A BILL ENTITLED

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

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

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

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

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

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Council of Anne Arundel County, Maryland, That § 11-2-505(f) of the Anne Arundel County Code (2005, as amended) be repealed.

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


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.


(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
11-2-504. Class E license.

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

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

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

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

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

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

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

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

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

(2) the device is placed back in operation after having been rendered inoperable but 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.
SECTION 3. And be it further enacted, that this Ordinance shall take effect 45 days from the date it becomes law.

AMENDMENTS ADOPTED: February 7, 2022

READ AND PASSED this 22nd day of February, 2022

By Order:

Laura Corby
Administrative Officer

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

Laura Corby
Administrative Officer

APPROVED AND ENACTED this 28th 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