



DEPARTMENT OF BUILDINGS  
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Issuance #501

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TECHNICAL  
POLICY AND PROCEDURE NOTICE #5/96

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TO: Distribution

FROM: Richard C. Visconti, R.A., First Deputy Commissioner *RW*

DATE: May 22, 1996

SUBJECT: ACCESSORY COIN- OR TOKEN-OPERATED AMUSEMENT MACHINES

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**EFFECTIVE:** Immediately

**PURPOSE:** To provide a uniform interpretation of the New York City Zoning Resolution and the New York City Administrative Code as they relate to coin- or token-operated amusement machines as accessory uses; this interpretation is adopted in response to the City's recognition that such amusement machines have become incidental and customarily found in association with certain limited primary uses.

**SUPERSEDES:** Departmental Memorandum dated November 16, 1981, from Irwin Fruchtmann, P.E., Commissioner, regarding arcades.

**SPECIFICS:**

- (a) Coin- or token-operated amusement machines. A coin- or token-operated amusement machine is a mechanical and/or computer aided, self-contained entertainment device, for individual or group participation in games of skill or chance; excluded from this definition are coin- or token-operated rides on stationary stands which provide an up and down rocking and/or circular motion for the enjoyment of not more than two people at a time.

- (b) **Where permitted.** Accessory coin- or token-operated amusement machines may be permitted under the following circumstances:
- (1) Up to four (4) such amusement machines may be permitted as an accessory use to a use listed in Use Groups 6A, 6C, and 8A.
  - (2) Up to thirty (30) such machines may be permitted as an accessory use to a use listed in Use Group 12A provided that:
    - (i) the floor area devoted to such amusement machines does not exceed 25% of the total floor area of the establishment that is accessible to the patrons, and
    - (ii) the portion of the establishment devoted to such amusement machines does not have a separate entrance from or direct exit to the street, does not have any convenience openings connecting it to any adjacent establishments or spaces, and, where the machines are not dispersed throughout the establishment, such area is located at least twenty-five (25) feet from any entrance to the establishment, and
    - (iii) there are no exterior business signs advertising such amusement machines, and
    - (iv) the location and dimensions of all such amusement machines are shown on any plans submitted to the Department in conjunction with any permit applications filed with the Department for the establishment.
- (c) **Amusement arcades.** Establishments which contain more than the permitted number of coin- or token-operated amusement machines as stated above or which devote more than the permitted ratio of floor area to such amusement machines as stated above, and which are not otherwise allowed pursuant to a special permit, shall be considered amusement arcades within Use Group 15.
- (d) **Floor area calculations.** For the purpose of calculating the floor area devoted to accessory coin- or token-operated amusement machines as required under subsection (b)(2)(i) above, if such amusement machines are dispersed throughout the establishment, the floor area devoted to the machines shall equal the product of the sum of the footprints of all the machines in the establishment (in square feet) multiplied by two (2); if several such machines are ganged together, the floor area devoted to the ganged machines shall equal the footprint of the ganged machines (in square feet) plus the product of the width of the ganged machines (in feet) multiplied by six (6) feet.