

**CITY OF BALTIMORE
COUNCIL BILL 09-0290
(First Reader)**

Introduced by: Councilmember Curran, President Rawlings-Blake, Councilmembers Cole,
Middleton, Branch, Henry, Welch, Young, Kraft, Spector, Conaway

Introduced and read first time: February 23, 2009

Assigned to: Taxation, Finance and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Simulated Slot Machines – Zoning –**
3 **Licensing and Regulation – Admissions and Amusement Tax**

4 FOR the purpose of modifying certain limitations on amusement devices as accessory uses in
5 certain zoning districts; defining certain terms; modifying the license fee for certain
6 amusement devices; exempting certain amusement devices from the admissions and
7 amusement tax; providing for an award program for persons reporting unlicensed or
8 unregistered amusement devices; providing for a special effective date; and generally
9 relating to the zoning, licensing, regulation, and taxation of amusement devices.

10 BY repealing and reordaining, with amendments

11 Article - Zoning
12 Section(s) 1-110, 6-207(2), 7-209(1)
13 Baltimore City Revised Code
14 (Edition 2000)

15 BY adding

16 Article - Zoning
17 Section(s) 1-189.1
18 Baltimore City Revised Code
19 (Edition 2000)

20 BY repealing and reordaining, without amendments

21 Article - Zoning
22 Section(s) 6-307, 6-407, 6-507, 6-607, 7-310, 7-409
23 Baltimore City Revised Code
24 (Edition 2000)

25 BY repealing and reordaining, without amendments

26 Article 15 - Licensing and Regulation
27 Section(s) 2-11(b), 2-12(a), 2-13(a), 2-15(b), 2-19
28 Baltimore City Code
29 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 09-0290

1 BY adding
2 Article 15 - Licensing and Regulation
3 Section(s) 2-11(f), 2-17.1
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Article 15 - Licensing and Regulation
8 Section(s) 2-15(a), 2-17
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, without amendments
12 Article 28 - Taxes
13 Section(s) 19-1(a)
14 Baltimore City Code
15 (Edition 2000)

16 BY adding
17 Article 28 - Taxes
18 Section(s) 19-5
19 Baltimore City Code
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
22 Laws of Baltimore City read as follows:

23 **Baltimore City Revised Code**

24 **Article – Zoning**

25 **§ 1-110. Amusement device.**

26 (a) *In general.*

27 “Amusement device” has the meaning stated in City Code Article 15 {“LICENSING AND
28 REGULATION”}, § 2-11 {“DEFINITIONS”}, except as specified in subsection (b) of this
29 section.

30 (b) *Exclusions.*

31 “Amusement device” does not include any peep show device.

32 **§ 1-189.1. SIMULATED SLOT MACHINE.**

33 “SIMULATED SLOT MACHINE” HAS THE MEANING STATED IN CITY CODE ARTICLE 15
34 {“LICENSING AND REGULATION”}, § 2-11 {“DEFINITIONS”}.

Council Bill 09-0290

§ 6-207. Accessory uses {B-1}.

In a B-1 District, accessory uses and structures include the following:

(2) Amusement devices, as follows:

(i) [No more than 5] UP TO 10 amusement devices, WHICH MAY INCLUDE NO MORE THAN 5 SIMULATED SLOT MACHINES, when used in combination with one of the following:

- (A) Billiard or pool room.
- (B) Bowling alley.
- (C) Bus, train, or boat terminal.
- (D) Hotel or motel.
- (E) Marina.
- (F) Miniature golf.
- (G) Race track.
- (H) Restaurant with alcoholic beverage license.
- (I) Skating rink.
- (J) Social, fraternal, or veteran's club.
- (K) Swimming pool.
- (L) Tavern.
- (M) Tennis or racquet club: Indoor.
- (N) ANY BUSINESS THAT OFFERS THE MARYLAND STATE LOTTERY GAME KNOWN AS "KENO".

(ii) [No more than 5] UP TO 10 amusement devices, WHICH MAY INCLUDE NO MORE THAN 5 SIMULATED SLOT MACHINES, when used in combination with other uses that the Board finds, after a public hearing, to be entertainment, leisure, or recreation oriented.

(iii) [Amusement] UP TO 2 AMUSEMENT devices when used in combination with uses that are not entertainment, leisure, or recreation oriented[, subject to:

- (A) the required location permit having been obtained under Article 15 of the City Code; and

Council Bill 09-0290

(B) the following limits based on the floor area of the location’s interior space devoted to the principal use:

1. no more than 1 device if the net floor area is 600 square feet or less; and
2. no more than 2 devices if the net floor area exceeds 600 square feet].

§ 6-307. Accessory uses {B-2}.

In a B-2 District, accessory uses and structures are the same as those in a B-1 District, except that the gross floor area limitations of a B-1 District do not apply in a B-2 District.

§ 6-407. Accessory uses {B-3}.

In a B-3 District, accessory uses and structures are the same as those in a B-2 District.

§ 6-507. Accessory uses {B-4}.

In a B-4 District, accessory uses and structures are the same as those in a B-1 District, except that the gross floor area limitations of a B-1 District do not apply in a B-4 District.

§ 6-607. Accessory uses {B-5}.

In a B-5 District, accessory uses and structures are the same as those in a B-1 District, except that the gross floor area limitations of a B-1 District do not apply in a B-5 District.

§ 7-209. Accessory uses {M-1}.

In an M-1 District, accessory uses and structures include, but are not limited to, the following, subject to compliance with the performance standards set forth in Title 12 {“Performance Standards”} of this article:

(1) Amusement devices, as follows:

(i) [No more than 5] UP TO 10 amusement devices, WHICH MAY INCLUDE NO MORE THAN 5 SIMULATED SLOT MACHINES, when used in combination with one of the following:

- (A) Billiard or pool room.
- (B) Bowling alley.
- (C) Bus, train, or boat terminal.
- (D) Hotel or motel.
- (E) Indoor tennis or racquet club.
- (F) Marina.

Council Bill 09-0290

- 1 (G) Miniature golf.
- 2 (H) Race track.
- 3 (I) Restaurant with alcoholic beverage license.
- 4 (J) Skating rink.
- 5 (K) Social, fraternal or veteran club.
- 6 (L) Swimming pool.
- 7 (M) Tavern.
- 8 (N) ANY BUSINESS THAT OFFERS THE MARYLAND STATE LOTTERY GAME
- 9 KNOWN AS “KENO”.

- 10 (ii) [No more than 5] UP TO 10 amusement devices, WHICH MAY INCLUDE NO MORE
- 11 THAN 5 SIMULATED SLOT MACHINES, when used in combination with other
- 12 uses that the Board finds, after a public hearing, to be entertainment, leisure,
- 13 or recreation oriented.

- 14 (iii) [Amusement] UP TO 2 AMUSEMENT devices when used in combination with
- 15 uses that are not entertainment, leisure, or recreation oriented[, subject to:

- 16 (A) an amusement device location permit having been obtained under
- 17 Article 15 of the City Code; and

- 18 (B) the following limits based on the net floor area of the location’s
- 19 interior space devoted to the principal use:
 - 20 1. no more than 1 device if the net floor area is 600 square feet or
 - 21 less; and

 - 22 2. no more than 2 devices if the net floor area exceeds 600 square
 - 23 feet].

§ 7-310. Accessory uses {M-2}.

In an M-2 District, accessory uses and structures are the same as those in an M-1 District, except that they need not comply with the performance standards in Title 12 {“Performance Standards”} of this article.

§ 7-409. Accessory uses {M-3}.

In an M-3 District, accessory uses and structures are the same as those in an M-1 District, except that they need not comply with the performance standards in Title 12 {“Performance Standards”} of this article.

Council Bill 09-0290

Baltimore City Code

Article 15. Licensing and Regulation

Subtitle 2. Amusements

Part 3. Amusement Devices

§ 2-11. Definitions.

(b) *Amusement device.*

(1) *In general.*

“Amusement device” means any electronic or mechanical device that is designed to provide amusement or entertainment and for which a fee is charged to operate or use.

(2) *Illustrations.*

“Amusement device” includes any of the following for which a fee is charged to operate or use:

- (i) video or electronic game;
- (ii) computer console or Internet connection;
- (iii) pinball or console machine;
- (iv) bowling or shuffleboard machine;
- (v) pool table or pool table;
- (vi) target machine;
- (vii) baseball machine;
- (viii) riding device;
- (ix) claw machine, digger, or rotary merchandiser;
- (x) jukebox or other music player;
- (xi) player piano;
- (xii) peep show device; or
- (xiii) similar device.

Council Bill 09-0290

1 (3) *Exclusion.*

2 “Amusement device” does not include a bona fide vending machine that does not
3 incorporate an amusement or entertainment feature.

4 (F) *SIMULATED SLOT MACHINE.*

5 “SIMULATED SLOT MACHINE” MEANS ANY AMUSEMENT DEVICE EQUIPPED WITH A KNOCK-
6 OFF SWITCH OR KNOCK-OFF BUTTON THAT ENABLES AN OWNER OR CUSTODIAN OF THE
7 DEVICE TO REMOVE FREE PLAYS OR OTHER GAME CREDITS ACCUMULATED BY A WINNING
8 PLAYER.

9 **§ 2-12. License required.**

10 (a) *In general.*

11 No person may permit any amusement device on his, her, or its premises to be used by
12 the public unless the person first obtains from the Director a license for that device.

13 **§ 2-13. Registration required.**

14 (a) *In general.*

15 (1) The owner of any amusement device that is located in the City must register that
16 device with the Director.

17 (2) If the device is maintained on the owner’s premises and licensed by the owner under
18 § 2-12 of this subtitle, the device is exempt from the registration fee provided for in
19 § 2-15(b) of this subtitle.

20 **§ 2-15. Fees.**

21 (a) *License fee.*

22 (1) The annual fee for an amusement device license is AS FOLLOWS:

23 (I) FOR A SIMULATED SLOT MACHINE, \$3,000 PER DEVICE; AND

24 (II) FOR ANY OTHER AMUSEMENT DEVICE, \$180 per device.

25 (2) The fee for a transfer of a licensed device is \$10.

26 (b) *Registration fee.*

27 The annual fee for an amusement device registration is:

28 (1) \$200; plus

29 (2) \$50 per device.

Council Bill 09-0290

§ 2-17. Rules and regulations.

(a) *Director [may] TO adopt.*

The Director [may] SHALL adopt and enforce rules and regulations to carry out this Part 3.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

§ 2-17.1. BOUNTY FOR UNLICENSED, ETC., DEVICES.

(A) *IN GENERAL.*

THE RULES AND REGULATIONS ADOPTED UNDER § 2-17 OF THIS SUBTITLE SHALL ESTABLISH A BOUNTY PROGRAM TO REWARD PERSONS WHO REPORT DEVICES BEING OPERATED WITHOUT THE LICENSE OR REGISTRATION REQUIRED BY THIS PART.

(B) *SOURCE OF REWARD.*

THE REWARD FOR A REPORT SHALL BE A SET PERCENTAGE, AS SPECIFIED IN THE RULES AND REGULATIONS BUT NOT TO EXCEED 50%, OF ALL FINES AND PENALTIES THAT THE CITY COLLECTS AS A RESULT OF THE REPORT.

§ 2-19. Penalties.

(a) *In general.*

Any person who violates any provision of this Part 3 or of a rule or regulation adopted under this Part 3 is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

Article 28. Taxes

Subtitle 19. Admissions and Amusement Tax

§ 19-1. Tax on admissions.

(a) *In general.*

Except as otherwise provided in this section, there is levied and imposed a tax at the rate of 10% of the gross receipts derived from any admissions and amusement charge as defined in State Tax-General Article § 4-101(b).

Council Bill 09-0290

1 **§ 19-5. EXEMPTIONS – SIMULATED SLOT MACHINES.**

2 (A) *“SIMULATED SLOT MACHINE” DEFINED.*

3 IN THIS SECTION, “SIMULATED SLOT MACHINE” HAS THE MEANING STATED IN CITY CODE
4 ARTICLE 15 {“LICENSING AND REGULATION”}, § 2-11 {“DEFINITIONS”}.

5 (B) *EXEMPTION GRANTED.*

6 THE TAX IMPOSED BY THIS SUBTITLE DOES NOT APPLY TO THE GROSS RECEIPTS FROM A
7 SIMULATED SLOT MACHINE THAT IS LICENSED AND REGISTERED AS REQUIRED BY CITY
8 CODE ARTICLE 15 {“LICENSING AND REGULATION”}, SUBTITLE 2 {“AMUSEMENTS”},
9 PART 3 {“AMUSEMENT DEVICES”}.

10 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
11 are not law and may not be considered to have been enacted as a part of this or any prior
12 Ordinance.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 60th day
14 after notice is given to the State Comptroller of the changes enacted by this Ordinance to City
15 Code Article 28, Subtitle 19.