



**TOWN OF PORT DEPOSIT
ORDINANCE 2019-02**

**TOWN OF PORT DEPOSIT CODE
CHAPTER VI
VENDING AND AMUSEMENT MACHINES**

WHEREAS, the Council of the Town of Port Deposit may exercise the power conferred upon them by Article III, Section 309 of the Charter of the Town of Port Deposit to pass ordinances or by-laws to enable them to better promote and preserve the public health, safety and welfare of the residents of the town; and

WHEREAS, as per Article V, 501 (45) of the Charter, the Council has the authority to adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the State of Maryland or with the Charter of the Town of Port Deposit; and

WHEREAS, the Mayor and Council desire to establish regulations for the use of vending and amusement machines in the Town of Port Deposit Code.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Mayor and Council of the Town of Port Deposit hereby establish and adopt new regulations entitled, Chapter VI Vending and Amusement Machines as follows:

6-1 DEFINITIONS

The following words or phrases when used in this chapter, shall have the following meaning:

Amusement Table or Mechanical Device – Any machine or device which, upon the insertion of a coin, slug, token, plate, disc, currency of any sort or denomination, or by the payment of any price by any method, including by credit or debit card, may be operated by the public generally by manipulating special equipment whereby a score is established, the object of which is to score a special number or numbers, or a high total score, whether a prize is offered or not, when the element of skill in such manipulation predominates over chance or luck; or for use as a game, entertainment or amusement, whether or not registering a score. It shall include the games of shuffleboard, and so-called table pool, bowling table, mechanical grab machines, skill ball, juke box, video poker, pinball machines, or any other similar table or mechanical device game.

Merchandise Vending Machine – Any automatic vending machine or device which, upon the insertion of a coin, slug, token, plate, disc, currency of any sort or denomination, or by the payment of any price by any method, including by credit or debit card is used for the sale or rental of any merchandise including cigarettes, food, drink, movies, personal products, including but not limited to, internet service, kiosks, newspaper vending machines, machines transferring or downloading movies or music.

Person shall include the following:

- Any person, firm, corporation or association that owns any such mechanical device or vending machine;
- Any person, firm, corporation or association in whose place of business any such mechanical device or vending machine is placed for use by the public; and/or
- Any person, firm, corporation or association that has control over such mechanical device or vending machine.

Tobacco Product – Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use including, but limited to, cigars, cigarettes, chewing tobacco, pipe tobacco, snuff, etc.

Tobacco Produce Vending Machine – Any automated, self-service device which, upon the insertion of a coin, slug, token, plate, disc, currency of any sort or denomination, or by the payment of any price by any method, including by credit or debit card dispenses any type of tobacco product.

6-2 GAMBLING DEVICES NOT AUTHORIZED

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices other than legally licensed State-controlled machines, or any mechanism that has been judicially determined to be a gambling device, or any machines that are prohibited by law.

6-3 RESTRICTIONS TOBACCO PRODUCTS

It shall be unlawful for the owner, tenant, or proprietor of any premises in the Town of Port Deposit to offer or sell tobacco products through a vending machine except in the following specified locations:

- a. *Premises where access by minors is prohibited.* A tobacco product vending machine may be placed and located wholly within the premises, or portions of the premises thereof, to which access by minor is expressly prohibited either by law or by police or the owner of the premises.
- b. *Commercial and industrial buildings.* A tobacco product vending machine may be placed or located wholly within a commercial or industrial plant, or a portion thereof, where the general public is prohibited from entering by appropriate signs where the tobacco

product vending machine is intended strictly for the use of employees, and where minor employees are not usually admitted.

- c. *Unattended and unmonitored areas.* Notwithstanding subsections a. and b. above, no tobacco product vending machine shall be placed closer than twenty (20) feet to any entrance or exit, or within a restroom, coat room, outer waiting area, unmonitored hallway or any other area which is not constantly supervised or monitored during the hours the tobacco product vending machine is available for use, nor shall a tobacco product vending machine be accessible to the public outside a building, or when the premises where it is located is closed.

6-4 RESTRICTIONS AMUSEMENT TABLE, MECHANICAL DEVICES AND MERCHANDISE VENDING MACHINES

It shall be unlawful for the owner, tenant, or proprietor of any premises in the Town of Port Deposit to locate or place an amusement table, mechanical device and/or merchandise vending machines, except in the following specified locations:

- a. *Commercial or Industrial Buildings.* An amusement table, mechanical device and/or merchandise vending machines may be placed or located wholly within a commercial or industrial building, or wholly within a portion thereof.
- b. *Outdoor Locations.* Notwithstanding subsections a. above, no amusement table, mechanical device and/or merchandise vending machines shall be placed or located wholly, or a portion thereof, outside a building, or be accessible to the public when the premises where it is located is closed if it is in view from any public street, alley, right-of-way, etc.

6-5 PENALTY

Any person violating any provision of this chapter shall be guilty of a municipal infraction and punished by a fine of \$100.00. Each day the violation continues shall constitute a separate and repeated offense. Notification shall be provided as per Chapter 1. Section 1-5 Violations Defined and Penalties Designated.

6-6 ENFORCEMENT

Enforcement of this chapter is defined in Chapter 1, Section 1-5.3 Municipal Infraction Procedures.

Any amusement table, mechanical device and/or merchandise vending machine in place within the Town of Port Deposit that would be in violation of this Chapter at the time these regulations go into effect, the owner, tenant, or proprietor of the premises shall be notified in writing and shall have 30 days from receipt of the notice to remove or relocate it so as to be in compliance with this ordinance.

DATE OF EFFECT: Ordinance 2019-02 shall take effect twenty (20) days after adoption as per Article III, Section 309 of the Charter of the Town of Port Deposit, and shall be published at least once in a newspaper having general circulation.

INTRODUCTION: September 17, 2019

ADOPTED: October 1, 2019

EFFECTIVE DATE: October 21, 2019

IN WITNESS WHEREOF, we have set our hands and seals, and adopted Ordinance 2019-02 this 1st Day of October, 2019.

Affirmative 3

Absent 0

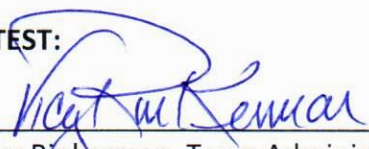
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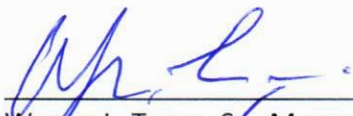
THE TOWN OF PORT DEPOSIT

By The Mayor and Town Council:

ATTEST:



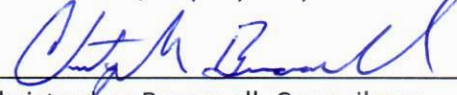
Vicky Rinkerman, Town Administrator



Wayne L. Tome, Sr., Mayor

ABSTAIN

Robert Kuhs, Deputy Mayor



Christopher Broomell, Councilman



Kevin Brown, Councilman

ABSTAIN

Thomas Knight, Councilman