**BOARD OF LICENSE COMMISSIONERS**

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Information about the board, a copy of this document and some useful

Forms and applications are available at:

<http://www.wcliquorboard.com/>

Revised Rules and Regulations Adopted: June 23, 2004

Updated: August 7, 2019

 ***THIS IS YOUR COPY OF*** ***THE REVISED LAWS, RULES AND REGULATIONS OF BOTH THE ANNOTATED CODE OF MARYLAND AND THE ADAPTIONS BY THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY MARYLAND.***

 ***PLEASE READ IT THOROUGHLY, IT IS YOUR RESPONSIBILITY TO UNDERSTAND AND TO COMPLY WITH THE RULES STATED THEREIN. NOT ALL INFORMATION REGARDING ARTICLE 2B OF THE ANNOTATED CODE OF MARYLAND IS LISTED HEREIN; ALL APPLICABLE LAWS SHALL BE ENFORCED.***

 ***IF THERE IS A PROBLEM PLEASE FEEL FREE TO CALL OUR OFFICE AND THE STAFF OR BOARD MEMBERS WILL BE GLAD TO ASSIST YOU.***

***THE BOARD MEETS EVERY WEDNESDAY MORNING FROM 10 AM TO 12 PM PLEASE CALL FOR AN APPOINTMENT 301-797-4591.***

**THANK YOU FOR YOUR COOPERATION**

**THE BOARD OF LICENSE COMMISSIONERS FOR**

**WASHINGTON COUNTY**

**This revised booklet of The Rules and Regulations**

**Adopted by the Board of License Commissioners for**

**Washington County, Maryland**

**Updated: August 7, 2019**

**CONDENSATION OF LAWS**

**INCLUDING**

**RULES & REGULATIONS**

**APPLICABLE TO RETAIL LICENSEES**

**OF ALCOHOLIC BEVERAGES**

**IN WASHINGTON COUNTY, MARYLAND**

**AS PRESCRIBED AND ADOPTED BY THE**

**BOARD OF LICENSE COMMISSIONERS**

**FOR WASHINGTON COUNTY, MARYLAND**

**IN ADDITION, ALL DEED RESTRICTIONS**

**NOT DECLARED ILLEGAL OR UNCONSTITUTIONAL,**

**ALL FEDERAL, STATE, COUNTY AND**

**TOWN ORDINANCES AND REGULATIONS**

**SHALL APPLY, ALONG WITH ALL**

**BUILDING CODE, ZONING CODE,**

**FIRE CODE, HEALTH DEPARTMENT REQUIREMENTS.**

**THE BOARD SHALL HAVE FULL POWER AND**

**AUTHORITY TO ADOPT SUCH REASONABLE**

**RULES AND REGULATIONS AS THEY MAY**

**DEEM NECESSARY TO ENABLE THEM**

**EFFECTIVE TO DISCHARGE THE DUTIES**

**IMPOSED UPON THEM BY ANNOTATED CODE OF MARYLAND**

**SEC. 16-301**

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**RULE NO. 1**

**BOARD OF LICENSE COMMISSIONERS –**

**HOURS OF OPERATION AND HOLIDAYS -** The office of the Board of License shall be open Monday through Friday, from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m.

The Board shall meet every Wednesday beginning at 10:00 a.m. and continuing until adjournment. However, in the event of an extremely long agenda, the Board may declare a lunch recess.

The Board and all of its personnel shall observe all County holidays and those as specified for the Washington County Court House. The Board will not convene on a Wednesday immediately following any County holiday if that County holiday is on a Tuesday.

When Christmas and New Year’s Day fall on a Wednesday, the Board shall not convene on those dates. Also when these holidays fall on another day of the week, the Board shall not convene on the preceding Wednesdays. **Effective 06/14/2017**

**NEW APPLICANTS & TRANSFERS -** Applicant(s) for new license or Buyer(s) for transfer of license have the same requirements. It will be necessary to submit to the Board, **at the same time your application is filed, the following documents.**

* Application Fee - $300.00
* New License Applicants or Transferee’s Requirements

(a) 21 years of age or over

(b) Registered Voter

(c) No Felonies or Serious Criminal Convictions

(d) (1 applicant) Must be Washington County Resident and a United States Citizen

 - New Application – information from all licensee(s)

* Waiver for Records Inspection (needs to be filled out by licensee’s)
* Incumbency Certificate for LLC
* Incumbency Certificate for Corporations
* Articles of Organization (for LLC’s and Corporations) and needs to be in Good Standing
* Individual Business Interest Financial Affidavit
* Affidavit for Resident Licensee (Filled out by (1) Washington County Resident)
* Affidavit for Licensee or licensee’s
* Background Questionnaire – (Each Licensee including Resident must complete this form)
* Colored Copy of Valid Driver’s License – (For all Licensee’s) (Must match all paper work)
* Copy of Voters Registration Card – (For all Licensee’s) (Must match all paper work)
* Federal ID Number
* Plat/Drawing of entire premise plus indicating location of storage and sale of Alcohol on premises
* Zoning Certification from either the City of Hagerstown or Washington County
* Copy of Sales & Use License (Must have LLC or Corporation Name, Trade Name and Establishment Address on the license and not the licensee’s home address.)
* Copy of Traders License with current fiscal year. (Must have LLC or Corporation Name, Trade Name and Establishment Address on the license and not the licensee’s home address.) – **(Transferee’s excepted the date of the Final Hearing)**
* Copy of Lease or Ownership of Location
* Finger printing will need to be scheduled when you turn application in.
* Copy of Full Menu if applying for a Class B-Restaurant License
* Hours of Operation
* **NO NEW APPLICANTS OR TRANSFER FROM MARCH 1 TO JUNE 30**
* **OF ANY FISCAL YEAR.**

**PURSUANT TO MD. CODE ANN., § 4 - 109:**

**NOTE: Licenses are issued to individuals. Applications may be made on behalf of or for the use of a partnership, corporation or club, or limited liability company.**

In **all cases,** at least one individual license applicant must:

1. Be a United States citizen and a registered voter in Washington County, Maryland; and
2. Has been a resident of Washington County, Maryland, for at least two (2) years prior to application.

**All applicants** must have a pecuniary interest in the business to be conducted under the license.

1. **PARTNERSHIPS.** If the application is on behalf of a **partnership**, the license shall be applied for by and be issued to all of the partners as individuals, **all of whom** shall have resided in Washington County for at least two (2) years prior to application. Partnerships must provide a copy of any written partnership agreement. If there is no written partnership agreement, submit a resolution reflecting names of all partners and their percentage interest. Limited liability partnerships must provide the Certificate of Limited Liability Partnership filed with SDAT.**MD. Code Ann., §4-103**
2. **CORPORATIONS OR CLUBS.** If the application is on behalf of a **corporation** or **club** (incorporated or unincorporated), the license shall be applied for by and be issued **to two (2) or three (3) of the officers of that corporation** **or** (3) officers for a club, as individuals, for the use of the corporation or club, at least one of whom shall be a registered voter and taxpayer of Washington County for at least two (2) years prior to application. The application must be signed by the president or vice president, as well as by the officers to whom the license shall be issued. Corporations must provide copies of: Articles of Organization, By-Laws, certificate of all issued stock or stock ledger reflecting the same, corporate resolution/secretary’s certificate naming all officers by title and authorizing the application by the applicants. **MD. Code Ann., §4-104**
3. **LLC’S.** IF the application is made on behalf of a **limited liability company,** the license shall be applied for by and be issued to **one to three (1 to 3) of the authorized persons of that limited liability company**, as individuals, for the use of the limited liability company. At least 1 of the individual applicants shall be a registered voter, taxpayer and resident of Washington County for at least two (2) years prior to application. **all** authorized persons shall make the application. (“Authorized person” means any person, whether or not a member, who is authorized by the articles of organization, by an operating agreement, or by unanimous consent of the members and any other person whose consent is required by the operating agreement, to execute or file a document required or permitted to be executed or filed on behalf of a limited liability company or foreign limited liability company under this title, or to otherwise act as an agent of the limited liability company. An Incumbency Certificate will be required of LLC’s. **MD. Code Ann., §4-105**
4. **All Sole Proprietors, LLC’s, Partnerships, Corporations, and Clubs** must provide the business’s State Department of Assessments and Taxation Department ID Number.

The Final Hearing will be scheduled on Wednesday, six (6) to ten (10) weeks after completed application has been turned in **and approved by the Commissioners, based on Class of license applying for applicants may have to meet before the Board before the scheduled Final Hearing date.** **All Licensees’ must be present at the Final Hearing. (Effective August 2, 2017)**

Transferors may or may not be present at the Final Hearing, as long as the consent for Transfer has been received.

To verify compliance with Commercial Law Section 6-104, Seller(s) shall submit a copy of the Bulk Sales Affidavit with listing of all creditors and/or claimants and amount of claim to the office of the Comptroller of Maryland with a $200.00 fee.

**The Following Documents will need to be received 10 business days prior to Final Hearing:**

* Finger printing results – Final Hearings maybe cancelled if finger printing is not received 10 days before hearing date.
* 2 - Alcohol Awareness Certifications (Call for various class locations)
* 1 - Crowd Management Certificate – www.crowdmanagers.com/training
* Transferee Cleared with Gaming, State & County **(final hearing will be cancelled two days prior to hearing date if Board has not received clearance by the State and the County)**
* Copy of Health Department Inspection (if applicable)
* Copy of Fire Department (if applicable)

**RULE NO. 3**

**DISPLAY OF LICENSES –** Every person receiving a license under the provisions of this article shall frame their licenses under glass and post so it is clearly visible to the public and the Boards inspectors. **(****Annotated Code of Maryland § 4-508).** All original alcoholic beverage licenses, trader’s license and sales and use license should be displayed. **Updated 1/24/2019**

**RULE NO. 4**

**AUTHORIZATION & ISSUANCE -** Before the license is issued, the premises and business for which any new license or transfer of license is sought must conform to all applicable governmental regulations and laws, including but not limited to Zoning, Health Department requirements and Fire Marshall Codes. There shall be not more than one alcoholic beverage license issued to any premises where a licensed establishment exists. **Annotated Code of Maryland § 4-204 Updated 5/23/2018**

**RULE NO. 5**

**RENOVATIONS OR CONSTRUCTION -** Once any type of alcoholic beverage license has been issued for a specific building, **the licensee shall notify the Board and receive approval prior to making any major renovations or changes** in the license premises. A major renovation or change shall be deemed to be alteration in the building or its fixtures. This may require approval by Health Department and Fire Marshall. **Updated 6/4/2013**

**RULE NO. 6**

**DELIVERY –** This Section applies only to Class A (off sale only) licenses, Class B (on and off sale) license and Class D (on and off sale) licenses.

**Annotated Code of Maryland § 4-507 formerly cited as MD CODE, Art. 2B, § 12-301**

Retail delivery to a purchaser of any alcoholic beverages is prohibited unless:

A retail license holder obtains a letter of authorization from the local licensing board to make deliveries; and the delivery is made from the licensed premises by the retail license holder or an employee of the retail license holder.

**WC Boards Condensation or Rules and Regulations:**

The licensing authority regulates the delivery is made from the retail licensed premises by the retail license holder or employee of the retail license holder authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made; and the retail license holder obtains a letter of authorization from the local licensing authority to make deliveries.

1. The delivery person must be 21 years of age or over.
2. The delivery person must be alcohol awareness certified.
3. The person who is ordering the alcohol and receiving the alcohol is over the age of 21 and is carded at the time of delivery.
4. The liability rest completely on the owner, licensees and the delivery person.
5. All delivery transactions must be filed and kept for a year.

**Effective July 1, 2016**

**MD Code, Alcoholic Beverages, §4-507 Formerly cited as MD CODE, Art. 2B §12-301**

**RULE NO. 7**

**PATIO AREA -** The holder shall comply with all rules and regulations applicable to the issuance of the principal Class B License, Class D or Class B Restaurant (Pouring) License and with all municipal ordinances and Fire and Health Department regulations.

These rules apply to Patios, Decks, Horseshoe Pits and any other outdoor areas where licensees may serve alcoholic beverages with the exception of Sidewalk Cafes, which are covered under **Annotated Code of Maryland § 8-222(d)(1). Update 11/20/2017**

Plans must be submitted to, and discussed with, the Board, prior to the beginning of any renovation or construction of any patio, deck, and/or other outdoor area where licensees may serve alcoholic beverages. All relevant City and County Ordinances must be observed, as well as all Health Department and Fire Marshall codes and/or requirements regarding usage, noise control, etc. ***There must be an emergency exit to the patio with a push bar that is approved by the Fire Marshall and Board.***

The height, size, construction and security aspect of the fence or privacy shield shall be considered by the Board on a case by case basis. In considering the plans for the fence or privacy shield, the Board will consider the architectural structure, the neighborhood, the aesthetic appearance of the structure, and the security of the patio. The security of the patio and/or deck must be such that it prevents alcoholic beverages from being passed out through it. ***Only entrance and exit to the Patio is through the licensed premises. Updated 5-7-2014***

An outside serving bar may be permitted if approved by the board provided it does have bar seating arrangements and is covered by a waitress or an employee that has had Alcohol Awareness Training and is certified.

Music may be piped to the patio, and live entertainment of a band or a sporting event by television may be permitted, if approved by the Board. The Board will consider the demographic location of the establishment with regard to noise violations and/or to maintaining the peace and quiet of the neighborhood on an individual basis at all times. All laws and regulations regarding control of licensed premises must be observed in outside areas. **Updated 5/7/2014**

**RULE NO. 8 - § 13-101 – Alcohol Awareness Program requirements**

A program approved and certified by the State Comptroller that includes instruction on how alcohol affects a person’s body and behavior; provides education on the dangers of drinking methods for serving customers to minimize the chance of intoxication and ceasing service before the customer becomes intoxicated.

A licensee authorized to sell any alcoholic beverages and/or an employee designated by the licensee, shall complete prescribed training in an Alcohol Awareness Program certified by the State Comptroller. Certificate of Completion shall be issued for completion of such certified program. Such certificate shall be presented and readily available upon request to the proper authorities upon request. Certification must be renewed at least every four (4) years.

**§ 31-1903 – Alcohol Awareness Program**

The licensee or an individual designated by the license holder who is employed in a supervisory capacity shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol may be sold. The person certified by an approved alcohol awareness program may be absent from the licensed premises for a personal or business reason or an emergency, if the absence lasts for no more than 2 hours.

The Board of License Commissioners shall require the licensee to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence. ***Any licensed establishment that does not have a State Alcohol Awareness Certified person or persons on duty at all times will be in violation and will be fined $100.00 and for each subsequent offense a fine not to exceed $500.or a suspension or revocation of the license or both.***

**Updated 11/20/2017**

**RULE NO. 9**

**HOURS AND DAYS OF OPERATION -** The hours for legal sale of alcoholic beverages of **ALL LICENSE CLASSES** shall be:

Monday – Saturday - 6:00 a.m. to 2:00 a.m.

Sunday 12:00 p.m. to 12:00 a.m.

**If a Federal or State holiday on a Monday, then the licensed establishment can stay open until 2 am on that Sunday before the holiday.**

Class B, Class C, and B Restaurant may sell and serve alcoholic beverages from **11:00 am to 12:00 midnight, providing the customer is also consuming a meal.**

No alcoholic beverages shall be sold, served, dispensed, furnished, given away or consumed in any part of the licensed premises during the hours when legal sales are prohibited by law. **All tables and counters must be clear of bottles, glasses or cups containing any alcoholic beverages after the closing hour. Updated 11/20/2017**

**RULE NO. 10**

**DAYLIGHT SAVINGS TIME –**

**Spring Daylight Savings Time** – at 12:01 a.m. you will set your clocks forward one (1) hour.

**Fall Daylight Savings Time –** at 12:01 a.m. you will set your clocks back one (1) hour.

All licensed establishments that sell alcoholic beverages will abide by the closing time designated by the Board of License Commissioners Condensation of Laws (BLC) as it is before the clocks are turned forward or back. **No establishment will be allowed to turn back their clock and reopen for an extra hour.** **Effective 6/5/2013**

**RULE NO. 11**

**NEW YEARS EVE** - When December 31st (New Year’s Eve) falls on a Sunday, the holder of a Special Sunday Sales license may make sales of those beverages authorized by his license, for on-premises consumption only, from 12:00 noon to 2:00 a.m. on Monday, January 1st.

**§ 31-2005 – WHEN NEW YEAR’S EVE FALLS ON SUNDAY**

The holder of a weekly on-sale license, but not a Special Sunday Sales annual license may purchase a one-day license for Sunday, December 31st for on-premises consumption of those beverages covered by his weekly license. The cost of this special one-day license is $50 and authorizes sales of the beverages from 12:00 noon to 2:00 a.m. on Monday, January 1st.

**Updated 6/7/2019**

**RULE NO. 12**

**CHRISTMAS PARTIES** - Class B, Class D or “Restaurant License” establishment may be closed to the general public one evening between the Thanksgiving Holiday and New Year’s Day for a private Christmas party for employees and/or patrons.

The party shall be entirely at the owner’s expense; no alcoholic beverage sales are permitted during this time. Nor may the owner make any admission charge to the premises. All other laws and regulations applicable to the license holders shall apply. To close the licensed establishment for this purpose, the licensee must advise this Board in writing and post a notice on the door of the premises at least two (2) weeks in advance of the selected date. **Effective 7/11/2013**

**RULE NO. 13**

**§ 31-1902 – EMPLOYMENT OF UNDERAGE INDIVIDUALS**

In Washington County a license holder may employ an individual who is:

1. at least 18 years old to sell, serve, deliver, or otherwise deal with alcoholic beverages or
2. may employ a person 16 year of to perform any other task other than to sell, serve or deliver alcoholic beverages. **Updated 6/7/2019**

**RULE NO. 14**

**RECORD LISTING -** All licensees shall maintain on their premises a record of the names, addresses, ages of all persons employed on said premises. Such record shall be exhibited at any time, upon request, to an authorized representative of the Board.  **Updated 6/7/2019**

**RULE NO. 15**

**§ 12-301 – OUTSIDE SOLICITATIONS BY RETAILERS; DELIVERY**

In General – A retail dealer may not employ any solicitor or salesman, for the purpose of soliciting, outside of the licensed place of business, orders for the sale of any alcoholic beverages within this State. The sale of alcoholic beverages may not be consummated outside of the licensed place of business. These provisions do not prohibit the receiving of orders by mail, telephone or messenger and the filling of such orders by delivery and the payment for them at the place of delivery. **Updated 6/7/2019**

**RULE NO. 16**

**SALES CONTROL** - In order for a licensee and his employees to be able to determine and control the amount of alcohol to be sold and consumed by the public, neither the licensee nor any of his employees shall consume any alcoholic beverages while on duty anywhere in the license premises, including the areas behind the bar.

**RULE NO. 17**

**PRESENCE OF MINORS IN LICENSED PREMISES –** Under the provisions of **§ 12-111 -Loitering prohibited; serving meals – of the Annotated Code of Maryland** it shall be unlawful for any person under the age of twenty-one (21) years to loaf or loiter about the licensed premises. Restaurants may, however, serve meals without alcoholic beverages to any person. In **Washington County Condensation of Laws** no one under the age of 21 should or can be seated at the bar! **Updated 11/20/2017**

**RULE NO. 18**

**BARRING NO ADMISSION** - Barring No Admission Notices must be completed by the licensee or manager at the time of the barring. Once completed it must be sent to the person that was Barred, Washington County Liquor Board. It was state the name of the person Barred, date and time of incident, and the reason for the barring. It must also list the length of Barring such as 30, 60 or 90 days or Permanently. **Updated 6/16/2011**

**RULE NO. 19**

**SALES TO MINORS AND INTOXICATED PERSONS PROHIBITED –** A license holder or an employee of a license holder who is charged with a violation of the Annotated Code of Maryland Alcoholic Beverage Articles.

**31-2702 – Selling or providing alcoholic beverages to individual under the age of 21 years – Criminal procedure**

1. Any licensee or any employee of the licensee who is charged with a violation of this subsection shall receive a summons to appear in court on a certain day to answer the charges place against that person. The person charged may not be required to post bail bond pending trial in any court in the State.
2. A licensee or employee of the licensee who is charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection if the person establishes to the satisfaction of the jury or the court sitting as a jury that the person used due caution to establish that the person under 21 years of age.
3. **A violation of §6-304 of this article is a misdemeanor.**
4. **If an employee of a license holder violates §6-304 of this article, the Board may impose on the employee a fine not exceeding:**
5. **For the first offense $100.00 and $250 for a second offense or subsequent offense payable within 30 days or they must appear before the Board to show just cause or they will receive a summons to appear in court and the employee is subject to imprisonment not exceeding 2 years or a fine not exceeding $1,000.00 or both.**
6. **If a license holder violates §6-304 of this article, the Board may impose a fine not exceeding $2,500, suspend or revoke the license, or impose a fine and suspend or revoke the license.**
7. The Board may not proceed administratively against an employee of a license holder for a violation of §6-304 of this article until after the employee is granted probation before judgment or found guilty of the violation. **Effective July 1, 2018**

**6-304 – Selling or providing alcoholic beverages to individual under the age of 21 years**

1. A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age the underage person’s own use or for the use of any other person.

**6-307 – Selling or providing alcoholic beverages to intoxicated individual**

1. A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time to any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

**6-305 – Proof of age for sale of alcoholic beverages**

1. The licensee or employee of the licensee shall or may accept, as proof of a person’s age.
2. If the person is a resident of the State, the person’s driver’s license or identification card as provided for in the Maryland Vehicle Law; or a United States military identification card.

**Boards Condensation of Laws – Rules and Regulations**

Minors are not to be permitted to sit directly at the bar of any Class B (on & off) & Restaurant, Class C, Class D licensed establishment.

**Effective July 1, 2018**

**RULE NO. 20**

**INTOXICATED OR DEFICIENT -**

Neither licensee nor his employees shall permit a person visibly under the influence of alcohol to purchase or consume any alcoholic beverages in his license premises. **(Annotated Code of Maryland § 12-108 – Sales to underage persons).**

In this section, “knowingly” means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual. A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard. A license holder who violates this section is guilty of a misdemeanor and on conviction is subject to for a first offense, a fine not exceeding $50; and for each subsequent offense, imprisonment not exceeding 30 days or a fine not exceeding $100 or both. **(Annotated Code of Maryland § 9-2704 – Selling or providing alcoholic beverages to habitual drunkard or intellectually disabled individual)**

**RULE NO. 21**

**CONTROLLED DANGEROUS SUBSTANCES -** No owner, manager, operator, or employee shall allow the premises to be used for the purposes of possession, transport, sale and/or use of any illegal narcotic drug or other controlled dangerous substances. Any license issued under the provisions of may be revoked if, after the Board holds a public hearing, any activities listed in this section are found to occur on any premises or location for which the license was issued. **Updated 11/20/2017**

**RULE NO. 22**

**PUBLIC DRINKING -** A person may not be intoxicated and endanger the safety of another person or property, nor drink any alcoholic beverage in a public place and cause a public disturbance. A person may not drink any alcoholic beverages on an adjacent parking area or other outside area of any retail establishment, or in any parked vehicle located on such areas. This does not authorize any public drinking that is in violation of the law. **(Annotated Code of Maryland § 19-202). Updated 11/20/2017**

**RULE NO. 23**

**RESTRICTED ALCOHOL -** No retail dealer shall purchase any alcoholic beverages except from a duly licensed manufacturer, wholesaler or private bulk sale permit holder or nonresident winery permit holder under the provisions of this article, and no retail dealer shall sell to any other retail dealer any alcoholic beverages except to the holder of a Class C beer, beer and wine and beer, wine and liquor license, and shall not at any time keep or permit to be kept upon the licensed premises any alcoholic beverages except those so purchased. It shall be unlawful for any person to drink on the license premises of any license holder, any alcoholic beverage not purchased from the license holder on said premises; and, likewise, it shall be unlawful for any license holder to permit any person to drink any alcoholic beverages not purchased from the said license holder on the premises covered by the license which he holds and not permitted by this Article to be consumed on the premises. This restriction applies to all classes of licenses, excluding one day event licenses. **(Annotated Code of Maryland § 12-107). Updated 11/20/2017**

**RULE NO. 24**

**REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENCED PREMISES -** A person, who purchases, at a licensed premise, a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder inserts a cork in or places a cap on the bottle.

A bottle of wine that is removed from the licensed premises under subsection (a) of this section is an “open container” for purposes of **Section 10-125 of the Criminal Law Article. (Annotated Code of Maryland § 12-107.l). Effective 12/13/06**

**RULE NO. 25**

**CASH LAW WHOLESALER -** No manufacturer or wholesaler shall sell any beer to any retail dealer in Washington County, except for cash on delivery. No suit or action “ex contract” to enforce or collect any claim for credit extended in violation of this Section shall be maintained in this State. This Section shall not apply to any “hotel” which is the holder of a Class B beer, wine and liquor license, nor shall it apply to any “Club” which is the holder of Class C beer, wine and liquor license.

**RULE NO. 26**

**RETAILER -** No holder of any license authorizing the sale of alcoholic beverages at retail shall sell any such beverages except for cash, unless such beverages are delivered to the purchaser at a place designated by the purchaser other than the premises of the licensee. For the purposes of this section, in addition to currency, checks accepted for payment which are not postdated and are promptly deposited for collection by the licensee shall also be deemed to be cash.

**RULE NO. 27**

**GAMBLING -**  Unless permitted by law, gambling may not be conducted nor allowed in any alcoholic beverages licensed establishment. No license holder may sell or give chances or otherwise raffle any container of alcoholic beverages, whether the proceeds there from are profit or non-profit or for charitable purposes. **No license holder shall permit the use of any pinball machines, pool tables, or other gaming or vending machines to be used in any type of game of chance which involves a prize, monetary payoff or any other inducement of monetary value** with the exception of vending machines approved by the Washington County Gaming Commission or the Washington County Board of License Commissioners.

**RULE NO. 28**

**NUDITY, SEXUAL DISPLAY – WITH RESPECT TO ATTIRE AND CONDUCT, A PERSON MAY NOT:** Be employed or used in the sale or service of alcoholic beverages in or upon the licensed premises while the person is unclothed or in attire of a costume or clothing to view any portion of the female breast, any portion of the body below the belly button and above the buttocks or cleft of the buttocks.

Be employed or act as a hostess or act in a similar-type capacity to mingle with the patrons while the hostess or person acting in a similar-type capacity is unclothed or in attire of a costume or clothing as described in paragraph 1 of this subsection.

Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person. ***Effective 6/16/2011***

**RULE NO. 29**

**PREVENTION OF FRAUDS - Power of Comptroller and local licensing boards *–*** For the prevention and detection of fraud by manufacturers, wholesalers and retail dealers, the Comptroller and/or the local liquor licensing boards shall be empowered to prescribe for use, and to authorize any of their deputies or inspectors to make us of such hydrometers, saccharometers, weighing and gauging instruments or other means, records or devices for ascertaining the quantity and/or quality of alcohol in any alcoholic beverage as they may deem necessary, and they may prescribe rules and regulations to secure a uniform and correct system of inspection, marking and gauging of all such beverages.

**Tampering with contents of container *–*** No retail dealer or agent or employee of such retail dealer shall tamper with, by the addition to, or the change in any manner whatsoever of the quantity or quality, of the contents of any container of alcoholic beverages after such container of alcoholic beverages has been sealed in accordance with the laws of the United States and/or the laws of the State of Maryland, and while the contents remain in the original container.

**Refilling container *–*** No retail dealer, or agent or employee shall refill any container of alcoholic beverages with any substance whatsoever after such container has once been emptied or partially emptied of its original contents.

**Keeping containers in violation of section; penalty for violations *–*** No retail dealer shall keep or possess any container or containers of alcoholic beverages that have been tampered with in violation of subsection (b) of this section and no retail dealer shall keep or possess any container or containers of alcoholic beverages that have been refilled in violation of subsection (c) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than one thousand dollars ($1,000.00) or to imprisonment for not more than two years in the house of correction or jail, or both fined and imprisoned in the discretion of the court, this is subject to State Laws and penalties. ***Effective 6/16/2011***

**RULE NO. 30**

**NUISANCE ABATEMENT -** All licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety and quiet of the neighborhood where located. All unnecessary noises, including playing of music, radio, television, singing, and loud talking at unreasonable times are prohibited. . The Board and its Agents has authority to regulate and/or limit the use of mechanical music boxes and other sound-making devices.

No licensee, his/her clerks, agents, employees or servants shall commit, or allow the commission on the licensed premises, of any act which is contrary to any federal, state or local statute, law, ordinance, or regulation; or against the public peace, safety, health or welfare.

The intent of this rule is that licensee’s operations shall not adversely impact the surrounding neighborhood in terms of noise and/or anti-social, illegal, boisterous and/or unsafe activities. This includes but is not limited to the following:

Congregating of patrons in a noisy, unruly or disturbing manner after leaving the licensed premises.

Allowing the premises to be used for the purposes of possession, transport, or use of any illegal narcotic drug or any other controlled dangerous substance.

Any license or permit issued under the provisions of this article may be revoked or suspended by the issuing authority for any cause in which the judgment of the official Court or Board is necessary to promote the peace or safety of the community in which the place of business is situated. **Annotated Code of Maryland, Annotated Code of Maryland Section 10-401**. ***Effective 7/2009***

**RULE NO. 31**

**DRIVE-INS -** No licensee shall be permitted to open, maintain or operate any drive-in or similar sales facility where any merchandise may be delivered directly from within the licensed premises to any customer outside thereof, although such outside location or abutting property, street or driveway may be owned, leased or controlled by the licensee. This does not prohibit delivery of purchased merchandise to the premises, address or automobiles of customers by the licensee, his agents or employees, provided that such delivery is made by customary means other than drive in window, chute, or similar direct delivery facilities.

**RULE NO. 32**

**WINDOW -** Every licensed premise shall have an interior light and at least one plain glass window, facing the street or highway, so as to enable persons standing on the ground to observe the interior of the premises at all hours. No curtain, blind, screen or other obstruction shall obscure that view at any time.

**RULE NO. 33**

**KEG REGISTRATION -** Any container of beer with capacity of at least four (4) gallons must have a keg registration form affixed to the keg at the time of purchase from a retail dealer. Keg Registration booklets are available from the Alcohol and Tobacco Tax Unit; retailers are to comply with such instructions. **(Annotated Code of Maryland Section 21-106).**

**RULE NO. 34**

**MANUFACTURERS, WHOLESALERS -** No attorney or any other person in any way connected with or employed by a wholesaler or manufacturer of alcoholic beverages shall appear before the Board representing any licensee or any applicant for a license.

No manufacturer, wholesaler, nor anyone connected with such business, shall have any financial invested interest in the premises or the business of a retail license establishment; nor lend any money, make any gift or offer any gratuity to any retail dealer. **(Annotated Code of Maryland Section 21-104).**

**RULE NO. 35**

**GIFTS, ADVERTISING -** It shall be unlawful for any retailer to accept, receive or make use of any money, gift, sign or display of any value in excess of Fifty Dollars ($50.00) furnished by any manufacturer, wholesaler, distiller, brewer, retailer, blender or bottler, or to become indebted to any such person, except for the purchase of alcoholic beverages (except beer). Signs, posters, placards, devices, graphic displays bearing advertising matter or any other forms of advertising for use in windows or elsewhere on a retail liquor establishment may be given or furnished to a retailer by a brand owner who is engaged in the business as a distiller, non-resident dealer, rectifier, blender, bottler or wholesaler of alcoholic beverages other than beer or malt beverages provided;

The utilitarian value is secondary and only incidental to the value as an advertisement, and the total value of any item furnished by any brand owner for each of its individual brands for use in any one retail establishment at any one time does not exceed the sum of Seventy-Five Dollars ($75.00), and the cost of installation of these materials does not exceed that which is usual and customary in that particular locality.

Materials and labor may be furnished by a brand owner for the custom manufacture of an advertising display not exceeding Seventy-Five Dollars ($75.00) which is temporary in nature and has no other utilitarian value. A manufacturer or non-resident dealer or brand owner may not undertake any plan or design which directly or indirectly results in the purchase of advertising materials or supplies or advertising services by any wholesale or retail licensee; neither shall a wholesale or retail licensee participate directly or indirectly in any transaction in which he pays for or shares in the cost for any of the value of the advertising materials, supplies, services, or mailing expenses utilized to promote a brand owner’s products.

Nothing contained herein is intended to prevent a wholesale licensee from furnishing brand owners with display materials and installation services at charges computed at not less than the fair market value for these services. **(Annotated Code of Maryland Section 12-104).** Distributors and product signs containing logos, prices, pictures and slogans may be placed on the licensed premises only. **No signs can be posted in the grass along the road or fences, walls or street signs if establishment is in strip mall**. ***Effective 5/31/2013***

**RULE NO. 36**

**STORAGE OF ALCOHOL -** No licensee shall store or keep any alcoholic beverages except on the premises covered by the license or at a public or individual warehouse having a permit issued under the provisions of this Article. A licensee may obtain a Bulk Storage Permit from the Alcohol and Tobacco Division of the State of Maryland for the storage of alcoholic beverages. **(Annotated Code of Maryland Section 12-105).**

All Licensees must provide the Board with a diagram, which may be hand drawn, of where and how their alcohol is stored and served.

Except for holders of a Class A License and/or a Class B or Class D License for off sale, alcohol must be stored and/or kept where the public is unable to access it without the help of an employee. ***Effective 9/08***

**RULE NO. 37**

**RETURNED CHECKS -** Any person issuing to the Board of License Commissioners a check or draft returned by the banking institution for insufficient funds shall be subject to disciplinary action including any of the following:

$100.00 Fine

Suspension

Revocation of license. **Effective 7/16/2015**

**RULE NO. 38**

**YEARLY LICENSE RENEWAL –**

Alcoholic beverage licenses for Washington County are valid from **July 1st to June 30th of the fiscal year.**

1. Renewal applications will be available at the Board of License Commissioners for pick up at the beginning of March of the fiscal year.
2. Applications and all documentation, along with all taxes paid must be submitted to the Board of license Commissioners by June 15th.
3. Any licensee turning in their application and documents after June 15th and before June 30th will receive a fine of $50.00 a day not to exceed $800.00.
4. Renewal applications must have all signatures stated on renewal application and it must be notarized.
5. Renewal packet will consist of a Required Statement form that licensee’s will verify that the facts in the original application are true and unchanged.
6. It shall be accompanied by a statement signed by the owner of the premises consenting to renewal of the license and to search and seizure as in the case of original applications.
7. Copies of the following should be submitted to the Board of License Commissioners.
8. Traders License for the new license year
9. Sales and Use
10. Health Dept. (If applicable)
11. The Board of License Commissioners may not renew an alcoholic beverages license until the licensee has paid all taxes through the Comptroller of Maryland (410) 767-1649 and through the City (301) 790-3200 and the County (240) 313-2110 and the licensee must have a certificate from the Department of Tax and Assessment (410) 767-1184 stating they are in Good Standing.
12. In addition to the requirements of paragraph (4) of this subsection, an application for a Class B Restaurant license renewal shall be accompanied by a statement that shows the average monthly sales of food and alcoholic beverages for the licensed premises.
13. Substitution of Club officers name on license – Notwithstanding any other provision of this article, any licensee holding a Class C Club license, during the renewal process may substitute the name of an officer for the name of another officer (must appear before the Board to be sworn in) if that officer has passed away, retired, or has been removed from office.
14. Two officers on the license may vote to remove the third officer if that officer has been removed from office.

**Effective July 1, 2016**

**RULE NO. 39**

* **NO NEW APPLICANTS OR TRANSFER FROM MAY 1 TO JUNE 30**
* **OF ANY FISCAL YEAR.**

**TRANSFER APPLICATIONS -** Any holder of a license, including a receiver or trustee for the benefit of creditors, may be permitted to transfer his place of business to some other location or sell the business to assign the license and transfer his stock in trade to another buyer. Such transfer must be processed as an original application including payment of advertising fee, posting of premises, and final hearing before the Board.

A Bulk Transfer Permit may be obtained upon payment of the appropriate fee to the State to transfer the stock of alcoholic beverages, whether by sale, gift, inheritance, assignment, or otherwise, and irrespective of whether or not consideration is paid.

All obligations of the transferor (former licensee) contracted in connection with the business must be fully paid, or some arrangements concerning such debts and obligations, satisfactory with his creditors, have been made.

All State (Retail Sales, Employee Withholding, Amusement, and Admission Taxes) and County taxes must be paid before license of transfer is issued for a fee of **$400.00**.

Special license, such as Sunday, Wine Tasting, Caterer and Sidewalk Cafe are considered to be additions to the weekly license to be transferred at no additional fee. **[Annotated Code of Maryland Section 10-503 (w)]. Effective 9/08**

**RULE NO. 40**

**CHANGE OF CORPORATE NAME OR LOCATION -** Any licensee who makes a change in corporate name or wishes to move to a new location must make a transfer application with the Board. Such transfer must also be processed as an original application including **$400.00** payment of an application fee, posting of premises, and final hearing before the Board. **Effective 9/08**

**RULE NO. 41**

**WITHDRAWAL OF APPLICATION -** Any application for any type of license with the Board of License Commissioners may not be withdrawn unless notice of such action, in writing, is filed with the office of the Board at least three (3) days prior to the hearing date as advertised in said application.

**RULE NO. 42**

**CORRECTED LICENSES -** Corrections to an existing continuing license, such as Trade Name only, corporation officer/licensee, club officer/licensee, etc., will be made upon the approval of the Board. An administrative fee in the amount of $100 shall be charged for each corrected license issued. **Revised 9/08**

**RULE NO. 43**

**LICENSED PREMISES -** For the purpose of assessing responsibility to any violations of the liquor laws, the licensed premises shall be deemed to include any and all appurtenant property which the licensee leases, owns, or otherwise has an interest in, including but not limited to a parking lot. **Effective 3/2010**

**RULE NO. 44**

**REFUNDS -** No refunds for unearned portions of licenses that have been canceled, revoked, etc., shall be given, except in the following instances: In the event of receivership or bankruptcy of the business where the refund shall be made for the benefit of the creditors of such licensee, or in the event of the death of the license holder and the refund shall be made for the benefit of the Estate of such deceased license holder, or in the event the license holder has volunteered for, or has been called into the armed forces of the United States, or of the regular State Militia, or in the event the license holder of one class license surrenders his license and obtains a license of another class, carrying a higher fee, in which case the refund shall be deducted from the amount of the fee paid for the newly obtained license, or in the event that a licensee, against whom charges are pending at the time he renews his annual license, is found guilty of such charges and his license is revoked, after he has paid his fee for the renewal thereof, in which case he shall be entitles to a refund of the unearned portion of his annual fee from the date the revocation becomes final. **(Annotated Code of Maryland Section 10-205).**

**RULE NO. 45**

**TEMPORARY CLOSING OR VACATED PREMISES -** If licensed premises is to be closed for longer than a forty-eight hour period, this Board must be so advised in advance.

When a licensed premise is closed for a period of ten (10) days or longer, the Board should be so advised in advance and the license surrendered to the Board at the time of closing.

Without advance notice to the Board on the tenth day after a licensee shall have vacated, been evicted or voluntarily closed the premises, the license shall expire unless an application for approval of a transfer to another location or assignment to another person has been approved or is then pending before the Board.

If the premises have been acquired for public use, then the license shall expire within one hundred eighty (180) days of acquisition, unless an application for approval of a transfer to another location or assignment to another person has been approved or is then pending before the Board. **(Annotated Code of Maryland Section 10-504).**Should the licensee, in person before the Board, show good cause and request an extension of time before expiration of the license, such extension may be granted providing the request is made prior to the expiration of time limitations specified in this subsection.

**RULE NO. 46**

**DEATH OF LICENSEE -** Upon the death of any licensee, this Board shall be so advised promptly, and the license shall expire. A Club or corporation licensee must be replaced promptly. In the death of a partnership or individual licensee, arrangement may be made for an administrator of the estate of the deceased to continue active operation of the business. This will require issuance of a revised license. **(Annotated Code of Maryland Section 10-506).**

**RULE NO. 47**

**APPEALS -** For appeal of the Board’s decision to Circuit Court, testimony transcribed of hearings will be provided upon request of the licensee, applicant or Protestants. Total cost of such transcripts shall be paid by the party requesting it. Appeal shall be filed within thirty (30) days after date of decision.

**RULE NO. 48**

**FALSE STATEMENTS -** If any signed statement, report, affidavit or oath required under any provision of this Article, shall contain any materially false statement, the offender shall be deemed guilty of perjury and upon conviction thereof, shall be subject to the penalties provided by law for that crime. **(Annotated Code of Maryland Section 16-501).**

**RULE NO. 49**

**SUSPENSION, REVOCATION -** After holding a public hearing, the Board of License Commissioners for Washington County may revoke or suspend a license for violation of laws of the State of Maryland or Rules and Regulations as set forth herein.

**RULE NO. 50**

**FINES -** The Board may suspend, impose a fine, or both, on any licensee who violates the provisions of Annotated Code of Maryland and/or the Rules and Regulations. The fine may not exceed $2,500.00 and shall be paid, as specified, to the Board of License Commissioners. **[Annotated Code of Maryland Section 16-507(w)].**

You have the right to appeal a decision by the Board of License Commissioners to the Circuit Court for Washington County. Appeals must be filed within thirty (30) days of the date of the Order issued by the Board.

**RULE NO. 51**

**TEEN NIGHT -** All “Teen Night’s” held in an establishment with an Alcoholic Beverage License shall adhere to the following rules:

All Licensees wishing to hold and event for teens between the ages of fourteen (14) and nineteen (19) shall request permission for the event from the Board of License Commissioners for Washington County. They shall provide the following information where the event will be held and the hours that the event will be held.

Whether or not it is in proximity to a geographic location that is not suitable for such an event. The circumstances of the event. Whether or not it is practical for the sponsors of the event to adhere to all rules and regulations during the event.

Each Event will be evaluated and a decision made by the Board as to whether or not the event can be held.

No admittance to anyone under the age of fourteen (14) or anyone past their nineteenth (19) birthday.

Everyone must be carded upon entering.

Alcoholic beverages must be covered or removed or the event must be held in another area.

The establishment must close at or before 11:00 p.m. prevailing time.

Health and Fire codes shall not be violated.

All signs inside the establishment must be covered or removed.

There shall be no seating at the bar even if it is closed.

Adequate security shall be provided.

All parking lots shall be monitored.

No drinking in cars shall be allowed.

No Loitering after hours shall be allowed.

The Peace, Quiet and Security of the neighborhood shall be maintained at all times. **Effective 9/08**

**RULE NO. 52**

**EXPUNGEMENT OF VIOLATIONS –** In Washington County, a violation of this article or of any regulation adopted under this article shall be expunged by the Board of License Commissioners after 5 years from the date the violation occurred. **SB632 Effective 10/1/2015**

**RULE NO. 53**

**POPULATION RATIO QUOTA -** In Washington County this bill applies to the issuance of certain alcoholic beverages licenses in Washington County; and generally relating to alcoholic beverages in Washington County. Population ratio quota means 1 license for each 3000 individuals, excluding individuals detained or confined in a correctional facility as defined under § 1-101(d) of the Correctional Services Article, who reside in the election district where the license will be issued as determined by the last federal population census.

The Board may not issue a Class A (off sale), Class B (on & off sale) and a Class D (on & off sale) license in an election district if the number of licenses exceeds the population ratio quota. Unless the Board determines that there is a public need and desire including government sanctioned economic revitalization and states in and order issuing the license the reasons for its decision to exceed the population ratio quota.

In Washington County, except for a Class B Restaurant (on sale) license issued to a restaurant and any class of alcoholic beverages license renewed or transferred for the same premises, an alcoholic beverages license exceeds the population ratio quota.

“Restaurant” means an establishment that:

1. Is located in a permanent building
2. Regularly sells and serves food to the general public
3. Has a seating capacity of at least
4. 50 persons for a Class B Restaurant alcohol beverages (on-sale) license.
5. Has on an annual basis, gross sales of food and non-alcoholic beverages that exceed its annual gross sales of alcoholic beverages.

  **Effective July 1, 2016**

**RULE NO. 54**

**COMPLAINTS -** Any and All Complaints will need to be addressed by calling the Liquor Board and sitting up an appointment. Hearings are held on Wednesdays from 10:00 to 11:45 and they run every 15 minutes and need to be made in the order that they are scheduled. All hearings are public hearings and the local newspaper journalist may be present at the time of your hearing, but will remain anonymous if requested. Please call the office at 301 797-4591 or email us at admin@wcliquorboard.com, contact us on our website at [www.wcliquorboard.com](http://www.wcliquorboard.com). **Updated 4/18/2019**

**CLASS OF LICENSES**

**RULE NO. 55**

**CLASS A** – (Off-Sale) beer, beer and wine or beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. A license under this section authorizes the license holder to sell beer, beer and wine or beer, wine and liquor at the place described in the license. The license holder shall sell the beer, beer and wine or beer, wine and liquor in a sealed package or container that may not be opened, or its contents consumed on the licensed premises. A license under this section may not be issued for a drugstore unless the applicant: has been doing business at the location applied for in the license for at least 1 year before the date of the application for the license; is the assignee of a business established for at for at least 1 year before the date of the application for the license at the location applied for; or has been engaged in the retail drug business for at least 3 years. **Annotated Code of Maryland Alcoholic Beverage Laws - 31-901.** The annual fee shall be: **Beer $100.00, Beer and Wine $150.00, Beer, Wine and Liquor $600.00, Special Sunday license $250.00**

**RULE NO. 56**

**CLASS B** – (On & Off-Sale) beer, beer and wine or beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer, beer or wine or beer, wine and liquor at retail at the place described in the license for consumption on the premises or elsewhere. Beer, beer and wine or beer, wine and liquor shall only be sold on a per drink basis for consumption on the premises for the on-sale part of the license and the holder shall deliver the alcohol in a sealed package or container for the off sale part of the license. No open cans or bottles can be removed from the premises including the parking lot. Beer, wine and liquor bottles shall be destroyed when original contents are emptied and not refilled.  There is no objection to minors visiting Class B establishments in the company of their parents or legal guardians, provided the purpose is to consume a regularly prepared meal.  ***There is no objection to minors visiting Class B establishments in the company of their parents or legal guardians, provided the purpose is to consume a regularly prepared meal. No person under the age of 21 shall be seated at the bar at any time.* (Annotated Code of Maryland Section 03.02.01.03). The annual fee shall be for Beer $50.00, Beer and Wine $200.00 and Beer, Wine and Liquor $1000.00. Special Sunday license $250.00.**

**RULE NO. 57**

**CLASS C** – Club (On-Sale Only) beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages at retail to bona fide members and their guests, at the place therein described, for consumption on the premises and adjoining grounds of the club only. Consumption of all such beverages must be confined to licensed club premises

Licensee shall not sell, serve, nor furnish any alcoholic beverages, other than beer or wine, liquor shall only be sold on a per drink basis for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied. **(Annotated Code of Maryland Section 03.02.01.03).**

Club licenses are strictly limited to the on-premises service of bona fide members and their guests. The club must verify the membership of each entrant. All card-carrying and dues paying members may sign in personal guests, in accordance with specifications of the individual club. As the host, the member and his guests shall be signed in the guest book. For each visit, a guest may be in or on the premises only as long as he is accompanied by the sponsoring Member. Functions sponsored by a member shall be reported at least 10 days in advance to the Board of License Commissioners on a Guest Sponsorship Form.

All public advertising shall specify “Members and Their Guests”. No prices shall be printed in public advertising. When advertising a special event, the Board has granted an exception to the ban on publication of food prices for special events where the cost of the meal also includes other items such as entertainment favors or prizes as part of the package price.

No off-premises catering of food shall be solicited nor provided. Carry-out food shall be available to members only. Non-members may not enter the premises to pick up prepared food. ***NO ALCOHOLIC BEVERAGES SHOULD BE TAKEN OUT OR OFF THE LICENSED PREMISE.***

Holders of club licenses shall bill or receive payment for food and beverages from club members only. At private parties or functions under single member sponsorship where persons attend who are not members of the club, payment for food and beverages consumed by guests shall be made by the member who sponsored that particular function. A function sponsoring more than 10 guests shall be reported at least ten (10) days in advance to the Board of License Commissioners on Guest Sponsorship Form. Records shall be kept for one (1) year from the date of any charge or charges for all such functions and shall be open to inspection by the Board of License Commissioners upon request.

The club may furnish alcoholic beverages inside the building and/or on the adjoining club grounds to bona fide members and their guests. The premises for which a club license is issued may not be leased for any function, or otherwise made available for use by any persons, group of persons, or organizations who are non-members, when the use or function is not controlled, operated or sponsored by club members. Non-member persons or groups may not obtain beverages from the club nor bring any outside alcoholic beverages onto the adjoining club grounds, as this is now considered part of the licensed premises.

Holders of club licenses may not give, sell, or otherwise conduct games of chance, wherein the prize or object thereof is a container of alcoholic beverages. It is your responsibility to assure that policies and regulations regarding the license be forwarded and understood by each new slate of officer/licensees. All relevant information must be retained in printed form for continuing reference.

The club officers will assure that policies and regulations regarding the license are forwarded and understood by each new slate of officer/licensees.

No club shall hold any promotional event where an outside company contracts for entertainment with the intention of splitting proceeds from the event with the club. All proceeds shall be retained only by the club. Proceeds may be distributed to charitable organizations at the discretion of the club. Any proposed event which contracts with an outside entertainment corporation or promoter, even those in which the event may be of a charitable nature, must be approved by the Board before plans are made or contracts signed. No event shall be advertised until Board approval has been obtained.

No special event held by the club may be advertised as “Open to the Public”. **All advertising will specify “Members and Their Guests”.**

 Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, liquor shall only be sold on a per drink basis for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied and not refilled. **(Annotated Code of Maryland Section 03.02.01.03).**

 **The annual license fee shall be $500 for clubs with less than 600 members (including social members) and $1000 for clubs with 600 or more members (including social members). Special Sunday license $250.00.** ***No person under the age of 21 shall be seated at the bar at any time.*** ***Updated 5/7/2014***

**RULE NO. 58**

**GOLF COURSE - CLASS C** – Golf Course (On-Sale Only) beer, wine and liquor license may be issued to a public golf course or organization that has a regular or championship golf course with a minimum of nine holes. This shall be for consumption only in the buildings, including the clubhouse, and adjoining land used for golfing purposes. A patron need not be seated to be served or consume alcoholic beverages. No alcohol may be taken off the licenses premises.

Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, liquor shall only be sold on a per drink basis for consumption on the licensed premises. Wine and liquor bottles shall be destroyed when original contents are emptied and not refilled. **(Annotated Code of Maryland Section 03.02.01.03).**

**Annual license fee will be $1000.00. Special Sunday license $250.00.**

**RULE NO. 59**

**COUNTRY CLUB - CLASS C** – Country Club License (On-Sale Only) beer, wine and liquor shall authorize holder thereof to keep for sale and to sell all alcoholic beverages at retail to members and their guests, at the place therein described, for consumption on the premises and adjoining grounds of the club only. Consumption of all such beverages must be confined to licensed club premises. **[Annotated Code of Maryland Section 6-301(w)(3)].**

Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, liquor shall only be sold on a per drink basis for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied and not refilled. **(Annotated Code of Maryland Section 03.02.01.03).** **Annual fee shall be $1000.00. Special Sunday license is $250.00.**

**RULE NO. 60**

**CLUB SPECIAL EVENT LICENSE - Starting June 1, 2013 all clubs, country clubs and golf courses** must obtain a one day special event license if you are having an event **off your licensed premise.** You must come in to the Washington County Liquor Board to obtain your one day event application for this event the application must be signed by all licensees and by the owner of the location of the event.

Upon completion of this process you will receive your license for the location of the dated event and you will also receive a Non-Profit Financial Statement form that will need to be returned within 30 days after your event or no further event license will be given.

Licensee must comply with all relevant City and County Ordinances, as well as all Health Department and Fire Marshal Codes and/or requirements regarding usage, noise control, etc. Licensee must provide to the Board written documentation from the Health Department and/or the Fire Marshal showing that these agencies have been contacted and that the event has been approved by their department.

Licensee must provide fencing for each event. The height, size, construction and security aspects of the fence or privacy shield shall be considered by the Board on a case by case basis. In considering the plans for the fence or privacy shield, the Board will consider the architectural structure, the neighborhood, the aesthetic appearance of the structure, and the security of the area where the event will take place. The security fence or privacy shield containing the area must be such that it prevents alcoholic beverages from being passed out through it. The board will consider the demographic location of the establishment with regard to noise violations and/or to maintaining the peace and quiet of the neighborhood on an individual basis.

All laws and regulations regarding control of licensed premises must be observed in outside areas. All Licensees must provide a signed and notarized Financial Statement no later than 30 (30) days after the event, showing the amount of money collected from the event and how the money has or will be disbursed.

License must be displayed on premises at the time alcohol is delivered and during anytime of serving and/or consumed. No alcohol shall be dispensed into cups displaying the name or advertisement for any soft drink. Persons under the age of twenty one (21) shall not be served nor consume any alcoholic beverage. No alcohol beverage shall be taken out of the licensed premises. No other alcoholic beverage shall be brought into the licensed premises.

Someone must control dispensing so that persons are not illegally served, nor over-served. Weekday legal hours of serving and/or consuming are from 6:00 a.m. to the 2:00 a.m. the following morning. Sunday legal hours of serving and/or consuming are from 12:00 noon to 12:00 midnight. **The cost for a Special Event license is Beer and Wine $75.00 and Beer, Wine and Liquor $100.00. Updated 7/1/2015**

**RULE NO. 61**

**CLASS D** – Tavern (On and Off-Sale) beer, wine and liquor license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages at retail at the place therein described, for consumption on the premises or elsewhere. Alcoholic beverages may not be catered off the licensed premises. Annual fee shall be $750.00. **[Annotated Code of Maryland Section 6-401(w)].**

Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, liquor shall only be sold on a per drink basis for consumption on the premises. Wine and liquor bottles shall be destroyed when original contents are emptied and not refilled. **(Annotated Code of Maryland Section 03.02.01.03).**

Licensees are to refuse to admit minors to the licensed premises and are to refuse to admit adults who take minors to the licensed premises. ***There is no objection to minors visiting Class D establishments in the company of their parents or legal guardians, provided the purpose is to consume a regularly prepared meal. No person under the age of 21 shall be seated at the bar at any time.*** **Annual Fee is Beer $100.00, Beer and Wine $150.00 and Beer, Wine and Liquor $750.00. Special Sunday license is $250.00.**

**RULE NO. 62**

**CLASS B RESTAURANT** - (On-Sale Only) beer, beer and wine or beer, wine and liquor shall authorize the holder thereof to keep for selling all alcoholic beverages at retail, at the place therein described, for consumption on the premises only. Alcoholic beverages may not be catered off the licensed premises. ***No person under the age of 21 shall be seated at the bar at any time.***

Licensee shall not sell, serve nor furnish any alcoholic beverages, other than beer or wine, liquor for consumption on the premises. Beer, wine and liquor bottles shall be destroyed when original contents are emptied. **(Annotated Code of Maryland Section 03.02.01.03).**

1. A separate license, called a Class “B” (on sale only) “restaurant license” may be issued countywide by the Board of License Commissioners and the Class “B” (on sale only) “restaurant license” are excluded from being factored in calculating Washington County’s “population ratio quota” for alcoholic beverage licenses.
2. The holder of a Class “B” (on sale only) “restaurant license” may only sell alcoholic beverages for consumption on the premises only. Alcoholic beverages may not be catered off the licensed premises.
3. Located in a permanent building with ample space and accommodations commonly known as a restaurant where hot and cold meals are habitually prepared, sold and served to the public during the hours it is regularly open for business;
4. Having a dining area or areas with sufficient tables, chairs or booths to comfortably seat and accommodate 50 patrons, this does not include the bar area.
5. It shall be equipped with sufficient kitchen and dining facilities for preparing and serving regular meals to the general public.
6. A menu shall be maintained, advertising the serving of a variety of food and food must be available at all times when alcohol is being served and or consumed.
7. On an annual basis, 51% percent of gross sales of food and of non-alcoholic beverages shall exceed annual 49% percent gross sales of alcoholic beverages.
8. All Class “B” (on sale only) “restaurant license” will be required to submit a Food Alcohol Ration Report for two (2) quarters stated by the Board of License Commissioners.
9. On the Food Alcohol Ration Report a Class “B” (on sale only) “restaurant license” will have to submit all establishment information including hours of operation and sales for that quarter which will include food and alcoholic beverage amounts and percentages, they will also include their most recent menu. It will need to be completed and signed by licensees’ or accountant and notarized.
10. **The annual fee for each Class “B” (on sale only) “restaurant license” is:**
11. **$350.00 for a beer license;**
12. **$400.00 for a beer and wine license;**
13. **$750.00 for a beer, wine and liquor license;**
14. **$250.00 for a Special Sunday license**

**RULE NO. 63**

**SPECIAL SUNDAY LICENSE -** This license shall authorize sales between the hours of 12:00 noon and 12:00 midnight for all Class of Licenses. **[Annotated Code of Maryland Section 11-403 (6) (iii)].**

Class B, Class C, and Pouring licensees may sell and serve alcoholic beverages from **11:00 am to 12:00 midnight, providing the customer is also consuming a meal.**

When a Federal holiday falls on a Monday, a Class B, C, D, or Pouring on-sale licensee may sell alcoholic beverages to 2:00 a.m. on that Monday. There shall be no off-sale after 12:00 midnight. **(Annotated Code of Maryland Section 11-403.8).**

Any Class of License that does not obtain the special Sunday Sales license is required to close their entire business on Sunday.

**Special Sunday Sales license $250.00.**

**RULE NO. 64**

**STADIUM LICENSE** – (On Sale Only) - This license is for on sale only. In this subsection, “Premises” includes the entire stadium facility and the stadium parking lots. The Board of License Commissioners may issue a stadium (on sale) license to the owner of a professional baseball team franchise. The franchise may be in any form of business organization, including partnership, corporation, and limited liability company.

Subject to paragraph 4 of this subsection, for consumption on the licensed premises to persons present at any event held in the stadium. In plastic, Styrofoam, or paper containers; and from the time the stadium opens for the event until the event ends.

The written approval of the Board of License Commissioners is required before beer and light wine may be sold, served, or consumed, on the parking lots of the stadium or during any event other than a baseball game in which the team of the license holder is playing.

Except for a wholesaler or distributor of beer and light wine that is conducting business with the license holder, the license holder may not allow any person to carry alcoholic beverages onto or from the licensed premises. **[Annotated Code of Maryland Section 8-222]. The annual fee is $2,000. A license entitles the holder to sell beer and light wine**. **Effective 7/08**

**RULE NO. 65**

**GROWLER LICENSE / Refillable Container License -** The Maryland General Assembly approved a growler bill for alcohol beverage licensees during the 2015 session. In Washington County this bill applies to all class A, class B and class D licensees who currently have a beer, beer and wine or a beer, wine and liquor license privilege. The Board will issue a yearly growler license, upon request, to any licensee who meets the above requirements. This law will take effect on July 1, 2015.

*Annual license fee of:*

1. $500.00 for an applicant whose alcoholic beverage license does not have an off-sale privilege; and
2. $50.00 for an applicant whose alcoholic beverage license has an off-sale privilege; and

(1) An applicant that holds a license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds.

1. Hours *–* The hours of sale for a refillable container license:

(1) Begin at the same times as those for the license already held by the person to whom the refillable container license is issued; and

(2) End at midnight.

**GROWLER REQUIREMENTS**

The requirements for the growlers are found in Annotated Code of Maryland § 8-103, § 8-213.3 & 21-107:

To be used as a refillable container for beer under the authority of a refillable container permit issued under this article, a container shall:

1. Have a capacity of not less than 32 ounces and not more than 128 ounces;
2. Be sealable;
3. Be branded with an identifying mark of the seller of the container;
4. Bear the Federal Health Warning Statement required for containers of alcoholic beverages under 27 C.F.R. §16.21;
5. Display instructions for cleaning the container; and
6. Bear a label stating that:

1. Cleaning the container is the responsibility of the consumer; and

2. The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

A retailer may refill a growler from any other retailer, even from outside the State, as long as the container meets the above requirements.

27 C.F.R., § 16.21: Mandatory Label Information:

There shall be stated on the brand label or separate front label or on a back or side label, separate and apart from all other information, the following statement:

 GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

**Effective July 1, 2015**

**RULE NO. 66**

**CROWLER LICENSE / Non-Refillable Container License -** The Maryland General Assembly approved a crowler bill for alcohol beverage licensees during the 2016 session. In Washington County this bill applies to all class A, class B and class D licensees who currently have a beer, beer and wine or a beer, wine and liquor license off –sale privilege. The Board may issue a Crowler Non-refillable Container Permit – Draft Beer to a licensee that already holds a Growler permit OR completes the application for a Crowler.

*Annual license fee of:*

1. $500.00 for an applicant whose alcoholic beverage license does not have an off-sale privilege; and
2. $50.00 for an applicant whose alcoholic beverage license has an off-sale privilege; and

(1) An applicant that holds a license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the license that the applicant holds.

1. Hours *–* The hours of sale for a non-refillable container license:

(1) Begin at the same times as those for the license already held by the person to whom the non-refillable container license is issued; and

(2) End at midnight.

**CROWLER REQUIREMENTS**

The requirements for the crowlers are found in Annotated Code of Maryland § 4-1106 (Non-refillable container permit – Draft Beer) subject to § 31-1102 of this subtitle 31-1102.1.

To be used as a non-refillable container for draft beer under the authority of a non-refillable container permit issued under this article, a container shall:

1. Be constructed out of aluminum;
2. Be sealable;
3. Be branded with an identifying marks of the seller of the container and;
4. Bear the Federal Health Warning Statement required for containers of alcoholic beverages under 27 C.F.R. §16.21;

27 C.F.R., § 16.21: Mandatory Label Information:

There shall be stated on the brand label or separate front label or on a back or side label, separate and apart from all other information, the following statement:

 GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

**Effective July 1, 2017**

**RULE NO. 67**

**MARYLAND THEATER LICENSE – (On Sale Only) -** The holder shall comply with all rules and regulations applicable to the issuance of the principal Class “B” Restaurant license with all municipal ordinances and Fire and Health Department regulations.

**The holder must accommodate at least 1,400 persons and be located on the south side of Hagerstown and be a non-profit organization.** The holder shall ensure that at least one employee is certified by an alcohol awareness program and on the premises at all times during the theater event. The holder may exercise the privileges under this license only during the hours and days that are allowed for the principal Class “B” or Class B Restaurant license. The holder is authorized to sell beer, wine, and liquor for on-premises consumption only to persons who are attending a performance or an event that is held at the theater.

The applicant(s) submit herewith a statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted, assenting to the granting of the license applied for, authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners for the aforesaid County, its duly authorized agents and employees, and any peace officer of said County, to inspect and search, without warrant, any and all parts of the premises where said business is to be conducted, at any and all hours. Any outside event must be approved by the Board of License Commissioners

The license for which this application is made is to be for the period beginning on the date the license is issued and ending April 30th next, from date hereof, and the applicant(s) tender herewith the sum of **$1,000.00.**

**THE APPLICATION WILL BE APPROVED BY THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY WITH THE FOLLOWING STIPULATIONS:**

**A drawing of the locked storage facility and the area where alcohol will be served must be provided to the Board of License Commissioners for Washington County upon the issuance of this license. Effective 7/11 - *Updated 6/16/2011***

**RULE NO. 68**

**CINEMA / THEATER LICENSE – (On Sale Only) -** The holder shall comply with all rules and regulations applicable to the issuance of the principal Class CT (Cinema/Theater) (on sale) license with all municipal ordinances and Fire and Health Department regulations.

The Board may issue a Class CT (Cinema/Theater) (on sale) beer, wine and liquor license for use in a Cinema or Theater that is in a stand-alone building that is designed or used primarily for the exhibition of motion pictures to the public. Has a capacity to hold at least 100 permanently installed seats and has a minimum of six movie cinema/theater rooms.

The Board authorizes the license holder to sell beer, wine and liquor for on-premises consumption by the drink, bottle and can in a designated area of the lobby for 45 minutes before a movie starts and in a VIP room that holds special events, 45 minutes before a movie starts and during the showing of the movie, to an individual who has a ticket to the movie and proper identification.

A license holder may exercise the privileges of the license from Monday through Saturday and Sunday with a Special Sunday License only during their hours of operation. A license holder may sell beer, wine and liquor without serving food. A license holder or an individual serving beer, wine and liquor may not mix the contents of one bottle with the contents of another bottle and they shall dispose of or destroy all empty bottles and cans.

The license holder must obtain a crowd control training certificate from a program that is certified by the Board and there must be one certified crowd control manager on the licensed premises for every 250 individuals present anytime while selling beer, wine and liquor.

The license holder shall require one individual who has completed a certified alcohol awareness program to be on the licensed premises at all times when alcohol is being served.

The Board may adopt regulations to carry out this section.

The annual license fee is:

**$1,000 for beer, wine and liquor license**

**$250.00 for a Special Sunday license**

**Effective July 1, 2017**

**RULE NO. 69**

**HOTEL / MOTEL – (On Sale Only) -** The holder shall comply with all rules and regulations applicable to the issuance of the principal Class B (Hotel/Motel) (on sale) license with all municipal ordinances and Fire and Health Department regulations.

The Board may issue a Class B (Hotel/Motel) (on sale) beer, wine and liquor license for use in a Hotel or Motel that is in a building with at least three (3) stories tall that was originally constructed for hotel or motel purposes; has a capital investment of at least $500,000.00 and contains at least one passenger elevator, at least 100 rooms to accommodate the public and a lobby with a registration and mail desk and seating facilities and a ballroom, conference room or banquet room.

A license holder may sell beer, wine and liquor at a hotel / motel or restaurant at the place described in the license for on premises consumption through room service or otherwise to registered guests or by the glass, bottle or can to individuals attending an event in a ballroom, conference room or banquet room.

The privileges of the license may be exercised for on and off premises consumption if:

1. The license was issued on or before June 30, 2016 with an off sale privilege and the license holder has operated a retail store on the licensed premises since at least June 30, 2016.
2. All other licenses that do not follow the above (a) section will be for on-premises consumption only.
3. The license holder shall notify the Board before constructing or altering an area on the premises where beer, wine and liquor are sold.
4. The Board may adopt regulations to carry out this section, including regulations that provide for the manner of dispensing beer, wine and liquor under the license, provide for the manner of dispensing beer, wine and liquor under the license, provide for the hours and days of sale and limit the quantity of alcoholic beverages that may be sold to an individual as a single serving or during a 24-hour period.

A license holder may sell beer, wine and liquor without serving food. A license holder or an individual serving beer, wine and liquor may not mix the contents of one bottle with the contents of another bottle or refill into smaller bottles and they shall dispose of or destroy all empty bottles and cans.

The license holder must obtain a crowd control training certificate from a program that is certified by the Board and there must be one certified crowd control manager on the licensed premises for every 250 guests of the hotel / motel.

The license holder shall require one individual who has completed a certified alcohol awareness program to be on the licensed premises at all times when alcohol is being served.

The annual license fee is:

**$1,000 for beer, wine and liquor license**

**$250.00 for a Special Sunday license**

**Effective May 4, 2017**

**RULE NO. 70**

**CATERER’S LICENSE** – Article 2B §31-1201 –

**Established**

1. There is a local caterer’s license.

**Authorized holder**

1. (1) Subject to paragraph (2) of this subsection, the Board may issue the license to the holder of a Class B (on sale and off sale) beer, wine and liquor license.

(2) Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

**Scope of authorization**

1. The license authorizes a holder to:
2. Provide beer, wine, and liquor at an event that is held off the premises for which the holders Class B (on-sale and off-sale) beer, wine and liquor license is issued and
3. Exercise the privileges of the license only during the hours and on the days authorized for the holders Class B (on sale and off sale) beer, wine and liquor license.

**Duties**

1. The license holder shall:
2. Prepare, deliver, and provide food for consumption at the catered event;
3. Provide the service employees to serve the beer, wine and liquor at the catered event; and
4. Ensure that at least one service employee is certified by an alcohol awareness program under §4-505 of this article and is on the premises at all times during the catered event.
5. Holder shall submit a completed catered event notice to the Board of License Commissioners at least fourteen (14) days prior to the event.
6. The applicant(s) submit herewith a statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted, assenting to the granting of the license applied for, authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners for the aforesaid County, its duly authorized agents and employees, and any peace officer of said County, to inspect and search, without warrant, any and all parts of the premises where said business is to be conducted, at any and all hours.

**Fee**

1. The annual license fee is $1,500.00

**Effect of section**

1. This section does not require a holder of a Class B (on sale and off-sale) beer, wine and liquor license to obtain a local caterer’s license for catering on the premises for which the Class B license is issued. All other catering licenses established before May 23, 2017 are grand fathered in.

**Effective July 1, 2016**

**RULE NO. 71**

**SIDEWALK CAFÉ LICENSE** – The holder shall comply with all rules and regulations applicable to the issuance of the principal Class B License, Class D or Class B Restaurant License and with all municipal ordinances and Fire and Health Department regulations.

Plans must be submitted to, and discussed with, the Board, prior to the beginning of any renovation or construction of any sidewalk café. ***Sidewalk café must be at least 4 feet high with the only entrance and exit to the Sidewalk Café is through the licensed premises.***

The holder shall have obtained the required permit and/or approval from the City of Hagerstown, municipality and approval from landlord is required governing the location of the licensed premises.

The holder shall ensure that at least one employee is certified by an alcohol awareness program and on the

premises at all times during the operation of the Sidewalk Café.

The holder shall keep the kitchen open during all hours of operation and have prepared meals available to be served in the Sidewalk Café.

The holder may not serve alcoholic beverages after the hours of midnight any day of the week or before noon on Sundays in the Sidewalk Café.

The applicant(s) submit herewith a statement duly executed and acknowledged by the owner of the premises in which the business is to be conducted, assenting to the granting of the license applied for, authorizing the Comptroller, his duly authorized deputies, inspectors and clerks, the Board of License Commissioners for the aforesaid County, its duly authorized agents and employees, and any peace officer of said County, to inspect and search, without warrant, any and all parts of the premises where said business is to be conducted, at any and all hours.

The license for which this application is made is to be for the period beginning on the date the license is issued and ending April 30th next, from date hereof, and the applicant(s) tender herewith the sum of $**500.00.**

**Effective 5-7-2014**

**RULE NO. 72**

**AMUSEMENT PARK LICENSE -** The operators of any amusement park, whether individual, an association of individuals, or a corporation, may be entitled to a license for the sale of beer within the confines of the park. The holder shall be entitled to sell beer at one or more locations within the park from 8:00am to 12:00 midnight on every day from May 1st through September 30th each year, except Sundays. The license shall be subject to all laws, rules and regulations applicable in Washington County to the sale of beer not inconsistent with the provisions of this section. **The annual fee shall be $350.00**. **(Annotated Code of Maryland Section 8-222).**

**RULE NO. 73**

**WINE TASTING -** In Washington County this bill applies to any Class of license who currently have a wine license privilege. The Board will issue a yearly wine tasting license, upon request, to any licensee who meets the above requirements.

***Annual license fee of:***

1. $200.00 for 12 Wine Tastings and $400.00 for 24 Wine Tastings and they will be effective from July 1st to June 30th liquor license calendar year.
2. Hours *–* The hours of sale for Wine Tastings:
3. Tastings can be held for a maximum of 4 Hours.

***Scope of license:***

1. The Board of License Commissioners may issue a special wine tasting license to permit on premises consumption of liquor for tasting or sampling purposes only to a Class “A” (off sale only) licensee.
2. The holder of a special wine tasting license may not charge for the wine tasting or sampling.
3. The license is effective for use no more than 12 days for a 12 tasting license and 24 days for a 24 tasting license in a licensing year. The licensing shall notify the Board in writing at least 10 days in advance of any scheduled tasting date. And a wine, beer or liquor tasting event cannot be held on the same day.
4. Licensees are permitted to post a sign advertising a wine tasting with the day of the wine tasting event posted thereon. However, this sign can only be posted **TEN (10) DAYS PRIOR TO THE EVENT** and must be **PROMPTLY TAKEN DOWN AT THE CLOSE OF THE WINE TASTING**. **Licensee must submit a Wine Tasting Event Notification BLC Form #25 to the office of the Board of License Commissioners for Washington County either by mail or fax 301-797-4599 or email at** **admin@wcliquorboard.com** **- ten (10) days prior to the event. If the license holder does not follow these guidelines a $50.00 fine will be imposed.**
5. This rule shall also apply to newspaper advertisements and other media advertising with regard to the upcoming event. Banners are allowed to remain up if they state a specific day each month, such as the 2nd Saturday of every month, however they must imply that the licensee is having a tasting every week.
6. A wine tasting event shall consist of a wholesale/supplier presenting various wines from a single brand owner, except a Maryland winery. The retail wine tasting licensee may use each wine tasting event for as many different wines from that brand owner as they choose as long as each wholesaler and each brand is in compliance with State laws. The contents of each bottle may not be mixed with any other bottle, and all bottles shall be destroyed once they are empty.
7. Servings of the various wines are limited to no more than **TWO OUNCES** of anyone wine to any one customer.

**RULE NO. 74**

**BEER TASTING -** In Washington County this bill applies to a class “A” (off sale only) licensee who currently have a beer license off –sale privilege. The Board will issue a yearly beer tasting license, upon request, to any licensee who meets the above requirements.

***Annual license fee of:***

1. $100.00 for 12 Beer Tastings they will be effective from May 1st to April 30th liquor license calendar year.
2. Hours *–* The hours of sale for Beer Tastings:
3. Begin at the same times as those for the license already held by the person to whom the Beer Tasting license is issued;
4. And end at Midnight.

***Scope of license:***

1. The Board of License Commissioners may issue a special beer tasting license to permit on premises consumption of liquor for tasting or sampling purposes only to a Class “A” (off sale only) licensee.
2. The holder of a special beer tasting license may not charge for the beer tasting or sampling.
3. The license is effective for use no more than 12 days for a 12 tasting license and 24 days for a 24 tasting license in a licensing year. The licensing shall notify the Board in writing at least 10 days in advance of any scheduled tasting date. And a beer, wine or liquor tasting event cannot be held on the same day.
4. Licensees are permitted to post a sign advertising a beer tasting with the day of the beer tasting event posted thereon. However, this sign can only be posted **TEN (10) DAYS PRIOR TO THE EVENT** and must be **PROMPTLY TAKEN DOWN AT THE CLOSE OF THE WINE TASTING**. **Licensee must submit a Wine Tasting Event Notification BLC Form #25 to the office of the Board of License Commissioners for Washington County either by mail or fax 301-797-4599 or email at** **admin@wcliquorboard.com** **- ten (10) days prior to the event. If the license holder does not follow these guidelines a $50.00 fine will be imposed.**
5. This rule shall also apply to newspaper advertisements and other media advertising with regard to the upcoming event. Banners are allowed to remain up if they state a specific day each month, such as the 2nd Saturday of every month, however they must imply that the licensee is having a tasting every week.
6. A beer tasting event shall consist of a wholesale/supplier presenting various beers from a single brand owner. The retail beer tasting licensee may use each beer tasting event for as many different beer from that brand owner as they choose as long as each wholesaler and each brand is in compliance with State laws. The contents of each bottle may not be mixed with any other bottle, and all bottles shall be destroyed once they are empty.
7. Servings of the various beer are limited to no more than **TWO OUNCES** of anyone beer to any one customer.

**RULE NO. 75**

**LIQUOR TASTING -** The Maryland General Assembly approved a liquor tasting bill for alcohol beverage licensees during the 2015 session. In Washington County this bill applies to a class A (off sale only) licensee who currently have a liquor license off –sale privilege. The Board will issue a yearly liquor tasting license, upon request, to any licensee who meets the above requirements. This law will take effect on October 1, 2015.

***Annual license fee of:***

1. $300.00 for 12 Liquor Tastings and $500.00 for 24 Liquor Tastings and they will be effective from May 1st to April 30th liquor license calendar year.
2. Hours *–* The hours of sale for Liquor Tastings:
3. Begin at the same times as those for the license already held by the person to whom the Liquor Tasting license is issued;
4. And end at Midnight.

***Scope of license:***

1. The Board of License Commissioners may issue a special liquor tasting license to permit on premises consumption of liquor for tasting or sampling purposes only to a Class A (off sale only) licensee.
2. The holder of a special liquor tasting license may not charge for the liquor tasting or sampling.
3. The license is effective for use no more than 12 days for a 12 tasting license and 24 days for a 24 tasting license in a licensing year. The licensing shall notify the Board in writing at least 10 days in advance of any scheduled tasting date. And a liquor, wine or beer tasting event cannot be held on the same day.
4. Licensees are permitted to post a sign advertising liquor tasting with the day of the liquor tasting event posted thereon. However, this sign can only be posted **TEN (10) DAYS PRIOR TO THE EVENT** and must be **PROMPTLY TAKEN DOWN AT THE CLOSE OF THE WINE TASTING**. **Licensee must submit a Wine Tasting Event Notification BLC Form #25 to the office of the Board of License Commissioners for Washington County either by mail or fax 301-797-4599 or email at** **admin@wcliquorboard.com** **- ten (10) days prior to the event. If the license holder does not follow these guidelines a $50.00 fine will be imposed.**
5. A liquor tasting event shall consist of a wholesale/supplier presenting a maximum of four (4) brands of liquor and may be open at any one time at a liquor sampling or tasting event. The contents of each bottle may not be mixed with any other bottle, and all bottles shall be destroyed once they are empty.
6. Servings are limited to no more than **ONE HALF OUNCE** of anyone liquor to any one customer and only four (4) samples per customer. **Effective October 1, 2015**

**RULE NO. 76**

**STREET FESTIVAL LICENSE** – Special Class C (Street Festival) license will be issued to a bona fide entertainment events held in the Arts & Entertainment District in Hagerstown approved by the Mayor & City Council shall be required in accordance with Code Art. 2B Sections 7-101(t)(4) and 12-107(b)(2) and shall be issued by the Board, provided that the application for the license is filed with the Board at least 30 days prior to the first effective date of the license; and the following rules shall apply:

1. Only one Special Class C Street Festival License shall be issued with respect to each such event.
2. The license applicant/licensee:
3. Shall be a bona fide not-for-profit club, society, association or organization with corporate existence (corporation, charitable trust, foundation, etc.) and may not be an unincorporated association;
4. Shall make an application in the form provided by the Board; and
5. Shall submit with its license application:
6. A copy of the City of Hagerstown’s event approval, with a copy of the event details submitted to the City specifying, without limitation, the event dates, hours of service of alcoholic beverages, the event area and any street closures, the identity of any participating alcoholic beverage licensee’s, proof of applicant’s liquor liability insurance, etc.;
7. A copy of the applicant’s IRS tax exempt status exemption determination letter or affirmation letter; and
8. Such other information as specified by the Board in the application materials;
9. Shall be responsible for the issuance of the required wristband, upon proof of legal age, to anyone to whom an alcoholic beverage is to be served by the special street festival licensee or by any participating licensee;
10. Shall be responsible for the sale or distribution of the “designated container unique to the event” referred to in Art. 2B §12-107 (b)(11); and
11. Shall be responsible for enforcing compliance with all alcoholic beverage laws, rules and regulations during the event, except on premises operated by other alcoholic beverage licenses.
12. Special Class C Street Festival Licenses:
13. Are issued on a per-diem basis, for up to 26 days per calendar year; and
14. Shall be granted by the Board without need for publication or hearing.

**Participation by Licensee’s other than a Special Class C Street Festival Licensee in Hagerstown A&E District Street Festival.**

1. Each alcoholic beverages licensee other than the holder of the Special Class C Street Festival License issued with respect thereto desiring to participate in a bona fide entertainment event held in the Arts & Entertainment District in Hagerstown approved by the Mayor & City Council shall:
2. Be listed in the application for the Special Class C Street Festival License issued with respect to such event; and
3. Serve beer or wine for transporting and consumption off premises as contemplated by Art. 2B, §12-107 (b)(11) only
4. In the designated container unique to the event sold or otherwise distributed by the Special Class C Street Festival Licensee specifically with respect to such event; and
5. To persons wearing the wristband distributed by the Special Class C Street Festival Licensee; and
6. Shall otherwise be subject to all laws, rules and regulations otherwise applicable to his, her or its license**. Effective Date June 1, 2015**

**RULE NO. 77**

**SPECIAL EVENT LICENSE FOR LICENSED ESTABLISHMENT** – Beginning July 1, 2013 all licensed establishments **except Clubs, Country Clubs and Golf Courses and Class A** must make an appointment to meet with the board regarding any and all outside events. All Class B, Class D, Class B Restaurant, Theater & Stadium licensee must apply for a Special Event License for any and all events that will be held outdoors. This Special Event License will be issued at the discretion of the Board of License Commissioners for Washington County based on the event’s benefit to the community.

Plans for each event must be drawn, dates of the event or events, submitted to, and discussed with, the Board for each event. Licensee must comply with all relevant City and County Ordinances, as well as all Health Department and Fire Marshal Codes and/or requirements regarding usage, noise control, etc. Licensee must provide to the Board written documentation from the Health Department and/or the Fire Marshal showing that these agencies have been contacted and that the event has been approved by their department.

Licensee must provide fencing for each event. The height, size, construction and security aspects of the fence or privacy shield shall be considered by the Board on a case by case basis. In considering the plans for the fence or privacy shield, the Board will consider the architectural structure, the neighborhood, the aesthetic appearance of the structure, and the security of the area where the event will take place. The security fence or privacy shield containing the area must be such that it prevents alcoholic beverages from being passed out through it. The board will consider the demographic location of the establishment with regard to noise violations and/or to maintaining the peace and quiet of the neighborhood on an individual basis. **All fencing must be removed immediately after each event.**

Establishments that are having an event **the cost of the license will be: $100.00 for each event day. Effective 7/1/2015**

**RULE NO. 78**

**ONE DAY EVENT LICENSE –**

**NON-PROFIT, SOCIETY, CORPORATION, ORGANIZATION OR ASSOCIATION** holding an event may apply for a One Day Event license to serve or sell alcoholic beverages.

**WHEN DON’T YOU NEED AND ALCOHOLIC BEVERAGE LICENSE?**

If a non-profit, society, corporation, organization or association is holding an event that is serving or selling alcoholic beverages at a licensed establishment, Club or caterer, winery or brewery with an alcoholic beverage license or state license then you **do not** need a one-day event license.

**WHEN DO YOU NEED AND ALCOHOLIC BEVERAGE LICENSE?**

If a non-profit, society, corporation, organization or association holding an event that is serving or selling alcoholic beverages at a non-licensed establishment and there is a charge for admission, donation, ticket, advertisement or money exchanged then you **do** need a one-day event license.

**NON-PROFIT MUST PROVIDE:**

1. Non-Profit Organization must provide a copy of their non-profit organization status.
2. A copy of a Crowd Control Management certification (1 person per 250 guests must be certified on duty) [www.co.frederick.md.us/fm](http://www.co.frederick.md.us/fm)
3. Two persons affiliated with your Non-Profit must be alcohol awareness certified and a copy must be submitted with your application at each event and they must be on the premises always during the event. You can obtain this certification through our classes that the Liquor Board holds twice a month at $65.00 per person. (good for 4 years)

**SOCIETY, CORPORATION, ORGANIZATION OR ASSOCIATION MUST PROVIDE:**

1. A copy of your Federal ID number on a documented IRS letterhead.
2. A copy of a Crowd Control Management certification (1 person per 250 guests must be certified on duty) [www.co.frederick.md.us/fm](http://www.co.frederick.md.us/fm)
3. Two persons affiliated with your Society, Corporation, Organization or Association must be alcohol awareness certified and a copy must be submitted with your application at each event and they must be on the premises always during the event. You can obtain this certification by calling and scheduling a class at or office at 301-797-4591 or the Maryland State Licensed Beverage Assoc. at 1-800-921-1382.

**QUALIFICATIONS:**

1. You will need three (3) people to go on the license – Two (2) qualified officers of the Non-profit, Society, Corporation, Organization or Association and one (1), two-year resident of Washington County must appear in person before the Board to present proper qualifications at the time the application is made.
2. All must be 21 years of age or over.
3. Copies of valid driver’s license.
4. Copies of voter’s registration
5. All must not have any serious criminal convictions or felonies.

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**RULES FOR THE NON-PROFIT, SOCIETY, CORPORATION, ORGANIZATION OR ASSOCIATION**

1. The license must be displayed on the premises at the time the alcohol is delivered and during any time of serving and/or consumption.
2. No alcohol shall be dispensed into cups displaying the name or advertisement for any soft drink or non-alcoholic beverage. Prohibit the sale of alcoholic beverages to minors and adults that would furnish alcohol to minors.
3. Discourage the sale of alcoholic beverages to impaired adults and prohibit the sale of alcohol to intoxicated persons. The Board recommends light snacks such as pretzels, chips or popcorn to help combat the over consumption of alcohol.
4. Educate servers to the rules and regulations, and there must be at least one alcohol awareness certified person on duty always during the event. Certification can be obtained by attending a class that is held twice a month for $65.00 at the Washington County Liquor Board. Certification is good for four (4) years.
5. Insure adequate staffing to oversee the event and prevent pass off to minors.
6. All guests must present a valid I.D. of legal drinking age.
7. Arm bands must be provided for those consuming alcoholic beverages when having anyone under the age of 21 attending the event. Arm bands are for servers to recognize that anyone wearing an arm band is 21 years of age and over.
8. For all outside events there must be a designated area for the consumption of alcohol and there must be a 3 to 4-foot fencing surrounding that area with one way in and out. There must be someone at that entrance over the age of 21 that will be checking I. D’s and arm bands.
9. Arrange alternate transportation for alcohol impaired drivers.
10. Alcoholic beverages should no longer be available for consumption or sell thirty minutes prior to the end of your event.
11. Any and all beer, wine or liquor must be purchased through a licensed wholesaler and/or a licensed retail liquor store unless it’s being held at a Club, Country Club or Licensed establishment then its purchased from the Club, Country Club or Licensed establishment. A wholesaler or supplier may not donate alcoholic beverages to a licensed or participating retailer.
12. Persons under the age of twenty-one (21) shall not be served or consume any alcoholic beverage.
13. No alcoholic beverage shall be carried or taken out of the licensed premises.
14. Licensees must check ID’s of ticket holders/guests upon arrival of event and an arm band should be given to anyone over the age of twenty-one (21) that will be consuming alcohol.
15. All non-profits, society’s, corporations, organizations or associations must provide a signed and notarized Financial Statement no later than thirty (30) days after the event showing the amount of money collected from the event and how the money has or will be disbursed.
16. This provision applies to one-day event Picnic license, change in location of event or a change of one or more persons on an existing license.
17. Weekday legal hours of serving and/or consumption are from 6:00 a.m. to the following day at 2:00 a.m.
18. Sunday legal hours of serving and/or consumption are from 10:00 noon to 12:00 midnight.
19. No other alcohol can be brought into the event by guests!

 Fee: Beer, Wine and Liquor $100.00

 Effective July 1, 2017

**BASKET OF CHEER PERMIT**

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**Non-Profit, Society, Corporation, Organization, LLC, Association, Licensed Establishments or Clubs**

Holding an event shall apply for a Basket of Cheer Permit to be able to raffle off a Basket of Cheer.

1. All Clubs, License Establishments, Corporation, LLC, Association, Non-Profit, Society or Organization holding an event that will be raffling off Basket/Baskets of Cheer will be responsible for obtaining the Basket of Cheer Permit(s).
2. Each Basket of Cheer being raffled off must have its own Basket of Cheer Permit. The Permit Must be Displayed with Each Basket and Go with the Basket of Cheer.
3. Winners Must Provide a Valid Driver’s License of Legal Drinking Age.
4. Winners May Not Collect Their Basket of Cheer Until the End of The Event and/or When They Leave. They May Not Open Their Basket of Cheer During the Event or On the Premise.
5. Must Insure Adequate Staffing to Oversee and Prevent the Passing off Basket of Cheer to a Minor.

 **Fee: $10.00 per Permit per Basket of Cheer**

 **Effective August 1, 2018**

**ALCOHOL AWARENESS TRAINING**

 **COURSES & INSTRUCTORS**

The Washington County Board of License Commissioners is sponsoring alcohol awareness classes for anyone desiring to be certified in a State certified Alcohol Awareness Course. All courses utilized are certified by the Maryland State Comptroller’s Office.

**REQUIREMENT:** Maryland Law requires licensees who sell and serve alcohol beverages to have staff certified in a State approved Alcohol Awareness Course. You must have someone certified on the premises at all times during operating hours in Washington County. Certification is valid for 4 years. Certificates are awarded at the class upon successful completion of a written examination.

**WHEN:** CALL THE OFFICE FOR MONTHLY DATES

**WHERE:** Board of License Commissioners

148 W. Washington Street

Hagerstown, MD 21740

**COSTS:** $65. Per Person (Payable to John S. Murray & Associates)

**Payment of Cash, Company check or Money Order is payable upon registration of class and is non-refundable**

**HOW TO PRE-REGISTER:** Call the liquor board at (301) 797-4591

**COURSE CONTENT:** The course covers responsible techniques for

serving alcohol, recognizing and preventing intoxication, intervention

strategies to avoid intoxication, identification requirements, underage

drinking and the consequences of not serving responsibly. Stressing the

importance of professionalism and dealing with difficult situations via good

customer service skills will be discussed.

Other Sources of Alcohol Awareness Training

John S. Murray – Certified Instructor – 410-553-8927

MSLBA – 1-800-921-1382

**FAILURE TO COMPLY WITH THE RULES AND REGULATIONS**

**SITED IN THIS BOOK MAY RESULT IN A FINE AND/OR THE SUSPENSION**

 **OR REVOCATION OF YOUR LICENCE.**