

901:9-1-02

**Powers of the director.**

(A) The director or his designee has the authority to issue stop orders under the authority of division (F) of section 1711.55 of the Revised Code, suspend any permit issued pursuant to section 1711.53 of the Revised Code and to levy fines under the authority of section 1711.56 of the Revised Code for any violation of this chapter adopted under authority of division (B) of section 1711.53 of the Revised Code.

(B) Ride inspectors or other designees of the department are authorized by the director to prohibit the operation of any ride found to be in an unsafe condition, or the ride was not set-up, and ready to operate at the time ready for inspection listed on the ride company's itinerary on file with the department, by issuing a "Stop Operation Order" as provided in division (F) of section 1711.55 of the Revised Code.

A "Stop Operation Order" may be issued to any owner who is operating an unlicensed ride based on the premise that under division (F) of section 1711.55 of the Revised Code no ride can be presumed to be safe until it is inspected.

(C) The "Stop Operation Orders" shall be issued as follows:

(1) The inspector shall fill out the "Stop Operation Order" form in triplicate. The order shall contain the reason for the order.

(2) The owner shall sign all copies, retaining one for his own use. The inspector shall retain one for the department's use. The third copy shall be forwarded immediately to the individual or group responsible for the event.

(3) The inspector shall place on the ride or device, in clear view of potential riders, a "Stop Operation Order" sign stating "Temporarily closed by the Ohio Department of Agriculture." This sign shall be in place prior to his leaving the event or park. This sign shall be part of the order and shall remain posted until removed by an inspector or other designee of the department.

(D) No ride or device shall be open to the public while a "Stop Operation Order" is outstanding against it.

(E) Any owner, who disagrees with the issuance of any "Stop Operation Order" is entitled to a hearing as provided by Chapter 119. of the Revised Code.

(F) The "Stop Operation Order" will be removed when:

(1) The order has been determined unreasonable by the director or his designee at a hearing held in accordance with Chapter 119. of the Revised Code.

- (2) When the department determines the condition causing the violation has been corrected as prescribed under division (F) of section 1711.55 of the Revised Code.

901:9-1-03

**Prohibitions.**

(A) No person shall interfere with any inspector in the performance of his lawful duties of inspection under the rules of this chapter.

(B) No person shall operate or contract to operate, or offer to operate by means of renting or leasing, an amusement ride or device as defined in division (A) of section 1711.50 of the Revised Code under any of the following conditions:

- (1) When the amusement ride or device does not have a valid permit.
- (2) When the amusement ride or device is not covered by the required insurance.
- (3) When the amusement ride or device is in an unsafe condition that could cause a hazard to riders, employees or the public.
- (4) When the operation of the ride is being conducted in a negligent, reckless or careless manner.
- (5) When any employee or operator appears to be impaired due to the influence of alcohol, drugs or is fatigued.
- (6) When the amusement ride does not conform to the manufacturer's required operation and maintenance procedure, updated bulletins and/or directives.
- (7) While a "Stop Operation Order" is in effect.
- (8) Following the expiration date of any safety order when the required corrective action has not been accomplished.

The owner of an amusement ride or device to whom a safety order is issued shall file a signed and dated copy of the safety order with the department no later than twenty-four hours after the date specified in the safety order for compliance with the order. Failure to comply is a violation of paragraph (H) of rule 901:9-1-03 of the Administrative Code.

(9) In violation of any other rule adopted pursuant to section 1711.53 of the Revised Code.

(10) During any period when the ride permit is suspended by the director.

(11) Until a daily pre-opening inspection of the ride has been completed. The

inspection records shall be maintained for a minimum of the current calendar year plus the two prior calendar years.

901:9-1-05

**Maintenance procedures for amusement rides and devices.**

- (A) The owner of an amusement ride shall maintain a current maintenance, repair, pre-opening inspection and inspection record for each amusement ride. The owner shall keep these records for not less than two calendar years.
  
- (B) Each owner of an amusement ride or device shall read and become familiar with the contents of the manufacturer's maintenance instructions and specifications. Based on the manufacturer's recommendations, each owner shall implement a program of maintenance, and pre-opening inspections. This program shall encompass all care required for the safe operation of each amusement ride or device.
  
- (C) This program of maintenance shall include a pre-opening checklist to be made available to each person performing the regularly scheduled maintenance on each ride or device. The owner checklist, on a ride-by-ride basis, shall include, but not necessarily limited to:
  - (1) Description of preventive maintenance assignments to be performed.
  
  - (2) Description of inspections to be performed.
  
  - (3) Special safety instructions, where applicable.
  
  - (4) Any additional recommendations of the owner/operator.
  
- (D) The owner of the amusement ride or device shall provide training for each person performing the regularly scheduled maintenance on the ride or device, pertaining to their assigned duties. This training shall include, but not be limited necessarily to the following:
  - (1) Description of the ride or device operation including the function and operation of its major components.
  
  - (2) Description of the designed motion(s) of the ride or device during operation.
  
  - (3) Description of the recommended procedures for installation, setup, disassembly, and transportation of an amusement ride or device.
  
  - (4) Recommended lubrication procedures for the amusement ride or device.
  
  - (5) Recommended types and specifications of lubricants.

- (6) Recommended frequency of lubrication.
- (7) A lubrication drawing, chart, or instruction showing the location of lubrication points.
- (8) Recommended special method of lubrication, where applicable.
- (9) Description of the recommended daily pre-opening inspection to be performed and identification of special care areas and recommended procedures for inspection and maintenance of these areas.
- (10) Description, including frequency, of recommended maintenance inspections and testing, other than daily pre-opening inspection.
- (11) Recommended wear limits or tolerances, where deemed necessary by the manufacturer.
- (12) Recommended operational tests, along with minimum intervals for these tests to be performed, that will allow the owner of the ride or device to determine whether a given ride or device is operating within recommended and prescribed operational limits.
- (13) Where applicable, recommended non-destructive testing along with appropriate acceptance criteria, including suggested frequency and the special parts or areas to be tested.
- (14) Recommended specifications for the use of replacement fasteners, and recommended torque requirements on fasteners, where applicable.
- (15) Schematics of electrical power, lighting, controls, and other systems, including location charts and manufacturer's trouble-shooting guide, where applicable.
- (16) Description of recommended maintenance procedures for electrical components.
- (17) Schematics of hydraulic and pneumatic systems, including recommended pressures, location of components, line specification, fitting specification.
- (18) Description of recommended maintenance procedures for hydraulic and pneumatic systems and components.

- (19) List of parts used in the assembly of the ride or device or drawings showing component parts and their use.
- (20) Recommended procedures to be followed in the event of an extended period of non-operation or storage or both.
- (21) Description of recommended assembly and disassembly techniques and procedures, pertaining to specific components, as deemed necessary by the manufacturer.
- (22) Recommended restrictions and special procedures, lubricants, materials, or equipment that may be necessary because of environmental conditions.

901:9-1-06.1

**Safety standards for inflatable amusement devices.**

- (A) As defined in section 1711.53 of the Revised Code, inflatable amusement devices are an amusement ride subject to the rules of this chapter.
- (B) Inflatable amusement devices owners and operators shall have the manufacturer's specifications on-hand and available for the department at the time of inspection.
- (C) An owner/operator of an inflatable amusement device may vary from the manufacturer's operating instructions or make alterations to the design, only by doing the following:
  - (1) Obtaining permission, in writing, from the manufacturer for such a variance;
  - (2) Submitting the written permission from the manufacturer to the department for approval by the department; and
  - (3) Re-inspection by the department to ensure compliance with the revised manufacturer's specifications and or operating instructions.
- (D) Inflatable amusement devices shall not be inflated with flammable gases.

901:9-1-07

**Rules pertaining to signage for amusement rides and devices.**

- (A) Each owner shall display or post a sign at each ride containing, at a minimum, the following language:
- (1) "Section 1711.551 of the Revised Code requires that riders must obey all warnings and directions regarding this ride and behave in a manner that will not cause or contribute to injury to themselves or others. Failure to comply is a misdemeanor."
  - (2) Additional language shall be posted setting forth the operational instructions and/or other requirements for the use of the ride or device and shall include height, size or other physical requirements and other duties and obligations of the rider. Warnings and directions shall be based on current industry standards, manufacturer's recommendations for a ride, the standards of ASTM, operator rules for the ride based on their knowledge and experience, or other nationally recognized authorities.
- (B) All signs required by this rule shall be prominently placed, clearly visible to the public entering the ride, bold in design, with wording short, simple and to the point. All signs shall be clearly legible with letters a minimum of three eights inches high and shall be displayed on or near each ride. Additional methods of providing warnings and directions to the public may include pre-recorded messages, live public address, verbal, pictures, video and visual signals.

\*\*\* DRAFT - NOT YET FILED \*\*\*

901:9-1-08

**Standard definitions of terms relating to amusement rides or devices.**

- (A) "Accepted engineering practice" means that which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.
- (B) "Carnival" means a mobile enterprise principally devoted to offering amusement or entertainment to the public, in, upon, or by means of portable amusement rides or devices or temporary structures in any number or combination, whether or not associated with other structures or forms of public attraction.
- (C) "Circular ride" means an amusement ride whose motion is primarily rotary in a fixed or variable plane from horizontal to forty-five degrees above horizontal.
- (D) "Flat ride" means an amusement ride that operates on a single level whether over a controlled, fixed course or track, or confined to a limited area of operation.
- (E) "High ride" means an amusement ride whose motion is in a fixed or variable plane from horizontal to vertical.
- (F) "Kiddie ride" means an amusement ride designed primarily for use by children up to twelve years of age.
- (G) "Operator" means the person having direct control of the starting, stopping, or speed of an amusement ride.
- (H) "Other ride" means any ride or device together with its structures which is intended to provide amusement, pleasure, or excitement to its patrons.
- (I) "Stop order" means any order for the temporary cessation of a ride or device issued by the director or his designee as provided in section 1711.55 of the Revised Code.
- (J) "Time ready for inspection" shall mean the ride is set up, ready to operate, and the pre-opening inspection has been completed by the owner.
- (K) "Subsequent violation" means a violation which occurs within twenty-four months of the first violation on the same or different ride.

\*\*\* DRAFT - NOT YET FILED \*\*\*

901:9-1-10

**Plan approval and inter-agency cooperation for aquatic devices.**

No person shall construct, install, or perform major modifications on an aquatic device until such plans for the aquatic device are approved by the local building authority or any other regulatory authority having jurisdiction and certified by a professional engineer registered in Ohio or an architect licensed in Ohio. Recognizing the unique nature of aquatic devices, the director of agriculture may consult with the director of health prior to authorization of construction of any new aquatic device, or major modifications of existing aquatic devices licensed by the department of agriculture. In addition, the director may consult with the director of health on any issues involving operation or maintenance of aquatic devices.

901:9-1-11

**Definitions.**

For the purposes of this chapter, the following are defined:

- (A) "High-wave pool" means wave pools normally capable of producing waves exceeding four feet in height, measured from trough to crest, and are generally uniform across the pool.
- (B) "Action pool" means wave pools which normally produce waves that do not exceed four feet in height, measured from trough to crest, and are choppy, with a continuous rolling or bobbing action.
- (C) "Water slide" means an amusement ride utilizing a straight or twisting slide along which a continuous stream of water passes and which patrons rapidly slide down independently or riding on a sled, mat, or inflatable device which slide empties into a splash pool or a run-out. It does not include playground type slides dumping into ponds, lakes, or swimming pools intended for diving, bathing, or swimming.
- (D) "Lazy river" means a pool whose unique feature is the stream of water created by mechanical means which slowly propels patrons on flotation devices along the length of the pool.
- (E) "Speed slide" means a water slide so designed by the manufacturer for high-velocity rides.
- (F) "Kill switch" means a control which when activated results in the immediate shut-down of wave-generating equipment.
- (G) "10/20 rule" states any patron in a water attraction must be identifiable if in distress within ten seconds by a lifeguard and rescuer contact made within an additional twenty seconds.
- (H) "Aquatic activity area" means any non-wave pool that has aquatic related attractions associated with it such as, but not limited to, rope ladders, cable swings, diving platforms, hand-over-hand activities, slides, etc.
- (I) "Public bathing area" means an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.
- (J) "Dispatch procedure" means controlling how patrons are sent down or away from one specific area of a water slide to a splash pool or run-out by means of a person and/or signaling device which prevents patrons from colliding in the slide or in the splash pool or run out.

(K) "Surrounding patron" means a park patron that is not presently participating as a rider on a water park device.

(L) "Acceptable barrier" means a barrier that is determined to have sufficient height and density so as to deter a patron from access to an area in a manner that meets or exceeds the recommended fencing material required for the attraction.

\*\*\* DRAFT - NOT YET FILED \*\*\*

901:9-1-12

**Manufacturer's requirements and procedures.**

Operators must comply with all requirements listed in the manufacturer's manuals except in those areas where specific state laws and rules impose a stricter standard of compliance.

901:9-1-12.1

**Lifeguards.**

(A) Lifeguards required by this chapter to be posted at aquatic devices shall:

- (1) Be capable swimmers, and;
- (2) Be at least sixteen years of age, and;
- (3) Be certified validly and currently by one of the following entities as having completed the specified training successfully:
  - (a) "American Red Cross" - "Lifeguard Training" or "Advanced Lifesaving," or;
  - (b) "YMCA" - "National YMCA Lifeguard," or;
  - (c) "Boy Scouts of America" - "BSA, Lifeguard" (within the previous three years) or "Aquatic Instructor, BSA" (within the previous three years), or;
  - (d) "Ellis and Associates" - ILTP (international lifeguard training program), or;
  - (e) "NASCO" - "National Aquatic Safety Company," or;
  - (f) "Star Guard" - "American Safety and Health Institute," or;
  - (g) Any other person, agency, or organization whose training the licensor determines is comparable to the training specified in paragraphs (A)(3)(a) to (A)(3)(f) of this rule, and;
- (4) Possess current valid certification in cardio-pulmonary resuscitation of the specified type from one of the following entities:
  - (a) "American Red Cross" - "Community CPR," "Adult CPR," or "Basic Life Support Professional Rescuer" or successor courses offered by the "American Red Cross," or;
  - (b) "American Heart Association" - "Cardio-pulmonary Resuscitation - Course A, B, or C," or;

- (c) Any other person, agency, or organization whose training the licensor determines is comparable to the training specified in paragraph (A)(4)(a) or (A)(4)(b) of this rule, and;
  - (5) Possess current valid certification from one of the following entities as having completed one of the specified courses successfully:
    - (a) "American Red Cross" - "Standard First Aid" or "Advanced First Aid," or;
    - (b) Ohio department of education - "Emergency Medical Technician - Basic," or;
    - (c) Any other person, agency, or organization whose training the licensor determines is comparable to the training specified in paragraph (A)(5)(a) or (A)(5)(b) of this rule, and;
  - (6) Be prepared to enter the water at any time while on duty, and;
  - (7) Have a defined zone to observe and perform duties as described in the facility's approved life guarding plan, and;
  - (8) Be similarly attired and readily identifiable by bathers and other lifeguards.
- (B) Shallow water lifeguards required or permitted by this chapter to be posted at aquatic devices shall:
- (1) Be certified validly and currently as having successfully completed the shallow water rescue course given by an approved organization such as those listed in paragraph (A)(3) of this rule or an equivalent course, and;
  - (2) Meet the requirements of paragraphs (A)(4), (A)(5), (A)(6) and (A)(8) of this rule.
  - (3) Not have a defined zone of water to observe where the water depth is greater than forty-eight inches.
- (C) Attendants required or permitted by this chapter to be posted at aquatic devices shall:
- (1) Be at least sixteen years of age.

- (2) Meet the requirements of paragraphs (I) and (J) of rule 901:9-1-06 of the Administrative Code.
- (3) Operate positions on aquatic devices only where the facility owner, state or federal law or the aquatic device manufacturer do not require the utilization of a lifeguard or shallow water lifeguard.

901:9-1-13

**Safety standards for wave pools.**

- (A) Entry to the water shall be permitted only at the zero depth entry of the pool.
  
- (B) The wave pool shall be fenced from the wave-generating machinery along the sides of the pool to the point of zero static water depth. Fencing shall only be open at points of exit from the pool. Fencing may be no closer than eighteen inches from the pool, with the exception of high-wave pools, and the public will not be permitted between the fencing and the edge of the pool. The pool is to be fenced on all sides except at the point of zero static water depth or where the position of wave-generating equipment makes it unnecessary to fence to prevent public access to the water. Patrons shall be protected from the elevated leading edge hazards that may exist along the side walls and back walls of the wave pool through the use of fencing/acceptable barriers. Fencing/acceptable barriers shall be installed to prohibit patron access to the leading edges on the elevated sides and rear of the wave pool. Fencing and/or acceptable barriers shall comply with ASTM volume 15.07, 2007 edition, "Design and Manufacture of a Patron Directed Artificial Climbing Walls, Dry Slides, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures." The fence will come to the water's edge at zero static water depth. Employee access gates in perimeter fences must be secured with a latch and a sign must be posted stating "authorized personnel only".
  
- (C) Life vests will be available to the public without additional charge. A refundable deposit may be collected. Signs encouraging the use of the vests will be placed conspicuously near the entrance to the pool.
  
- (D) All wave pools must have minimum rest periods within each hour of operation according to the following formula:
  - (1) High-wave pools cannot be operated more than sixty minutes without a minimum five-minute rest period. A "rest period" is defined as nonoperation of wave-generating equipment.
  
  - (2) Action pools cannot be operated more than fifteen minutes without a minimum five-minute rest period. A "rest period" is defined as nonoperation of wave-generating equipment.
  
- (E) Lifeguards must be assigned to guard wave pools at a minimum standard of one lifeguard per two thousand square feet of water surface area over thirty-six inches static water depth available for use to patrons as a minimum, and at times of high pool population, a minimum standard of the 10/20 rule will be in effect. A lifeguard staffing program shall be established by the owner. Such plan shall be submitted to the department for approval as part of the request for licensing. Owners should also

have available for inspection their plan for high-pool population density lifeguard assignments.

- (F) Children under forty-eight inches in height, not accompanied by an adult, must wear a life vest or pass a swimming test in order to gain access to a wave pool. Signs indicating this requirement should appear at the ticket booth/entrance gate to the park.
- (G) All steps and ladders should be recessed such that the outer edge is flush with the vertical wall. Handrails and steps should extend down the pool wall in such a way so that they will be easily accessible at the lowest water level during wave action. It is recommended that the area between the handrail and the vertical wall be enclosed but in no case should the distance between the handrail and vertical wall exceed five inches. Existing construction and construction in progress as of the effective date of this rule is exempted.
- (H) Handholds should be installed twelve to fifteen inches above the static water level. They shall be installed so that the outer edge is flush with the vertical wall. Handholds are not required in the areas of wave pools where the static water level is less than or equal to forty-two inches. Handholds shall be constructed such that they are self-draining and so that there are no gaps between the handholds and the pool wall. All handholds should run in the same direction as the wave action. Existing construction and construction in progress as of the effective date of this rule is exempted.
- (I) Patrons shall be protected from the wave generation area by a physical barrier or a zone not available to patrons with appropriate signage alerting patrons to the hazards of approaching the wave-generating equipment. Physical barriers shall be inspected daily.
- (J) The surface of all wave pools at the shallow entry end shall be such as to provide a slip-resistant surface starting not less than four feet above the water line and including all areas that are wet due to wave action. The slip-resistant area will extend into the pool to a pool depth of not less than three feet.
- (K) Only flotation devices authorized by the owner of the wave pool shall be allowed in the pool, including personal flotation devices. All flotation devices shall be such as to preclude injury should wave action cause contact between the flotation device and patron (user or other). Exceptions to this requirement may be made for special events where participation is controlled and for special flotation devices required for handicapped individuals as approved by the park management.

- (L) In all cases where wave action is suspended for any reason, an audible signal shall be used to signal warning of the impending resumption of wave action. In those high-wave pools where significant intervals exist between waves, such signal shall sound at least thirty seconds prior to wave action.
- (M) Safety equipment shall include one United States coast guard approved type IV personal flotation device (ring buoy or equivalent) per lifeguard station and one spine board with straps per pool. Lifeguards will have rescue tubes ready for use at all times when on duty or rotating stations.
- (N) Permanent lifeguard stations shall be distributed in such a fashion that all pool areas are covered in order to facilitate the lifeguard staffing program stated in paragraph (E) of this rule. A permanently installed clearly labeled kill switch shall be located at each permanent lifeguard station. All lifeguards will have immediate access to all safety equipment.

901:9-1-14

**Water quality for aquatic devices using chemically treated water.**

(A) Water quality of any aquatic device where full body contact with water exists such as, but not limited to wave pools, water slides, lazy rivers, aquatic activity areas shall be maintained to standards listed below:

- (1) Gas chlorine shall not be used for disinfection of any aquatic device.
- (2) If chlorine is used as a disinfectant, there shall be a residual of free chlorine in all parts of the aquatic device, maintained preferably between two and four parts per million (ppm), but not less than one ppm.
- (3) If bromine is used as a disinfectant, there shall be a residual of total bromine in all parts of the aquatic device, maintained preferably between four and six ppm, but not less than two ppm.
- (4) The licensee of an aquatic device shall maintain the water of the device in an alkaline condition as indicated by a pH of not less than 7.2 and not over 7.8.
- (5) The licensee shall ensure that the total alkalinity of an aquatic device is maintained at a minimum of sixty ppm.
- (6) Cyanuric acid, if used, shall not exceed one hundred ppm.
- (7) The licensee shall ensure that the water in an aquatic device has sufficient clarity when in use that a black disc, six inches in diameter, is readily visible when placed on a light field at the deepest point of the pool and is viewed from the pool side when the water is at rest.
- (8) The licensee shall ensure that the water in an aquatic device meets at least one of the two bacteriological standards (fecal coliform or E. Coli), but the licensee is not required to take water samples for bacteriological analysis except when the licensor has reason to believe that the water in an aquatic device does not meet the bacteriological standards. The licensee is responsible to ensure that the required water samples are taken and analyzed by a certified or approved testing facility. The bacteriological standards are:
  - (a) "MPN" means most probable number.
  - (b) "MF" means membrane filter.

- (c) The geometric mean fecal coliform content (either MPN or MF) based on not less than four samples within a time period determined by the licensor shall not exceed two hundred per one hundred milliliter with no sample exceeding four hundred per one hundred milliliter.
  - (d) The geometric mean E. Coli content (either MPN or MF) based on not less than four samples within a time period determined by the licensor shall not exceed one hundred twenty-six per one hundred milliliter with no sample exceeding two hundred thirty-five per one hundred milliliter.
  - (e) For sampling procedures, see paragraph (B) of rule 901:9-1-15 of the Administrative Code.
- (B) For aquatic devices where only partial body contact with water exists such as, but not limited to log flume rides, paddle boats, bumper boats:
- (1) The licensee shall ensure that the water in an aquatic device meets at least one of the two bacteriological standards (fecal coliform or E. Coli), but the licensee is not required to take water samples for bacteriological analysis except when the licensor has reason to believe that the water in an aquatic device does not meet the bacteriological standards. The licensee is responsible to ensure that the required water samples are taken and analyzed by a certified or approved testing facility. The bacteriological standards are:
    - (a) The geometric mean fecal coliform content (either MPN or MF) based on not less than four samples within a time period determined by the licensor shall not exceed five thousand per one hundred milliliter (either MPN or MF).
    - (b) The geometric mean E. Coli content (either MPN or MF) based on not less than four samples within a time period determined by the licensor shall not exceed five hundred seventy-six per one hundred milliliter.
  - (2) Gas chlorine shall not be used for disinfection of any aquatic device.
  - (3) Free chlorine must be maintained not less than one ppm.
- (C) Documentation:
- (1) Full body water contact:

- (a) Record keeping: All aquatic devices shall maintain records of chemical levels and water quality.
- (b) Records shall report the disinfectant levels and pH of the aquatic device for each day it is in operation.
- (c) Manual checks, performed with diethyl-p-phenylenediamine (DPD) test kit, shall be recorded at pre opening and each two hours of operation thereafter if the aquatic device does not have automated chemical control.
- (d) Manual checks, performed with a DPD test kit, shall be recorded at pre opening and each four hours of operation thereafter if the aquatic device is equipped with automatic control. The manual checks shall be used to calibrate the electronic monitoring devices' accuracy.
- (e) Each four hours of operation after opening, a reading shall be taken from the automatic controller and documented.
- (f) Water balance test results shall be recorded at least weekly.

(2) Partial body water contact:

- (a) Record keeping: All aquatic devices shall maintain records of chemical levels and water quality.
- (b) Records shall report the disinfectant levels for each day it is in operation.
- (c) Manual checks, performed with a DPD test kit, shall be recorded at pre opening of each day of operation.

Records for both full body water contact and partial body water contact shall be maintained for such a period as dictated by insurance carriers, local legal statutes, and company counselor's advice, or for a minimum of two calendar years.

(D) Procedures for fecal release (full body water contact only):

- (1) If a fecal release occurs in an aquatic device, the following minimum shall be done:

- (a) Ensure patrons exit the aquatic device and then close the aquatic device.
  - (b) Remove as much of the solid fecal matter from the aquatic device as possible. Ensure the fecal matter is handled properly and disposed of in a sanitary sewer (toilet).
  - (c) Ensure the free chlorine residual of the aquatic device is at least two ppm or increase the free bromine residual to at least four ppm.
  - (d) Ensure the pH of the aquatic device is between 7.2 and 7.8.
  - (e) Prior to reopening the aquatic device, manual testing shall be taken at representative regions on the water body to ensure the average water body is at least two ppm free available chlorine, and the pH is between 7.2 and 7.8.
  - (f) If the fecal release is diarrheal in nature, increase the free chlorine residual to at least five ppm or increase the free bromine to at least eight ppm. Prior to reopening the aquatic device, manual testing shall be taken at representative regions on the water body to ensure the average water body is at least five ppm free available chlorine and the pH is between 7.2 and 7.8.
  - (g) Diaper age children and diaper dependent adults shall wear a protective outer wear covering, designed specifically for use in aquatic settings. The protective covering must be made of a material that will not allow water to penetrate and have an elasticity at the legs and waist to prohibit any liquid to pass from outside in or inside out.
- (E) Any person with an obvious infectious wound shall not be permitted to use an aquatic device. No person who is observed passing feces, urine, or blood into an aquatic device shall be permitted to use the aquatic device. Any person who has been refused entry to or removed from an aquatic device under this paragraph because of an infectious wound may be granted entry upon presentation of a written statement from a physician that the condition is not infectious.
- (F) Operation and management:
- (1) Management qualifications. All facilities containing aquatic devices with full body water contact shall have at least one employee properly trained in sanitation, safety, and proper maintenance of the aquatic device, and all

physical and mechanical equipment and be trained in accordance with the standard of one of the following agencies:

(This does not apply to aquatic devices where only partial body contact with water exists)

- (a) National swimming pool foundation's certified pool/spa operator course (CPO);
- (b) National recreation and parks association aquatic facility operator course (AFO);
- (c) YMCA pool operator on location (POOL) certified operator.

901:9-1-15

**Water quality for aquatic devices using non chemically treated water.**

(A) Water quality of an aquatic device shall be maintained to standards listed below:

(1) The licensee shall ensure that the water in an aquatic device meets at least one of the two bacteriological standards (fecal coliform or E. Coli). The licensee is responsible for ensuring that required water samples are taken and analyzed by a certified or approved testing facility. The licenser is not required to take water samples for bacteriological analysis but may take samples either on a routine basis or when the licenser has reason to believe that the water in an aquatic device does not meet the bacteriological standards. The bacteriological standards are:

(a) For aquatic devices where full body contact with water exists such as, but not limited to wave pools, water slides, lazy rivers, aquatic activity areas:

(i) "MPN" means most probable number.

(ii) "MF" means membrane filter.

(iii) The geometric mean fecal coliform content (either MPN or MF based on not less than four samples within a four week period (once a week) shall not exceed two hundred per one hundred milliliter with no sample exceeding four hundred per one hundred milliliter.

(iv) The geometric mean E. Coli content (either MPN or MF), based on not less than four samples within a four week period (once a week) shall not exceed one hundred twenty-six per one hundred milliliter with no sample exceeding two hundred thirty-five per one hundred milliliter.

(b) For aquatic devices where only partial body contact with water exists such as, but not limited to log flume rides, paddle boats, bumper boats:

(i) The geometric mean fecal coliform content (either MPN or MF) based on not less than four samples within a four week period (once a week) shall not exceed five thousand per one hundred milliliter.

(ii) The geometric mean E. Coli content (either MPN or MF), based on

not less than four samples within a four week period (once a week) shall not exceed five hundred seventy-six per one hundred milliliter.

(B) Sampling procedures. To assure consistency in collecting samples for analysis, the following procedures shall be used:

- (1) Specific sampling location(s) shall be designated by the department.
- (2) The sample bottle shall be inverted. With a sweeping motion, the sample shall be collected from about one foot below the water surface.
- (3) Every precaution shall be taken to minimize sediment or debris in the sample. In cases where debris or sediment is present throughout the sample, this information shall be noted on the laboratory form.
- (4) The sampler shall note such items as water temperature and clarity, and general weather conditions.
- (5) If a sample does not meet the bacteriological standards, an additional sample must be taken immediately. If the additional sample does not meet the bacteriological standards, the Ohio department of agriculture's amusement ride safety division must be notified and the aquatic device must not operate until the bacteriological standards are met.

(C) Documentation:

- (1) All records of the bacterial analysis for aquatic devices shall be maintained by the licensee. The bacterial analysis records shall include date sample collected, location, bacteria count, and geometric mean. Records shall be maintained for such a period as dictated by insurance carriers, local legal statutes, and company counselor's advice, or for a minimum of two calendar years.

(D) Procedure for fecal release (full body water contact only):

- (1) Before the issuance of an amusement ride license, the licensee shall submit a procedure for handling a fecal release in the aquatic devices' water to the amusement ride safety division for approval.

- (2) Diaper age children and diaper dependent adults shall wear a protective outer wear covering, designed specifically for use in aquatic settings. The protective covering must be made of a material that will not allow water to penetrate and have an elasticity at the legs and waist to prohibit any liquid to pass from outside in or inside out.
  
- (E) Any person with an obvious infectious wound shall not be permitted to use an aquatic device. No person who is observed passing feces, urine, or blood into an aquatic device shall be permitted to use the aquatic device. Any person who has been refused entry to or removed from an aquatic device under this paragraph because of an infectious wound may be granted entry upon presentation of a written statement from a physician that the condition is not infectious.
  
- (F) Portable aquatic devices that set up and operate for ten or more days, must meet all standards as set forth in this rule or must be drained of all water and refilled with fresh water every ten days.

\*\*\* DRAFT - NOT YET FILED \*\*\*

901:9-1-16

**General safety standards for aquatic activity areas.**

- (A) On activities that are designed for use by one person at a time, teaming and grouping of participants shall not be allowed. This will assure patron safety and eliminate body-to-body collision.
- (B) All sliding on aquatic devices shall be in a feet-first position unless manufacturer design specifications specifically permits other safe riding positions. Absolutely no head-first diving from any slide activity shall be permitted.
- (C) Patrons should be required to exit each activity area quickly after entering the water.
- (D) The children's aquatic devices will be restricted to children fifty-two inches or less in height. Children may be accompanied by an adult.

901:9-1-17

**Safety standards for water slides.**

- (A) Slide-type attractions which allow a mix of adult and small children riders shall employ a dispatch procedure which will establish spacing between riders to reduce the possibility of collision between riders in the splash pool or while still on the slide.
- (B) A lifeguard/attendant shall be stationed with a clear view and rapid access to any splash pool or run-out.
- (C) Height requirements shall be the manufacturer's recommendation or six inches above static water level and shall apply to all slides with shallow water splash pools.
- (D) Patrons must ride all water slides in a feet-first position unless the manufacturer design specifications specifically permits other safe riding positions.
- (E) Stopping, changing positions and forming chains shall be prohibited.
- (F) Patrons are not permitted to ride slides with small children on their laps.
- (G) Life jackets or other personal flotation devices may not be worn on water slides unless recommended by the manufacturer.
- (H) Patrons must exit splash pools/run-outs immediately upon arrival. It will be the responsibility of the lifeguard/attendant supervising all splash pools/run-outs to require patrons to exit immediately.
- (I) In the absence of manufacturer guidelines, patrons riding speed slides should be instructed to ride lying down in a feet-first position. Patrons should be instructed to keep their legs crossed and to cross their arms and to hold them close to their body for the entire ride.
- (J) An operator shall be stationed at the dispatch point of all rides and shall remain in continual visual or verbal contact with the lifeguard/attendant stationed at the splash pool/run-out.
- (K) When an entry pool at the dispatch point exists, an attendant rather than an operator, shall be present.
- (L) Fencing/acceptable barriers shall be installed around low profile sections of the trough and around the sides and back of the splash pool/run-out. Fencing/acceptable barriers shall comply with American society for testing and

materials, volume 15.07, 2007 edition, "Design and Manufacture of Patron Directed Artificial Climbing Walls, Dry Slides, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-supported Structures."

- (M) Splash pool fencing/acceptable barriers along the front and rider exits shall be at a minimum, forty-two inch tall posts with three horizontal cables and designated exit point(s) shall be installed along the front/rider exit side of a splash pool if the location meets the following criteria:
- (1) Splash pools which due to their proximity to heavy surrounding patron traffic areas pose an attractive opportunity for surrounding patrons to jump or dive into the splash pool from the front/rider exit side of the pool;
  - (2) Splash pool design and lifeguard placement do not allow for control of surrounding patron behavior;
  - (3) The installation of such a barrier does not impede the effective space necessary for emergency extrication and response in an emergency; and
  - (4) The splash pool is not a zero depth entry pool; or
  - (5) In the alternative, sufficient space must exist between run-out troughs such that the presence of the fence/barrier does not impede the safety clearance envelope of the rider in the run-out.
- (N) Employee access gates in perimeter fences must be secured with a latch and post a sign stating "authorized personnel only".

901:9-1-18

**Safety standards for the lazy river.**

- (A) Height requirements for all patrons shall comply with manufacturer recommendations or be six inches above static water level. For depths exceeding forty-eight inches, a lifeguard shall be in attendance at all times and coverage shall be such that the entire lazy river is under direct observation by lifeguards, with no area more than two hundred feet from the responsible lifeguard. The use of life jackets for patrons should be strongly encouraged. In the event a patron is under the height requirement, they must either be accompanied by an adult or pass a swimming test. For water depths of forty-eight inches or less, either an attendant or a lifeguard shall be in attendance at all times and coverage shall be such that the entire lazy river is under direct observation by lifeguards or attendants, with no area more than two hundred feet from the responsible lifeguard or attendant.
- (B) The use of life jackets should be strongly encouraged for patrons who do not meet the above stated height requirement.
- (C) Only flotation devices authorized by the waterpark shall be used in the lazy river. Personal flotation devices required for individuals with disabilities may be used only when authorized by the park management.
- (D) Patrons must remain in the lazy river until they reach the designated exit. Patrons should not be permitted to climb in or climb out on the sides of the river.
- (E) Patrons shall be protected from patron-on-surrounding-patron contact hazards that may exist along leading edges of the lazy river through use of fencing/acceptable barriers.
- (F) Fencing/acceptable barriers shall be installed around the perimeter of the lazy river to prohibit unimpeded access to the trough by surrounding patrons.
- (G) Perimeter fencing/acceptable barriers shall, at a minimum, consist of forty two inch tall posts with three horizontal cables that have sufficient height and density to discourage surrounding guest access from any non-designated entry points.
- (H) Designated entry and exit access points shall be clearly posted.
- (I) Leading edges of elevated walkways or bridges that cross over or run adjacent to the lazy river troughs must be guarded with fencing material that meets or exceeds the fencing standards utilized in the perimeter fencing requirements.
- (J) Bridges over lazy rivers and elevated walkways adjacent to lazy rivers must be posted with signs indicating "shallow water - do not jump".

(K) Employee access gates in perimeter fencing must be secured with a latch and post a sign indicating authorized personnel only.

901:9-1-19

**Safety standards for water coasters.**

- (A) Patrons must be able to carry their own sled.
- (B) Patrons must exit the runout or splash pool quickly after coming to a rest. Operators should not dispatch another sled until the previous sled and patron has been removed from the runout or splash pool.
- (C) The water level in runout or splash pools must meet the manufacturer's requirements as indicated in their operating manual.

901:9-1-20

**Required waterpark signage.**

(A) International pictorial signage should be used whenever possible.

(B) The following signs are required:

- (1) "Exit only" signs will be placed at all wave pool ladders.
- (2) Depth of water in landing pools will be noted at the entrance to slides and around pool itself.
- (3) In four-inch lettering (minimum), depth should be noted on both the sides and the top of all pool edges at twenty-five foot intervals.
- (4) "No diving" signs shall be displayed around the aquatic device.
- (5) "Prolonged exposure to wave action may result in fatigue. Exercise caution in deep water," shall be displayed at the entrance to the pool.
- (6) "No running" signs shall be displayed throughout the waterpark.
- (7) Signs indicating "no glass bottles or containers" shall be displayed at the entrance to the park.
- (8) Healthy swimming signage indicating the following shall be posted at the entrance to the park and in public restrooms:
  - (a) Please don't swallow the pool water;
  - (b) Please change diapers in the bathroom, not pool side;
  - (c) Please take children on frequent bathroom breaks;
  - (d) Please don't swim when you have diarrhea;
  - (e) Please wash hands with soap and water after bathroom breaks/diaper changing; and
  - (f) Please wash thoroughly before swimming.

(C) Signs indicating various height restrictions shall be displayed prior to the entrance to

\*\*\* DRAFT - NOT YET FILED \*\*\*

901:9-1-20

2

the park.

901:9-1-48

**Meeting of the advisory council on amusement ride safety.**

(A) Council meetings

Regular meetings of the advisory council shall be held in the first week of January at the Ohio fair managers association annual meeting and, any other time during the calendar year, when a meeting is called by the council's chairperson.

(B) Notice of meetings

Adequate notice of each meeting shall be given to each member of the council. Notice of the council meeting date, starting time and location will be posted on the Ohio department of agriculture's web site [www.agri.ohio.gov](http://www.agri.ohio.gov).

(C) Notice of special and emergency meetings

Notice of date, time, place, and purpose of special meetings shall be placed on the Ohio department of agriculture's website [www.agri.ohio.gov](http://www.agri.ohio.gov), and sent to media outlets which request such information, at least twenty-four hours prior to said meeting.

Notice of date, time, location, and purpose of all emergency meetings shall be given to all news media that have requested prior notification and the meeting notice shall be published on the department's website [www.agri.ohio.gov](http://www.agri.ohio.gov).

Any person may obtain prior notice of the date, time, and location of any regularly scheduled, emergency, or any of the aforementioned meetings when a particular type of business is to be discussed by requesting prior notification in writing from the "Ohio Department of Agriculture, Amusement Ride Safety Division, 8995 East Main Street, Reynoldsburg, Ohio 43068; or by calling the Amusement Ride Safety Division at (614) 728-6280."

901:9-1-51

**Multiple vehicle safety systems.**

This rule applies to all permanent coasters, portable coasters and all water coasters utilizing a multiple vehicle safety system.

- (A) All amusement rides have modes of operation. These modes can change. Switching from one mode to another shall not initiate operation of the ride. A separate action by the operator shall be required to initiate operation. Proper safeguards shall remain effective for all operating and non-operating modes.
- (B) Safety related parameters: when the ride manufacturer defines specific safety related parameters, the safety related control system shall not allow the amusement ride or device to exceed the specific manufacturer's safety performance, such as inadvertent contact of vehicles.
- (C) Each amusement ride or device shall be permitted to have one or more operating modes (for example: automatic, manual) that are determined by the type of ride and its operation.
- (D) When a safety related control system has more than one mode of operation, the selected mode of operation must be visibly indicated. Any change of mode shall require deliberate operator action.
- (E) When hazardous conditions can arise from mode selection such operation shall be protected by suitable means (for example: key operated switch, access code).
- (F) Mode selection by itself shall not initiate operation. A separate action by the operator shall be required.
- (G) Safeguards shall remain effective for all operating modes.
- (H) Where it is necessary to temporarily override one or more safeguards, a mode selection device or means capable of being secured in the desired mode shall be provided to prevent automatic operation.
- (I) Initiation of motion by a hold-to-run or other control device is required.