

HOUSE BILL 1319

A2

0lr3394

By: **Delegate Anderton**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **City of Salisbury – Alcoholic Beverages – Local Regulation and Control**

3 FOR the purpose of establishing local regulation and control of alcoholic beverages in the
4 City of Salisbury; requiring that a copy of certain local legislation be sent to the
5 Department of Legislative Services; authorizing the Mayor and City Council to
6 constitute the Board of License Commissioners for the City of Salisbury or delegate
7 certain authority; specifying that the Board of License Commissioners for Wicomico
8 County does not have jurisdiction and may not issue licenses in the City; establishing
9 that the Liquor Control Board for Wicomico County has certain jurisdiction;
10 establishing that certain provisions of law that relate to manufacturer's and
11 wholesaler's licenses apply in the City and certain prohibitions against the sale of
12 beer do not apply; specifying the hours and days manufacturers and wholesalers may
13 sell or deliver alcoholic beverages; limiting the amount of malt beverage a Class 7
14 micro-brewery may collectively brew, bottle, or contract for each calendar year;
15 authorizing the Comptroller to issue a certain license under certain circumstances;
16 authorizing the Board of License Commissioners for the City of Salisbury to issue
17 certain beer and wine and beer, wine, and liquor licenses and prohibit the issuance
18 of a wine license; establishing that certain provisions of law that relate to license
19 privileges and temporary licenses apply; authorizing the Board of License
20 Commissioners for the City of Salisbury to issue certain refillable and nonrefillable
21 container permits for draft beer; authorizing the issuance of certain wine sampling
22 and beer and wine tasting licenses under certain circumstances; establishing the
23 requirements, limitations, hours of sale, and fees for certain permits and licenses;
24 establishing that certain provisions of law that relate to applications for licenses, the
25 issuance or denial, transfer, renewal, revocation or suspension, or expiration of a
26 license, the death of a license holder, judicial review, enforcement, the conduct of
27 license holders, prohibited acts, and penalties apply; providing for the setting,
28 collection, and disposition of certain license fees; authorizing the issuance of multiple
29 licenses under certain circumstances; establishing certain prohibitions and
30 providing for enforcement; authorizing the Board of License Commissioners for the
31 City of Salisbury to set the hours of sale for certain licenses; authorizing the closing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



of a licensed premises for a certain number of months under certain circumstances; authorizing the Salisbury City Police Department to serve a certain summons; authorizing the Mayor and City Council to adopt certain regulations; requiring the Board of License Commissioners for the City of Salisbury to adopt certain regulations; altering certain definitions; defining certain terms; and generally relating to the regulation and control of alcoholic beverages in the City of Salisbury.

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 1–101(m) and (q)
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 28.5–101 through 28.5–2802 to be under the new title “Title 28.5. City of Salisbury”
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

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

Article – Alcoholic Beverages

1–101.

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

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

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

(ii) in Allegany County, Baltimore County, Howard County, Prince George’s County, or Wicomico County, the director of finance;

(iii) in Calvert County, Dorchester County, St. Mary’s County, or Somerset County, the treasurer of the county; or

(iv) in each other county, the board of license commissioners unless another governmental unit is expressly authorized to collect fees under this article.

(2) “Local collecting agent” does not include a clerk of a circuit court.

TITLE 28.5. CITY OF SALISBURY.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

28.5–101.

(A) IN THIS TITLE:

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

(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY OF SALISBURY.

(C) “CITY” MEANS THE CITY OF SALISBURY.

28.5–102.

THIS TITLE APPLIES ONLY IN THE CITY OF SALISBURY.

28.5–103.

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

SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.

28.5–201.

THE MAYOR AND THE CITY COUNCIL MAY:

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

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

28.5–202.

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

28.5–203.

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

(B) THE REGULATIONS:

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

(2) MAY NOT BE INCONSISTENT WITH THOSE PROVISIONS.

SUBTITLE 3. LIQUOR CONTROL.

28.5–301.

THE LIQUOR CONTROL BOARD FOR WICOMICO COUNTY HAS JURISDICTION
AND MAY OPERATE IN THE CITY IN ACCORDANCE WITH THE PROVISIONS OF TITLE
32, SUBTITLE 3 OF THIS ARTICLE.

SUBTITLE 4. MANUFACTURER’S LICENSES.

28.5–401.

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

(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

(2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);

(3) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);

(4) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);

(5) § 2–205 (“CLASS 3 WINERY LICENSE”);

(6) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);

(7) § 2-207 (“CLASS 5 BREWERY LICENSE”);

(8) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);

(9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);

(10) § 2-211 (“RESIDENCY REQUIREMENT”);

(11) § 2-212 (“ADDITIONAL LICENSES”);

(12) § 2-213 (“ADDITIONAL FEES”);

(13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

(14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
AND RETAILERS”);

(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
PROHIBITED PRACTICES”); AND

(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
RETAILERS — PROHIBITED”).

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

(C) SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) OF DIVISION I
OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 28.5-403 OF THIS SUBTITLE.

28.5-402.

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

28.5-403.

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

28.5-404.

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

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

SUBTITLE 5. WHOLESALER'S LICENSES.

28.5-501.

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

- (1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");
- (2) § 2-302 ("CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER'S LICENSE");
- (3) § 2-303 ("CLASS 2 WINE AND LIQUOR WHOLESALER'S LICENSE");
- (4) § 2-304 ("CLASS 3 BEER AND WINE WHOLESALER'S LICENSE");
- (5) § 2-305 ("CLASS 4 BEER WHOLESALER'S LICENSE");
- (6) § 2-306 ("CLASS 5 WINE WHOLESALER'S LICENSE");
- (7) § 2-307 ("CLASS 6 LIMITED WINE WHOLESALER'S LICENSE");
- (8) § 2-308 ("CLASS 7 LIMITED BEER WHOLESALER'S LICENSE");
- (9) § 2-309 ("SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER'S VEHICLE");
- (10) § 2-310 ("SALE AND DELIVERY TO RETAIL LICENSE HOLDER");
- (11) § 2-311 ("ADDITIONAL WHOLESALER'S LICENSES");
- (12) § 2-312 ("DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES");

(13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);

(14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);

(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

28.5-502.

EXCEPT AS PROVIDED IN § 28.5-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

28.5-503.

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

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

SUBTITLE 6. BEER LICENSES.

28.5-601. RESERVED.

SUBTITLE 7. WINE LICENSES.

28.5-701.

A WINE LICENSE MAY NOT BE ISSUED IN THE CITY.

SUBTITLE 8. BEER AND WINE LICENSES.

28.5–801.

THE BOARD MAY ISSUE A LICENSE TO SELL BEER AND WINE, AT RETAIL, FOR:

(1) ON–PREMISES CONSUMPTION; OR

(2) ON– AND OFF–PREMISES CONSUMPTION.

SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.

28.5–901.

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

(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.

SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

28.5–1001. RESERVED.

SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

28.5–1101.

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

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

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

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

(C) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL

1 LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

2 (1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”),
3 SUBJECT TO § 28.5-1102 OF THIS SUBTITLE; AND

4 (2) § 4-1106 (“NONREFILLABLE CONTAINER PERMIT — DRAFT
5 BEER”), SUBJECT TO § 28.5-1103 OF THIS SUBTITLE.

6 28.5-1102.

7 (A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT
8 BEER TO A HOLDER OF A CLASS A LICENSE, CLASS B LICENSE, CLASS D LICENSE,
9 OR CLASS E LICENSE.

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

12 (C) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:

13 (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING
14 LICENSE; AND

15 (2) END AT MIDNIGHT.

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

17 (E) THE ANNUAL PERMIT FEES ARE:

18 (1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE
19 PRIVILEGE; AND

20 (2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN
21 OFF-SALE PRIVILEGE.

22 28.5-1103.

23 (A) THE BOARD MAY ISSUE A NONREFILLABLE CONTAINER PERMIT FOR
24 DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, CLASS B LICENSE, CLASS D
25 LICENSE, OR CLASS E LICENSE.

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

(C) THE HOURS OF SALE FOR A NONREFILLABLE CONTAINER PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

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

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ANNUAL PERMIT FEES ARE:

(I) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND

(II) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.

(2) AN APPLICANT WHO HAS A REFILLABLE CONTAINER PERMIT MAY NOT BE CHARGED A FEE FOR A NONREFILLABLE CONTAINER PERMIT.

SUBTITLE 12. CATERER'S LICENSES.

28.5-1201. RESERVED.

SUBTITLE 13. TEMPORARY LICENSES.

PART I. IN GENERAL.

28.5-1301.

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

28.5-1302. RESERVED.

28.5-1303. RESERVED.

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

28.5-1304.

(A) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS

1 **WS WINE SAMPLING LICENSE.**

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

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

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

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

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

12 **(D) THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT**
13 **LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.**

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

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

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

20 **28.5–1305.**

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

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

26 **(C) THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW**
27 **ON-PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING.**

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

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

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

(E) THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.

28.5-1306. RESERVED.

28.5-1307. RESERVED.

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

28.5-1308. RESERVED.

SUBTITLE 14. APPLICATIONS FOR LICENSES.

28.5-1401.

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

(1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);

(2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);

(3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

(4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);

(5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

(6) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”);

(7) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

(8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);

(9) § 4-111 (“PAYMENT OF LICENSE FEES”);

(10) § 4-113 (“REFUND OF LICENSE FEES”); AND

(11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

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

(1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 28.5-1402 OF THIS SUBTITLE; AND

(2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 28.5-1403 OF THIS SUBTITLE.

28.5-1402.

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

28.5-1403.

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

28.5-1404.

THE MAYOR AND CITY COUNCIL MAY:

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

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

SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.

28.5-1501.

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

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

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

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

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

(5) § 4-209 (“HEARING”);

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

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

(8) § 4-212 (“LICENSE NOT PROPERTY”);

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

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

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

(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 28.5-1502 OF THIS SUBTITLE;

(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 28.5-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 28.5-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE.

28.5-1502.

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

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

1 **28.5–1503.**

2 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
3 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
4 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

5 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
6 **LICENSES; AND**

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

9 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

10 **PART I. LICENSING CONDITIONS.**

11 **28.5–1601. RESERVED.**

12 **28.5–1602. RESERVED.**

13 **PART II. MULTIPLE LICENSING PLANS.**

14 **28.5–1603. RESERVED.**

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

16 **28.5–1701.**

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

20 **SUBTITLE 18. RENEWAL OF LICENSES.**

21 **28.5–1801.**

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

25 **(1) § 4–403 (“RENEWAL APPLICATION”);**

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

(3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);

(4) § 4-406 (“PROTESTS”);

(5) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);

(6) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);

(7) § 4-409 (“MULTIPLE LICENSES”); AND

(8) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

(B) SECTION 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 28.5-1802 OF THIS SUBTITLE.

28.5-1802.

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

SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

28.5-1901.

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

SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.

28.5-2001.

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

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

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

28.5–2002.

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

28.5–2003.

THE BOARD MAY SET THE HOURS OF SALE FOR BEER AND WINE LICENSES.

28.5–2004.

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

SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

28.5–2101.

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

SUBTITLE 22. EXPIRATION OF LICENSES.

28.5–2201.

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

28.5–2202.

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

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

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

SUBTITLE 23. DEATH OF LICENSE HOLDER.

1 **28.5–2301.**

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

4 **SUBTITLE 24. JUDICIAL REVIEW.**

5 **28.5–2401.**

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

8 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

9 **28.5–2501.**

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

12 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

13 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

14 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
15 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
16 **BUSINESS REGULATION ARTICLE.**

17 **(B) AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE**
18 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW**
19 **CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN**
20 **SUBSECTION (A) OF THIS SECTION.**

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

23 **SUBTITLE 26. ENFORCEMENT.**

24 **28.5–2601.**

25 **(A) SUBJECT TO REGULATION BY THE CITY OF THE POSSESSION OR**
26 **CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY OWNED BY THE**
27 **CITY OR ON A PUBLIC HIGHWAY, THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE**

2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

(1) § 6–202 (“INSPECTIONS”);

(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);

(3) § 6–205 (“PEACE OFFICERS”);

(4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGES”);

(5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(8) § 6–211 (“FINES AND FORFEITURES”).

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

(C) SECTION 6–204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 28.5–2602 OF THIS SUBTITLE. 28.5–2602.

IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204 OF THIS ARTICLE, THE CITY POLICE DEPARTMENT MAY SERVE A SUMMONS.

SUBTITLE 27. PROHIBITED ACTS.

28.5–2701.

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

(1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

(2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);

(3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);

(5) § 6-310 (“PROVIDING FREE FOOD”);

(6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);

(7) § 6-312 (“BEVERAGE MISREPRESENTATION”);

(8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);

(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(13) § 6-320 (“DISORDERLY INTOXICATION”);

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC

1 BEVERAGES”);

2 (17) § 6-327 (“TAX EVASION”);

3 (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

4 (19) § 6-329 (“PERJURY”).

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

7 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
8 INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND

9 (2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).

10 (C) SECTION 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
11 INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY,
12 SUBJECT TO § 28.5-2703 OF THIS SUBTITLE.

13 28.5-2702.

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

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

19 (1) THE INDIVIDUAL WILLFULLY REPRESENTED THAT THE
20 INDIVIDUAL IS AT LEAST 21 YEARS OLD AND OBTAINED AN ALCOHOLIC BEVERAGE;
21 AND

22 (2) THE DEFENDANT PROVES AT THE TRIAL THAT:

23 (I) MISREPRESENTATION OF AGE OCCURRED;

24 (II) DUE CAUTION WAS USED IN ASCERTAINING THE AGE OF THE
25 INDIVIDUAL BEFORE PROVIDING THE ALCOHOLIC BEVERAGE TO THE INDIVIDUAL;

26 (III) IN THE EXERCISE OF DUE CAUTION, THE DEFENDANT WAS
27 DECEIVED BY THE USE OF DOCUMENTARY EVIDENCE; AND

1 (IV) BECAUSE OF THE USE OF DOCUMENTARY EVIDENCE, THE
2 DEFENDANT WAS UNABLE TO ASCERTAIN THAT THE INDIVIDUAL WAS UNDER THE
3 AGE OF 21 YEARS.

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

6 (D) THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE
7 HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF THIS
8 SECTION DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY
9 AGAINST THE LICENSE HOLDER FOR THE VIOLATION.

10 **28.5-2703.**

11 THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR
12 AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS
13 ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY
14 AGAINST THE LICENSE HOLDER FOR THE VIOLATION.

15 **SUBTITLE 28. PENALTIES.**

16 **28.5-2801.**

17 SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE
18 APPLIES IN THE CITY.

19 **28.5-2802.**

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2020.