

Chapter 75

AMUSEMENTS

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[HISTORY: Derived from Art. II of Ch. VII of the Charter and Ordinances, 1974, of the City of Buffalo. Amendments noted where applicable.]

GENERAL REFERENCES

- Billiard and pool rooms and bowling alleys — See Ch. 92.
- Dances and dance halls — See Ch. 150.
- Fortune-telling — See Ch. 196.
- Gambling — See Ch. 209.
- Games of chance — See Ch. 213.
- Motion pictures — See Ch. 278.
- Noise — see Ch. 293.
- Obscenity — See Ch. 299.
- Parks — See Ch. 309.
- Peace and good order — See Ch. 313.
- Outdoor performers — See Ch. 319.
- Sunday activities — See Ch. 425.
- Swimming pools — See Ch. 430.

§ 75-1. **Classifications.**

For the purpose of providing for the regulation and licensing of theatrical, dramatic and operatic entertainments, shows, amusements, field games and public exhibitions of every kind intended to amuse, instruct or entertain, where such entertainments, shows, amusements, games and exhibitions are given for gain or for admission to which a fee is charged, such entertainments, shows, amusements, games and exhibitions are divided into sixteen (16) classes, as follows:

- A. First class. All entertainments of a theatrical, dramatic or operatic character shall belong to and be known as "entertainments of the first class."
- B. Second class. All lectures, readings or recitations, exhibitions of painting or statuary or other exhibitions of art shall belong to and be known as "entertainments of the second class."
- C. Third class. All musical entertainments consisting solely of vocal and instrumental music, or either, and not of the nature of an opera, but being what is commonly styled "concerts," shall belong to and be known as "entertainments of the third class."
- D. Fourth class. All circuses, menageries or combined circuses and menageries and all caravans shall belong to and be known as "entertainments of the fourth class."
- E. Fifth class. All sideshows, concerts or minstrel or musical entertainments given under a covering of canvas or within any structure or enclosure intended for temporary use and capable of easy transfer and removal shall

belong to and be known as "entertainments of the fifth class."

- F. Sixth class. All exhibitions of moving pictures known as "mutoscope," "kinetoscope," "cinematograph" or other like automatic or moving-picture devices shall belong to and be known as "entertainments of the sixth class."
- G. Seventh class. All baseball and football games played in any building or under canvas or other covering or within any enclosure shall belong to and be known as "entertainments of the seventh class."
- H. Eighth class. All swings and all itinerant shows, such as bird shows, galvanic batteries, lifting machines, blowing and striking machines and all other exhibitions and devices and performances given or performed from place to place in the city shall belong to and be known as "entertainments of the eighth class."
- I. Ninth class. All poultry shows, horse shows, stock shows, flower shows, dog shows, cat shows and all other shows or exhibitions of a like character shall belong to and be known as "entertainments of the ninth class."
- J. 10th class. All merry-go-rounds, revolving wheels carrying passengers, slides and all similar amusement devices shall belong to and be known as "entertainments of the 10th class."
- K. 11th class. When several amusement enterprises, such as shooting the chutes, revolving wheels, merry-go-rounds, shooting galleries, giant swings, panoramas, musical and theatrical entertainments and various other devices or entertainments are carried on or conducted in any garden, park or other enclosure, whether carried on or conducted as one (1) enterprise or by several concessionaires and whether one (1) admission fee is charged for admission to all such entertainment or a separate fee is charged to each amusement enterprise, the various entertainments offered or conducted shall, for the purpose of this chapter, be considered as one (1) enterprise and shall belong to and be known as "entertainments of the 11th class."
- L. 12th class. Exhibitions of fireworks shall belong to and be known as "entertainments of the 12th class."
- M. 13th class. All rinks or places where roller skating or ice skating is conducted or carried on as an amusement or where instruction is given in skating on roller skates or ice skates, except school or church buildings wherein skating is conducted by school or church authorities as part of the social activities thereof, shall belong to and be known as "entertainments of the 13th class."
- N. 14th class. All museums of anatomy and all exhibitions of monstrosities or freaks of nature shall belong to and be known as "entertainments of the 14th class."
- O. 15th class. All automobile shows or exhibitions of automobiles, locomobiles, autocars and horseless carriages of like nature shall belong to and be known as "entertainments of the 15th class."
- P. 16th class. All exhibitions, performances, entertainments or amusement or other devices not included in any of the foregoing classes shall belong to and be known as "entertainments of the 16th class."

§ 75-2. License required; payment of fees.

- A. Entertainments of the first, second and third class shall be given only in a duly licensed place.
- B. The fees for all licenses shall be as provided in Chapter 175, Fees.
- C. No temporary license under the first and sixth classes shall be issued for a longer period than three (3) months, and no temporary license shall be renewed or extended so as to make the aggregate period for the enjoyment of the privilege longer than three (3) months for one (1) fee.
- D. Where any entertainment, show, exhibition, performance or amusement enterprise embraces two (2) or more classes above enumerated, such entertainment, show, exhibition, performance or amusement enterprise shall be classified and charged for as

belonging wholly to that class for which the highest license fee in Chapter 175, Fees, is fixed.

§ 75-3. Open-air carnivals prohibited.

No person, firm or corporation shall hereafter conduct any carnival, with or without sideshows, in the open air outside of a building or upon any street in any part of the City. The foregoing prohibition shall not be deemed to apply to traveling circuses or menageries.

§ 75-4. Admittance of children.

No person 16 years of age or under shall be admitted to any entertainments of the first, fifth, sixth, eighth, ninth, 10th, 11th, 12th, 13th, 14th, 15th or 16th class unless accompanied by one of his or her parents or by his or her guardian.

§ 75-5. Places to be licensed; exceptions.
[Amended 12-9-2003, effective 12-19-2003]

No person or corporation, either as owner, lessee, manager, officer or agent or in any other capacity, shall give, conduct, produce, present or offer for gain or profit any of the entertainments, exhibitions or performances mentioned or included in any of the 16 classes, except the fourth or fifth, specified and defined in this chapter, at any place in the City other than within a duly licensed theater, opera house, hall or other enclosure or place without a license issued for that purpose, which said license shall be issued by and procured from the Commissioner of Permit and Inspection Services upon payment of the fee herein prescribed, except that no license fee shall be charged for amateur athletic games.

§ 75-6. Circuses, menageries and sideshows.
[Amended 12-9-2003, effective 12-19-2003]

No person, firm or corporation, either as owner, lessee, manager, officer or agent or in any other capacity, shall give, conduct, produce, present or offer for gain or profit any of the entertainments, exhibitions or performances mentioned or included

in the fourth and fifth classes, specified and defined in this chapter, at any place in the City of Buffalo; provided, however, that upon the consent of the owners of a majority of the property facing the premises on which said circus, menagerie or sideshow is proposed to be held, the Council may grant its consent for the holding of such amusement under such terms and conditions as it deems necessary to provide for the public safety and morals and to eliminate unnecessary disturbances and public inconveniences. An applicant, after having obtained the consent as above provided for, shall apply to the Commissioner of Permit and Inspection Services for a permit or license for that purpose upon the payment of the fee herein prescribed.

§ 75-7. Compliance with building regulations.
[Amended 12-9-2003, effective 12-19-2003]

No license shall be issued under the provisions of this chapter for any auditorium, room or place used for the purposes specified in the first, fourth or fifth class, as defined in this chapter, unless the Commissioner of Inspections and Licenses shall have first certified, in writing, to the Commissioner of Permit and Inspection Services that the auditorium, room or place for which such license is sought complies with all the requirements of the building ordinances.

§ 75-8. License to be displayed.

Every license issued under the provisions of this chapter shall at all times during the term for which it was issued be posted in a conspicuous place at or near the principal entrance of the premises described in such license so that the same may be easily seen and read by any person passing in or out of such premises.

§ 75-9. Compliance with other provisions.

Every license granted under the provisions of this chapter and all the privileges belonging thereto shall at all times be subject to the ordinances of the City in force when such license shall be issued or which shall thereafter be

adopted, so far as the same shall be applicable thereto.

§ 75-10. Occupancy capacity.

All licenses for entertainments, where a license is required, shall state the number of persons such licensed theater, hall, building or place has accommodations for, and no more than that number shall be allowed to occupy such theater, hall, building or place at any one time.

§ 75-11. Carousels. [Amended 12-9-2003, effective 12-19-2003]

No license shall be issued to any person or corporation to conduct in any building which fronts on any street a place of amusement wherein an apparatus commonly known as a "carousel" or "merry-go-round" is operated, unless the applicant for such license shall present to the Commissioner of Permit and Inspection Services a written consent or petition favorable to the same from persons owning a majority of the frontage of lots on the same street or streets within 250 feet on each side of the lot or lots upon which said building is located and like consent from the owners of a majority of the 500 feet of frontage on the opposite side of the street or streets, determined by measuring 250 feet each way from a point opposite the middle of the frontage of the land upon which said building is located.

§ 75-12. Issuance of license; expiration.

- A. All licenses herein provided for shall be procured from and issued, in his discretion, by the Commissioner of Permit and Inspection Services, and any such license may be revoked by him. [Amended 12-9-2003, effective 12-19-2003]
- B. All licenses shall expire on the first day of August in each year.

§ 75-13. Music license. [Amended 6-8-1993, effective 6-21-1993; 10-28-1997, effective 11-10-1997]

- A. No person, firm or corporation shall permit or allow any music either vocal, instrumental or produced by any mechanical device, such as record player, radio, television, amplifying system or other means, in any restaurant, tavern or similar place wherein food or beverages are sold for consumption on the premises and to which the public is admitted without first obtaining a license therefor as hereinafter provided.
- B. Application for such license shall be made to the Commissioner of Permit and Inspection Services and shall be referred by the Commissioner to the Commissioner of Police for his investigation and recommendation as to approval or disapproval. The Commissioner of Permit and Inspection Services shall issue his determination to approve or deny the application based on the Commissioner of Police's recommendation regarding the criminal history of the establishment and his investigation of the applicant's other licenses, if any, within 45 days or else such application shall be deemed approved. [Amended 12-9-2003, effective 12-19-2003]
- C. Any application for a music license with classification of "live music without dancing" shall be referred by the Commissioner of Permit and Inspection Services to the Zoning Board for its investigation and recommendation as to approval or disapproval based upon their knowledge and recognition of relevant zoning issues. Upon receipt of approval, the Commissioner shall issue the license within 45 days or else such application shall be deemed approved. [Amended 12-9-2003, effective 12-19-2003]
- D. All licenses herein provided for shall also be subject to compliance with Chapter 293, Noise, of the Code.
- E. Any license granted under this chapter may be suspended, revoked or renewal thereof refused by the Commissioner of Permit and Inspection Services upon determination by the Commissioner, after notice and hearing before

him. [Amended 12-9-2003, effective 12-19-2003]

- F. The fee for each such license shall be as provided in Chapter 175, Fees, per year, and each license shall expire on the 31st day of May next succeeding the date of issuance.

§ 75-14. Indoor public assemblage.

- A. No public assemblage, as hereinafter defined, shall be held in any building or structure in the City of Buffalo unless the owner or the lessee of said building or structure shall have posted in a conspicuous place upon one of the walls of said building or structure at the entrance thereof an inspection certificate as herein provided.
- B. Such inspection certificate shall be required and issued annually by the Commissioner of Permit and Inspection Services upon the payment by the applicant therefor of the fee as provided in Chapter 175, Fees. Said certificate shall bear the approval of the Commissioner of Permit and Inspection Services and the Commissioner of Fire. The signature of the heads of said Departments upon the certificate shall indicate their respective approvals as of the date of said approvals and shall be to the following effect: [Amended 12-26-2001, effective 1-9-2002; 12-9-2003, effective 12-19-2003]
- (1) The signature of the Commissioner of Permit and Inspection Services upon said certificate shall mean that a building permit was theretofore issued by the City of Buffalo as provided by the building ordinances and that plans of said building or structure have theretofore been filed in the Division of New Construction. Before said certificate is signed by the Commissioner of Permit and Inspection Services, there shall be on file in his office a plan or plans showing the structural details of said building or structure, together with a verified statement of the owner or lessee of said building or structure designating past uses of said building or structure, showing whether the same has ever been structurally altered and showing that the plans on file are

correct plans of said building as the same now exist.

- (2) The signature of the Commissioner of Fire upon said certificate shall mean that the laws relating to elimination of fire hazards, provision for fire escapes and proper means of exit and affecting motion-picture booths have been complied with by the applicant.
- C. Inspections shall be made from time to time by each of the aforesaid Departments. The Commissioner of Permit and Inspection Services may revoke said certificate at any time for a good cause after a hearing upon notice to the applicant. All certificates shall expire on August 1 next after issuance. [Amended 12-26-2001, effective 1-9-2002; 12-9-2003, effective 12-19-2003]
- D. A "public assemblage," within the meaning of this section, shall include any gathering in any room where the floor area exceeds 2,000 square feet in any building or structure for civic, political, social, religious, educational, fraternal, entertainment, recreational, theatrical or amusement purposes.
- E. Necessary placards indicating the capacity of any place of assembly in number of occupants, other than employees, shall be permanently displayed in a conspicuous place designated by the Commissioner of Fire in the room or rooms of public assemblage. Such placards shall be attested by the Commissioner of Fire. To permit any room or rooms to be occupied by a number of persons in excess of the stated capacity shall constitute a violation of this chapter. The placards are not to be less than 14 inches in width and seven inches in height, with boldface black lettering three-fourths ($\frac{3}{4}$) inch in height, on white background, to read as follows: "THE TOTAL CAPACITY IN THIS ROOM IS LIMITED TO _____ PERSONS."

§ 75-15. Miniature golf courses.

- A. Regulations.
- (1) No person, firm or corporation, on and after November 1, 1930, shall erect, maintain, operate, use or allow to be operated or used any miniature golf course, by whatever

name designated, in the City of Buffalo without having procured therefor a license from the Department of Permit and Inspection Services, to be issued in conformity with the conditions set forth below. [Amended 12-9-2003, effective 12-19-2003]

- (2) A miniature golf course located in a building is hereby defined as an "indoor miniature golf course," and any other miniature golf course is hereby designated as an "outdoor course."
- (3) No indoor or outdoor miniature golf course shall be erected, maintained or operated in any residential district as defined by the Zoning Ordinance, so-called, of the City of Buffalo, which said ordinance is known and designated as "Chapter 511."
- (4) No music of any kind shall be permitted upon the premises of any outdoor miniature golf course or in connection therewith at any time, nor shall any miniature golf course be kept open for business or used during the hours from 2:00 a.m. to 6:00 a.m. on any weekday nor before 2:00 p.m. on Sunday; provided, further, than any miniature golf course located within 200 feet of a residential district shall also be kept closed during the hours from 12:00 midnight to 2:00 a.m.

B. License. [Amended 12-9-2003, effective 12-19-2003]

- (1) Any person, firm or corporation desiring to erect, maintain, operate or use any miniature golf course shall make application, in writing, duly verified, to the Department of Permit and Inspection Services for a license for such purpose. The application shall state the name and address of the owner or owners of the premises upon which the miniature golf course is proposed to be located; a description of the size and location of said premises and the name and address of the person, firm or corporation who or which proposes to erect, maintain and operate such miniature golf course; and, if such golf course is to be located indoors, a

description of the character of the building shall be given in said application, together with a statement of the particular portion of the building in which it is proposed to be placed.

- (2) The Commissioner of Permit and Inspection Services is hereby given authority to require such further information as he deems necessary to properly determine whether the application for a license should be granted. No license shall be granted unless the application has attached thereon a certificate of the Commissioner of Permit and Inspection Services that no part of the proposed location of the miniature golf course described in the application is within a residence district as defined by the Zoning Ordinance of the City of Buffalo,¹ together with a statement whether any part of such proposed location is within 200 feet of a residential district; and if the proposed golf course is to be located indoors, no license shall be granted unless there is attached to the application the further certificate of the Commissioner of Permit and Inspection Services to the effect that the building is structurally safe and appropriate for such use.
- (3) Licenses granted hereunder shall expire on February 28 next succeeding the date of their issue, unless sooner revoked by the Commissioner of Permit and Inspection Services. The license fee for any such license shall be as provided in Chapter 175, Fees, per year and proportionately for any less period, but any period less than one month shall be computed as a month. No license shall be issued until the fee therefor has been paid to the Department of Permit and Inspection Services. Any license granted hereunder may be revoked by the Commissioner of Permit and Inspection Services for cause in the manner prescribed by law. The provisions of §§ 75-1 through 75-14 inclusive, of this chapter, insofar as they are in conflict with the

¹ Editor's Note: See Ch. 511, Zoning.

provisions of this section, are hereby superseded.

§ 75-16. Hours; special permit for exemption; fee.

Except under special permit from the Commissioner of Permit and Inspection Services, it shall be unlawful to keep open to the public or to operate an amusement place specified in this chapter on any day between the hours of 12:00 midnight and 8:00 a.m. The special permits mentioned in this section may be granted in the discretion of the Commissioner of Permit and Inspection Services upon the recommendation of the Commissioner of Police. The fee for such special permit shall be as provided in Chapter 175, Fees.

§ 75-17. Obscene entertainment.²

No person, as owner, manager, director or agent or in any other capacity, shall prepare, advertise, give, present, participate or assist in presenting any obscene, indecent, immoral or impure drama, play, exhibition, show or entertainment which would tend to the corruption of the morals of youths or others. No person or corporation, being the owner or lessee of any garden, building, room, place or structure, shall let, lease or permit the same to be used for the purpose of any such drama, play, exhibition, show or entertainment.

§ 75-18. Coin-controlled amusement devices.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

COIN-CONTROLLED AMUSEMENT DEVICE — Includes a machine, apparatus, paraphernalia or device, whether manually, mechanically, electrically or otherwise used or operated or constructed to be used or operated, for amusement and entertainment purposes or in or upon which a game of skill or amusement may be played by one or more persons, singly or collectively, by and as the result of the insertion

² Editor's Note: See also Ch. 299, Obscenity.

of a piece of money or coin or other object for which a fee, charge or other consideration is imposed directly or indirectly. This definition, however, shall exclude a device, the possession or use of which is prohibited by law and particularly shall exclude a gambling device. No gambling device shall be licensed hereunder.

GAMBLING DEVICE — Includes:

- (1) A machine, slot machine, apparatus, paraphernalia or device, whether manually, mechanically, electrically or otherwise operated, in or upon which a game or contest involving an element of chance may be played, and the machine or device may be operated by one or more persons, singly or collectively, upon and as the result of the insertion of a piece of money or coin or other object for which a fee, charge or other consideration is imposed directly or indirectly.
- (2)³ A machine, apparatus, paraphernalia or device that is adapted or may be converted into one that is adapted for use in such a way that, as the result of the insertion of a piece of money or coin or other object, such machine or device is caused to operate or may be operated and, by reason of an element of chance or other outcome of such operation, unpredictable by him, the user may receive or become entitled to receive a piece of money, credit, allowance or thing of value or any check, slug, token or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance or thing of value or which may be given in trade or the user may secure additional chances or rights to use such machine, apparatus or device, irrespective of whether it may, apart from the element of chance or unpredictable outcome of such operation, also sell, deliver or present some merchandise, indication of weight or other thing of value.

³ Editor's Note: Former Subsection (2) of this definition, regarding pinball and bagatelle machines, was repealed 3-8-1994, effective 3-18-1994. This amendment also provided for the renumbering of former Subsection (3) of this definition to become Subsection (2) of this definition.

PERSON — Includes one or more individuals, a partnership, a company, an association of individuals and a corporation.

B. License required. [Amended 6-8-1993, effective 6-21-1993; 10-19-1993, effective 11-1-1993; 12-9-2003, effective 12-19-2003]

(1) Licenses and approvals.

(a) Notwithstanding any other provisions of the chapter, no person shall place or deliver or use or permit the use or operation of a coin-controlled amusement device upon any premises or location in the City until:

[1] The location of the establishment or premises where such device is to be used or operated and the responsible operator of such establishment or premises shall have been approved by the Commissioner of Police and the Commissioner of Permit and Inspection Services and a license for the location has been issued by the Commissioner of Permit and Inspection Services based on such approvals; and

[2] A license in accordance with this section to use or operate or permit the use or operation of the device upon the approved premises shall have been obtained from the Commissioner of Permit and Inspection Services by the operator of such establishment or premises.

(b) Each approved location shall have attached thereon the location's license, signed by the Commissioner of Permit and Inspection Services.

(c) A device becoming out-of-order or otherwise inoperative shall be clearly designated by a placard or sign or shall be removed from access by the public. The application for the approval and issuance of a license for a coin-controlled amusement device location and the operator thereof shall be made by the owner or operator location and

shall be on the form or forms required by the Commissioner of Permit and Inspection Services.

(2) Application for approved license. The owner or operator of the establishment or premises upon which one or more coin-controlled amusement devices are located, when applying for the licensing of the location and before such location may be licensed, shall make a sworn application to the Commissioner of Permit and Inspection Services for the necessary approved license, upon blanks to be furnished by the Commissioner, giving the following information:

(a) The name, residence and business address of the owner and, in the case of a corporation, the names and addresses of all officers and directors and, as to the owner and each officer and director, the age, date of birth, place of birth, statement of convictions for any crimes and whether any machine owned by him or under his control had been previously ordered destroyed by a court and such additional information as the Commissioner of Permit and Inspection Services may require.

(b) The name, residence, age, date and place of birth of the person having responsible charge of the premises upon which the device is proposed to be located for use and operation and the location of the premises by street and number, the kind of establishment wherein the device will be located and the number of devices to be placed thereon.

(c) A certification by the applicant that no device owned by him and to be licensed is a gambling device and that no such device, when licensed, will be used or operated for gambling purposes. The Commissioner of Permit and Inspection Services may require such further information as he may deem necessary.

(3) Issuing of license.

- (a) The Commissioner of Permit and Inspection Services may, after the receipt of an application, issue a license for the location in accordance with the provisions of this section. A license shall be prominently displayed thereon. A license shall permit the placing, use and operation of the device(s) at a location and in the responsible charge of a person, both previously approved as herein before provided.
- (b) An approved license shall clearly state the number of devices licensed and approved for such location.
- (4) Fee for an expiration of license. The Commissioner of Permit and Inspection Services shall not issue a license for a location hereunder until a fee, as provided in Chapter 175, Fees, for each location shall have been paid. A license shall expire on the first day of September next succeeding the date of its issuance.
- (5) Transfer of license. No license may be transferred from an approved location to another location.
- (6) Records of Commissioner of Permit and Inspection Services. The Commissioner of Permit and Inspection Services shall keep a record of each location, showing the name of the owner, the location where placed and the name of the operator.
- (7) Revocation of license. A location-operator license may be revoked by the Commissioner of Permit and Inspection Services for cause and after a hearing. He may hold a hearing to determine the propriety of issuing, renewing or revoking such a license or permit.

C. Amusement arcades.

- (1) Definition. As used in this subsection, the following terms shall have the meanings indicated:

AMUSEMENT ARCADE — A building or place which provides entertainment by means of coin-controlled amusement devices and which contains four or more such devices.

- (2) Licenses. [Amended 12-9-2003, effective 12-19-2003]
 - (a) License required. No person, firm or corporation shall hereafter erect, maintain, operate, conduct, use or allow to be operated, conducted or used as amusement arcade, whether or not so designated, as defined in this subsection, without obtaining a license therefor from the Commissioner of Permit and Inspection Services, to be issued in conformity with the provisions of this subsection.
 - (b) Application for license. Any person, firm or corporation desiring to erect, maintain, operate or conduct an amusement arcade shall make application therefor to the Commissioner of Permit and Inspection Services. Said application must be in writing, duly verified, and shall contain the information required by Subsection B(2) of this section and:
 - [1] The name and address of the person, firm or corporation seeking to erect, maintain, operate or conduct said amusement arcade.
 - [2] A description of the size and location of said premises.
 - [3] Such further information as the Commissioner of Permit and Inspection Services shall require.
 - (c) Investigation and approval of applications for amusement arcades.
 - [1] Duties of the Commissioner of Permit and Inspection Services. It shall be the duty of the Commissioner of Permit and Inspection Services to examine all applications for amusement arcades and to investigate or cause to be investigated each such application to determine whether the premises for which a license is sought complies with the regulations, ordinances and laws applicable thereto and whether the

person or persons making such application or whether the person or persons seeking to maintain, operate or conduct such amusement arcade are responsible persons.

- [2] Duties of other Departments. In making such investigation, the Commissioner of Permit and Inspection Services shall have the assistance of the Departments of Police, Public Works and Fire. When requested, each such Department shall furnish a report to the Commissioner of Permit and Inspection Services detailing the information desired from its investigation and containing a recommendation as to whether a license should be granted.
- [3] Issuing of license. Upon completion of his investigation, the Commissioner of Permit and Inspection Services shall issue an amusement arcade license for an amusement arcade found to be in compliance with the provisions of this subsection.
- (d) Fee. The Commissioner of Permit and Inspection Services shall not issue an amusement arcade license until a fee as provided in Chapter 175, Fees, for every coin-controlled amusement device located in the amusement arcade has been paid.
- (3) Supervision required. An amusement arcade, whenever operated or used, shall be supervised by a responsible person 18 years of age or older. Such person shall enforce the provisions of this subsection and ensure that the premises are used or operated in an orderly manner.
- (4) Minors restricted. No person under the age of 16 years shall be permitted in an amusement arcade during school hours on any weekday that the Buffalo public schools are in session.

- (5) Occupancy; public assemblage. No amusement arcade shall be maintained, operated or conducted unless said arcade is in compliance with the provisions of § 75-4 relating to capacity, fire regulations and occupancy. No amusement arcade shall be maintained, operated or conducted unless said arcade is in compliance with the provisions of Chapter 341, Property Maintenance, relating to places of public assemblage. Compliance with the above shall be required of all amusement arcades, notwithstanding their size or location.
- (6) Compliance with ordinances required. Every person, firm or corporation which or who maintains, operates or conducts an amusement arcade shall assure that all the applicable ordinances of the City of Buffalo are complied with.
- (7) Toilet facilities required. Every amusement arcade must have toilet facilities as required in the Plumbing Code of the City of Buffalo.⁴

§ 75-19. Admission of children to theaters.⁵

- A. No child under the age of 16 years unaccompanied by a parent, guardian or other adult person shall be admitted to any theater in the City of Buffalo unless such theater is licensed pursuant to and complies with the provisions of this section.
- B. The owner or manager of any motion-picture theater in which films licensed by the Education Department of the State of New York are exhibited may make application to the Commissioner of Permit and Inspection Services, in writing, duly verified, upon forms to be furnished by said Commissioner, for permission to admit to such theater unaccompanied children over eight and under 16 years of age. No such license shall be issued until the written approval of the Commissioner of Fire, the County Health Commissioner and

⁴ Editor's Note: See Ch. 326, Plumbing.

⁵ Editor's Note: See also Ch. 278, Motion-Pictures.

the Commissioner of Permit and Inspection Services has been filed with the Commissioner of Permit and Inspection Services. [Amended 12-9-2003, effective 12-19-2003]

- C. The Commissioner of Permit and Inspection Services, upon the payment of the fee as provided in Chapter 175, Fees, shall issue to any such applicant a license to admit to such motion-picture theater unaccompanied children over eight and under 16 years of age upon compliance with the following conditions: [Amended 12-9-2003, effective 12-19-2003]
- (1) A seat on the main or orchestra floor shall be provided by the owner, operator or manager of such theater for each unaccompanied child admitted to such licensed theater, and no such child shall be permitted to stand or to occupy any balcony or box.
 - (2) No such unaccompanied child shall be admitted to such licensed theater except during the time when his school classes within the City are not in session, nor shall such unaccompanied child be admitted after 6:00 p.m. of any day.
 - (3) One licensed matron shall be provided by the theater, with such additional assistants as may be found necessary from time to time by the Commissioner of Permit and Inspection Services, to afford proper oversight of such children at all times. It shall be the duty of the matron to see that the provisions of this section, and of all other laws, ordinances and regulations of the state and City applicable to theaters are enforced in such theater during the presence therein of any such unaccompanied children, and she shall have charge of and direct the activities of her assistants. Each of such assistants shall be responsible to and shall comply with the directions of the matron in the performance of such duties.
 - (4) The matron and the required number of assistants shall be in attendance and shall give their undivided attention to the supervision of such unaccompanied children during the entire time that such

children are present in the theater. No person shall be deemed a "matron" within the meaning of this section unless such person is more than 21 years of age and has been licensed as such by the Commissioner of Permit and Inspection Services. A badge or other appropriate identification shall be conspicuously worn at all times by each matron and assistant while on duty. A fee as provided in Chapter 175, Fees, shall be charged for each matron's license, to be paid by the owner or manager of the theater.

- (5) Any seats provided for unaccompanied children pursuant to this section shall be easily accessible to exits, and the obstruction of any exit or any aisle leading thereto is prohibited. It shall be the duty of the matron in attendance to examine at each performance attended by such unaccompanied child the doors of fire exits and to cause them to be kept unfastened and unobstructed at all times while any child under her supervision is in the theater.
 - (6) The name of each licensed matron and assistant on duty shall be posted in a conspicuous place near the front of the box office and shall be accessible to the public at all times.
 - (7) Each unaccompanied child shall comply with the reasonable directions and requests of the matron in charge concerning his department while in the theater, and for failure to do so, any such child may be removed from the theater by direction of the matron.
- D. Each license issued pursuant to the provisions of this section shall expire on the 30th day of May next succeeding the date of its issuance and shall be renewed annually. The fee for each such renewal shall be as provided in Chapter 175, Fees. The license of any matron may be transferred without cost to any other person upon the request of the owner or manager of the theater; subject, however, to the approval of the Commissioner of Permit and Inspection Services as to the qualifications of the transferee. The Commissioner of Permit and

Inspection Services shall have the power to revoke any license granted pursuant to the provisions of this section in the manner prescribed by law. [Amended 12-9-2003, effective 12-19-2003]

§ 75-20. Bingo.

- A. No person, firm, association, corporation or organization, other than a licensee under the provisions of Article 14-H of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.
- B. No bingo game shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.
- C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law⁶ or from another authorized organization.
- D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.
- E. No prize shall exceed the sum or value of \$250 in any single game of bingo.
- F. No series of prizes on any one bingo occasion shall aggregate more than \$1,000.
- G. No person except a bona fide member of any such organization shall participate in the management or operation of such game.
- H. No person shall receive any remuneration for participating in the management or operation of any game of bingo.

⁶ Editor's Note: See Art. 19-B of the Executive Law.

- I. The Commissioner of Permit and Inspection Services is hereby permitted to issue licenses for the conduct of games of bingo on Sundays after 2:00 p.m. in accordance with the provisions of and under the authority of § 485 of the General Municipal Law. [Amended 12-9-2003, effective 12-19-2003]
- J. The unauthorized conduct of a bingo game and any willful violation of any of the provisions of this section shall constitute and be punishable as a misdemeanor.

§ 75-21. Rebound tumbling centers.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

INDOOR REBOUND TUMBLING CENTER — A rebound tumbling center located in a building, and any other is defined as an "outdoor rebound tumbling center."

REBOUND TUMBLING CENTER — A place, either indoors or outdoors, where rebound tumbling equipment, sometimes known as "trampolines," is provided and maintained for public use.

REBOUND TUMBLING EQUIPMENT — A fabric bed or surface designed to provide resiliency by virtue of its own elasticity or that provided by an elastic or spring suspension system, or both, within a stable frame and intended to be used for jumping, bouncing or acrobatic tumbling.

- B. Licenses. [Amended 12-9-2003, effective 12-19-2003]
 - (1) License required. No person, firm or corporation shall hereafter erect, maintain, operate conduct or allow to be operated, conducted or used a rebound tumbling center, whether so designated or otherwise, in the City of Buffalo, without having procured a license therefor from the Commissioner of Permit and Inspection Services, to be issued in conformity with the conditions set forth in this section.
 - (2) Application for license. Any person, firm or corporation desiring to erect, maintain,

operate or conduct a rebound tumbling center shall make application, in writing, duly verified, to the Commissioner of Permit and Inspection Services for a license for such purpose. The application shall state:

- (a) The name and address of the owner or owners of the premises upon which the rebound tumbling center is proposed to be located.
 - (b) A description of the size and location of said premises.
 - (c) The name and address of the person, firm or corporation who or which proposes to erect, maintain, operate or conduct such rebound tumbling center.
 - (d) If such center is to be located indoors, a description of the character of the building, together with a statement of the particular portion of the building in which it is proposed to be placed.
 - (e) Such further information as the Commissioner of Permit and Inspection Services deems necessary to properly determine whether a license should be granted.
- (3) Approval by the Commissioner of Permit and Inspection Services.
- (a) No license shall be granted unless the application has attached thereto a certificate of the Commissioner of Permit and Inspection Services that the proposed location of the rebound tumbling center, as the same is described in the application, is within a district in which the same is permitted in accordance with the provisions of Chapter 511, commonly known as the "Zoning Ordinance."
 - (b) If the proposed rebound tumbling center is to be located indoors, no license shall be granted unless there is attached to the application the further certificate of the Commissioner of Inspections and Licenses to the effect that the building is structurally safe

and appropriate for use as a rebound tumbling center.

- (4) License fee. The license fee for any such license shall be as provided in Chapter 175, Fees, per year. No license shall be issued until the fee therefor has been paid to the City Treasurer.
- (5) Transfer of license. A license shall not be transferred to any person, firm or corporation, nor may a license granted for one approved location be used at any other location.
- (6) Expiration date. All licenses shall expire on the 31st day of March next succeeding the date of issuance.

C. Operation.

- (1) Hours of operation. No rebound tumbling center shall be operated or used between the hours of 2:00 a.m. and 6:00 a.m. nor before 2:00 p.m. on Sundays.
- (2) Liability insurance. Before a license may be issued, the operator of a rebound tumbling center shall procure and at all times maintain in full force and effect a policy of public liability insurance insuring him against liability for personal injury arising out of the operation of the rebound tumbling center, with limits of not less than \$50,000 for any one occurrence and \$25,000 for any one person per occurrence and shall file a true copy of said insurance policy with the Comptroller of the City of Buffalo.
- (3) Fencing of centers. Outdoor tumbling centers shall be completely enclosed by a wire or other adequate fence which is not less than six feet in height, and the gate or gates providing access to a rebound tumbling center shall be securely locked at all times when said center is not open for business.
- (4) Condition of equipment. Rebound tumbling equipment shall be maintained in good state of repair. Rebound tumbling equipment which has broken springs or broken webbing shall not be used. The licensee shall take precautionary measures

to prevent broken springs from disengaging from the assembly.

- (5) Rules and regulations. The following rules shall be printed in clear, easily read letters, each not less than $\frac{1}{4}$ inch in height, and posted in one or more conspicuous and well-lighted locations within the tumbling center, and the operator shall enforce and all patrons shall observe and obey the same.

(a) Patrons shall strictly and promptly comply with these rules and the directions of the operator.

(b) Not more than one person shall be permitted on a tumbling apparatus at the same time.

(c) Flips, twists or similar difficult routines shall not be permitted unless under the immediate supervision of a qualified instructor or unless performed by a person qualified to perform such difficult routines, and the determination and ruling of the operator shall be final.

(d) While using the equipment, patrons may not wear street shoes or be in bare feet.

(e) Use of the equipment by persons under the influence of any alcoholic beverage or by persons not in proper physical condition shall not be permitted, and the determination and ruling of the operator shall be final.

(f) Jumping from apparatus to apparatus or to any point outside the frame of the apparatus is prohibited.

(g) Conduct or behavior which may seriously distract or interfere with a performer is prohibited.

(h) Children under six years of age may not use the equipment unless accompanied by an adult.

(i) Smoking, eating or drinking while using the equipment is prohibited.

(6) Supervision. A rebound tumbling center, whenever open for use, shall be under the direct supervision of a person 18 years old or older who shall be of good moral character and skilled in the art of rebound tumbling. Such person shall be charged with the duty of:

(a) Observing that all persons using the rebound tumbling equipment comply with the posted rules.

(b) Permitting the use of only such rebound tumbling equipment as is in safe condition.

D. Revocation of license. Any license granted hereunder may be revoked by the Commissioner of Permit and Inspection Services for cause in the manner prescribed by law. [Amended 12-9-2003, effective 12-19-2003]

E. Other sections not to apply. The provisions of §§ 75-1 through 75-14, inclusive, of this chapter, insofar as they are in conflict with the provisions of this section, are hereby superseded.

§ 75-22. Registration of entertainments of the sixth class.

A. No person, firm or corporation, on and after the first day of August 1978, shall erect, maintain, operate, use or allow to be operated or used any movie theater or other form of entertainment of the sixth class without first complying with the provisions of this section, as set forth below.

B. In addition to any and all otherwise necessary licenses and permits, no form of entertainment of the sixth class shall be allowed to operate until a certificate of registration, specifying the following information, is filed with the Commissioner of Permit and Inspection Services: [Amended 12-9-2003, effective 12-19-2003]

(1) The name and business address of the current owner of the building in which the theater operates.

- (2) The name and business address of the current owner of the business; if a corporation, the owner being the principal stockholder.
 - (3) The names of all officers of the business operating the theater.
- C. If any change in the information required for the certificate of registration shall take place, the Commissioner of Permit and Inspection Services shall be notified of such change and a new or amended certificate filed within 30 days of such change. **[Amended 12-9-2003, effective 12-19-2003]**
- D. All certificates of registration shall be renewed annually, regardless of changes required by Subsection C, and shall expire on the first day of August in each year.
- E. Failure to obtain or renew a certificate of registration shall result in the immediate revocation of all other licenses issued for such business by the Commissioner of Permit and Inspection Services. **[Amended 12-9-2003, effective 12-19-2003]**