

Chapter 62

AMUSEMENT DEVICES

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[HISTORY: Adopted by the Board of Trustees of the Village of Youngstown 10-22-1981 by L.L. No. 4-1981. Amendments noted where applicable.]

General References

Alcoholic beverages — See Ch. 57.

§ 62-1. Short title.

This chapter and all amendments, codifications and recodifications hereof shall be known and may be cited as the “Games and Arcades Control Law of the Village of Youngstown.”

§ 62-2. Legislative findings; declaration of policy.

The unrestricted establishment of commercial game rooms and arcades would pose substantial hazards to the peace, comfort, health, safety and welfare of village residents. Likewise, the unregulated proliferation of games and other amusement devices as incidental uses within established business premises would pose equally serious problems in the maintenance of an orderly and peaceful flow of commerce, in the preservation of the public safety and welfare and in the promotion of legitimate and necessary uses within the business community. It is the purpose of this chapter to assure the protection and preservation of the village’s comprehensive planning; the safeguarding of the general health, welfare, morals and comfort of the village citizenry; and the restriction and prohibition of certain unsuitable uses which, by their nature or evolution within the community, would seriously impede or adversely affect proper land use and development, the efficient delivery of essential municipal services, the orderly regulation of

pedestrian and vehicular traffic and the reasonable enjoyment of recreational activity within the community as a whole.

§ 62-3. Definitions; word usage.

A. For purposes of the chapter, and all amendments or additions hereto, the following words and phrases shall have the meanings described herein, as and whenever the same shall appear in this chapter:

GAME ARCADE – Any lot, premises, facility, building or structure open to the public in which five or more bowling alleys, electronic or mechanical games or amusements, billiard or pool tables, or any other games or amusement devices of any kind, as such terms are defined herein, or any combination of five or more such games or devices as aforesaid, are situated, stored, possessed, operated, used or maintained and for which a fee is charged, either directly or by membership, ticket or other indirect fees, either for admission to any such place or premises or for access to or use of any such games or amusement devices as aforesaid.

GAMES AND AMUSEMENT DEVICES – Any electric, mechanical, computerized, electronic or other device, machine or implement which is either designed and intended or used, operated or maintained as a game, amusement or means of entertainment, including but not limited to the following: pinball machines, shooting galleries, computerized games, electronic games, skillboards, billiard or pool tables, electronic bowling or shuffleboard tables, bowling alleys and casino-type games.

PERSON – Includes any natural person, firm, corporation, co-partnership, association, joint-stock association, company, organization, club society or other entity, except the State of New York, the United States, the Village of Youngstown, and any divisions, boards, commissions, agencies or departments thereof when acting in their official capacities.

B. Word usage.

1. “And” and “or”: Unless the context shall clearly require otherwise, the words “and” and “or” shall be interpreted to mean and include each other and shall be interchangeable.
2. “Shall” and “may”: The word “shall,” whenever it appears, shall always mean “must” and shall prescribe mandatory conduct; the word “may,” whenever it appears, shall always mean “might” and shall prescribe permissive or discretionary conduct.
3. Singular and plural: Unless the context shall clearly require a different interpretation, whenever the singular form of a word shall appear herein, it shall mean and include the plural thereof, and whenever the plural form of a word shall appear herein, it shall mean and include the singular thereof.

§ 62-4. Conflicts with other laws.

Insofar as it may actually conflict with the provisions of any other law, ordinance, rule, order or regulation, this chapter, and all amendments, codifications and recodifications hereof, shall be deemed to supersede and take precedence and control over every such contrary provision, but only to the extent and degree necessary to effect the purposes of this chapter and carry out its provisions and for no other reason.

§ 62-5. Game arcades prohibited; games and amusement devices restricted.

- A. It shall be unlawful for any person to establish, construct, use, operate or maintain any games arcade anywhere within the Village of Youngstown, and under no circumstances shall any license, permit, special exception or other authorization therefor be granted, issued or otherwise allowed by any board, commissioner, officer, agent or employee of the village.
- B. It shall be unlawful for any person to own, lease, store, possess, use, operate or maintain more than four games or amusement devices for business or commercial purposes in or upon any premises within the Village of Youngstown, or to so own, lease, store, possess, use, operate or maintain any such game or amusement device, except in conformity with the provisions of this chapter, and unless licenses and permits have previously been obtained therefore.

§ 62-6. Licenses and permits; conditions of licensing.

- A. It shall be unlawful for any person to own, lease, store, possess, use, operate or maintain any game or amusement device for commercial or business purposes, in or upon any premises within the Village of Youngstown, except as an incidental use, and not as the main use, on business premises, and only after having previously obtained all licenses and permits required by this section.
- B. A separate premises permit shall be required for each building, facility, structure or other premises in which games or amusement devices are owned, leased, stored, possessed, used, operated or maintained for business or commercial purposes, and a separate license shall be required for every game or amusement device so owned, leased, stored, possessed, used operated or maintained in or upon such premises.
- C. Applications for permits and licenses shall be made in writing on forms provided by the Village Clerk and shall be filed in the office of the Village Clerk during regular business hours. Every such application shall provide for such information as the Board of Trustees may, from time to time, direct or require by rule, resolution or order. No application shall be accepted for filing unless fully completed, signed and notarized and unless accompanied by payment of all application fees provided for elsewhere in this section.

D. No license or permit may be granted or issued pursuant to this section unless and until all of the provisions of this chapter are fully complied with. In addition to the foregoing requirement, the Board of Trustees, as licensing body, shall consider the following factors before passing upon any application hereunder: the possible effects on the public health, peace, safety, comfort and welfare, including but not limited to the size, floor area, design and location of the premises; the nature and type of game or amusement device proposed to be used; the proposed hours and days of operation; the proximity of residential uses; the impact on municipal services, facilities and public areas; compatibility with surrounding business uses; potential increase in pedestrian and vehicular traffic; the adequacy of existing and proposed fire safety devices, such as sprinklers, alarms, extinguishers and fire exits; the potential for increased noise and other noxious disturbances; and compliance with all fire, building, zoning, plumbing and other ordinances and laws.

E. Granting licenses or permits; renewal.

1. In the event that the Board of Trustees shall deem it advisable to grant the application for a permit or license, the Village Clerk, after payment of the annual fees for licenses and permits provided for elsewhere in this section, shall issue the appropriate license and/or permit. Licenses and permits shall be issued on an annual basis only and shall expire on December 31 next succeeding the date of issuance thereof, and no such license or permit shall be transferable.
2. In the event that a license or permit issued hereunder shall not be renewed, and the annual renewal fee paid therefor, on or before January 15 next succeeding the date of expiration of such license or permit, then the same shall be null and void of no further force or effect, and the holder thereof shall be required to file a new application and pay a new application fee before any such license or permit may be validly reinstated by the Board of Trustees and lawfully reissued and renewed by the Village Clerk.

F. Fees.

1. The fees required under the provisions of this section shall be as set forth from time to time by resolution of the Board of Trustees. Said fee resolution is on file in the office of the Village Clerk.¹
2. All fees provided for herein shall be nonrefundable and without proration.
3. The Board of Trustees may, from time to time, amend, repeal, abolish or otherwise modify and fee provided for herein by order or resolution of the Board. Except for good cause shown, and unless specifically provided for therein, no such order or resolution shall be retroactive, in either its effect or application, from the date of its adoption.

§ 62-7. Location restrictions; exceptions.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. It shall be unlawful for any person to own, lease, store, possess, use, operate or maintain any game or amusement device for business and commercial purposes within the Village of Youngstown, and no license or permit shall be granted or issued therefor within any of the following restricted locations or premises:
1. Any area of the village which is zoned for a use classification other than commercial classification under Chapter 250, Zoning, of the Code of the Village of Youngstown.
 2. Any open area, open court or other mandatory open portion on any lot, plot or premises.
 3. Within or upon any place, premises or building, other than a bar or bar-restaurant, in which any type of food, beverage, liquor or alcoholic beverage is or may be sold, offered for sale, purchased, dispensed, served or consumed or in which the same is permitted to be brought into or possessed in or upon any part of portion of such place, premises or building.
- B. The provisions of this section shall not apply to any establishment actually licensed by the Village of Youngstown for the use, operation or maintenance of any game or amusement device prior to the effective date of this chapter, solely in respect to any such game or amusement device actually covered under the provisions of any such license, for a period of one year from the effective date of this chapter. Upon the expiration of the term provided for hereby, this section shall apply fully, with equal force and effect to every person, place, premises and building within the village.

§ 62-8. Placement of devices.²

Every game and amusement device within the village shall be so situated and placed within and upon premises that it shall not:

- A. Block or otherwise obstruct any window, door, doorway, ventilating duct, fire exit, boiler, furnace, radiator, baseboard or other heating device, stairs or stairway, toilet or other sanitary facility.
- B. Obstruct, encumber or otherwise interfere with the free, clear passage of any person into, through or from such premises.

§ 62-9. Suspension or revocation of licenses and permits; review.

- A. Any license or permit issued pursuant to the provisions of this chapter may be suspended or revoked by order of the Board of Trustees, or by order of the Village Clerk, for a violation of any of the provisions of this chapter. The effective date of any such revocation or suspension

² Editor's Note: Former Subsection A of this section, regarding off-street parking requirements, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

shall be deemed served, in compliance with this section, on the date that same shall be either personally served or delivered to the person to whom the license or permit was issued or on the date such notice is mailed, return receipt requested, by either certified or registered mail, to the last known address of the holder thereof, as the same shall appear on the most recent application for such license or permit.

- B. Any person whose license or permit has been suspended or revoked pursuant to the provisions herein shall have the right to a hearing before the Board of Trustees to review such suspension or revocation, provided that such person files a written petition requesting such hearing in the office of the Clerk within 30 days of the date of service of the notice provided for hereinabove. The Board of Trustees, within 30 days of the date of filing of such petition, shall fix the date for such hearing and shall hold the same, and render its decision thereon, within 60 days of the date of the hearing.
- C. It shall be unlawful for any person whose license or permit has been suspended or revoked, or whose license or permit has become null and void after expiration and nonrenewal thereof, to use, operate or maintain any game or amusement device for business or commercial purposes, or to allow any other person to use, operate or maintain the same, within the Village of Youngstown during any period of time after which such license or permit has been suspended, revoked or become null and void and before which such license and permit has been actually and validly reissued, reinstated or restored.

§ 62-10. Penalties for offenses.³

Any person violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a maximum fine of \$250. or by a term of imprisonment of not more than 15 days, or both. Each day that a violation of this chapter shall continue shall constitute a separate violation hereof.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).