

1.0 GENERAL:

1.1 Statutory Authority:

C.R.S. 1973, 8-1-107(1)(g) and C.R.S. 1973, 8-1-107(2)(d) and C.R.S. 1973, 8-1-140 and 8-1-144.

1.2 Purpose;

This regulation is promulgated to establish reasonable standards for the construction, repair and maintenance of carnivals and amusement parks in the interest and safety of the general public, to establish financial standards for the operation of carnivals and amusement parks and to provide for a registration process for carnivals and amusement parks.

1.3 Scope:

These rules and regulations shall apply to the construction, repair and maintenance or operations of carnivals and amusement parks or any part thereof operating within the State of Colorado.

1.4 Definitions;

- .1 "Amusement Park" shall mean a tract, structure, area and equipment used principally as a location for supporting carnival-amusement rides and devices.
- .2 "Carnival" shall mean an enterprise principally devoted to offering amusement or entertainment to the public in, upon or by means of carnival-amusement rides and devices or temporary structures in any number of combinations whether or not associated with other structures or forms of public attraction, and all structures, equipment and areas in support thereof.
- .3 "Director" shall mean the director of the Division of Labor or his designee.
- .4 "Division" shall mean the Division of Labor of the Department of Labor and Employment.
- .5 "Operator" shall mean a person or the agent of a person, corporation or company who owns or controls or has the duty to control the operation of an amusement park or carnival or the carnival-amusement rides and devices used thereon.
- .6 "Registration" shall mean the filing of a properly completed application with the Division and approval of the application by the Director.
- .7 "Carnival-Amusement Ride or Device" shall mean any mechanized device or combination of devices which carries passengers along, around or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills or excitement.
- .8 "Ride Operator" shall mean the person that has control of the carnival-amusement ride or device at all times that it is being operated for the public's use.
- .9 "Maintenance" of a carnival or amusement park shall mean all activities relating to the ongoing upkeep of the facilities, equipment, and premises of the carnival or amusement park.

1.5 Exemptions:

Unless operated by a carnival or amusement park, the following rides and devices are exempt from the provisions of these rules and regulations:

- .1 Model horse and model rocket rides, mechanical horse or bull rides and pinball machines and juke boxes that have individual self-contained wiring installed by the manufacturer and are designed to be coin activated, are self-operated and are located in or attached to permanent buildings.
- .2 Non-mechanized playground equipment including but not limited to swings, seesaws, stationary spring-mounted animal features, rider propelled merry-go-rounds, climbers, slides, trampolines, swinging gates and physical fitness devices.
- .3 Pony rides where the animal is under control of the person with an attached lead line or where the animal is within a fixed or restricted route or course in full view of the operator at all times.
- .4 Any device or ride otherwise covered by these rules but regulated by any other state agency.

2.0 STANDARDS:

The following standards shall apply to all carnivals and amusement parks operating within the State of Colorado:

2.1 Financial Standards:

Carnivals and amusement parks shall be financially able to meet all legal obligations connected with the construction, repair, maintenance or operation of the carnival or amusement park including but not limited to any injuries incurred by members of the public in the use of any part of the carnival or amusement park.

2.2 Safety and Health Standards:

Carnivals and amusement parks or any part thereof shall be constructed, maintained and repaired subject to the following standards:

- .1 Carnivals and amusement parks or any part thereof shall be constructed, maintained and repaired in a manner that provides an operation free from recognized safety and health hazards likely to cause death or serious bodily harm.
- .2 Carnivals and amusement parks shall be constructed, maintained and repaired in accord with all otherwise applicable federal, state and local safety, fire, health or building codes or standards.
- .3 The director shall develop and maintain a checklist which shall be illustrative of conditions which may be hazardous to safety or health and which shall be used as a basis for inspections.

3.0 REGISTRATION:

- 3.1 .1 Each operator of a carnival or amusement park with a fixed location must register annually on or before April 1 with the director by paying a fee of \$100 and filing an application for registration.
 - .2 All other operators of carnivals or amusement parks must register annually at least thirty days prior to beginning any operation, repair, maintenance or construction within the State of Colorado by paying a fee of \$100 and filing an application for registration.
- 3.2 Each application shall be on the form prescribed by the director and shall include at a minimum the following:

- .1 The name and address of the operator.
 - .2 A description of the premises of the carnival or amusement park including a description of all improvements.
 - .3 The trade name of the manufacturer, and the serial number of all rides and devices.
 - .4 Information regarding any accident within the past two years occurring on the carnival or amusement park premises, including but not limited to date of accident, cause of accident, equipment or ride involved, kind of injury, whether injury involved hospitalization, name of injured.
 - .5 A description of any construction, substantial repair or alteration made in the previous twelve months.
 - .6 A description of any construction, substantial repair or alteration to be or projected to be engaged in within the next twelve months by the operator.
 - .7 Sufficient financial data to enable the director to determine that the operator meets the financial standards of section 2.1 above.
 - .8 A list of the dates and locations of operation of the carnival or amusement park within the state which shall include the dates at each location.
 - .9 The name of all liability insurance carriers including worker's compensation and the serial numbers of all policies.
 - .10 A copy of any report of any inspection made of any aspect of the operation in the previous twelve months.
 - .11 Any other information which reasonably relates to the standards set forth above in section 2.0.
 - .12 A copy of a liability insurance policy for the registration period in the amount of not less than one million dollars (\$1,000,000) for bodily injury to or death of one person in any one accident, and in an amount of not less than two million dollars (\$2,000,000) for bodily injury to or death of two or more persons in any one accident, and in an amount of not less than ten thousand dollars (\$10,000) for destruction of property of others in any one accident, insuring the operator against liability for injury or death of a person resulting from a carnival-amusement ride or device. The operator shall cause the operator's insurance carrier to submit directly to the division, a notarized affidavit stating that the operator has complied with the insurance section of this regulation
- 3.3 Upon receipt of an application, the director shall review the application, and upon determining that the provisions of this section 3 have been met, shall approve the application.
- 3.4 If, upon review of the application, the director determines that the provisions of this section 3 have not been met, the director shall reject the application until such time as the requirements of this section 3 are met.
- 3.5 No carnival or amusement park or any part thereof shall operate within the State of Colorado without first becoming registered as provided herein.
- 3.6 For the permitting of bungee jumping facilities:

- 3.6.1 A complete system review that includes, but is not limited to, the evaluation and inspection of structures, cords, harnesses, attachment components, etc. This evaluation and inspection must be performed by a Colorado Registered Professional Engineer that has the education, training and experience in the mechanical engineering discipline. The engineer's report must include certification, by the application of the engineer's stamp, that the total system - design criteria, construction, operating manual and implementation - is appropriate and safe for the intended application. A copy of this report shall be submitted to the Public Safety Section with the permit application.
- 3.6.2 All elements of the American Society for Testing and Materials - Standards on Amusement Rides and Devices (Fourth Edition - August 1992), excluding the subsequent addenda; and the North American Bungee Association (NABA) Guidelines - 1992, excluding the subsequent addenda, are to be conformed to as a minimum standard. Documentation of this conformity shall be provided to the Public Safety Section with the permit application.
- 3.6.3 Where the facility incorporates a crane structure for hoisting customers and/or staff members, the mechanism must conform to national standards. These standards include both the Occupation Safety and Health Administration (OSHA) - 1926.550 - July 1, 1992, excluding the subsequent addenda; and the American Society of Mechanical Engineers (ASME) B30.5 - 1989 including addenda A-1990 and addenda B-1991, excluding the subsequent addenda. Documentation of this conformity shall be provided to the Public Safety Section with the permit application.
- 3.6.4 Where the facility incorporates a hot air balloon for elevation purposes, copies of the current, valid Standard Airworthiness Certificate and Special Airworthiness Certificate (where applicable) issued by the Federal Aviation Administration (FAA) subsequent to the alterations performed to accommodate bungee jumping, and records showing that all maintenance and alterations have been performed in accordance with Parts 21, 31, 43, and 91 of the Federal Aviation Regulations revised January 1, 1992 excluding the subsequent addenda, shall be provided to the Public Safety Section with the permit application.

4.0 INSPECTION:

- 4.1 The director may inspect the premises and operation of the carnival or amusement park to insure that the financial and safety and health standards in this regulation have been met.
- 4.2 This inspection will be conducted by the director or his designated agent and shall include an on-site visit to the carnival or amusement park.
- 4.3 Subsequent to each inspection, the director or his designated agent shall prepare a report of the results of the inspection with any recommendations. The director shall retain a copy in the records of the division and shall issue a copy to the operator.
- 4.4 Inspections may be conducted by the director or his designated agent at such times as the director deems appropriate.

5.0 RECORDS;

- 5.1 Every carnival or amusement park operator shall maintain detailed records relating to the construction, repair and maintenance of its operation including safety, inspection and training activities. Such records shall be made available to the director or his agent, at reasonable times, including during an inspection upon the inspector's request.
- 5.2 Every carnival or amusement park operator shall maintain detailed financial records that shall show the financial condition of the carnival or amusement park. Such records shall be made available to the director or his agent at reasonable times including during an inspection upon the

inspector's request.

6.0 ENFORCEMENT:

- 6.1 If the director determines that a carnival or amusement park or any part thereof fails to meet the standards set forth in section 2.1 or 2.2, or that a carnival or amusement park, or any part thereof is being repaired, constructed, maintained or operated in violation of any other section of this regulation, the director shall give notice of the violation of these regulations to the operator and may order such changes that are necessary to render such carnival or amusement park in compliance with the standards set forth in Sections 2.1 or 2.2 or with the other provisions of this regulation.
- 6.2 Violations of these regulations by any operator of a carnival or amusement park, or any part thereof, shall be enforced, after notice is given pursuant to section 6.1 above, in accord with C.R.S. 1973, 8-1-140 through 8-1-144 by the director.

7.0 EFFECTIVE DATE:

This regulation shall be effective August 1, 1981, at 12:01 a.m.

- 7.1 .1 Carnivals and amusement parks doing business in Colorado but not open to the public on the effective date of this regulation shall register as required herein within sixty days of the effective date of this regulation.
- .2 Carnivals and amusement parks doing business in Colorado and open to the public on the effective date of this regulation shall register within thirty days of the effective date of this regulation.
- .3 All other carnivals and amusement parks shall register no less than thirty days prior to doing business or beginning any construction, repair or maintenance of their facilities or within thirty days of the effective date of this regulation, whichever is later.

8.0 Availability of materials incorporated by reference:

- 8.1 Copies of the material incorporated herein by reference and the address of where additional copies can be obtained shall be available at:

The Office of the Director Division of Labor 1120 Lincoln, Suite 1305 Denver, Colorado 80203