



Legislation Text

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Int. No. 72

By Council Member Yeger

A Local Law to amend the administrative code of the city of New York, in relation to requirements for notifying the 911 emergency assistance system whenever an amusement device must be evacuated

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-149.1 to read as follows:

§ 14-149.1 Response to 911 call regarding evacuation of amusement device. a. Definitions. For purposes of this section, the terms “amusement device” and “amusement operator” have the meanings provided in section 20-211.

b. Whenever the department receives a call to the 911 emergency assistance system regarding an evacuation of an amusement device as required by section 20-214.3, the department shall, in addition to taking any emergency action appropriate under the circumstances presented by such evacuation, report the incident to the department of buildings and the department of consumer affairs within 24 hours of receiving such call.

c. The existence of the reporting requirement created by subdivision b of this section does not limit any duty of amusement operators to report incidents where required by other law.

d. The existence of the reporting requirement created by subdivision b of this section does not make the city or the department liable for any failure to satisfy such requirement or any results of such failure.

§ 2. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132 Response to 911 call regarding evacuation of amusement device. a. Definitions. For purposes

of this section, the terms “amusement device” and “amusement operator” have the meanings provided in section 20-211.

b. Whenever the department receives a call to the 911 emergency assistance system regarding an evacuation of an amusement device as required by section 20-214.3, the department shall, in addition to taking any emergency action appropriate under the circumstances presented by such evacuation, report the incident to the department of buildings and the department of consumer affairs within 24 hours of receiving such call.

c. The existence of the reporting requirement created by subdivision b of this section does not limit any duty of amusement operators to report incidents where required by other law.

d. The existence of the reporting requirement created by subdivision b of this section does not make the city or the department liable for any failure to satisfy such requirement or any results of such failure.

§ 3. Section 20-211 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, subdivisions b, d, e and i as amended by local law number 58 for the year 2005 and subdivision c as amended by local law number 86 for the year 2009, is amended to read as follows:

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

[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 located, in any combination, ten 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.]

Affected community board. The term “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.

Amusement arcade. The term “amusement arcade” means any premises wherein there are located, in any combination, 10 or more amusement devices or player-operated amusement devices.

Amusement arcade or gaming cafe owner. The term “amusement arcade or gaming cafe owner” means

any person who owns or otherwise has legal possession or title to an amusement arcade.

Amusement device. The term “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 a coin-operated amusement device.

Amusement device owner. The term “amusement device owner” means any person who owns or otherwise has legal possession or title to an amusement device.

Amusement operator. The term “amusement operator” means any person who maintains or operates any amusement device, gaming cafe or amusement arcade.

Evacuate. The term “evacuate” means to exit an amusement device in a manner other than the usual manner or in a location other than the area designated for unloading passengers at the end of the amusement device’s course.

Gaming cafe. The term “gaming cafe” means 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.

Player-operated amusement device. The term “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. Such term includes, but is not limited to, fixed stand coin operated rides as defined in subdivision j of section 19-136.

Portable amusement device. The term “portable amusement device” means an amusement device designed to be operated on the vehicle that is used to transport such device.

§ 4. Subdivision b of section 20-214 of the administrative code of the city of New York is amended by adding a new paragraph (5) to read as follows:

(5) Every amusement device shall be outfitted with a sign that is posted in a conspicuous location near the controls for starting and stopping the amusement device and that reads as follows: “In case of emergency requiring evacuation of passengers from this ride, call 911 immediately.”

§ 5. Section 20-215 of subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, is amended to read as follows:

[§ 20-215]§ 20-214.1 Gambling and gambling devices not authorized. Nothing in this subchapter shall be construed to authorize gambling or the use of gambling devices.

§ 6. Section 20-216 of subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 72 for the year 1995 and amended by local law number 86 for the year 2009, is renumbered section 20-214.2.

§ 7. Subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-214.3 to read as follows:

§ 20-214.3 Notification of 911 in certain emergencies required; penalties. a. If, due to a malfunction or other emergency, any passenger must evacuate an amusement device, the amusement operator shall notify the 911 emergency assistance system immediately upon making the decision to evacuate such device.

b. 1. In addition to any penalty or remedy otherwise allowed by law, an amusement device owner who fails to comply or whose employee or agent fails to comply with subdivision a of this section is subject to the following civil penalties:

(a) For a first offense, a civil penalty of not less than \$500 and not more than \$2,000.

(b) For a second offense and each subsequent offense, a civil penalty of not less than \$1,000 and not more than \$5,000.

2. In assessing a penalty pursuant to this subdivision, the commissioner shall take into consideration:

(a) The size of the amusement device owner’s business;

(b) The good faith of the amusement device owner and amusement operator; and

(c) The amusement device owner's history of violations of this subchapter, of the rules of the department relating to amusement devices, of the rules of the department of buildings relating to amusement devices, and of article 27 of the labor law.

§ 8. This local law takes effect 90 days after it becomes law.

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