

Introduced – August 23, 2017  
Adopted – September 13, 2017  
Effective – October 4, 2017

**ORDINANCE NO. 484**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 80, (ALCOHOLIC BEVERAGES), ARTICLE I, (CONSUMPTION IN PUBLIC), §80-2 (CONSUMPTION ON PUBLIC PROPERTY PROHIBITED) TO AMEND THE LAW TO PROHIBIT A PERSON FROM POSSESSING ANY OPEN BEVERAGE CONTAINER OF ALCOHOLIC BEVERAGE UPON ANY PUBLIC PROPERTY OR PUBLIC PLACE WITHIN THE TOWN UNLESS AN EXCEPTION HAS BEEN ISSUED BY THE TOWN**

WHEREAS, The Commissioners of St. Michaels is a Maryland municipal corporation (the "Town"); and

WHEREAS, the Town is empowered to enact legislation applicable to the Town by, and within the scope of, Maryland Code Ann., Local Gov't § Division II, Municipalities, Title 5-203, Charter of the Town of St. Michaels (1980); and

WHEREAS, THE Code of the Town of St. Michaels, Maryland (the "Code") in its entirety was adopted by the Commissioners of St. Michaels on June 8, 2006 and became effective on June 28, 2006; and

WHEREAS, the Commissioners of St. Michaels deem it advisable to amend Chapter 80 of the Code (Alcoholic Beverages), Article I (Consumption in Public), §80-2 (Consumption on Public Property Prohibited) as there has been an increase of people carrying alcoholic beverages on public property, and likely consuming the same on public property on a regular basis; and

WHEREAS, the Commissioners wish to discourage public intoxication, by changing and clarifying the law to improve the ability of the Town's Police Officers to maintain peace and order throughout the Town.

SECTION 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 80 of the Code of the Town of St. Michaels (Alcoholic Beverages), Article I (Consumption in Public), §80-2 (Consumption on Public Property Prohibited) is hereby amended as shown in this section, with new language shown underlined and deleted language shown with strikethrough:-

~~Article I.~~ Article I. Possession of Open Containers containing alcohol on ~~in~~ Public property or a public place is prohibited.

[Adopted 11-13-1979 by Ord. No. 122]

§ 80-1. Definitions.

The following words and/or phrases shall have the meanings as hereinafter set forth for the purposes of this article only:

ALCOHOLIC BEVERAGE

Any liquid, substance, or matter which is controlled and/or regulated by the Talbot County Liquor Board and or the State of Maryland.

PUBLIC PLACE

Any area wherein the public is invited as potential patrons or customers within any private business establishment, during hours which said business establishment is open to the public for business, provided that the business establishment does not hold a current and valid beer, wine and/or liquor license from the Talbot County Liquor Board.

PUBLIC PROPERTY

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Any property which is titled in the name of The Commissioners of St. Michaels, or any road, street, highway, alley, sidewalk or other public way which is open to the use of the public, regardless of in whose name the land is titled.

§ 80-2. Possession ~~and or Consumption~~ of open container of alcoholic beverage on public property or public place prohibited.

[Amended 4-9-2008 by Ord. No. 384]

No person shall ~~drink or otherwise consume~~ possess any ~~open beverage~~ containing of alcoholic beverage ~~alcohol~~ upon any public property or public place within the Town, unless the following exception applies. The Commissioners of St. Michaels may, in their sole discretion, grant ~~two~~ exceptions to this rule ~~in any calendar year~~ for events in the Town, provided the applicant meets all of the following conditions.

A.

The purpose of the event is to bring attention to a significant historical cultural or traditional aspect of St. Michaels or the Chesapeake Bay, and thereby attract visitors to the Town.

B.

The event will benefit the Town's commercial interests generally and not be for the benefit of one or just a few businesses.

~~C.~~

~~The event has a favorable recommendation from the St. Michaels Tourism Board, accompanied by a statement from the Board that, in its opinion, the event meets the conditions in Subsections A and B above.~~

~~C.D.~~

~~The serving of alcoholic beverages is incidental to and not the main or only purpose of the event, such as holding a tasting as one of other attractions of the event.~~

~~D.E.~~

~~The alcoholic beverages will be served only in a commercial zone and confined within a designated area.~~

~~E.F.~~

~~The applicant will obtain, before the event takes place, the appropriate license from the Talbot County Liquor Board and/or the State of Maryland.~~

§ 80-3. Violations and penalties.

[Amended 6-7-2006 by Ord. No. 337]


Any person who shall ~~drink or otherwise consume~~ possess any ~~open container of~~ alcoholic beverage upon any public property or any public place within the Town of St. Michaels ~~(except as noted in 80-2 above)~~ shall be guilty of a municipal infraction and shall be liable, at the discretion of the Court, to be punished ~~ableed~~ by fine of \$200 per occurrence. ~~Each date on which this article is violated shall constitute a separate offense.~~

SECTION 2. AND BE IT FURTHER ORDAINED AND ENACTED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a summary of this Ordinance for publication and all other purposes.

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**SECTION 3.** AND BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect at the expiration of twenty (20) days from the date of its passage, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels, subject to the provisions of § C-16 of the Charter.

HAVING BEEN INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the public meeting of The Commissioners of St. Michaels held on the 23rd day of August, 2017, at 6:00 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Building (Town Office), 300 Mill Street, St. Michaels, Maryland.

 (SEAL)  
Jean R. Weisman  
Town Clerk/Manager

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HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a public meeting of The Commissioners of St. Michaels held on the 13<sup>th</sup> day of September, 2017 at 6:00 o'clock p.m., in the meeting room of the Edgar M. Bosley, Jr. Building (Town Office), St. Michaels, Maryland.

Bibb	-	___yea___
Boos	-	___yea___
Harrod	-	___yea___
Myers	-	___yea___
Winton	-	___yea by absentee ballot__

I HEREBY CERTIFY that the above Ordinance No. 484 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 13<sup>th</sup> day of September, 2017.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS

  
Jean R. Weisman, Town Clerk/Manager

By:  (SEAL)  
William E. Boos, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 14<sup>th</sup> day of September, 2017, at 8:30 o'clock a.m. to the 3<sup>rd</sup> day of October, 2017, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 484, the date of its passage, its effective date and the fact that the entire text of this Ordinance may be read on the bulletin board of the Town Office for at least twenty (20) days following its passage, has been published at least once each week for two (2) successive weeks within the twenty (20) days following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: Oct 5, 2017

  
Jean R. Weisman, Town Clerk/Manager