

§ 223-24.8. Amusement centers containing only vintage amusement devices. [Added 8-30-2010 by L.L. No. 12-2010]

A. Standards.

- (1) Such amusement center shall contain only vintage amusement devices that were built prior to the year 1980 or noncomputerized devices with the exception of first generation computerized games such as those manufactured prior to 1990.
- (2) Such amusement center shall only operate between 9:00 a.m. and midnight.
- (3) Such amusement center shall be located in a fully enclosed building with the windows always closed and the door(s) open only during ingress and egress.
- (4) Such amusement center shall be so located and/or so insulated such that, except when the doors are open during ingress and egress, the sound of the amusement devices off the premises of the amusement center:
 - (a) Is not audible to the human ear; or
 - (b) Cannot be measured above the ambient noise level with a sound level meter; or
 - (c) Shall not exceed a reading of 40 A-weighted decibels (dBA) on a sound level meter.
- (5) Such amusement center shall not cause vibration which is discernible off the premises of the amusement center.
- (6) The amusement center building's electrical system shall be such that it can accommodate the electrical load of the amusement devices in accordance with the New York State Building Code.
- (7) Such amusement center shall have an adult supervisor of at least 21 years of age on the premises at all times in which said center is open to the public.
- (8) No person under 18 years of age shall be allowed to operate any amusement device before 3:00 p.m. on any day in which school is in regular session. For the purpose of this section, the term "school" is defined as any public or private institution providing learning facilities for Grades K through

12. Further, no person under 18 years of age shall be allowed to operate any amusement device after 10:00 p.m.

(9) In reviewing and approving each application, the City Council must be able to find, and the Special Permit Resolution shall require:

(a) That the establishment, maintenance or operation of such amusement center will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(b) That such amusement center will not be injurious to the use and enjoyment of other properties in the vicinity of said center, nor diminish and impair property values within the neighborhood.

(c) That the establishment of such amusement center will not impede the normal orderly development and improvement of the surrounding properties.

(d) That adequate measures will be taken by the operator of such amusement center to maintain the absence of loitering and good order surrounding the location of such amusement center.

(10) The standards above shall be liberally construed and enforced in order to protect the public health, safety, morals, comfort and general welfare.

B. Procedures.

(1) Renewal of special permit. The special permit for such amusement center shall be subject to renewal every year by the City Council. Such renewal shall be based upon a written statement from the Building Inspector that said amusement center is in conformity with the terms of its special permit and with the terms of this chapter pertaining to said use, as well as upon any record of complaints from neighbors.

(2) Procedures for the renewal of special permit.

(a) A special permit issued in accordance with the terms of this chapter shall automatically renew each year, subject to:

[1] An inspection and report by the Building Department and report indicating that the amusement center is in conformity with the terms of the special permit and

site plan. Said report shall also include information regarding any record of complaints from neighbors; and

[2] Payment of the appropriate inspection fee as set by the City Council.

- (b) If the Building Inspector issues a report indicating compliance with the terms of this section, the special permit and the site plan, the special permit shall be renewed for a one-year period.
- (c) If the Building Inspector issues a report indicating noncompliance with the terms of this section, the special permit or the site plan, the building owner or manager shall have 60 days to rectify all noncomplying elements and shall reapply for an appointment for inspection with the Building Department subject to an additional inspection fee. If such application for an appointment for an inspection is not received within the specified time, the special permit shall expire and the amusement center shall be terminated. If the Building Department issues a report indicating compliance, the special permit shall be renewed for a one-year period. If upon reinspection the Building Inspector issues a report indicating noncompliance, the amusement center shall be terminated.