



The Mayor and Commissioners of the Town of Elkton

Ordinance 7 – 2012

BY: Mayor and Commissioners

INTRODUCTION: July 18, 2012

ADOPTION: August 1, 2012

AN ORDINANCE CONCERNING

**Code of the Town of Elkton
Title 9
Chapter 9.04
Alcoholic Beverages**

FOR THE PURPOSE of amending the Code of the Town of Elkton, Title 9, Chapter 9.04 – Alcoholic Beverages, Section 9.04.010 – Public Consumption Restricted, providing for the consumption of alcoholic beverages by patrons of restaurants, as specified.

WHEREAS, the Constitution of the State of Maryland, Article XI-E; Article 23A, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton, provide the authority under which the Board of Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Board of Commissioners has determined that patrons of a restaurant, as defined in the Elkton Zoning Ordinance, Article II – Definitions, licensed to sell alcoholic beverages for consumption on the premises, shall be permitted to consume alcoholic beverages on the restaurant premises that extend to seating and serving areas outside the restaurant building's primary structural walls; and

WHEREAS, the Board of Commissioners have further determined that Chapter 9.04, Section 9.04.010 – Public consumption restricted – should be amended to provide for the consumption of alcoholic beverages on restaurant premises as hereinafter set forth.

NOW, THEREFORE, the Mayor and Commissioners of the Town of Elkton hereby ordain that:

Section 1: The Code of the Town of Elkton, Title 9, Chapter 9.04, Section 9.04.010 – Public consumption restricted. – shall be repealed; and

Section 2: The Code of the Town of Elkton, Title 9, Chapter 9.04, Section 9.04.010 – Public consumption restricted. – shall be re-enacted and read as follows:

Code of the Town of Elkton
Title 9
Chapter 9.04
Alcoholic Beverages

Section 9.04.010

Public consumption restricted.

- A. It is unlawful for any person to consume or possess in any open container any alcoholic beverage while:
 - 1. On public property, unless authorized by a governmental entity that has jurisdiction over the property;
 - 2. On any mall, adjacent parking area or other outside area of any combination of privately owned retail establishments, like a shopping center, where the general public is invited for business purposes, unless as otherwise provided under Paragraph H of this Section;
 - 3. On an adjacent parking area or other outside area of any other retail establishment;
 - 4. In any parked vehicle located on any of the places enumerated in this subsection.
- B. Subsection A of this section does not apply to the consumption of alcoholic beverages by passengers in the living quarters of a motor home equipped with a toilet and central heating or the passengers of a chartered bus in transit if the owner or operator has consented to the consumption of the beverages.
- C. No person shall take off a premises an alcoholic beverage if the owner or person in charge of a premises from which said alcoholic beverage is taken is prohibited from making off-premises sales under the Cecil County Board of License Commissioners.
- D. No person shall possess out-of-doors an open container containing an alcoholic beverage within fifty (50) feet of the outside of any premises licensed to dispense alcoholic beverages.
- E. Licensed premises shall include the building and land used in connection with the operation of the business conducted under the license, including the parking lot.
- F. No person shall possess any open container containing an alcoholic beverage or consume any alcoholic beverage within any mall or shopping center or in vehicles upon public streets, avenues, malls, shopping centers, alleys or parks within the corporate limits of the Town of Elkton, unless as otherwise provided under Paragraph H of this Section.
- G. No person shall possess any open container containing an alcoholic beverage on any property not their own unless permission to possess said container or to consume has been granted by the

owner, lessor, or their authorized agent. That such permission has been granted shall be an affirmative defense which the defendant may establish by adequate proof. (Amended during 1996 codification; prior code § 30-1)

- H. Alcoholic beverages may be consumed by patrons of a restaurant, as defined by the Elkton Zoning Ordinance, licensed to sell alcoholic beverages for consumption on the restaurant premises, inclusive of a seating and serving area outside the building that is an integral part of the premises of the restaurant.

**** END OF SECTION ****

Date of Effect

THIS ORDINANCE shall be effective on the 21st day of August 2012.

Certification of Legal Review

THIS ORDINANCE reviewed by the Town Attorney and found legally sufficient and in proper form.

Mr. H. Norman Wilson, Jr., Esq., P.A.

Date

Execution by the Mayor and Commissioners

Attest:

Mayor and Commissioners
of the Town of Elkton

Lewis H. George, Jr., Town Administrator

Mayor Joseph L. Fisona

Commissioner Charles H. Givens, Sr.

Commissioner Charles E. Hicks, V

Commissioner Mary Jo Jablonski

Commissioner Earl M. Piner, Sr.

Certification of Publication

THIS ORDINANCE published in the Cecil Whig on _____ and
_____.

Lewis H. George, Jr., Town Administrator

Date

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