

ARTICLE 17
AMUSEMENT PARKS, RIDES, AND TRANSPORTATION

SECTION 1. PURPOSE. This article establishes minimum standards for the design, construction, alteration, maintenance, operation, plan review, inspections, and the issuance of Amusement and Transportation Systems Permits and Certificates of Operation for amusement and transportation systems. It is intended to protect the public's safety, health and general welfare by setting certain standards for structural strength, stability, and safety relative to life and property hazards incident to the installation, construction, maintenance, alteration, repair, removal, and use of amusement or transportation systems.

SECTION 2. SCOPE. Unless otherwise exempted, the provisions of this chapter shall apply to all amusement or transportation systems erected or installed for a period of thirty (30) days or longer.

- a) This chapter may be referenced as the "Amusement and Transportation Systems Code of Johnson County".
- b) The provisions of this chapter shall not be held to deprive any federal or state agency, or any applicable governing body having jurisdiction, of any power or authority which it had on the effective date of this code or of any remedy for the enforcement of its orders, nor shall it deprive any individual, entity, or corporation of its legal rights as provided by law. These provisions are not intended to regulate public transportation means which are already regulated by Johnson County Public Works or the State of Kansas Transportation Authority.
- c) This code shall be considered as a "technical code" whose administrative provisions are generally contained in the Johnson County Code of Regulations for Building and Construction, 2012 Edition.
- d) When approved by the Building Code Official, ASTM standards may be used for transportation systems in lieu of the ANSI, NFPA, and ASCE standards set forth in sections 22.16.160, 170, and 180.

SECTION 3. DEFINITIONS. For the purposes of this article, the words and terms defined in this section have the meanings ascribed to them herein or the Johnson County Code or other adopted technical codes. When terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Webster's "Third New International Dictionary of the English Language, Unabridged", copyright 1986 shall be considered as providing ordinarily accepted meanings.

- a) The term "ordinance" shall mean and include the word "resolution".
- b) The term "city" shall mean and include the word "county".
- c) The term "misdemeanor", unless otherwise specifically defined or provided for herein, shall mean Class I Infraction.

- d) The term “Accepted Engineering Practice” is that which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.
- e) The term “Amusement System or Transportation System Permits (ATS)” means permits issued by the department authorizing construction and installation of an ATS. At the Building Code Official’s option, it may include in its scope any subsidiary permits for supporting or enclosing structures or building associated structures, utility permits, and other building service equipment.
- f) The term “Amusement Systems” is any ride, device, building or structure which is used primarily for human entertainment, and enjoyment which is either moving or stationary. The final determinations to whether a ride, device, or structure shall be classified under this definition shall be made by the Building Code Official. For the purposes of this chapter, electronic gaming devices, pinball games, or electronic arcade games, and non-motorized playground equipment are not amusement systems.
- g) The term “Amusement Park” means a tract or area used principally as a permanent location for amusement systems, amusement buildings or transportation systems.
- h) The term “Approve Agency” means an agency regularly engaged in providing verification reports, manufacturing inspection and/or testing, raw material inspection, certification and/or testing of completed products and/or components at the point of fabrication/manufacture, or inspection and/or testing of assembled items and/or components at the project during construction and/or installation.
- i) The term “ATS” means an Amusement or Transportation System as defined herein.
- j) The term “Building Code Official” means the officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative.
- k) The term “Certificate of Occupancy” means a document issued by the department on an annual basis certifying that an ATS has been inspected and found to be in compliance with the manufacturer’s requirements for operation and maintenance, the approved Operations and Maintenance Manual(s), approved plans and any other requirements of this chapter. A certificate is required to authorize operation of an ATS.
- l) The term “Department” means the Johnson County Department of Planning, Development, and Codes.

- m) The term “Director” means an organizational designation that identifies the head of the Department of Planning, Development and Codes or an authorized representative.
- n) The term “Major Modification” of an ATS is any change in either the structural or operational characteristics of the ATS which will alter its performance from that specified in the manufacturer’s design criteria.
- o) The term “Minor Modification” of an ATS is any change that does not alter the structural or operational characteristics nor change its performance from that specified in the manufacturer’s design criteria.
- p) The term “Operations and Maintenance Manual(s)” means one or more manuals in English approved by the department which specify what the Owner/Operator will follow to ensure proper maintenance and safe operation in order to meet the standards of this chapter.
- q) The term “Owner/Operator” means the owner, operator, and/or lessee or who has custody or control of the ATS.
- r) The term “Patron” means a person who participates in an ATS, whether paying or non-paying, employee or non-employee.
- s) The term “Prohibited Use Notice” means a formal written document issued by the department indicating noncompliance with the requirements of certification, installation, inspection, operation or any other portions of this chapter and further indicating that the ATS may not be operated for other than inspection or testing.
- t) The term “Property Maintained” means maintained in accordance with the requirements of the approved “Operations and Maintenance Manual(s)”.
- u) The term “Qualified Individual” means a designated representative of the owner/operator of an ATS who is a technically qualified person accountable to the owner for the maintenance of an ATS.
- v) The term “Transportation System,” means any moving apparatus which is primarily intended for transportation but may include entertainment and enjoyment while moving along, around, or over a fixed or restricted course. This includes people movers and monorails, for private property, linking of properties, or when included in a franchise agreements. The final determination as to whether an apparatus shall be classified under this definition shall be made by the director. It shall not include automobiles, trucks, buses, surface trains or other transportation means when existing regulation by state or federal authorities would be in conflict with this ordinance.

- w) The term “Unscheduled Cessation” is a rare, unusual or irregular stopping of an ATS operation, intentional or otherwise, that is considered abnormal or potentially hazardous in nature, or both, due to its cause, method or result.
- x) The term “Verification Report” means certification by an approved agency or the department that all inspection and/or testing, required by the manufacturer and the operation and maintenance manual(s) approved by the department, was performed and found to be in compliance.

SECTION 4. OTHER ADOPTED CODES. The ATS regulated by this chapter as a technical code shall conform to the requirements of all other adopted technical codes of the department as they may apply to an installation.

SECTION 5. OWNER/OPERATOR’S.

- a) Owner/Operator’s Responsibilities. The owner/operator responsibilities shall include, but not be limited to: ensuring that each ATS is periodically inspected, properly maintained, and properly operated as specified in the approved Operations and Maintenance Manual(s); designating a “qualified individual” for each ATS; and determining when use of an ATS should be discontinued.
- b) Qualified Individual Responsibilities. The qualified individual shall be the designated technical representative of the owner/operator with respect to a specified ATS. This individual shall be responsible for having full operational knowledge of the ATS and responsibility for maintenance at all times that the ATS is in use. The qualified individual may be an employee of the owner/operator, the manufacturer, or a contracted maintenance company.

SECTION 6. PROHIBITED USE NOTICE AND RESOLUTION.

- a) Prohibited Use Notice. Where the Building Code Official determines an ATS is not in compliance with the requirements and provisions of this chapter, the applicable technical codes, the Johnson County Code, the approved Operations and Maintenance Manual(s) or an accident has occurred which has resulted in a fatality, injury, or ATS damage, the Building Code Official may declare that the continued operation of the ATS is prohibited. The Prohibited Use Notice shall also state the reason(s) for the finding. Upon receipt of a Prohibited Use Notice, the owner/operator and Qualified Individual shall immediately cease operation of the ATS.
- b) Out-of Service Seal. Upon issuance of a Prohibited Use Notice, the Building Code Official shall cause to be affixed to the control panel an Out-of-Service Seal(s) stating that the ATS shall not be used except for testing or inspection. In the event that the owner/operator does not adequately secure the ATS, then the Building Code Official may in his discretion cause one or more Out-of-Service Seal(s) to be placed across the entrance(s) to such ATS. Such notice and seals

shall not be removed except by order of the Building Code Official after the ATS has been repaired, re-inspected and certified as operational.

- c) Method of Resolution. Once the owner/operator has affected a repair of all deficiencies identified in the Prohibited Use Notice, the owner/operator shall notify the department and request an inspection. The department shall inspect within twenty-four hours. When the deficiencies are found to be corrected and required tests are completed successfully, then the Out-of Service Seal(s) shall be removed immediately.

SECTION 7. APPEALS. The owner/operator may appeal orders, decisions or determinations made by the Director or Building Code Official relative to the application and interpretations of this code to the Board of Code Review as provided in the Johnson County Code of Regulations for Buildings and Construction, 2012 Edition. The pendency of the appeal shall not result in the removal of the Out-of-Service Seal(s). Failure of the owner/operator to file an appeal within ten (10) days of the date of issue of a Prohibited Use Notice shall be a waiver of subsequent administrative redress. Upon written appeal, the Board of Code Review shall schedule a hearing.

SECTION 8. ADOPTION OF STANDARD FOR APPLICATION INFORMATION PROVISIONS. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F698-94, "Physical Information to be Provided for Amusement Rides and Devices", is hereby adopted by reference as a part of this chapter.

SECTION 9. ADOPTION OF STANDARD FOR OPERATION. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F770-93, "Operation Procedures for Amusement Rides and Devices", is hereby adopted with the following amendments:

A new section is added to read as follows:

7.0 Required Documents

7.1 Copies of all items identified in this standard shall be presented to the department for review and approval. All such documents shall be a part of the ATS Permit application package and are a required part of the total plan submittal package. The plans for construction may not be approved nor any permits issued until the information required herein is submitted, reviewed and approved.

7.2.1 Copies of the Johnson County approved operation and maintenance manual(s) identified in the standard shall be maintained at all times with the ATS or at a location near the ATS approved by the Building Code Official. These documents shall be made available for review by the Building Code Official, his authorized agent or other concerned county agencies upon request during normal operating hours.

- 7.2.2 A copy of the emergency procedure shall be filed with the department to meet the intent of the standard included herein.
- 7.2.3 The owner/operator shall retain quality assurance documentation, such as material certification test reports, inspection records, and reports for the life of the ATS while under his/her control. Upon sale or other transfer of the ATS, the owner/operator shall transfer these quality assurance documents to the new owner/operator.

SECTION 10. ADOPTION OF STANDARD FOR PERFORMANCE TESTING. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F846-92, "Testing Performance of Amusement Rides and Devices", is hereby adopted with the following amendments:

Section 7, Paragraph 7.1, is amended to read as follows:

The manufacturer of the ATS shall develop specific operational tests along with minimum intervals for these tests to be performed that will allow the owner/operator of the ATS to determine whether a given ATS is operating within prescribed operational limits. Testing as prescribed by the manufacturer shall be performed by a Johnson County approved third party testing agency for initial installation and subsequent testing and observed by the Building Code Official or his duly authorized representative. When required by the approved Operations and Maintenance Manual(s), the owner/operator shall cause an approved third-party agency to perform or observe testing and/or inspection.

Amend Paragraph 8.1.8 to read as follows:

- 8.1.8 Within a reasonable time following a request by the Building Code Official, an owner/operator or inspection agency, the manufacturer of an ATS whose approved operations and maintenance manual(s) does not contain testing recommendations shall either provide a component listing or statement that no NDT is recommended on the ride or device as per the criteria outline of 8.1.2. When a manufacturer's list or statement is not available, it may be compiled by a registered professional engineer or engineering agency or by any individual qualified by training and experience to compile such a list or statement based upon the ATS's specifications and history and using accepted engineering practices.

SECTION 11. ADOPTING OF STANDARD FOR MAINTENANCE. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F853-93, "Maintenance Procedures for Amusement Rides and Devices", is hereby adopted with the following amendments:

Section 4, Paragraph 4.1, Subparagraph 4.1.14 is amended to read as follows:

Supplemental notification bulletins delivered by the manufacturer of an ATS to the owner/operator that were not provided at the time of sale and contain new information or newly recommended inspections or testing, or both, shall be

provided to the department immediately, with maintenance bulletins or similar documents originated by the manufacturer of the ATS after its initial installation and shall be consistent with the following criteria in order to carry the force and effect of this practice:

Section 5, Paragraph 5.1, "Owner's/Operator's Responsibility", is amended by adding Subsection 5.1.4 to read as follows:

5.1.4: A formal written daily log form to be completed and signed by the person performing the maintenance prior to each day's operation identifying each required maintenance and inspection item and attesting that the required maintenance procedures have been performed. A copy of daily and other log forms required by the approved "Operations and Maintenance Manual" shall be maintained by the owner/operator as long as the ATS is under the control of the owner/operator. All records shall be available for inspection upon request by the department and any of its assigned inspectors during working hours. All records and maintenance logs since the date of the last annual department inspection shall be maintained on-site."

A new Section 5, Paragraph 5.1, Subparagraph 5.1.5 is added to read as follows"

5.1.5: Any additional recommendations of the owner/operator, manufacturer or the Department."

SECTION 12. ADOPTING OF STANDARD FOR INSPECTION. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F893-87, "Inspection of Amusement Rides and Devices," is hereby adopted with the following amendments:

Section 5, Paragraph 5.1.1, is amended to read as follows:

The manufacturer of an ATS shall have a written quality assurance program for use in conjunction with the design, manufacture, construction, modification, or reconditioning of the amusement ride or device. A copy of the manufacturer's written quality assurance program shall be submitted at the time of Amusement and Transportation Systems Permit application for review and approval. The Building Code Official may also require that the quality assurance program be amended and brought into conformance with the adopted and published technical guidelines or other requirements of Johnson County prior to the approval of any ATS.

Section 5, Paragraph 5.1.3.1, is amended to read as follows:

5.1.3.1 Any changes in the procedures prescribed in 5.1.3 deemed essential by the manufacturer due to information not available to the manufacturer at the time of delivery shall be communicated in writing to the owner/operator and to the department."

Section 5, Paragraph 5.1.5, is amended to read as follows:

Upon notification from an owner/operator of an incident involving a critical component, the manufacturer of an ATS shall promptly evaluate this information and disseminate the findings to the original owner/operator along with any pertinent recommendations to all know owner/operators. The owner/operator shall provide the findings to the department.

SECTION 13. ADOPTION OF STANDARD FOR DESIGN AND MANUFACTURE.

That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F1159-94, "The Design and Manufacture of Amusement Rides and Devices", is hereby adopted with the following amendments:

Section 1 "Scope" is amended by the addition of a new section 1.3:

- 1.3 This standard may involve hazardous materials, operations and equipment. Where such substances or operations are involved, the requirements of Section 307 and other appropriate sections of the International Building Code and the International Fire Code shall apply.

Section 4 is amended, by the addition of Paragraph 4.1.3 and Paragraph 4.1.4 to read as follows:

4.1.3 Engineering analysis of primary structural, electrical and mechanical components.

4.1.4 Fatigue Analysis – ride and ride components shall be evaluated for fatigue.

A new Paragraph 4.4 is added to read as follows:

- 4.4 Engineering Review – When the ATS is not designed by a Kansas-registered engineer, a Kansas-registered engineer shall provide or ensure the necessary expertise to review subsystem design (i.e. civil, controls, mechanical, electrical, power, structural, etc.). The Kansas-registered engineer shall ensure subsystem integration compatibility and the overall system to verify that the design is in conformance with this chapter and other applicable standards. A report prepared by and stamped with the seal of the Kansas-registered engineer describing the review process shall be included with the submittal.

Section 4 is amended by the addition of Paragraph 4.5, to read as follows:

- 4.5 Other proof of adequacy of design such as testing, product listing or any other appropriate documentation may be required or accepted by the Building Code Official in lieu of engineering design or calculations.

A new Paragraph 6.2.1 is added to ASTM 1159-94 to read as follows:

- 6.2.1 A rider restraint system, individually adjustable to the girth of the rider, may be required by the Building Code Official, based on a review of the unique operating characteristics of each particular ATS.

A new Paragraph 7.7 is added to ASTM F1159-94 to read as follows:

7.7 Passenger Evacuation – The ATS shall provide an egress platform, stairway, walkway, elevator, scissors lift, ladder or other acceptable means to safely evacuate passengers from all positions during an unscheduled cessation.

A new Section 16 is added to ASTM F1159-94 to read as follows:

16 ATS Control System Review

16.1.1 The ATS control system shall be reviewed by an engineer registered in the state of Kansas or an agency acceptable to the department.

16.2 The analysis and conclusions of the review shall be provided to the department.

16.3 A testing program consisting of normal operation and worst case scenarios shall be developed to verify the ATS control system operates as designed. If the scenario has been designed by others, the design professional shall review the testing program.

A new Section 17 is added to ASTM F1159-94 and shall read as follows:

17 Unlisted or Uncertified Components – All unlisted or uncertified components shall be labeled using appropriate standards by a nationally recognized agency.

SECTION 14. ADOPTION OF STANDARD FOR MANUFACTURER QUALITY ASSURANCE PROGRAM. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F1193-88 “An Amusement Ride and Device Manufacturer Quality Assurance Program” is hereby adopted. It is the intent of the Building Code Official that ATS manufacturers shall maintain a quality assurance program that is satisfactorily equivalent to the Johnson County Codes’ section entitled “Approved Fabricator/manufacturer”. Documentation that the manufacturer meets this standard shall be furnished to the department at the time of Amusement or Transportation System Permit application.

SECTION 15. ADOPTION OF STANDARD FOR THE CLASSIFICATION OF AMUSEMENT RIDE AND DEVICE RELATED INJURIES AND ILLNESSES. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society for Testing and Materials (ASTM) Standard F1305-94, “The Classification of Amusement Ride and Device Related Injuries and Illnesses”, it hereby adopted with the following amendments: Section 1, Scope, is deleted in its entirety.

Section 2.1.4, is modified to add the following sentence:

Simple Fractures – A simple fracture of any bone shall be reported as a serious injury.

Section 4 is amended as follows:

4 Recording Requirements

- 4.1 Any written reports shall include all pertinent facts including:
1. date, time and location of incident;
 2. name, age, and address of victim(s);
 3. type of injury;
 4. hospital or other medical facilities where treated;
 5. a description of the accident;
 6. name and ATS Operation Certificate number of the ATS involved;
 7. name, address and telephone number of the owner/operator and the Qualified Individual; and,
 8. damage to equipment, and the owner/operator's expected actions to repair or take out of service.
- 4.2 It shall be the responsibility of the owner/operator to maintain all reports specified by this standard.

A new Section 7 shall be added and is to read as follows:

7 Johnson County Notification

- 7.1 Reporting Fatalities. The owner/operator shall close down the ATS and report any fatality occurring on an ATS within four (4) hours of the incident by telephone to the Building Code Official or his designee. The verbal report shall be followed by a written report to the director within two (2) days.
- 7.2 Reporting Serious Injuries. When a serious injury occurs, the owner/operator shall report the incident within four (4) hours by telephone to the Building Code Official or his designee. The verbal report shall be followed by a written report to the director within five (5) days.
- 7.3 Reporting Structural Damage. The owner/operator shall file a report to the Building Code Official or his designee within five (5) days of any structural damage to an ATS. The owner/operator shall report damage to major structural ATS components within four (4) hours by telephone to the Building Code Official or his designee.
- 7.4 Action upon Notification. Upon notification of a fatality, serious injury, or a structural damage report, the Building Code Official or his designee shall determine whether the ATS shall be sealed out-of-service by a Prohibited Use Notice until an investigation of the site and records can be performed. The owner/operator is responsible to fully inspect the ATS, make any corrective repairs, and test components and operation as specified in this chapter and the Operation and Maintenance Manual(s). The owner/operator has the burden to ensure that the ATS meets all requirements for a return to service prior to requesting department inspection. When an ATS is sealed out-of-service for these

reasons, the department shall perform an inspection within twenty-four (24) hours.

SECTION 16. ADOPTION OF STANDARD FOR AERIAL TRAMWAYS AND LIFTS, SURFACE LIFTS AND TOWS. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American National Standards Institute (ANSI) Standard B77-1-1990, “American National Standard for Passenger Tramways”, is hereby adopted.

SECTION 17. ADOPTION OF STANDARD FOR FIXED GUIDEWAY TRANSIT SYSTEMS. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the National Fire Protection Association, Inc., NFPA 130 “Standard for Fixed Guideway Transit Systems”, 1995 edition is hereby adopted.

SECTION 18. ADOPTION OF STANDARD FOR AUTOMATED PEOPLE MOVERS. That certain document, three copies of which are on file in the office of the county clerk, said copies being marked and designated as the American Society of Civil Engineers, ASCE 21-96, “Automated People Mover Standards – Part I”, is hereby adopted.

SECTION 19. AMUSEMENT OR TRANSPORTATION SYSTEM WITH INSUFFICIENT DATA OR BUILT TO OTHER STANDARDS. When information on an ATS is insufficient to meet the standards of this chapter, or the ATS was built to other standards, the owner/operator or his designated representative shall provide such information as the Building Code Official shall determine to be appropriate. Such information shall conform to the intent of the code and shall include engineering analysis and calculations, testing programs, and inspections of the ATS, as appropriate. When the owner/operator has one or more published standards under which the ATS was designed and built, then the owner/operator shall submit the standard(s) along with the design, calculations, testing and inspection data for review under the provisions of the Johnson County Code of Regulations for Buildings and Construction, 2012 Edition.

SECTION 20. PENALTIES. An owner/operator of an ATS who allows such system to be operated;

- a) without a valid Certificate of Operation;
- b) in violation of an Out-of-Service Seal or Prohibited Use Notice; or
- c) in violation of the safety requirements of this chapter; shall be deemed guilty of a Class I Infraction, and each such owner/operator shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation(s) of any of the provisions of this code are committed, continued, or permitted. Upon conviction of any such violation the owner/operator may be punished by a fine as stated in Article 20 of the Johnson County Code of Regulations for Buildings and Construction, 2012 Edition.