

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 1

Bill No. 5-22

Introduced by Mr. Pruski

By the County Council, January 3, 2022

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Introduced and first read on January 3, 2022  
Public Hearing set for and held on February 7, 2022  
Public Hearing on AMENDED bill set for and held on February 22, 2022  
Bill Expires April 8, 2022

By Order: Laura Corby, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses and Registrations – Amusements – Licensing of  
2 Coin-Operated Amusement Devices

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4 FOR the purpose of amending the definition of “coin-operated amusement device”;  
5 amending the regulations governing the licensing of coin-operated amusement devices;  
6 amending the classes of specific licenses; repealing a location prohibition; allowing  
7 prizes and awards of a certain wholesale value; prohibiting the transfer of a certain  
8 license; allowing suspension or revocation of a license under certain circumstances;  
9 and generally relating to licenses and registrations.

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11 BY repealing: § 11-2-505(f)  
12 Anne Arundel County Code (2005, as amended)

13  
14 BY repealing and reenacting, with amendments: §§ 11-2-501; 11-2-502; 11-2-503; 11-2-  
15 504; and 11-2-505(d) and (e)  
16 Anne Arundel County Code (2005, as amended)

17  
18 BY adding: § 11-2-506(f)  
19 Anne Arundel County Code (2005, as amended)

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21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
22 That § 11-2-505(f) of the Anne Arundel County Code (2005, as amended) be repealed.

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter stricken from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.  
Underlining indicates matter added to bill by amendment.  
~~Strikeover~~ indicates matter removed from bill by amendment.

SECTION 2. *And be it further enacted*, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

## ARTICLE 11. LICENSES AND REGISTRATIONS

### TITLE 2. AMUSEMENTS

#### **11-2-501. “Coin-operated amusement device” defined.**

In this title “coin-operated amusement device” means a pinball machine with or without flippers, a claw or digger machine, an electronic game, a video game, a console device or any similar device that is activated for play by the insertion of a coin, by remote control, or by other manual, mechanical, or electrical means, but the term does not include kiddie rides, such as devices with figures mounted on a coin-operated mechanism that when in operation move in a rocking or rolling motion simulating a ride, OR “ELECTRONIC GAMING DEVICES” AS DEFINED IN COMAR 36.06.01.02.

#### **11-2-502. Licenses classified.**

(a) **Three classes.** There are three classes of licenses for coin-operated amusement devices.

(b) **Class E.** [[Except as provided in subsection (d), a]] A Class E license is required for [[the operation of each coin-operated amusement device]] A SINGLE LOCATION OR SINGLE ROOM OF A BUILDING IN WHICH ARE LOCATED LESS THAN TWENTY COIN-OPERATED AMUSEMENT DEVICES. A Class E license may be issued only to [[a holder of a Class I license]] THE OWNER OR OPERATOR OF THE LOCATION OR ROOM OF A BUILDING IN WHICH COIN-OPERATED AMUSEMENT DEVICES ARE LOCATED.

(c) **Class I.** A Class I license is required for the distribution, placing in operation, rental, or lease of a coin-operated amusement device AT A LOCATION NOT OWNED OR OPERATED BY THE CLASS I LICENSEE.

(d) **Class FA.** A Class FA license is required for a single location or single room of a building in which are located [[nine]] TWENTY or more coin-operated amusement devices. [[The issuance of a Class FA license eliminates the requirement for a Class E license on each coin-operated amusement device.]] A CLASS FA LICENSE MAY BE ISSUED ONLY TO THE OWNER OR OPERATOR OF THE LOCATION OR ROOM OF A BUILDING IN WHICH COIN-OPERATED AMUSEMENT DEVICES ARE LOCATED.

#### **11-2-503. General prohibitions.**

[[a) **Location.** A person may not place a coin-operated amusement device in a location that on or before May 7, 1962, did not contain the devices if the location is within 1,000 feet of a religious facility or school.

(b) **Prizes and awards.** A person may not pay any prize or award other than one or more replays to a player of any coin-operated amusement device.]] FOR EACH PLAY, A COIN-OPERATED AMUSEMENT DEVICE MAY AWARD ONLY MERCHANDISE OR PRIZES HAVING A WHOLESALE VALUE OF NOT MORE THAN \$30; THE RIGHT TO RECEIVE

1 MERCHANDISE OR PRIZES HAVING A WHOLESALE VALUE OF NOT MORE THAN \$30; OR A  
2 TICKET, TOKEN, OR OTHER OBJECT THAT REPRESENTS OR CAN BE CONVERTED INTO  
3 MERCHANDISE OR PRIZES HAVING A WHOLESALE VALUE OF NOT MORE THAN \$30.

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5 **11-2-504. Class E license.**

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7 (a) **Term.** A Class E license shall be issued for the year beginning July 1 of each year  
8 and ending June 30 of the next succeeding year.

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10 (b) **Fees.** The annual fee for a Class E license is \$100 PER COIN-OPERATED  
11 AMUSEMENT DEVICE. The licensee shall pay a late fee of \$25 per day for a failure to renew  
12 the license prior to its expiration.

13  
14 (c) **Issuance or denial.** A CLASS E LICENSE SHALL BE ISSUED IF THE APPLICANT HAS  
15 PAID ALL TAXES AS REQUIRED BY § 11-2-103 AND IS OTHERWISE IN COMPLIANCE WITH ALL  
16 PROVISIONS OF THIS TITLE AND TITLE 1 OF THIS ARTICLE. AN APPLICANT FOR A CLASS E  
17 LICENSE SHALL IDENTIFY EACH DEVICE TO BE OPERATED AT THE LOCATION IN THE  
18 MANNER REQUIRED BY THE DEPARTMENT.

19  
20 ~~[(c)]~~ (D) **Display.** Each Class E license shall be securely fastened and prominently  
21 displayed on ~~[[the amusement device]]~~ A WALL OF THE LOCATION for which it was issued.

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23 ~~[(d)]~~ (E) **Transfer.** A Class E license may not be transferred to another owner,  
24 location, or place of business.

25  
26 ~~[(e)]~~ (F) **Failure to display license.** ~~[[If a coin-operated amusement device is in~~  
27 ~~operation and a Class E license for the device is not displayed in accordance with~~  
28 ~~subsection (c), the]]~~ UPON REQUEST BY authorized agents of the County ~~[[shall request]],~~  
29 the proprietor of the premises where the AMUSEMENT device is found, or the person  
30 exercising management responsibility for the premises if the proprietor is not present, ~~[[to]]~~  
31 SHALL produce the license for the ~~[[device]]~~ LOCATION.

32  
33 ~~[(f)]~~ (G) **Failure to provide satisfactory proof of licensing.** If satisfactory proof of  
34 licensing has not been provided to the Director within 24 hours, the proprietor or the person  
35 exercising management responsibility for the premises shall be notified to immediately  
36 render the ~~[[unlicensed]]~~ amusement ~~[[device]]~~ DEVICES AT THE LOCATION inoperable  
37 until a license is obtained for the ~~[[device]]~~ LOCATION and obtain the license within five  
38 working days of the date of notice.

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40 ~~[(g)]~~ (H) **Confiscation of devices.** The County may confiscate AMUSEMENT DEVICES  
41 FROM an unlicensed ~~[[amusement device]]~~ LOCATION if:

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43 (1) the device is not rendered inoperable ~~[[as provided in]]~~ WHEN REQUIRED BY  
44 this section;

45  
46 (2) the device is placed back in operation after having been rendered inoperable but  
47 before the issuance of a license for the ~~[[device]]~~ LOCATION; or

(3) a license is not obtained for the LOCATION OF THE device within five working days after notification and the device has not been removed from the [[premises]] LOCATION.

[[h]] (I) **Redemption of devices after confiscation.** Whenever a coin-operated amusement device is confiscated in accordance with subsection [[g]] (H), the device may be redeemed by its owner on payment of a recovery charge of \$250. If a device is not redeemed within 180 days after the date of confiscation, it shall be considered abandoned. A device that has been redeemed in accordance with this section may not be placed into operation until a Class E OR FA license has been obtained for the LOCATION OF THE device.

[[i]] (J) **Suspension; revocation.** [[In addition to penalties that may be imposed on the first conviction of a proprietor or the proprietor's agent or employee of a business where coin-operated amusement devices are kept, the Director may suspend for up to three months all Class E licenses issued for the amusement devices on the premises of the proprietor. On a second conviction, the Director shall revoke the Class E licenses.]] THE DEPARTMENT MAY SUSPEND OR REVOKE A CLASS E LICENSE FOR ANY VIOLATION OF THIS TITLE OR TITLE 1 OF THIS ARTICLE BY A CLASS E LICENSEE OR ANY AGENT OR EMPLOYEE OF A CLASS E LICENSEE. THE DEPARTMENT SHALL PROVIDE NOTICE AND THE OPPORTUNITY FOR A HEARING BEFORE SUSPENDING OR REVOKING A LICENSE.

#### **11-2-505. Class I license.**

(d) **Records.** Each holder of a Class I distributor's license or the resident agent of the license holder shall keep and maintain in the County complete and accurate records of the kind of amusement devices licensed for operation AND THE LOCATIONS AT WHICH THE AMUSEMENT DEVICES ARE LOCATED. The records shall be available for inspection by the Director at reasonable times and on request.

(e) **Suspension; revocation.** [[In addition to penalties that may be imposed on the first conviction of the holder of a Class I license or the agent or employee of the holder of a Class I license, the Director may suspend the license for three months. On a second conviction, the Director shall revoke the license.]] THE DEPARTMENT MAY SUSPEND OR REVOKE A CLASS I LICENSE FOR ANY VIOLATION OF THIS TITLE OR TITLE 1 OF THIS ARTICLE BY A CLASS I LICENSEE OR ANY AGENT OR EMPLOYEE OF A CLASS I LICENSEE. THE DEPARTMENT SHALL PROVIDE NOTICE AND THE OPPORTUNITY FOR A HEARING BEFORE SUSPENDING OR REVOKING A LICENSE.

[[f] **Obtaining Class E license.** A Class I licensee may not apply for a Class E license for a coin-operated amusement device that the licensee does not own or have under the licensee's exclusive control.]]

#### **11-2-506. Class FA license.**


(F) **Suspension; revocation.** THE DEPARTMENT MAY SUSPEND OR REVOKE A CLASS FA LICENSE FOR ANY VIOLATION OF THIS TITLE OR TITLE 1 OF THIS ARTICLE BY A CLASS FA LICENSEE OR ANY AGENT OR EMPLOYEE OF A CLASS FA LICENSEE. THE DEPARTMENT SHALL PROVIDE NOTICE AND THE OPPORTUNITY FOR A HEARING BEFORE SUSPENDING OR REVOKING A LICENSE.

1       SECTION 3. *And be it further enacted*, that this Ordinance shall take effect 45 days  
2       from the date it becomes law.

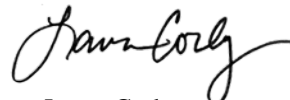
AMENDMENTS ADOPTED: February 7, 2022

READ AND PASSED this 22<sup>nd</sup> day of February, 2022

By Order:

  
Laura Corby  
Administrative Officer

PRESENTED to the County Executive for his approval this 23<sup>rd</sup> day of February, 2022

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 28<sup>th</sup> day of February, 2022

  
Steuart Pittman  
County Executive

EFFECTIVE DATE: April 14, 2022

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 5-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
Laura Corby  
Administrative Officer