

Prince George's County Council

Agenda Item Summary

Meeting Date: 9/16/2014
Reference No.: CB-049-2014
Draft No.: 2
Proposer(s): Harrison
Sponsor(s): Harrison, Davis, Franklin, Lehman, Olson, Patterson, Turner
Item Title: An Act concerning Automated Purchasing Machines for the purpose of defining automated purchasing machines, prohibiting automated purchasing machines; providing for certain fines and penalties; and generally relating to automated purchasing machines.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Rodney C. Streeter, Chief of Staff Council District 5

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	9/25/2014 S
Committee Referral:	7/8/2014 - PSFM	Effective Date:	10/1/2014
Committee Action:	9/9/2014 - NR		
Date Introduced:	7/8/2014		
Public Hearing:	9/9/2014 - 1:30 PM		
Council Action (1)	9/16/2014 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:N, EO:A, OP:A, IT:A, KT:N		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

05-242, 05-243, 05-244

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE

Date 9/9/2014

Vote: No Recommendation, 9-0. (In favor: Council Members Franklin, Campos, Davis, Harrison, Lehman, Olson, Patterson, Toles and Turner)

This bill was introduced on July 8, 2014. The public hearing on this bill was held on September 9, 2014.

The purpose of this bill is to expressly prohibit the installation or operation of automated purchasing machines within Prince George's County. Automated purchasing machines are self-service devices that are designed to dispense money in exchange for personal property and are also known as reverse vending machines.

It does not apply to an automated purchasing machine that is used exclusively for collecting recyclable materials, including paper, glass, metals, plastics, and cardboard, in accordance with a recycling program approved by the Maryland Department of the Environment.

Personal property means private property that is moveable. Personal property includes property that is serialized or

normally has a unique identifier and gift cards or vouchers that have monetary value.

This bill provides that the installation or operation of automated purchasing machines is prohibited within Prince George's County.

Violation of the provisions of this bill shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months.

During the Committee of the Whole, the following issues were discussed: ban, partial ban, existing automated purchasing machines, scope of State and County authority, crime, location, zoning, fees, number of licensees, hours of operation, fines and penalties, retroactive effective date, and pawnshops.

The County Council requested an Attorney General opinion regarding §20-102 of Senate Bill 382.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The purpose of this bill is to expressly prohibit the installation or operation of automated purchasing machines within Prince George's County. Automated Purchasing Machines are self-service devices that are designed to dispense money in exchange for personal property and are also known as reverse vending machines.

9/16/2014:

A motion was made by Council Member Harrison; seconded by Council Member Turner to amend CB-49-2014 as outlined in Amendment #1A as follows:

1. On Page 1, in Line 4 "fines and penalties;" add the following: "providing for a certain effective date;"

2. Strike Lines 39 through 40 on Page 2, and insert the following in lieu thereof:

"SECTION 3. BE IT FURTHER ENACTED that, notwithstanding any provision of Section 318 of the County Charter to the contrary, the provisions of this Act shall take effect in accordance with Chapter 161 of the 2014 Laws of Maryland, a Public General Law.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act shall take effect on October 1, 2014."

3. Strike the numeric line designations on Page 2 of the bill; renumber sequentially in lieu thereof, beginning with "1".

The motion carried by a vote of 8-1 (In favor: Council Members Franklin, Campos, Davis, Harrison, Olson, Patterson, Toles and Turner. Opposed: Council Member Lehman)

CB-49-2014 (DR-2) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:
