



## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	Board of Housing & Community Development
<b>Virginia Administrative Code (VAC) citation</b>	<u>13 VAC 5-31</u>
<b>Regulation title</b>	Virginia Amusement Device Regulations
<b>Action title</b>	Amend and update Virginia Amusement Device Regulations
<b>Document preparation date</b>	May 21, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

The Virginia Amusement Device Regulations (VADR) are regulations governing the construction and operation of amusement devices, which are by statutory definition devices or structures open to the public by which persons are conveyed or moved in an unusual manner for diversion and passenger tramways. The regulations are very closely related to the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the "USBC") as, also by statutory arrangement, the USBC applies to amusement devices to the extent that they are not superseded by the VADR. The VADR utilizes nationally recognized standards to provide the technical requirements for the construction and operation of amusement devices. The standards are produced by the American Society for Testing and Materials (ASTM). To coincide with the updating of its other building and fire regulations, the Board of Housing and Community Development initiates a regulatory action under the VADR to consider any changes necessary to correlate with the Department's other building and fire regulations and to consider any available newer ASTM standards. After the publishing of the proposed regulations, the board establishes a comment period for the acceptance of code change proposals to modify the standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

The changes in the proposed regulations are outlined below:

13 VAC5-31-20A: Adds clarity to the phrase “open to the public” to facilitate a more uniform application of the VADR.

13 VAC5-31-20A: Adds definition of the phrase “certificate of inspection” to mean the certificate or sticker for amusement devices distributed by DHCD, as referenced in § 75(E). This amendment will require the use of the DHCD sticker where localities were permitted to use their own. Only several localities use their own stickers and have not objected to the use of the DHCD sticker.

13 VAC5-31-20A: Changes the term “kiddie ride” to “small mechanical ride” and revises the criteria for what qualifies as a small mechanical ride. This amendment is in conjunction with new requirements for inspections in § 13VAC5-31-75D which limit the permit period to a maximum of six months for the shall mechanical rides.

13 VAC5-31-30A: Adds section to assist local building departments in determining whether certain devices are amusement devices and to achieve more uniformity in the application of the regulation.

13 VAC5-31-30B: Expands list of exempted equipment or devices.

13 VAC5-31-40A: Revises section to update list of incorporated standards.

13 VAC5-31-75A: Revises language increasing the amount a locality must reduce a permit fee when a private inspector is used; increases permit fees to amusement rides and adds language permitting the increase of fees by a local building department for weekend or after-hour inspections.

13 VAC5-31-75D: Amends the regulation to add language on the minimum timeframe for notifying local building departments prior to the operation a small mechanical ride or an inflatable amusement device and adds language authorizing an inspection fee local building departments can charge per event where an inflatable amusement device is operating, and the inspection report required for such inspections.

13 VAC5-31-75E: Amends the regulation to clarify that the local building department may authorize a third-party inspector to post the certification sticker and clarifies that permits for small mechanical rides are only valid for a maximum of six months.

13 VAC5-31-75J: Adds section to clarify the procedures for violations of the chapter.

13 VAC5-31-75K: Adds section to clarify that the Virginia Department of General Services functions as the local building department for amusement devices located on state-owned property.

## Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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The proposed regulations do not have an impact on the institution of the family or family stability.