

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 45

Introduced by Council Members Williams, Fidler, Comrie, Gennaro, Gentile, Greenfield, King, Koo, Lander, Palma, Rose, Arroyo, Barron, Jackson, Mark-Viverito, Weprin and Wills.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the mandatory revocation of an amusement arcade or gaming cafe license for offering cash prizes or engaging in other unlawful gambling activity.

Be it enacted by the Council as follows:

Section 1. Paragraph three of subdivision c of section 20-214 of the administrative code of the city of New York, as amended by local law number 58 for the year 2005, is amended to read as follows:

(3) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance. *Any license to operate an amusement arcade or gaming cafe issued pursuant to subdivision c of section 20-212 of this subchapter shall be revoked, after notice and hearing, where (i) the department finds that the owner or operator of such arcade*

or cafe or an employee thereof has permitted on the premises of such arcade or cafe the offering or distribution of such prizes or awards; or (ii) the owner or operator of such arcade or cafe, or an employee thereof, is convicted of violating any section of article 225 of the penal law or of a lesser offense in satisfaction of a criminal charge pursuant to article 225 of the penal law, for conduct occurring on the premises of such arcade or cafe.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 22, 2013 and approved by the Mayor on June 6, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 45 of 2013, Council Int. No. 1035-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.



Legislation Text

File #: Int 0853-2008, Version: A

Int. No. 853-A

By Council Members Comrie, Gennaro, Palma, Seabrook, Weprin, White, Jr., Mealy and Arroyo.

A Local Law to amend the administrative code of the city of New York, in relation to amusement devices.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-211 of the administrative code of the city of New York, as amended by local law number 58 for the year 2005, is amended to read as follows:

c. "Amusement arcade" means any premises wherein there are [operated] located, in any combination, [five] ten or more of the amusement devices and/or player-operated amusement devices defined in subdivisions a and b of this section.

§2. Section 20-216 of the administrative code of the city of New York, as amended by local law number 58 for the year 2005, is amended to read as follows:

§ 20-216 Location of Player-Operated Amusement Devices and prohibition on minors entering certain premises where located.

a. No person shall [operate] locate a player-operated amusement device or a gaming cafe within two hundred feet of a public or a private elementary or secondary school.

b. The provisions contained in subdivision a of this section shall not apply to fixed stand coin operated rides as defined in subdivision j of section 19-136 of this code.

c. No person shall permit persons under the age of eighteen, unless such persons under the age of eighteen are otherwise exempt under New York State Education Law, to enter or remain, between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools, in a premises wherein there are located more than four and fewer than ten player-operated amusement devices.

d. Premises wherein there are located more than four and fewer than ten player-operated amusement

devices shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools, and that the truancy laws of the state of New York will be enforced.

e. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty of not more than five hundred dollars.

§3. This local law shall take effect ninety days after enactment except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

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Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet. The Law (and Rules) are current as of January 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

NEW YORK CITY ADMINISTRATIVE CODE
TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER 3: AMUSEMENT DEVICES, ARCADES AND OPERATORS

§ 20-211 Definitions. Whenever used in this subchapter, the following terms shall mean:

a. "Amusement device" means any contrivance, open to the public, that carries and conveys passengers along, around or over a fixed or restricted course or within a defined area for the purpose of amusing or entertaining its passengers, other than coin-operated amusement devices as defined in subdivision b of this section.

b. "Player-operated amusement device" means any machine, contrivance, apparatus, booth or other device intended as a game that one or more persons are permitted to play by controlling the mechanical, electrical or electronic components that are needed to operate or manipulate the game in exchange for the payment of a fee, charge or thing of value, and that provides amusement, diversion or entertainment. This shall include, but not be limited to, fixed stand coin-operated rides as defined in subdivision j of section 19-136 of this code.

c. "Amusement arcade" means any premises wherein there are operated, in any combination, five or more of the amusement devices and/or player-operated amusement devices defined in subdivisions a and b of this section.

d. "Amusement operator" means any person who maintains or operates any amusement device, gaming cafe or amusement arcade as defined in subdivisions a, c and i of this section.

e. "Amusement arcade or gaming cafe owner" means any person who owns or otherwise has legal possession or title to an amusement arcade as defined in subdivision c or a gaming cafe as defined in subdivision i of this section.

f. "Amusement device owner" means any person who owns or otherwise has legal possession or title to an amusement device as defined in subdivision a of this section.

g. "Portable amusement device" means an amusement device designed to be operated on the vehicle which is used to transport such device.

h. "Affected community board" means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.

i. "Gaming cafe" is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.

§ 20-212 Licenses required. a. It shall be unlawful for any person to act as an amusement operator without first having obtained a license therefor.

b. It shall be unlawful for any person to operate or for the owner to permit the operation of an amusement device unless such owner has first obtained a license for such amusement device.

c. It shall be unlawful for any person to operate, or for the owner to permit the operation of, an amusement arcade or gaming cafe unless such owner has first obtained a license for such amusement arcade or gaming cafe.

§ 20-213 Fees. a. The biennial license fee for an amusement operator's license shall be one hundred dollars.

b. The biennial license fee for each amusement device shall be one hundred dollars, except that where the amusement device is being operated for less than thirty consecutive days, the license fee shall be fifty dollars.

c. The biennial license fee for an amusement arcade or gaming cafe shall be three hundred forty dollars.

§ 20-214 License requirements. a. Generally.

(1) The application shall be made on a form to be provided by the commissioner and shall include such information as the commissioner shall deem pertinent.

(2) Every amusement device owner, gaming cafe owner or amusement arcade owner must submit to the department either a valid certificate of occupancy or an equivalent document duly issued by the department of buildings stating that the premises in which such amusement device, gaming cafe or amusement arcade is to be located is situated in an area which is zoned to permit such use or a valid, current permit or special permit has been granted by the appropriate city agency permitting such use at the given location. If such permit or special permit shall expire or be terminated for any reason during the pendency of any license, the

licensee shall present to the department a new permit or special permit authorizing such continued use of the premises for an amusement device, gaming cafe or amusement arcade. If such new permit or special permit is not presented within ten days of the expiration of the prior permit or special permit, such amusement device license, gaming cafe or amusement arcade license shall be terminated automatically and without any requirement of notice or hearing by the department.

(3) Within fifteen days of receipt of a new application for a license to operate an amusement device, gaming cafe or an amusement arcade, the commissioner shall give notice of such new application to the affected community board and the council member for that district. The affected community board shall have fifteen days from receipt of the notification to comment on such application to the department.

(4) The commissioner shall promptly notify the affected community board and the council member for that district of the final disposition of any license application that was subject to comment by the community board under paragraph three of this subdivision.

b. Amusement Devices.

(1) In order to apply for an amusement device license, the amusement device owner must present to the department a completed application at least thirty days before the amusement device is to be operated.

(2) Every amusement device owner must submit with his or her license application for an amusement device proof that he or she has purchased insurance or posted cash or other security in an amount not less one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device. In addition, the application must be accompanied by the certificates of insurance for workers' compensation and disability coverage.

(3) Every amusement device owner must submit proof that an inspection of the amusement device was made by the department of buildings, and that such amusement device passed an elevator and/or electrical control inspection prior to the issuance or renewal of a license.

(4) Every portable amusement device shall be equipped with a stairway on either or both sides thereof so that the stairway in use at any time for access to or egress from such portable amusement device shall at all times be within a reasonable distance from the sidewalk, such distance to be determined at the discretion of the commissioner. The operator of such portable amusement device shall not at any time permit any person to be admitted to the portable amusement device or to depart therefrom except by the stairway.

c. Amusement Arcades and Gaming Cafes.

(1) The commissioner, at the time an amusement arcade or gaming cafe license application is made, may prescribe conditions for the operation of such amusement arcade or gaming cafe in order to minimize adverse

effects on the surrounding area, including, but not limited to, prescribing hours of operation and requirements for security and supervision. After a license is granted, the commissioner may prescribe such conditions from time to time upon notice and opportunity to be heard.

(2) Each player-operated amusement device located within an amusement arcade or gaming cafe shall display a sign or signs, located and designed so as to be discernible by all players and prospective players, setting forth the rules of play, including the price of each game.

(3) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance.

(4) No amusement arcade or gaming cafe owner or operator shall permit persons under the age of eighteen, unless such persons are otherwise exempt under New York State Education Law, to enter or remain in an amusement arcade or gaming cafe between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools. Such owners shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises at such times and that the truancy laws of the state of New York will be enforced.

d. Placement and Operation. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed or operated in such a manner as to obstruct, or cause by the congregating of persons, an obstruction to, or interfere with, any public corridor or passageway, or to obstruct the entrance or exit to any premises. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed on a public sidewalk in front of or adjacent to an amusement arcade or gaming cafe.

* § 20-215 Nothing in this subchapter shall be construed to authorize gambling or the use of gambling devices.

* NB There are 2 § 20-215's

* § 20-216 Location of Player-Operated Amusement Devices. a. No person

shall operate a player-operated amusement device or a gaming cafe within two hundred feet of a public or a private elementary or secondary school.

b. The provisions contained in subdivision a of this section shall not apply to fixed stand coin operated rides as defined in subdivision j of section 19-136 of this code.

c. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty of not more than five hundred dollars.

* NB There are 2 § 20-216's

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RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER C: AMUSEMENT DEVICES, ARCADES AND OPERATORS

§2-21 Definitions.

Whenever used in this subchapter, the following terms shall mean:

- a. "Accident" means a mechanical, electrical or structural malfunction which caused or could cause human injury or damage to property.
- b. "Amusement device" means any contrivance, open to the public, that carries and conveys passengers along, around or over a fixed or restricted course or within a defined area for the purpose of amusing or entertaining its passengers, other than coin-operated amusement devices as defined in subdivision b of §20-211 of the New York City Administrative Code.
- c. "Amusement operator" means any person who maintains or operates any amusement device.

§2-22 Filing of Documentation with Application for Amusement Device License.

An application for an amusement device license shall have attached thereto all the documentation pertaining to such amusement device as directed by Building Code Reference Standard RS 18-10.

§2-23 Notification of Accidents Relating to Amusement Devices.

- a. Every amusement operator shall submit to the Department, on a form provided for such purpose by the Department, a written report of every accident relating to an amusement device within 24 hours after the occurrence of such accident. Such completed form shall be signed by the amusement operator or his or her agent.
- b. Whenever any person sustains an injury requiring medical treatment or dies in an accident related to an amusement device, the amusement operator who maintains or operates such amusement device shall immediately notify the Department by telephone and by facsimile transmission to the telephone numbers prescribed by the Department, and furnish such information as is sufficient to identify the time and location of the accident and the nature of the injuries sustained by any person.

§2-24 Sign Requirements for Amusement Arcades and Gaming Cafés.

(a) Each amusement arcade or gaming café owner or operator shall prominently post in his or her establishment an eleven inch by seventeen inch sign containing a notice that shall be substantially worded as follows: "Warning! Unless exempt under New York State Education law, persons under the age of 18 are not allowed on these premises Monday through Friday, between the hours of 9 a.m. and 3 p.m. during the regularly scheduled school year. New York State truancy laws will be enforced against such persons who remain upon these premises during those hours.

(b) The text of the sign required by subdivision (a) shall be printed in letters that shall conform to the following specifications:

(1) The word "WARNING" shall be in all capital letters in red ink and shall not be less than 2 inches in height.

(2) The remaining text shall be not less than $\frac{1}{2}$ inch in height, except for optional language which may be included in the text, stating, "Required by §20-214(c)(4) of the New York City Administrative Code," which may be not less than $\frac{1}{8}$ of an inch in height.