

1 RCNY §3005-03

CHAPTER 3000

Elevators and Conveying Systems

Subchapter A

Amusement Devices

§3005-03 Administration.

(a) Filing requirements.

- (1) **License applications.** All license applications for amusement devices are filed with the Department of Consumer Affairs (“DCA”) pursuant to the requirements of Title 20 of the Administrative Code.
- (2) **Permanent installations.** No permanent amusement device may be installed, dismantled, removed, relocated, or reassembled unless an installation application is filed with the Department. The Department’s application form(s), along with all required construction documents, must be completed and filed by the owner, amusement park operator, or the owner’s representative. Such application must be approved by the Department prior to the initial use of the amusement device and include:
 - (i) The name, address and signature of the amusement device owner.
 - (ii) Complete application and engineering plans signed and sealed by a registered design professional including other reports required by Section 3005-10 of this rule and the manual. Engineering plans, dimensioned to scale, must identify parts and components of amusement devices including, but not limited to bars, cables, chains, ropes, rods, pipes, girders, braces, fittings, fasteners, trusses, pressure vessels, pressure piping, gears, clutches, speed reducers, welds, bearings, couplings, shaftings, axles, hangers, pivots, carriers (such as tubs, cars, chairs, gondolas, or seating and carrying apparatus of any description) and safety bars, belts, harnesses, chains, gates or other restraining, containing, or retaining devices.
 - (iii) Foundation support and details signed and sealed by a registered design professional.
 - (iv) Trade or descriptive name of the amusement device and model number, if any, together with any identifying numbers.
 - (v) The name and address of the manufacturer.
 - (vi) Passenger capacity of the amusement device.
 - (vii) An electrical permit, if applicable.
 - (viii) Associated estimated cost of the device and installation.
 - (ix) Commercial general liability insurance as required by DCA.
- (3) **Temporary and portable installations.** The owner, amusement park operator, or owner’s representative of temporary and portable amusement devices, including inflatable devices, must file a registration application with the Department using forms created by the Department. Such

registration information must be approved by the Department prior to the amusement device's initial use and include:

- (i) The name, address and signature of the amusement device owner.
- (ii) Trade or descriptive name of the amusement device and model number, if any, together with any identifying numbers.
- (iii) The name and address of the manufacturer.
- (iv) Manufacturing date of the amusement device.
- (v) Passenger capacity of the amusement device.
- (vi) Commercial general liability insurance as required by DCA.

(b) **Fees.** Refer to Table 28-112.2 of the Administrative Code.

(c) **Alterations and modifications.** All alterations and modifications to an amusement device must be filed with the Department. Refer to §3005-04 for design guidelines and §3005-06 for device identification requirements.

(d) **Dismantling and removals.** All dismantling and removals of permanent amusement devices must be filed with the Department. All such filings must be signed and sealed by a registered design professional attesting that the dismantling and removal of the amusement device would not leave any remaining structure associated with the amusement device in an unstable or compromised condition.

(e) **Cease use order.** In accordance with §28-207.5 of the Administrative Code, whenever the commissioner determines that the operation of any amusement device is or may be dangerous to life, health, or safety, the commissioner may issue a "cease use" order requiring such equipment to be shut down, sealed, or otherwise made inoperable. Upon the issuance of such order, a tag or notice must be affixed to the amusement device warning that it is unsafe for operation. It is unlawful to operate such device or to remove or deface such tag until the cease use order is rescinded by the commissioner per §28-207.5.1 of the Administrative Code.

(f) **Adverse weather conditions.** An amusement device that is exposed to strong winds or storm cannot be operated under such dangerous weather conditions, as provided in such device's operating manual, except for the purpose of releasing passengers.

(g) **Record keeping.**

(1) **Manuals.** All relevant amusement device manuals must be kept on site and made available to the commissioner upon request.

(2) **Records.** All inspection and test records of amusement devices and equipment must be kept on site and made available to the commissioner upon request. Such records must contain the following:

- (i) Date and nature of all inspections and tests, whether by the Department, the owner, or amusement park operator;
- (ii) Any violation or notice of deficiency issued by New York City (NYC) and the action taken to fix the problem;
- (iii) Any repairs and adjustments made to any part of the equipment to ensure safe operating conditions for the amusement device;

(iv) Any parts changed or repaired; and

(v) The inspectors' names.

- (3) **Duration.** The amusement park operator must retain current operation, maintenance, inspection, and test records for each amusement device for the preceding one (1) year in a maintenance log kept on site. Such records must be kept up-to-date and be made available to the commissioner upon request. The owner must maintain records for the past seven years and make them available to the commissioner on request.

(h) Certification and revocation.

(1) **Certificate of competency for amusement park operators.** Amusement park operators of permanent, temporary and portable amusement devices must obtain a certificate of competency from the Department by demonstrating an ability to operate an amusement device safely in normal and emergency situations. Each certificate must list every amusement device that the applicant will be operating.

(2) **Certificate of competency for inflatable rides.** In order to receive a certificate of competency for an inflatable ride, the amusement park operator must bring, set up, and operate such ride at a location and on a date and time determined by the Department.

(3) **Duration and renewal.** Certificates of operation and competency are valid for one (1) year from the date of issuance and can be renewed annually.

(4) **Revocation.** Following notice and an opportunity to be heard, the Department may revoke an amusement park operator's certificate of competency for failure to comply with the requirements of these rules.

(i) Amusement device operator qualifications. All amusement devices must be operated by a competent individual designated by the owner or amusement park operator. All amusement device operators must:

- (1) Be eighteen (18) years of age or older, except for kiddie ride operators, who can be seventeen (17) years of age or older;
- (2) Be free from any physical or mental conditions that could affect the performance of his/her duties;
- (3) Be able to communicate and understand the English language;
- (4) Hold a current certificate of operation from the amusement park operator as provided for in subparagraph (ii) of paragraph (4) of subdivision (j) of this section; and
- (5) Be trained in accordance with ASTM F 770, by the amusement park operator, before being allowed to operate an amusement device.

(j) Responsibilities.

(1) **Owner responsibilities.** Refer to general maintenance, device maintenance, and record keeping requirements set out in this rule.

(2) **Amusement device operator responsibilities.** The amusement device operator has the following responsibilities:

- (i) The amusement device operator must maintain full and uninterrupted attention during the amusement device's operation;

- (ii) The amusement device operator may not use any personal telecommunication or listening device during the amusement device's operation;
 - (iii) The amusement device operator may not operate more than one (1) amusement device at any given time;
 - (iv) The amusement device operator must have knowledge and training in the use and function of all normal and emergency operating controls of the amusement device;
 - (v) The amusement device operator must be within reach of the normal and emergency operating controls during the device's operation. No other person may be permitted to handle such controls unless the amusement device is designed to be partially or entirely operated or controlled by a passenger;
 - (vi) The amusement device operator must not operate any amusement device while under the influence of alcohol or drugs;
 - (vii) The amusement device operator must operate the amusement device in accordance with the operating manual. An amusement device must not be operated at an unsafe speed or at a speed beyond that recommended by the manufacturer. The operating manual must be kept with the amusement device or in an office on the same location as the amusement device. The manual must be made available for inspection or use by the Department;
 - (viii) When restoration of electrical power to an amusement device could create a hazard to anyone during the performance of maintenance, repair, inspection, or an emergency evacuation of passengers, the amusement device's electrical disconnect switch must be turned off and the device locked-out and tagged-out. The amusement device must remain locked-out and tagged-out until such time that the restoration of power will not create a hazard; and
 - (ix) The amusement device operator must not operate an amusement device that does not have a current certificate of compliance.
- (3) **Owner, amusement park operator and amusement device operator responsibilities.** The owner, amusement park operator, or amusement device operator must refuse any member of the public admission to an amusement device if:
- (i) The passenger's health, physical condition, or conduct appears to make it unsafe for him/her to use the amusement device.
 - (ii) The passenger does not meet the amusement device specific requirements as stipulated by the posted height and guardian restrictions. Legible signs displaying these restrictions must be posted in an unobstructed location in full view of individuals seeking admission to the amusement device.
- (4) **Amusement park operator responsibilities.** The amusement park operator has the following responsibilities:
- (i) **Training of device operators.** The amusement park operator who holds a certificate of competency is responsible for training individual device operators in accordance with ASTM F770. All training must be documented in a log which must be kept at the site and made available upon the Department's request.
 - (ii) **Issuing a certificate of operation for amusement device operators.** After training the amusement device operators in accordance with the provisions of subparagraph (i) of this

paragraph, amusement park operators must issue certificates of operation to the amusement device operators.

- (iii) **Affidavit.** The amusement park operator must provide an affidavit stating that the amusement device operators have been issued certificates of operation and that each amusement device operator meets the qualifications as set forth in subdivision (i) of this section. Such affidavit must include a government-issued photo identification card of each device operator as well as a list of the amusement devices that he/she has been trained to operate.
- (iv) **Ensuring compliance.** The amusement park operator must ensure that the amusement device operators comply with the requirements of these rules. If the requirements are not met, or as directed by the Department, the amusement park operator must immediately revoke the certificate of operation and notify the Department in writing of the revocation.
- (v) **Inflatable amusement devices.** Prior to an event, the amusement park operator must provide the Department with the event location, event dates, and written certification verifying that all of the installed inflatable amusement rides comply with the manufacturer's manual and bulletins. The Department may perform an audit of the certificate of competency requirements at such event location.