

13 VAC 5-31. VIRGINIA AMUSEMENT DEVICE REGULATIONS (amending 13 VAC 5-31-20, 13 VAC 5-31-40, 13 VAC 5-31-50 [ , 13 VAC 5-31-80, 13 VAC 5-31-100 and 13 VAC 5-31-190; adding 13 VAC 5-31-200 and 13 VAC 5-31-210 ] ).

13 VAC 5-31-20. Definitions.

A. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Amusement device" means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways.

~~"BHCD" means the Virginia Board of Housing and Community Development.~~

"Bungee cord" means the elastic rope to which the jumper is attached which lengthens and shortens to produce a bouncing action.

"Carabineer" means a shaped metal device with a gate used to connect sections of a bungee cord, jump rigging, equipment, or safety gear.

"DHCD" means the Virginia Department of Housing and Community Development.

"Gravity ride" means a ride that is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier tube, bag, bathing suit, or clothes.

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"Ground operator" means a person who assists the jump master to prepare a jumper for jumping.

"Harness" means an assembly to be worn by a bungee jumper to be attached to a bungee cord. It is designed to prevent the wearer from becoming detached from the bungee system.

"Jump master" means a person who has responsibility for the bungee jumper and who takes the jumper through the final stages to the actual jump.

"Jump zone" means the space bounded by the maximum designed movements of the bungee jumper.

"Jumper" means the person who departs from a height attached to a bungee system.

"Landing area" means the surface area of ground or water directly under the jump zone, the area where the lowering device moves the bungee jumper to be landed away from the jump space and the area covered by the movement of the lowering device.

"Operating manual" means the document that contains the procedures and forms for the operation of bungee jumping equipment and activity at a site.

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"Passenger tramway" means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or ropes, and usually supported by trestles or towers with one or more spans.

"Platform" means the equipment attached to the structure from which the bungee jumper departs.

"Private inspector" means a person performing inspections who is independent of the company, individual or organization owning, operating or having any vested interest in an amusement device being inspected.

"Ultimate tensile strength" means the greatest amount of load applied to a bungee cord prior to failure.

"USBC" means the Virginia Uniform Statewide Building Code ( ~~13 VAC 5-61-10 et seq.~~ 13 VAC 5-63 ).

B. Words and terms used in this chapter which are defined in the USBC shall have the meaning ascribed to them in that regulation unless the context clearly indicates otherwise.

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C. Words and terms used in this chapter which are defined in the standards incorporated by reference in this chapter shall have the meaning ascribed to them in those standards unless the context clearly indicates otherwise.

13 VAC 5-31-40. Incorporated standards.

A. The following standards are hereby incorporated by reference for use as part of this chapter:

1. American National Standards Institute (ANSI) Standard No. ~~B77.1-90~~ B77.1-1999 for the regulation of passenger tramways; and

2. American Society for Testing and Materials (ASTM) Standard Nos. F698-94 ( [ ~~Reapproved~~ ] 2000) , F747-97, F770-93 [ (2000) ] , F846-92 [ (2003) ] , [ ~~F853-98~~ F853-04 ] , [ ~~F893-87~~ ( ~~Reapproved~~ 2000) F893-04 ] , ~~F1159-97a~~ F1159-03a , ~~F1193-97~~ [ ~~F1193-03a~~ F1193-04 ] , F1305-94 ( [ ~~Reapproved~~ ] 2002) , F1950-99, F1957-99 [ ~~and~~ , ] F2007-00 [ , F2137-01, F2291-04 and F2374-04 ] for the regulation of amusement devices.

The standards referenced above may be procured from:

ANSI

ASTM

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B. The provisions of this chapter govern where they are in conflict with any provisions of the standards incorporated by reference in this chapter.

C. The following requirements supplement the provisions of the ASTM standards incorporated by reference in this chapter:

1. The operator of an amusement device shall be at least 16 years of age, except when the person is under the supervision of a parent or guardian and engaged in activities determined not to be hazardous by the Commissioner of the Virginia Department of Labor and Industry;

2. The amusement device shall be attended by an operator at all times during operation except that (i) one operator is permitted to operate two or more amusement devices provided they are within the sight of the operator and operated by a common control panel or station and (ii) one operator is permitted to operate two kiddie rides with separate controls provided the distance between controls is no more than 35 feet and the controls are equipped with a positive pressure switch; and

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3. The operator of an amusement device shall not be (i) under the influence of any drugs which may affect the operator's judgment or ability to assure the safety of the public or (ii) under the influence of alcohol.

D. Where an amusement device was manufactured under previous editions of the standards incorporated by reference in this chapter, the previous editions shall apply to the extent that they are different from the current standards.

13 VAC 5-31-50. Certification of amusement device inspectors.

A. Any person, including local building department personnel, inspecting an amusement device relative to a certificate of inspection shall possess a valid certificate of competence as an amusement device inspector from the ~~BHCD~~ Virginia Board of Housing and Community Development .

B. Local building department personnel enforcing this chapter and private inspectors shall attend periodic training courses as designated and required by DHCD.

[ 13 VAC 5-31-80. Owner or operator responsibilities.

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In addition to other applicable requirements of this chapter, the owner or operator of an amusement device or devices shall be responsible for the following:

1. Submitting a permit application to the responsible local building department at least five days before a permit to operate, or renewal of a permit to operate, is sought. The permit application shall include (i) the name of the owner, operator or other person assuming responsibility; (ii) a general description of the device or devices to be permitted; (iii) any relevant serial or identification numbers; (iv) the location of the property on which the device or devices will be operated; and (v) the length of time the device or devices will be operating at the site;
2. Submitting an application for modification of any provision of this chapter when a modification is sought due to practical difficulties involved in complying with this chapter. The application for modification shall include documentation outlining the practical difficulties and method proposed to protect the public health, safety and welfare;
3. Submitting to the responsible local building department before or with the application for a permit to operate, or renewal of a permit to operate, proof of liability insurance of an amount not less than ~~\$300,000~~ \$500,000 per occurrence or proof of equivalent financial responsibility and notifying the responsible local building department promptly

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of any change in the liability insurance or financial responsibility status during the period of operation to be, or which is, authorized by the permit;

4. Obtaining a permit to operate from the responsible local building department prior to operation or obtaining the renewal of a permit to operate when necessary prior to continued operation. Notwithstanding the above, a permit for a kiddie ride in which (i) the passenger height is limited to 54 inches or less; (ii) the design capacity is 12 passengers or less; and (iii) the assembly time is two hours or less need not be obtained if the device has an unexpired certificate of inspection issued by a local building department in this Commonwealth, regardless of whether the ride has been disassembled or moved to a new site. However, in such cases, the responsible local building department shall be notified prior to operation and such notification shall include the information required on a permit application as stipulated in subdivision 1 of this subsection;

5. Making available to the inspector at the time of inspection for a certificate of inspection the information listed in §§ ~~3-1~~ 2.1 through ~~3-6~~ 2.6 of ASTM F698 ~~-94~~ when an amusement device was manufactured prior to 1978;

6. The operator of an amusement device shall review promptly upon receipt all manufacturer's notifications, service bulletins and safety alerts relating to such



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amusement device issued pursuant to ASTM F853. The operator of the amusement device shall comply with all recommendations and requirements set out in such documents as required by ASTM F853. A copy of each such document shall be retained by the operator. Whenever such amusement device is inspected pursuant to these regulations, the operator of the amusement device shall present each such document to the inspector. It is the responsibility of the operator of an amusement device to maintain contact with the manufacturer to insure that the manufacturer knows which devices are operated by the operator and to insure that the manufacturer has the current address of the operator.

~~6.~~ 7. Obtaining a certificate of inspection from the responsible local building department (i) prior to initial operation; (ii) prior to operation following a major modification; (iii) prior to each seasonal operation; (iv) at least once a year if operated more than seasonally; and (v) prior to resuming operation following an order from the local building department to cease operation. Notwithstanding the above, a certificate of inspection for a kiddie ride in which (i) the passenger height is limited to 54 inches or less; (ii) the design capacity is 12 passengers or less; and (iii) the assembly time is two hours or less need not be obtained if the device has an unexpired certificate of inspection issued by a local building department in this Commonwealth, regardless of whether the ride has been disassembled or moved to a new site; and

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7. ~~8.~~ Ceasing operation upon receipt of a temporary order to cease operation issued by the responsible local building department. ]

[ 13 VAC 5-31-100. Local building department.

The local building department's official or representative shall be permitted to do the following relative to an amusement device or devices intended to be, or being, operated at a site within their jurisdiction:

1. Collect fees for a permit to operate, renewal of a permit to operate and inspections conducted by staff to issue a certificate of inspection. The total for fees associated with one permit to operate and any associated inspections or one renewal of a permit to operate and any associated inspections shall not exceed the following:

a. ~~\$15~~ \$25 for each kiddie ride under the permit;

b. ~~\$25~~ \$35 for each circular ride or flat-ride ~~under the permit which can be inspected from~~ less than 20 feet ~~above ground~~ in height under the permit ; ~~and~~

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c. ~~\$45~~ \$55 for each ~~other type of amusement device~~ spectacular ride under the permit which cannot be inspected as a circular ride or flat-ride in (b) above due to complexity or height - ; and

d. \$150 for coasters which exceed 30 feet in height.

Notwithstanding the above, the fee for each amusement device under the permit shall be reduced by 50% when the inspection for obtaining a certificate of inspection for that device is conducted by a private inspector;

2. In addition to the above, require permits and charge fees as appropriate under the USBC for amusement devices which are being initially constructed in whole or in part at a site within the jurisdiction for intended operation at that site. This authorization does not apply to an amusement device which is only being reassembled or undergoing a major modification at a site or being moved to a site for operation;

3. Approve modifications of this chapter upon determination that the public health, safety and welfare are assured;

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4. Conduct an inspection at any time when the device would normally be open for operation, or at any other time if permission is granted by the owner or operator, for compliance with this chapter; and

5. Issue an order to temporarily cease the operation of an amusement device upon determination that it may be unsafe or otherwise endanger the public. The temporary order shall remain in effect until a new certificate of inspection is issued. ]

[ 13 VAC 5-31-190. General requirements.

~~Concession~~ In addition to other applicable requirements of this chapter, concession go-karts shall be operated, maintained and inspected in accordance with ASTM F2007 -00 . ]

[ PART VII.

INFLATABLE AMUSEMENT DEVICES.

13 VAC 5-31-200. General requirements.

In addition to other applicable requirements of this chapter, inflatable amusement devices shall be operated, maintained and inspected in accordance with ASTM F2374.

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PART VIII.

ARTIFICIAL CLIMBING WALLS.

13 VAC 5-31-210. General requirements.

In addition to other applicable requirements of this chapter, artificial climbing walls shall be operated, maintained and inspected in accordance with ASTM F1159. ]

I certify that this regulation is full, true, and correctly dated.

\_\_\_\_\_  
William C. Shelton, Director  
Department of Housing and Community Development

Date: \_\_\_\_\_