voter and taxpayer of Charles County and must have resided in Charles County for a least two (2) years prior to the application. In addition, he/she must meet the "pecuniary interest" requirement referred to in section (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.
  - e. Licensees who operate an establishment under the corporate form shall submit with their renewal application a sworn statement giving the name and address of each officer and director of the corporation. The sworn statement shall also include the name and address of each stockholder who owns outstanding stock and shall show the number of shares and class of stock owned by each stockholder.
21. In addition to complying with Rule 2.107, 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, at least one (1) of whom shall be a registered voter and taxpayer of Charles County and shall also have resided there at least two (2) years before the application.
- 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.
- c. The application for each license shall disclose the name and address of the limited liability company and the name and address of the applicants.
  - 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.
- d. 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.
- e. 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.
- f. Licensees who operate an establishment under a limited liability company shall submit with their renewal application a sworn statement giving the name and address of each member of the limited liability company.

## **Rule 2.108 – Application Fee**

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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, in the amount of Sixty-Two Dollars (\$62), payable to the Maryland Independent.

## **Rule 2.109 – 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 shall notify in writing, the Board of Education and Charles County Public Schools.

2. In addition to the posting requirements set forth in Article 2B, §10-202, the public notice poster shall be not less than 24” x 36” in size, and if the proposed premises is 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 2.110 – 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 Board of License Commissioners.

## **Rule 2.111 – Schedule of Hearings**

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Upon receipt of the application with all its supporting documents, the Clerk of the Board of License Commissioners shall determine and schedule the time and date of the hearing. S/He 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.

## **Rule 2.112 – Conduct of Hearing for License, Transfer or Renewal Application**

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1. At the beginning of the hearing the Chairman shall call the docket. At the Chair’s discretion, S/he 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 of License Commissioners.

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

*“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 judicial notice of the neighborhood for which the license is sought and the number and the types of licenses therein.

## **Rule 2.113 – 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. 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.

1. Opposition’s presentation
  - a. Direct examination of opposition’s witnesses.
  - b. Cross examination of opposition’s witnesses.
2. Rebuttal by applicant

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

- a. Summation of applicant.
  - b. Summation of opposition.
3. Board of License Commissioners' action

The Board of License Commissioners 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.

### **Rule 2.114 – Conduct and Order of Presentation in License Suspension and Revocation Hearing**

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Such conduct and order of presentation in license suspension and revocation shall conform to Rule 2.112 and Rule 2.113, supra, except that the complaining party shall be deemed to be the applicant.

### **Rule 2.115 – Questions by Members**

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

### **Rule 2.116 – Transfers**

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1. In transfers of ownership at the same location or different location, the factors set forth in Article 2B Section 10-202 of the Annotated Code of Maryland 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 oth-

erwise, and 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 Section 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 section 4 above.

### **Rule 2.117 – 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 2.118 – Applicant's and Transferor's Obligations**

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No application for a new license, a transfer or 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 2.119 – Special and Temporary Licenses**

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1. The Board shall have the sole authority to grant temporary Class D beer licenses. The fee applicable to a temporary Class D beer license issued pursuant to said section shall be as stated in Article 2B of the Annotated Code of Maryland. All applications must be approved by the Board of License Commissioners at a Commissioners regular hearing.
2. The Board shall have the sole authority to grant special beer, wine and liquor licenses, Class C. The fee applicable to a temporary license issued pursuant to said section shall be as stated in Article 2B of the Annotated Code of Maryland. All applications must be approved by the Board of License Commissioners at a Commissioners regular hearing.

3. Applicants for a temporary Class D - Beer license or temporary Class C - Beer, Wine and Liquor license shall present to the Board tangible evidence that they are a resident of Charles County acting on behalf of a bona fide religious, fraternal, civic, veterans, hospital or charitable organization.
4. Only associations or corporations which are organized and operated exclusively for educational, social, service, fraternal, patriotic, political, civic or athletic purposes and on a non-profit basis are eligible for special and temporary licenses.

### **Rule 2.120 – Decision**

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The final decision or order of the Board of License Commissioners denying the application or granting the application or suspending or revoking the license shall be in writing and signed by the Chairman. The decision shall be made a part of the Record of Proceedings and shall be filed with the Clerk and maintained as part of the official records of the Board. Each case shall be decided and final decision and order 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 distributed to representatives of the news media, and at reasonable cost to any person desiring a copy thereof.

### **Rule 2.121 – Penalties**

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All orders of the Board shall take effect immediately unless determined otherwise by the Board. Suspensions of license privileges shall begin within ten (10) days of the order and shall be on consecutive days, unless determined otherwise by the Board.

### **Rule 2.122 – Appeals**

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1. The decision of the Board of License Commissioners 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 of License Commissioners stating that all costs assessed by the Board of License Commissioners 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 Seventy-Five Dollars (\$75) to the Board of License Commissioners which shall be non refundable.

### **Rule 2.123 – 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, shall be subject to suspension and/or revocation by the Board of License Commissioners for Charles County upon violation of any of the Rules and Regulations set forth herein or the provisions of Article 2B of the Annotated Code of Maryland.

1. If after a hearing the Board of License Commissioners find a licensee in violation of the laws of Maryland and/or these Rules and Regulations, the Board of License Commissioners may impose a fine not in excess of Two Thousand Five Hundred dollars (\$2,500) or suspend an alcoholic beverage license or both, upon a license holder for any violation that is cause for suspension under the alcoholic beverage laws affecting Charles County, unless otherwise prohibited by the laws of Maryland.
2. If an alcoholic beverages licensee or an employee of an alcoholic beverage licensee sells alcoholic beverages to a person under twenty-one (21) years of age, the Board of License Commissioners may:
  - a. For the first offense, suspend the license for not more than three (3) days or impose a fine not to exceed Seven Hundred Fifty Dollars (\$750) or both; and
  - b. For each subsequent offense, impose a penalty as determined by the Board of License Commissioners.
  - c. If an employee of an alcoholic beverages licensee sells alcoholic beverages to a person under twenty-one (21) years of age, the Board of License Commissioners may impose a fine on the employee not to exceed Five Hundred Dollars (\$500) per offense.
    - (I) If an employee of an alcoholic beverages licensee fails to comply with the written order of the Board of License Commissioners, the Board of License Commissioners shall rec-

ommend to the Alcohol Enforcement Officer/Coordinator that a criminal citation/complaint be filed with the State's Attorney for further criminal prosecution.

## **Chapter 3: Standard Of Operation**

### **Rule 3.101 – 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 3.102 – Records**

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Licensees shall keep on their premises records containing the legal names, addresses, ages and social security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Sheriff's Office of Charles County, the State Police and other governmental agencies.

### **Rule 3.103 – Health, Fire and Safety Requirements**

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All licenses 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.

All license holders shall maintain their premises at all times, in such a manner as to comply with the rules and regulations in reference to fire prevention and safety.

All licensees with an on-sale provision to their alcoholic beverage license shall certify to the Board of License Commissioners that they or their designee have successfully completed and continue to maintain Crowd manager training program certification through the State Fire Marshal's Office.

### **Rule 3.104 – 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.

### **Rule 3.105 – License Changes**

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Any changes that would alter pertinent information in the files of the Liquor Board, e.g., change of resident licensee's home address, change of telephone number, change of officers and/or any other information necessary for the Board's records are to be immediately reported to the Office of the Board of License Commissioners in writing.

### **Rule 3.106 – Non-use 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. 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 in accordance with the provisions of Article 2B, Section 10-504 of the Annotated Code of Maryland.

### **Rule 3.107 – 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.

### **Rule 3.108 – 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.

### **Rule 3.109 – Licensed Premises**

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For the purposes of assessing responsibility for any violations of the liquor 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.

### **Rule 3.110 – 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 of more of the officers of such club, such substitution may be requested by filing with the Board of License Commissioners 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 name placed on the license shall make affidavit as to the information and requirements of Article 2B, Section 10-103.

### **Rule 3.111 – 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 and legal notice of hearing. Any change in trade name may be approved by the Board of License Commissioners upon written request and a hearing before the Board of License Commissioners.

## **Chapter 4: Charles County Beer & Wine Festival**

### **Rule 4.101 – Promoter application**

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1. A prospective promoter of a Beer and Wine Festival to be held in accordance with Article 2B, §8.305 of the Annotated Code of Maryland shall make written application to the Board of License Commissioners (the “Board”) for approval of a promoter, location and date for the event.
2. The prospective promoter shall make application to the Board in a form prescribed by the Board not less than 6 months before the first day of the planned event, at which time it will be placed on the Board’s agenda for a public hearing.
3. Upon approval of a promoter application for the Beer and Wine Festival by the Board, a Class G Beer and Wine Festival license shall be issued to qualifying vendors in accordance with the provisions with Section 5.102 of these Rules and Regulations.
4. The date selected for the Festival shall comply with the requirements of Article 2B, §8-305(g)(2).

5. The location of the Festival shall comply with the requirements of Article 2B, §8-305(g)(3).
6. Upon approval by the Board of License Commissioners of the promoter, location, and dates of the Charles County Beer and Wine Festival, the promoter shall pay to the Charles County Commissioners a permit fee in the amount of Two Thousand Dollars (\$2,000). The permit fee may be waived by the Board of License Commissioners if the promoter qualifies as a bona fide non-profit charitable group or organization licensed to do business in the State of Maryland and at least 50% of the net proceeds to be distributed to Charles County bona fide non-profit charitable group(s) or organization(s).

#### **Rule 4.102 – Class G – Beer & Wine Vendor’s Licenses; Conditions**

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1. A vendor license may be granted to qualifying, 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 Fifty Dollars (\$50) and is payable at the time application is made.
3. Participating vendors shall hold an existing state retail alcoholic beverage license, a state class 3 or a state class 4 winery license. A copy of that license shall be attached to the vendor 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 the County of Charles and the State of Maryland.
5. Completed vendor 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. Endorsement of the promoter;

- c. The signatures of all those licensees whose names appear on the state license;
  - d. Fifty Dollar (\$50) application fee; and
  - e. 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 contiguous 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 Class G - Charles County Beer and Wine Festival license to a vendor holding an existing alcoholic beverage license of a different class.
9. In accordance with Article 2B, §10-505, all vendor's shall be required to display at their concession, their vendor's license so as to be conspicuous and easily read.
10. Licensees shall be subject to all provisions of:
  - a. Article 2B of the Annotated Code of Maryland; and
  - b. The Rules and Regulations of Charles County Board of License Commissioners, which are not inconsistent with this Chapter

#### **Rule 4.103 – Open Air Exception a/k/a Outside Service Area**

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A licensee, wishing to make application to the Board of License Commissioners for an Open Air Exception to expand their licensed serving

area to include an outside area, shall submit a written request 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.

An application for an Open Air Exception must include the following:

1. a. A diagram identical to that submitted to Planning and Growth Management for its Use & 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 Article 2B, Section 10-202 (a-1) Publication in Charles County and Rule 2.109 of these Rules and Regulations, the cost of which shall be borne upon the applicant.
2. The Open Air Exception area shall not exceed 50% of the area of the licensed premises (the area where alcohol is sold and consumed).
3. An Open Air Exception for an outside service area is prohibited if located adjacent to a residential area.
4. Live entertainment and amplified music shall be prohibited in an outside service area.
5. a. 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.
- b. Ingress and Egress to the Open Air Exception area shall be through the licensed premises only.
- c. Barriers sufficient to protect against vehicular traffic must be installed and maintained.

- d. 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.
6. Bars or service areas within the confines of the Open Air Exception area shall be prohibited.
7. Restraints on the days and times of operation may be imposed by the Board.
8. The Board may consider the percentage of food sales vs. alcohol sales.

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.

## Procedure

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 of License Commissioners 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 & Occupancy Permit if amended, and photographs depicting the improvements to the Open Air Exception area to the Clerk to the Board of License Commissioners.

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 Article 2B; 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.

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 of License Commissioners.

## **Rule 4.104 – 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 could 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 serving in conjunction with a meal, unless otherwise noted in Article 2B of the Annotated Code of Maryland.

## **Rule 4.105 – Nudity and Sexual Displays**

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In Charles County, licensees shall abide by all provisions of Article 2B, Sec. 10-405 prohibiting nudity and sexual displays. A license issued under the provisions of Article 2B, 10-405 prohibiting nudity and sexual displays. A license issued under the provisions of Article 2B and the Charles County 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.

## **Chapter 5: Validity**

### **Rule 5.101 – 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 of License Commissions for Charles County 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 5.102 – Amendments**

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

## Sections of Article 2B, Annotated Code Of Maryland Pertaining to Charles County

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<b>Art. 2B</b>	<b>Title</b>
6.101	Sampling
7.101(m)	Class D Temporary
6.201 & 9102	BLX Luxury Restaurant License
9.101	Application for Corporation or LLC
9.102	No more than 1 license per person/premises BLX exception
9.108	Limitation on Retail Floor Space
9.202	Chain Store prohibition
9.209	Proximity to schools, Saturation levels
10.102	Application, what to contain
10.202	Procedure for issuance
10.205	Refunds
10.208	Refusal to issue license
10.301	Renewals, removal of licensee from license, Protest to Renewal
10.403	Authority to Suspend/Revoke
10.404	Disqualification
10.405 & 11.304	Nudity & Sexual Displays
10.501	License not property
10.503(j)	Transfer of License
10.504	Vacation of premises – Closing – seasonal
10.505	Display of License
10.506	Death of Licensee
11.401	Elections
11.402(j)	New Year's Day
11.509	Hours of Sale
12.107	Purchase from other than wholesaler
12.108	Sale to Minor & Intoxicated Persons
12.113	Tampering/refilling - containers
12.209	Saturation levels
12.209.1	Go cups
12.302	Employment of Minors
13.101	Alcohol Awareness program
16.503 & 16.507	Fines – penalties
19.301	Open containers
20-105	Prohibition of Bottle Clubs
21.106	Beer keg registration

## **Age of Persons Consuming Alcoholic Beverages**

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In Charles County, a licensee may not sell or furnish and alcoholic beverages at any time to a person under the age of twenty-one (21) years. (For exact language see Article 2B, Section 12-108, Annotated Code of Maryland.)

## **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 barmaid in any solely bar-related capacity in Charles County. (For exact language see Article 2B, Section 12-209.2 Annotated Code of Maryland.)

## **Death of Licensee**

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In Charles County, upon the death of any married licensee, a license shall be issued to the surviving spouse, for a period not exceeding 18 months after the death of the licensee. (For exact language see Article 2B, Section 10-506, Annotated Code of Maryland.)

In Charles County, upon the death of any licensee holding that license for the benefit of a partnership or corporation, upon application to the Clerk of the Board of License Commissioners, a license shall be issued to the surviving partners for the benefit of the partnership, or the senior surviving officer for the benefit of the corporation without the necessity of any further proceedings for the balance of the current license year. A renewal license may be issued to the surviving members of a partnership or corporation, if they qualify to hold a license. (For exact language see Article 2B, Section 10-506, Annotated Code of Maryland.)

## **Display of Licenses**

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In Charles County, every person receiving a license shall frame his license under glass and place the same so that it shall at all times be conspicuous and easily read in his place of business. (For exact language see Article 2B, Section 10-505, Annotated Code of Maryland.)

## **Employment of Minors by Retail Dealers**

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In Charles County, a person under 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 18 shall be employed for the sale

of alcoholic beverages in any other licensed establishment. (For exact language see Article 2B, Section 12-302, Annotated Code of Maryland.)

## **Hours and Days for Sale of Alcoholic Beverages**

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(For exact language see Article 2B, Section 11-509, Annotated Code of Maryland.)

1. In Charles County, **notwithstanding** any other provisions of this subtitle, the hours of sale for alcoholic beverages shall be as follows:
  - (I) Monday, 6 a.m. to Tuesday, 2 a.m.
  - (II) Tuesday, 6 a.m. to Wednesday, 2 a.m.
  - (III) Wednesday, 6 a.m. to Thursday, 2 a.m.
  - (IV) Thursday, 6 a.m. to Friday, 2 a.m.
  - (V) Friday, 6 a.m. to Saturday, 2 a.m.
  - (VI) Saturday, 6 a.m. to Sunday, 2 a.m.
  - (VII) Sunday, 6 a.m. to Sunday, midnight.
2. An alcoholic beverages licensee may sell non-alcoholic beverages licensee may sell non-alcoholic items on:
  - (I) Monday through Saturday, from 5 a.m. to 2 a.m. the next day; and
  - (II) Sunday, from 6 a.m. to Midnight.
3. It is unlawful for any licensee, his agent or employee, to sell any alcoholic beverages on any day between the hours of 2 o'clock a.m. and 6 o'clock a.m. and that part of any premises where alcoholic beverages are sold or displayed shall be open only during the hours of sale for alcoholic beverages set out in subsection (a) of this section. In the case of any on-sale class of license, all bottles and containers must be removed from the table on or before the hours of closing indicated in subsection (a) of this section. It is unlawful to sell any alcoholic beverages between midnight, Sunday, and 6 o'clock a.m. Monday.
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. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon trial and conviction shall be subjected to a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred and Fifty

Dollars (\$250), or may be confined in the county jail or in the house of correction for not less than sixty days, Or both, in the discretion of the court.

## **Election Days**

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In Charles County, the holder of any license is permitted to exercise all of the privileges conferred by that license on the day of any election. (For exact language see Article 2B, Section 11-401, Annotated Code of Maryland.)

## **Windows and Doors to be Unobstructed**

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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, and no curtain, blind, screen or other obstruction shall be placed before such windows or doors. (For exact language see Article 2B, Section 12-209, Annotated Code of Maryland.)

## **Sales to Intoxicated Persons**

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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. (For exact language see Article 2B, Section 12-108, Annotated Code of Maryland.)

## **Alcohol Awareness Program**

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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 holder shall complete training in an approved alcohol awareness program. (For exact language see Article 2B, Section 13-101, Annotated Code of Maryland.)

## **“Go Cup” Prohibited**

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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. (For exact language see Article 2B, Section 12-209.1, Annotated Code of Maryland.)

## **Alcoholic Beverage Containers**

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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 of any such bottle or container. (For exact language see Article 2B, Section 12-113, Annotated Code of Maryland.)





## Charles County Government

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Equal Opportunity County

[www.CharlesCountyMD.gov](http://www.CharlesCountyMD.gov)



***Mission Statement*** — The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner.

To achieve this goal, our government must be operated in an open and accessible atmosphere, be based on comprehensive long- and short-term planning, and have an appropriate managerial organization tempered by fiscal responsibility.

***Vision Statement*** — Charles County is a place where all people thrive and businesses grow and prosper; where the preservation of our heritage and environment is paramount; where government services to its citizens are provided at the highest level of excellence; and where the quality of life is the best in the nation.