

901:9-1-01

Amusement ride or device permit.

(A) No person shall operate an amusement ride, as defined in section 1711.50 of the Revised Code, without a permit issued pursuant section 1711.53 of the Revised Code and this rule.

(B) Issuance.

(1) The department shall only issue a permit in the name of the applicant if the following conditions are met:

(a) The department has received a completed application and the appropriate permit and inspections fees as outlined in paragraph (D) of this rule.

(b) The department has received proof of insurance as outlined in paragraph (E) of this rule.

(c) The department has received the applicant's yearly itinerary in accordance with paragraph (F) of this rule, if applicable.

(d) The rides for which the owner is permitting have been inspected in accordance with paragraph (G) of this rule.

(e) The applicant does not have unpaid civil penalties, fees, fines, or other unpaid monies that have been assessed and are outstanding and owed to the department.

(2) The department shall within thirty days of receiving an application for an amusement ride or device permit shall decide whether or not to issue a permit. If the owner fails to meet the requirements for a permit, the department will inform the owner in writing that the permit is being denied. In the event of a denial, the owner shall be afforded a hearing in accordance with Chapter 119. of the Revised Code.

(C) Term and transfer.

(1) All permits for amusement rides, except for inflatable rides, shall expire on the thirty-first day of December following the date of issue.

(2) All permits for inflatable rides shall be issued on a twelve-month basis and shall expire on the three hundred sixty-fifth day after issuance. In the case of a leap year, the permit shall expire on the three hundred sixty-sixth day after issuance.

- (3) In the event that a ride is sold, leased, or transferred to a new owner during the period that the permit is in effect, the new owner shall be responsible for obtaining a new permit in the new owner's name.

(D) Application.

- (1) At least thirty days prior to the operation of any amusement ride or device, the owner shall submit to the director all of the following for all rides that the owner intends to operate in Ohio:

(a) A completed application for all rides the owner wishes to permit. Applications may be found on the department's website www.agri.ohio.gov;

(b) The permit fee, as outlined in section 1711.53 of the Revised Code; and

(c) The appropriate initial inspection fees:

(i) For inflatable rides, the annual inspection and reinspection fee shall be one hundred four dollars.

(ii) For all other rides, the annual inspection and reinspection fee shall be in accordance with division (E)(1) of section 1711.53 of the Revised Code.

(d) A list of all locations and dates where the portable ride was either stored for a period longer than thirty (30) days or operated outside of the state of Ohio. Owners of portable rides shall submit these records for the following periods of time:

(i) Effective January 1, 2021: submit to the department the locations and dates as described in paragraph (D)(1)(d) of this rule that took place between January 1, 2020 and December 31, 2020.

(ii) Effective January 1, 2022: submit to the department the locations and dates as described in paragraph (D)(1)(d) of this rule that took place between January 1, 2021 and December 31, 2021.

(iii) Effective January 1, 2023: submit to the department the locations and dates as described in paragraph (D)(1)(d) of this rule that took place during the last three years.

(2) Upon review of the information provided in paragraphs (D)(1)(d)(i) to (D)(1)(d)(iii) of this rule, the department may require additional testing, inspections, and documentation to be completed prior to issuing a permit.

~~(2)~~(3) All coin-operated rides located at a specific park or with a given show may be included on a single permit application.

(E) Insurance.

(1) Each owner is required to have insurance coverage and provide proof of such coverage to the department.

(2) Acceptable forms of proof of insurance are:

(a) A copy of the executed policy;

(b) A certified statement issued by the insurer attesting to the requirements set forth in section 1711.54 of the Revised Code; or

(c) Other evidence which is deemed satisfactory to the director.

(3) Proof of insurance shall include the amount and duration of the coverage and either:

(a) A listing of the rides and devices covered by manufacturer, make and model number, and either a serial number or unique identifying number; or

(b) A statement to the effect that all rides or devices operated under the control of the insured are covered. In this case, any and all exclusions from the coverage must be explicitly documented by the insurance company.

(F) Itinerary.

(1) All owners of portable amusement rides shall submit with their ride permit application their yearly itinerary as known.

(2) The itinerary shall include:

(a) The dates of operation with opening time;

(b) The date and time the operator will be ready for inspection;

(c) The location of operation, including street and address when within an incorporated or unincorporated city or village;

- (d) The local contact information, if available;
 - (e) The approximate number of adult and kiddie rides which shall be operated;
and
 - (f) The number of adult and kiddie rides which have not yet been licensed in
the current calendar year.
- (3) The permit holder shall report to the amusement ride safety division any changes, additions, or deletions to the itinerary at least ten days prior to the date the changes, additions, or deletions are scheduled to occur. Failure to report these changes to the amusement ride safety division prior to the ten day restriction is a violation of this rule.

(G) Initial inspection.

- (1) All rides must be completely assembled and operational prior to the initial inspection.
- (2) The ride shall pass inspection when it has been determined by the department that it meets all applicable laws and rules.
- (3) Any new permanent rides or those with major modifications must comply with the Ohio basic building code permit requirements.

(H) Midseason operational inspection.

- (1) All rides must be completely assembled and operational prior to the midseason operational inspection.
- (2) The midseason operational inspection may be conducted any time during the operating season. The midseason operational inspection may be, but is not required to be, conducted on any amusement ride which operates in Ohio less than fifteen days per calendar year.
- (3) Midseason operational inspections shall consist of, but not be limited to, review of operation, maintenance and safety procedures and all necessary record keeping in order to satisfactorily determine that the owner is in compliance with department regulations.
- (4) All midseason operational inspections shall be recorded on a form developed by the department, and a copy shall be given to the owner after completion by the inspector.

(I) Safety inspection.

To assure continued safety of all amusement rides or devices licensed under section 1711.53 of the Revised Code periodic safety inspections may be conducted at various times throughout the term of the permit. These inspections are in addition to both the initial and midseason operational inspection and are provided to the owner at no cost. Any violations that are discovered during these inspections shall be enforced in the same manner of those violations discovered in the initial and midseason inspections.

(J) Plate and decal.

Accompanying such permit shall be a decal with a unique number corresponding to the unique number noted on the permit. In addition to the decal referred to in this rule, the department shall issue a permanent identification plate for all permitted rides. Such plate shall be permanently attached to the ride as part of the licensing procedures. On all annually licensed rides, the decal shall be affixed to the permanent plate.

(K) Rides or conveyances not subject to a permit.

Rides or conveyances not subject to a permit or inspection include, but are not limited to, the following:

- (1) Canoe livery rides,
- (2) Riding stables;
- (3) Hay rides;
- (4) Untethered balloon rides;
- (5) Pressure boilers used for locomotion on train or trolley rides used in the portable or permanent amusement industry;
- (6) Spa-type fitness devices;
- (7) Hand-held animal rides;
- (8) Airplane or helicopter flights, and
- (9) Single or multiple passenger coin-operated rides customarily found in public locations outside the amusement industry.

Effective: 11/9/2020

Five Year Review (FYR) Dates: 1/7/2023

CERTIFIED ELECTRONICALLY

Certification

10/30/2020

Date

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Rule Amplifies: 1711.53

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01/03/2000, 08/25/2003, 10/08/2007, 09/29/2017
(Emer.), 01/07/2018

901:9-1-04

Procedure for safety inspection of amusement rides or devices.

- (A) The owner of an amusement ride shall ensure that the ride or device is well maintained and conforms to the manufacturer's or equivalent specifications or in the absence of such specifications, generally accepted engineering standards and practices.
- (B) Inspection of amusement rides and devices shall be conducted by authorized inspectors of the department in accordance with ~~the provisions of~~ rules 901:9-1-01 to 901:9-1-47 of the Administrative Code. These inspectors shall file a form provided for this purpose for every ride or device ~~they~~ the authorized inspectors inspect. This form shall be kept on file in the amusement ride safety division of the department for a minimum of two years following the term of the permit application to that particular ride or device. All rides submitted for inspection shall show evidence that the ride is in substantial compliance with all owner requirements of American society for testing and materials, volume 15.07, ~~2003~~ 2019 edition, (ASTM) standards regarding amusement rides currently in effect except go karts shall be in compliance with the standards set forth in rules 901:9-1-42 to 901:9-1-47 of the Administrative Code plus any additional requirements as may be set forth in this chapter. ASTM standards will be on file at the "Ohio Department of Agriculture, Amusement Ride Safety Division, 8995 East Main Street, Reynoldsburg, Ohio 43068" or may be purchased for a nominal fee from:

"American Society for Testing and Materials

100 Barr Harbor Drive

West Conshohocken, Pennsylvania 19428-2959"

610/832-9500

In those instances where the manufacturer of the ride has not provided the owner with sufficient information to comply with this requirement, the owner shall contact said manufacturer by certified mail requesting said information to be supplied with a copy of the request being submitted with his application for licensing to the department. In those cases where the required information is not obtained from the manufacturer due to reticence on the part of the manufacturer, manufacturer no longer in existence, data not available, etc., the owner shall generate a fact sheet consisting of all known information relative to normal manufacturer suppliable data. Effective January 1, 1991, no new amusement ride shall be licensed in the state of Ohio unless ~~it~~ the amusement ride is in compliance with ASTM standards except go karts shall be in compliance with the standards set forth in rules 901:9-1-42 to 901:9-1-47 of the Administrative Code.

(C) The department hereby adopts by reference the following chapters of the American society for testing and materials (ASTM) international amusement ride safety standards:

(1) ASTM F1193-18

(2) ASTM F770-18

(3) ASTM F2291-18

~~(C)~~(D) If the inspector finds the ride to be in an unsafe condition, ~~he~~the inspector shall issue a "Stop Operation Order" in accordance with rule 901:9-1-02 of the Administrative Code.

~~(D)~~(E) All aerial passenger tramway-type rides shall comply with American National Standards Institute, B77.1 ~~1992~~2017 edition, (ANSI B-77) standards as currently in effect. ANSI B-77 standards will be on file at the "Ohio Department of Agriculture, Amusement Ride Safety Division, 8995 East Main Street, Reynoldsburg, Ohio 43068" or may be purchased from the website for a nominal fee from:

"American National Standards Institute

25 West 43rd Street

New York, New York 10036

<http://webstore.ansi.org/>"

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08/25/2003, 12/12/2013

901:9-1-04.1

Fatigue and corrosion review.

(A) Categories. As used in rules 901:9-1-04.1 and 901:9-1-04.2 of the Administrative Code, the terms have the following meanings:

- (1) "Low Intensity Rides" means all kiddie rides, carousels, go karts, and inflatable devices. For the purpose of this rule, kiddie rides are all rides that are primarily designed for children forty-eight inches and under.
- (2) "Intermediate Rides" means all rides that are not classified as low intensity rides, towers, or roller coasters pursuant to this rule.
- (3) "Towers" means any amusement ride, other than a roller coaster, whose main body components exceed twenty feet in height.
- (4) "Roller Coasters" means any ride licensed as a roller coaster pursuant to section 1711.53 of the Revised Code and whose main body components exceed fifty feet in height.

(B) Fatigue and corrosion review.

- (1) Owners of low intensity rides shall ensure that the manufacturer's minimum requirements for inspection and testing are met.
- (2) Owners of intermediate rides, towers, and roller coasters shall ensure the following:
 - (a) That all rides meet the manufacturer's minimum requirements for inspection and testing.
 - (b) Annually perform a complete visual inspection of a ride's structure including removing access panels where possible to do so. Special attention shall be given to structural members and their connections for signs of fatigue or corrosion. If fatigue or corrosion are found, the owner will discuss the findings with the ride's manufacturer and implement mitigation strategies. For orphaned amusement rides, the owner shall seek the consultation of a registered professional engineer in good standing. If fatigue or corrosion are found, the owner will discuss the findings and implement mitigation strategies as recommended by the registered professional engineer.
 - (i) Documentation of the visual inspection and the findings shall be made available to the department. Additionally, the documentation shall be maintained for the life of the ride and transferred to any subsequent owner.

(ii) The ride owner shall ensure compliance with the mitigation strategies, if any, pursuant to the recommendations made by either the manufacturer or registered professional engineer where applicable.

(C) Effective date. The ride categories must complete the requirements of paragraph (B) of this rule by the effective date assigned to each ride category in paragraphs (C)(1) to (C)(4) of this rule.

(1) Low intensity rides effective date is the same date as the first effective date of this rule.

(2) Intermediate rides effective date is April 1, 2021.

(3) Towers effective date is April 1, 2022.

(4) Roller coasters effective date is April 1, 2023.

(D) Failure to timely complete or follow the mitigation strategies or minimum requirements shall be grounds for the department to place a stop order on the ride immediately.

(E) The department may at any time require a ride owner to complete a new visual inspection as specified in paragraph (B) of this rule.

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901:9-1-04.2**Inspection requirements.**

The ride categories referenced in this rule have the same meaning as the ride categories defined in paragraph (A) of rule 901:9-1-04.1 of the Administrative Code.

(A) Inspection frequency. For each ride category below, the minimum number of inspections during the applicable permit shall be as follows:

- (1) For low intensity rides, no less than once per year for which the applicable permit is valid.
- (2) For intermediate rides, no less than twice per year for which the applicable permit is valid.
- (3) For towers, no less than twice per year for which the applicable permit is valid.
- (4) For roller coasters, no less than twice per year for which the applicable permit is valid.

(B) Number of inspectors. For each ride category below, the minimum number of inspectors shall be determined as follows:

- (1) For low intensity rides, inspected by at least one inspector.
- (2) For intermediate rides, inspected by at least two inspectors for an initial licensing inspection, and by at least one inspector for supplemental inspections.
- (3) For towers, inspected by at least two inspectors for an initial licensing inspection, and by at least two inspectors for supplemental inspections.
- (4) For roller coasters, inspected by at least two inspectors for an initial licensing inspection, and by at least two inspectors for supplemental inspections.

(C) The requirements of paragraph (B) of this rule do not apply to midseason operational inspections provided for in division (H) of section 1711.53 of the Revised Code.

(D) The requirements of paragraph (A) of this rule do not apply to rides that operate for less than thirty days in this state during the year for which the applicable permit is valid.

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