



**Mayor and Council of the Town of Leonardtown
Ordinance No. 182
Subject: Chapter 36 – Alcoholic Beverages
of the Code of the Town of Leonardtown**

**Date Introduced on First Reading: March 12, 2018
Date Passed on Second Reading: April 11, 2018
Date Effective: May 2, 2018**

AN ORDINANCE concerning

**CHAPTER 36 – ALCOHOLIC BEVERAGES OF THE CODE OF THE TOWN OF
LEONARDTOWN**

FOR the purpose of amending Chapter 36 – Alcoholic Beverages of the Code of the Town of Leonardtown for consistency with the Alcoholic Beverages Article of the Annotated Code of Maryland by repealing §§ 36.1 and 36.2 restricting the days and hours of sale of alcoholic beverages in the Town of Leonardtown, defining the term “alcoholic beverages,” prohibiting the consumption of alcoholic beverages on public property within the corporate limits of the Town except as authorized by any policies and procedures adopted by resolution of the Mayor and Council, and providing that a violation of Chapter 36 shall be subject to the penalty set forth in Md. Code Ann., Alcoholic Beverages § 6-321(c); providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to alcoholic beverages in the Town of Leonardtown.

RECITALS

WHEREAS, on February 1, 1939, the Mayor and Council of the Town of Leonardtown (the “Mayor and Council”), then known as the “Commissioners of Leonardtown,” passed Ordinance No. 20, which restricted the days and hours of sale of alcoholic beverages in the Town of Leonardtown (the “Town”) and imposed penalties for violations thereof and which is currently codified as Chapter 36, Article I of the Code of the Town of Leonardtown (the “Town Code”); and

WHEREAS, on October 11, 1973, the Commissioners of Leonardtown passed Ordinance No. 41, which restricted the manner in which alcoholic beverages may be

consumed in public places within the Town and imposed penalties for violations thereof and which is currently codified as Chapter 36, Article II of the Town Code; and

WHEREAS, Title 28, Subtitle 20 of the Alcoholic Beverages Article of the Maryland Annotated Code (the “Alcoholic Beverages Article”) regulates the hours and days for consumption and sale of alcoholic beverages within St. Mary’s County, including within the Town, and imposes penalties for violations thereof; and

WHEREAS, pursuant to §§ 6-321 and 28-2701 of the Alcoholic Beverages Article, the Mayor and Council may authorize the consumption of alcoholic beverages on public property within the Town; and

WHEREAS, the Mayor and Council are desirous of amending Chapter 36 of the Town Code for consistency with the Alcoholic Beverages Article; and

WHEREAS, the Mayor and Council, for the good and welfare of the community, deem it necessary and appropriate to amend Chapter 36 – Alcoholic Beverages of the Town Code by repealing §§ 36.1 and 36.2 restricting the days and hours of sale of alcoholic beverages in the Town of Leonardtown, defining the term “alcoholic beverages,” prohibiting the consumption of alcoholic beverages on public property within the corporate limits of the Town except as authorized by any policies and procedures adopted by resolution of the Mayor and Council, and providing that a violation of Chapter 36 shall be subject to the penalty set forth in Md. Code Ann., Alcoholic Beverages § 6-321(c).

SECTION I. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF LEONARDTOWN that Chapter 36 (Alcoholic Beverages) of the Code of the Town of Leonardtown be and it is hereby amended as follows:

~~[ARTICLE I. RESTRICTIONS ON SALE~~

~~§ 36.1. Restrictions on days and hours of sale.~~

~~No person, firm or corporation shall sell, offer for sale or otherwise dispose of any spirituous or fermented liquors, except beer or other spirituous or fermented beverages containing less than 8% alcohol by volume, within the corporate limits of Leonardtown on Sundays, election days, except the days for the election of Commissioners of Leonardtown, or between the hours of 12:00 midnight and 6:00 a.m. on any other days.~~

~~§ 36.2. Violations and penalties.~~

~~Any person, firm or corporation violating the provisions of this article shall, upon conviction, be subjected to a fine of not less than \$10 and costs nor more than \$25 and costs and, in default of fine, shall be committed to the St. Mary’s County jail for a period not exceeding 30 days or until discharged in due course of law.~~

ARTICLE II. CONSUMPTION IN PUBLIC PLACES

§ 36-3] 36-1. Definitions.

For the purpose of this [article] **chapter**, the [following] term[s] **“alcoholic beverages”** shall have the meaning[~~s indicated:~~] **ascribed to it by Md. Code Ann., Alcoholic Beverages § 1-101(b), as amended from time to time.**

[ALCOHOLIC BEVERAGES

~~Alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider and any other spirituous, vinous, malt or fermented liquor, liquid or compound, by whatever name called, containing 1/2 of 1% or more of alcohol by volume, which is fit for beverage purposes.~~

§ 36-4] 36-2. Restrictions.

~~[It shall be unlawful for any person to drink an alcoholic beverage or offer a drink of such to another, whether accepted or not, upon any street, avenue, alley, park or any public place within the limits of the Town of Leonardtown, except on premises for which an on sale license for the sale of alcoholic beverages shall have been issued.]~~

In accordance with Md. Code Ann., Alcoholic Beverages § 6-321, as amended from time to time, it shall be unlawful for any individual to consume an alcoholic beverage on public property within the corporate limits of the town except as authorized by any policies and procedures adopted and subsequently amended by resolution of the Mayor and Council.

§ [36-5] 36-3. Violations and penalties.

Any person who violates any of the provisions of this [article] **chapter, including any resolution adopted pursuant to § 36-1 of this chapter**, shall be subject to ~~[a fine not exceeding \$100. Any such violation shall constitute a separate offense on each occasion committed]~~ **the penalty set forth in Md. Code Ann., Alcoholic Beverages § 6-321(c), as amended from time to time.**

SECTION II. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets.

SECTION IV. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and

Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

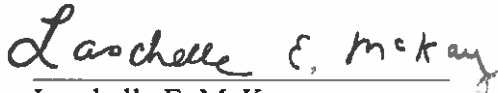
SECTION V. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VII. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Council after veto by the Mayor.


ORDINANCE # 182

Attest:




Laschelle E. McKay
Town Administrator

COUNCIL OF THE
TOWN OF LEONARDTOWN:

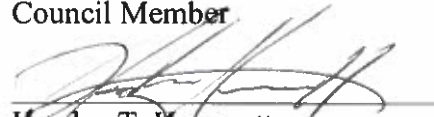


Leslie E. Roberts
Vice President



Thomas M. Combs
Council Member


Seal:



Hayden T. Hammett
Council Member

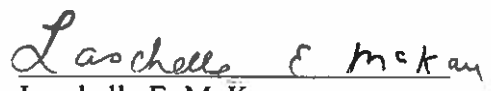


J. Maguire Mattingly, IV
Council Member



Roger L. Mattingly
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown on this 11th day of April, 2018.



Laschelle E. McKay,
Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) Approve of this Ordinance on this 11th day of April, 2018.


Daniel W. Burris, Mayor