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Loi de 2000 sur les normes techniques et la sécurité

ONTARIO REGULATION 221/01

Amended to O. Reg. 188/03

AMUSEMENT DEVICES

Notice of Currency:* This document is up to date.

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This Regulation is made in English only.

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Definitions

1. (1) In this Regulation,

“adult kart” means a kart that is designed for use by persons who are at least 1.32 metres in height;

“alteration” means a modification or replacement, removal or addition of any component or part of an amusement device that results in, or may result in, a change in the original design, inherent safety or operational characteristics of the amusement device, and “altered” has a corresponding meaning;

“amusement device” means a machine, contrivance, structure, vehicle or device, or component attached or to be attached thereto, used in an amusement park to entertain members of the public by moving them or causing them to be moved and includes the area peripheral thereto if such area is accessible to the public;

“amusement park” means a facility, open to the public, used in connection with a carnival, fair, shopping centre, resort, park or place of entertainment or amusement where amusement devices are provided;

“amusement ride” means an amusement device other than a go-kart, water slide, bungee ride or bungee-type device;

“ASTM” means the American Society for Testing and Materials;

“attendant” means a person who actively engages in or supervises the loading, movement or unloading of passengers on an amusement device or the marshalling of passenger-carrying units, or both;

“automobile ride” means an amusement ride, other than a go-kart, in which the passenger-carrying unit is in the form of a motor vehicle that travels within or along a predetermined path;

“bungee ride or bungee-type device” means an amusement device that uses elastic rope or metal rope and springs or any other means used to create bouncing action for the purpose of dropping a person from a height, propelling a person in a horizontal or vertical direction or combination thereof;

“cable ride” means an amusement ride that incorporates a structural, cable and pulley system, including a hand-gripping component, that a single rider uses to suspend and glide horizontally along a predetermined path;

“CAN/CSA” means Canada/Canadian Standards Association;

“code adoption document” means the “Amusement Devices Code Adoption Document” adopted as part of this Regulation under Ontario Regulation 223/01;

“CSA” means the Canadian Standards Association;

“dry slide” means an amusement ride that consists of one or more inclined channels that do not contain water and on which a person slides down from a predetermined height into a landing area;

“existing amusement device” means an amusement device that was registered any time before this Regulation came into force;

“field test” means a test or a series of tests used to determine whether an amusement device conforms to its original design and operational criteria;

“follow-up inspection” means an inspection by an inspector that is made following an inspection that revealed that the amusement device does not conform to the requirements of this Regulation;

“go-kart” means an amusement device that consists of one or more adult karts or kiddie karts that are driven on a go-kart track and includes the pit area and surrounding area but does not include automobile rides;

“go-kart track” means a specially constructed track that is used for karts;

“initial inspection” means an inspection by an inspector of a new amusement device to verify that the amusement device conforms to this Regulation for purposes of issuing a permit;

“itinerant device” means an amusement device that is designed to be moveable from location to location;

“kart” means a self-propelled motorized vehicle that is designed to be driven on a go-kart track at limited speed where the driver has full control over acceleration from rest, deceleration, stopping and steering of the vehicle;

“kiddie kart” means a kart that is designed for use by persons who do not exceed 1.375 metres in height;

“manufacturer” means the manufacturer of an amusement device;

“maximum capacity” means the maximum number of passengers, passenger carrying units or maximum weight, or any combination of these, that the amusement device is designed for in order to operate safely at the maximum speed specified by the manufacturer for the amusement device;

“mechanic” means a person who holds a certificate referred to in subsection 3 (1) of Ontario Regulation 187/03;

“mechanic-in-training” means a person who works under the supervision of a mechanic;

“new amusement device” means an amusement device other than an existing amusement device;

“on an emergency basis” means that an amusement device for which a permit has been issued has become inoperable and must be replaced;

“open to the public” includes an amusement park that carries on activities for the purpose of commercial gain, where the public is invited to attend, despite the fact that a membership is required;

“operator” means a person who has direct control over the starting, stopping and speed of an amusement device or part thereof or is in charge of the entire operation of an amusement device;

“passenger-carrying unit” means that part of an amusement device that is self-propelled or attached directly or indirectly to the drive mechanism by means of a flexible linkage and that carries passengers through a ride cycle;

“periodic inspection” means an inspection by an inspector that is carried out from time to time after a permit is issued for an amusement device to determine if the amusement device is in accordance with the Act and this Regulation;

“preliminary review” means a review of a design for an amusement device that is submitted to obtain prior verification of compliance with this Regulation;

“professional engineer” means a professional engineer within the meaning of the *Professional Engineers Act*;

“prototype test” means a test or series of tests performed by the manufacturer on the primary model of an amusement device to verify the design and operational characteristics of the amusement device, including the deflections, loads and forces that are intended to be placed on the amusement device and the passengers riding on the amusement device;

“safety retainer” means a wire, rope, chain, bar, attachment or other device that is designed to prevent a part or parts of an amusement device from tipping, tilting, or disengaging in a manner that could cause a hazard to a person using the amusement device or a person in the vicinity of the amusement device, should the means of suspension, guiding or attachment fail;

“seat belt assembly” means any strap, webbing or similar device, including buckles, other fasteners and hardware provided for installation of the assembly, that is provided to maintain a person in the kart seat with intent to minimize injuries to the person in the event of collision or roll-over of the kart;

“special amusement device” means an amusement device that is not defined or covered by any specific standard in any code adopted in this Regulation;

“special inspection” means an inspection that is carried out by an inspector following an alteration, a complaint, accident, fire or similar occurrence with respect to an amusement device;

“subsequent inspection” means an inspection by an inspector that is made subsequent to an initial inspection where the initial inspection reveals that the amusement device does not conform to the requirements of this Regulation;

“technical dossier” means specifications, drawings, erection and dismantling instructions, operational and maintenance instructions, field test certificates and any other information required under this Regulation for an amusement device or part thereof submitted to an administrative authority for the purpose of obtaining a permit;

“track ride” means an amusement ride that incorporates a structural and non-motorized mechanical system, including a hand-gripping component that a single rider uses to suspend and glide horizontally along a fixed path;

“variance” means a deviation from this Regulation or a Minister’s order made under the Act;

“water slide” means an amusement device that consists of one or more inclined channels attached to a common platform that contain running water, on which a person slides down from a predetermined height into a common splash down area. O. Reg. 221/01, s. 1 (1); O. Reg. 188/03, s. 1.

(2) In the event of a conflict between a provision of this Regulation and the code adoption document, this Regulation prevails. O. Reg. 221/01, s. 1 (2).

(3) A reference in this Regulation to a director is a reference to the director to whom the subject-matter of this Regulation is assigned. O. Reg. 221/01, s. 1 (3).

Application

2. (1) This Regulation applies to the design, construction, installation, use, maintenance, repair, service and operation of amusement rides and devices unless otherwise provided in this Regulation. O. Reg. 221/01, s. 2 (1).

(2) This Regulation does not apply to the following:

1. Devices that are provided in a public park, playground, play space or similar facility.
2. Devices that are designed and built to be operated by coin, token or card and are operated without operator assistance.
3. Trains, vehicles or conveyances that are operated primarily for transportation purposes and that are not used exclusively for amusement.
- 3.1 Trains known as model trains that operate on a track with an internal gauge of 12 inches or less, operate at a speed of 12 kilometres per hour or less and are operated primarily for demonstration purposes in support of railroad heritage or technology.
4. Elevating devices regulated under Ontario Regulation 209/01 (Elevating Devices) except for those elevating devices that are used to entertain members of the public and fall within the definition of an amusement device.
5. Off-road vehicles within the meaning of the *Off-Road Vehicles Act*.
6. Motorized snow vehicles within the meaning of the *Motorized Snow Vehicles Act*.
7. Public pools, wave action pools and lazy rivers.
8. Aircraft within the meaning of the *Aeronautics Act* (Canada).
9. Devices whose sliding action is dependent on snow or ice.
10. Boats and other watercraft used for transportation and leisure but not for amusement.
11. Jet water skis and similar jet or motorized devices used on water.
12. Wind surfers and surf boards.
13. Devices that require human or animal muscular power to move.
14. Parasails, hang gliders, balloons and chutes.
15. Hay rides driven by any propulsion.
16. Soap box racers.
17. Golf carts.
18. Hovercraft.

19. Skateboards, roller skates and in-line blade skates.
20. Live animal rides.
21. Self-propelled vehicles that travel a speed of 4 kilometres per hour or less.
22. Dry slides that meet the following criteria:
 - i. the vertical height of the slide, measured from its entry to the exit, is 3m or less for open flume slide and is 5m or less for closed flume slide,
 - ii. the average angle of the slide flume, measured from its entry to the exit, is 30° or less, and
 - iii. the maximum speed of the rider at the slide exit is not more than 2m/s.
23. Cable rides or track rides that meet the following criteria:
 - i. the vertical height of the hand gripping component is less than 2,000 mm from the finished grade at any point along the ride, and
 - ii. the speed at the arrival station of the hand gripping component does not exceed 2m/s.
24. Air supported pillows that meet the following criteria:
 - i. the pillow is protected from ambient weather conditions,
 - ii. the thickness of the pillow is less than 900mm, and
 - iii. the pillow does not have inflated walls and roof.
25. Water slides that meet the following criteria:
 - i. the vertical height of the water slide, measured from its entry to the exit, is 2m or less,
 - ii. the average angle of the water slide, measured from its entry to the exit, is less than 6°, and
 - iii. the maximum speed of the passenger on the slide does not exceed 2m/s.
26. Children's Play Space and Equipment covered by CAN/CSA-Z614-1998 Standard and ASTM-F 1918-98 Standard Safety Performance Specification for Soft Contained Play Equipment.
27. Go-kart tracks, go-karts or facilities that are affiliated to and sanctioned by the National Karting Council of the Autorité Sportive Nationale du Canada la Fédération Internationale de l'Automobile or organizations that, in the opinion of the director, are equivalent thereto and that are involved in the sport of racing and that are subject to the regulations, licensing and driver qualifications as mandated by such organizations.
28. Rubber tired wagons or trains not on tracks. O. Reg. 221/01, s. 2 (2); O. Reg. 188/03, s. 2.

General requirement for compliance

3. (1) Every person engaged in an activity, use of equipment, process or procedure to which the Act and this Regulation apply shall comply with the Act and this Regulation. O. Reg. 221/01, s. 3 (1).

(2) For the purposes of subsection (1), the reference to an activity, use of equipment, process or procedure includes, but is not limited to, design, construction, erection, dismantling, operation, installation, inspection, testing, maintenance, alterations, service or use. O. Reg. 221/01, s. 3 (2).

Prohibitions

4. (1) No person shall carry on the business of operating an amusement device unless licensed to do so in accordance with the Act and this Regulation. O. Reg. 221/01, s. 4 (1).

(2) No person shall erect, operate or maintain an amusement device to which this Regulation applies except in accordance with this Regulation. O. Reg. 221/01, s. 4 (2).

(3) No person shall operate an amusement device unless there is a current permit issued by the director for the device. O. Reg. 221/01, s. 4 (3).

(4) No person shall alter an amusement device after a permit has been issued for it without the express consent of the director. O. Reg. 221/01, s. 4 (4).

Licence to carry on business

5. (1) An application for a licence to carry on the business of operating an amusement device or for a renewal of such licence shall be in a form published by the designated administrative authority and be accompanied by the fee set by the designated administrative authority. O. Reg. 221/01, s. 5 (1).

(2) It is a condition for the issuing of a licence to carry on the business of operating an amusement device or for a renewal that the applicant,

- (a) be a mechanic or employ a mechanic who is capable of maintaining each amusement device operated by the licence holder;
 - (b) be a mechanic or employ a mechanic who is capable of erecting each amusement device to be erected by the licence holder;
 - (c) be or employ a person who has full knowledge of the Act and this Regulation as the person in charge of the maintenance and operation of each amusement device of the licence holder; and
 - (d) be or employ a person who has full knowledge of the Act and this Regulation as the person in charge of the erection of each amusement device to be erected by the licence holder. O. Reg. 221/01, s. 5 (2).
- (3) Every person who carries on the business of operating amusement devices shall obtain and maintain liability insurance in respect of the business in an amount not less than \$1,000,000. O. Reg. 221/01, s. 5 (3).
- (4) Each licence to carry on the business of operating an amusement device expires one year immediately following the date on which it was issued, unless otherwise stated in the licence. O. Reg. 221/01, s. 5 (4).
- (5) A licence holder shall provide the personnel and any devices, such as test load and measuring devices, that are required for the carrying out of the inspection. O. Reg. 221/01, s. 5 (5).

Permit to operate an amusement device

- 6.** (1) An application for a permit for an amusement device or a renewal of such a permit shall be in the form published by the designated administrative authority and be accompanied by the fee set by the authority. O. Reg. 221/01, s. 6 (1).
- (2) It is a condition for the issuing of a permit for an amusement device that,
- (a) the applicant be a licence holder;
 - (b) the amusement device to which the permit relates meet the requirements of subsections 8 (1) and (2);
 - (c) the applicant file with the director an operating schedule that is in accordance with subsection (4) and comply with section 7 where there is a change in the operating schedule;
 - (d) the amusement device to which the permit relates be in compliance with this Regulation; and
 - (e) the applicant pay the fee set by the designated administrative authority. O. Reg. 221/01, s. 6 (2).
- (3) It is a condition for the renewal of a permit that,
- (a) the applicant be a licence holder;
 - (b) the amusement device to which the permit relates meet the requirements of section 8;
 - (c) the amusement device be maintained in accordance with the requirements of section 8;
 - (d) the technical dossier required under section 9 be updated in accordance with section 10; and
 - (e) the applicant file with the director an operating schedule that is in accordance with subsection (4). O. Reg. 221/01, s. 6 (3).
- (4) For the purposes of this section, an operating schedule shall include,
- (a) the location or locations in Ontario where the amusement device will be operated;
 - (b) the operating dates of the amusement device for the calendar year; and
 - (c) in the case of an itinerant amusement device, the date or dates for the erection and dismantling of the amusement device. O. Reg. 221/01, s. 6 (4).
- (5) A permit expires one year immediately following the date on which it is issued unless otherwise stated on the permit. O. Reg. 221/01, s. 6 (5).
- (6) A permit shall be kept in the vicinity of the amusement device to which it relates. O. Reg. 221/01, s. 6 (6).
- (7) If a permit has been issued to a licence holder for an amusement device brought into Ontario on an emergency basis, the director shall not issue another permit on an emergency basis for that amusement device to that licence holder. O. Reg. 221/01, s. 6 (7).

Operating schedule

- 7.** A change in the operating schedule of a licence holder shall be forwarded by the licence holder to the director,
- (a) forthwith by telephone, fax or other means of electronic communication, if the change is to occur within 14 days of the licence holder becoming aware of the change; or
 - (b) in writing, if the change is not to occur within 14 days of the licence holder becoming aware of the change. O. Reg. 221/01, s. 7.

Conditions for permit

- 8.** (1) It is a condition for the issuing of a permit for an amusement device that,
- (a) a technical dossier on the amusement device in accordance with section 9 be filed with the director;
 - (b) the amusement device be erected by or under the direct supervision of the licence holder;
 - (c) after the amusement device is erected, the licence holder carry out or cause to be carried out an examination of the amusement device to ensure that the amusement device is in accordance with the filed technical dossier on the device and is in conformity with this Regulation;
 - (d) the amusement device be inspected by an inspector; and
 - (e) the amusement device be found by the inspector to be in a safe operating condition and in conformity with this Regulation. O. Reg. 221/01, s. 8 (1).
- (2) Upon the conditions set out in subsection 6 (2) and subsection (1) being satisfied, the director shall issue a permit for the amusement device. O. Reg. 221/01, s. 8 (2).
- (3) Where a permit is issued for an amusement device, the licence holder who applied for the permit shall affix to the device the permit number in the form of a plate supplied by the director, but if this is not practical the permit number shall be printed on the device and the plate affixed and conspicuously displayed in the general location of the device. O. Reg. 221/01, s. 8 (3).
- (4) A permit for an amusement device expires five years after it was issued. O. Reg. 221/01, s. 8 (4).
- (5) Prior to the issuing of a permit for an amusement device for which the permit has expired in accordance with subsection (4), the technical dossier for the amusement device shall be renewed in accordance with section 9. O. Reg. 221/01, s. 8 (5).
- (6) Despite subsection (5), where the permit has expired and less than two years have elapsed and there is no change in ownership, the permit shall be renewed under subsection (1) by the submission of a technical dossier in accordance with subsection 9 (4). O. Reg. 221/01, s. 8 (6).

Technical dossiers

- 9.** (1) A technical dossier shall be submitted in triplicate and in English. O. Reg. 221/01, s. 9 (1).
- (2) A technical dossier for an amusement device shall include at least,
- (a) specifications with respect to the amusement device in the form published by the designated administrative authority and the fee set by the authority;
 - (b) a site layout of the amusement device that shows the static and operational mode clearance requirements, fences, barriers and structures in the vicinity of the amusement device, loading and unloading areas, track and foundations;
 - (c) drawings that contain plan and elevation views and cross-sectional areas to show the general arrangement of the amusement device, materials used, major components, dimensions and passenger-carrying units;
 - (d) drawings showing details of devices used to keep the passenger inside the passenger-carrying unit during the operation of the amusement device and safety retainers used;
 - (e) instructions with respect to erection and dismantling of the amusement device;
 - (f) operation instructions with respect to daily inspections, loading and unloading of the amusement device, communication between operators, attendants and passengers, environmental conditions that could affect the safe operation of the amusement device, procedures to be followed during an emergency shut-down of the amusement device, procedures to be followed when evacuating the amusement device and duties and responsibilities of operators and attendants;
 - (g) a maintenance manual with respect to the amusement device that contains,
 - (i) schematics of the hydraulic and electrical systems showing all operational and safety-related components and their characteristics, together with sequence of operation,
 - (ii) detailed instructions with respect to the method and interval of inspections, tests, lubrication and replacement of parts,
 - (iii) a list of parts the failure of which would immediately jeopardize passenger safety, and
 - (iv) the location of and the amount of torque to be applied to fasteners the failure of which could create a hazard;
 - (h) one of,
 - (i) a report of a prototype test carried out by the manufacturer of the amusement device that includes a statement by the manufacturer that it is not necessary to carry out a field test on the amusement device,
 - (ii) a report of a field test carried out on the amusement device by the manufacturer or licence holder,

- (iii) a statement by the licence holder that a field test will be carried out on the amusement device and a report filed with the director before an inspection under clause 8 (1) (d) or clause 10 (3) (c) is arranged with an inspector, or
 - (iv) a statement by the manufacturer that no tests are necessary to ensure the safety of the amusement device and the reasons why;
- (i) the seal and signature of a professional engineer on all documents;
 - (j) a statement by a professional engineer that the design of the amusement device, including the parts and features not specifically identified in the technical dossier and the procedures and instructions laid down in the technical dossier, except for any variance indicated, are in compliance with this Regulation; and
 - (k) such other additional information or documents as are necessary to demonstrate to the satisfaction of the director that the amusement device will operate safely and in accordance with this Regulation. O. Reg. 221/01, s. 9 (2).
- (3) Subsection (2) does not apply with respect to an amusement device if a technical dossier for the same make and model of device has been filed with the director and it contains,
- (a) written permission of the person who filed the original technical dossier that the technical dossier previously filed with the director may be used for the amusement device;
 - (b) a photocopy of the filed technical dossier, including any amendments to it;
 - (c) written permission of the professional engineer who provided the statement under clause (2) (j) that the statement may be used for the amusement device;
 - (d) a statement by the manufacturer or licence holder that all safety-related replacements and changes recommended by the manufacturer subsequent to the date of filing of the original technical dossier have been completed in accordance with the manufacturer's recommendation and this Regulation;
 - (e) for a fixed amusement device, a site layout of the amusement device that shows the static and operational mode clearance requirements, fences, barriers and structures in the vicinity of the amusement device, loading and unloading areas, track and foundation;
 - (f) one of the documents required under clause (2) (h);
 - (g) a statement by the licence holder that the amusement device is identical in design and mode of operation to the amusement device that is the subject of the original technical dossier, except those replacements and changes referred to in clause (d). O. Reg. 221/01, s. 9 (3).
- (4) A technical dossier for an amusement device that is brought into Ontario on an emergency basis shall include at least,
- (a) specifications of the device on the form published by the designated administrative authority and the fee set by the authority;
 - (b) each document referred to in clauses (2) (f) and (g) and, in the case of an itinerant device, the instructions referred to in clause (2) (e), except for a document that has already been filed with the director with respect to an amusement device that is of the same make and model;
 - (c) a statement by the licence holder that the amusement device, including the parts and features not specifically identified in the technical dossier and the procedures and instructions laid down in the technical dossier, except for any variance indicated, are in compliance with this Regulation; and
 - (d) such additional information or documents as are necessary to demonstrate that the amusement device will operate safely and in accordance with this Regulation. O. Reg. 221/01, s. 9 (4).
- (5) A special amusement device or a part of such a device shall be designed and constructed to comply with such codes or other technical rules as are imposed by the director pursuant to subsection 36 (3) of the Act but if no codes or rules apply to the particular device, the applicant for a permit shall conduct risk assessment according to general engineering practice normally applied to amusement devices on the basis of the adopted codes. O. Reg. 221/01, s. 9 (5).
- (6) A request that a preliminary review be undertaken shall contain two copies of such pertinent data as is necessary to determine compliance with this Regulation. O. Reg. 221/01, s. 9 (6).
- (7) A request for an amendment to the technical dossier that is not an alteration to a technical dossier under section 9 that is made at the request of the director or the licence holder before the amusement device to which the technical dossier relates is given a permit shall include,
- (a) a detailed description of the amendment;
 - (b) where the amendment affects a document in the technical dossier, each document required to be submitted with the technical dossier under subsection (2), (3), (4), (5) or (6), as the case may be, indicating the amendment in the document; and
 - (c) a statement required under clause (2) (j) or (4) (c), as the case requires, with respect to the amendment. O. Reg. 221/01, s. 9 (7).

(8) The licence holder shall keep a copy of the filed technical dossier, including any amendments or alterations to it, at the location of the amusement device. O. Reg. 221/01, s. 9 (8).

(9) The director shall refuse to file a technical dossier that does not comply with the requirements of this Regulation. O. Reg. 221/01, s. 9 (9).

(10) Where a provision or other part of a technical dossier is in conflict with this Regulation, this Regulation prevails. O. Reg. 221/01, s. 9 (10).

Alteration

10. (1) A licence holder shall submit the documents set out in subsection (2) to the director if the licence holder proposes to alter the structural design, the inherent safety or the operational characteristics of an amusement device for which a permit has been issued by, without limiting the generality of the foregoing,

- (a) changing the maximum capacity or speed of an amusement device;
- (b) changing the load bearing structure of an amusement device;
- (c) changing the source of power for the main drive or control mechanism of an amusement device;
- (d) changing the method of guiding the passenger-carrying units of an amusement device;
- (e) changing the use of an amusement device from a primary use by adults to children and vice versa;
- (f) relocating an amusement device that was originally designed as non-portable;
- (g) changing an amusement device from ground-mounted to trailer-mounted or vice versa if the change would require an alteration in the design or the operational characteristics of the device, including a change to the area peripheral to the device if that area is accessible to the public;
- (h) replacing existing passenger carrying units with passenger carrying units differing from original design or manufacture;
- (i) adding passenger carrying units to an existing amusement device with passenger carrying units differing from original design or manufacture. O. Reg. 221/01, s. 10 (1).

(2) The documents to be submitted under subsection (1) are,

- (a) a detailed description of the proposed alteration; and
- (b) all documents required to be filed as part of the technical dossier under subsection 9 (2) that relate to the proposed alteration. O. Reg. 221/01, s. 10 (2).

(3) A licence holder who proposes to make an alteration described in subsection (1) shall ensure that,

- (a) the alteration is made by or under the direct supervision of the licence holder;
- (b) the alteration is carried out in conformity with the requirements of this Regulation; and
- (c) the amusement device is inspected by an inspector prior to being put into operation after the alteration is made. O. Reg. 221/01, s. 10 (3).

(4) If, after a permit has been issued for an amusement device, the licence holder proposes to make an alteration to it, other than an alteration described in subsection (1), that affects the data contained in the technical dossier for the device, the holder shall submit to the director an amendment to the technical dossier outlining the alteration,

- (a) forthwith, if the alteration is an alteration that affects the safe operation of the device; or
- (b) at the time that the licence holder applies for a renewal of the permit for the device, if the alteration is not an alteration that affects the safe operation of the device. O. Reg. 221/01, s. 10 (4).

(5) A permit holder who proposes to make an alteration to an amusement device in accordance with subsection (4) shall ensure that,

- (a) the proposed alteration is in conformity with this Regulation; and
- (b) the proposed alteration complies with the manufacturer's specifications or is approved by a professional engineer. O. Reg. 221/01, s. 10 (5).

Erection and maintenance

11. (1) With respect to each amusement device that a licence holder operates or intends to operate, the licence holder shall ensure that,

- (a) the erection of the amusement device is carried out in accordance with the procedures set out in this section and the technical dossier for the amusement device required under section 9;

- (b) no erection or maintenance is performed unless the work is performed by a mechanic or by a mechanic-in-training under the supervision of a mechanic;
 - (c) no mechanic is assigned work that is beyond the scope of the mechanic's experience and training; and
 - (d) the amusement device is not used or operated unless it is maintained in accordance with the procedures set out in the technical dossier with respect to the amusement device and with this section. O. Reg. 221/01, s. 11 (1).
- (2) A licence holder shall ensure that each amusement device operated by the licence holder is maintained in such a manner and as often as is necessary to ensure that the amusement device is in safe operating condition having regard to,
- (a) the inherent quality and condition of the amusement device;
 - (b) the manufacturer's recommendations for maintenance of the amusement device; and
 - (c) the frequency and method of usage of the amusement device. O. Reg. 221/01, s. 11 (2).
- (3) A licence holder shall ensure that the maintenance of each amusement device operated by the licence holder includes,
- (a) the carrying out of all safety-related recommendations issued by the manufacturer with respect to the amusement device;
 - (b) the checking and examination of all parts and functions at intervals sufficient to ensure the safe operation of the amusement device;
 - (c) the cleaning, lubricating and adjusting of all parts at intervals sufficient to ensure the safe operation of the amusement device; and
 - (d) the repairing or replacing of worn, defective, damaged or broken parts on the amusement device. O. Reg. 221/01, s. 11 (3).
- (4) If maintenance referred to in subsection (3) is carried out on an amusement device, the licence holder shall ensure that it is in safe operating condition and take all steps and reasonable precautions to ensure that the parts and functions will remain in safe operating condition until the next scheduled inspection and examination. O. Reg. 221/01, s. 11 (4).
- (5) No mechanic shall undertake work on an amusement device that is beyond the scope of the mechanic's experience and training. O. Reg. 221/01, s. 11 (5).
- (6) If a part of an amusement device is replaced for any reason, the replacement part shall be at least equivalent in strength and function to the original supplied by the manufacturer. O. Reg. 221/01, s. 11 (6).

Notice to director in case of defect

12. Where a manufacturer of an amusement device or a licence holder discovers a defect in a part or component of the device that is related to its safe operation or usage and that part or component is replaced, the manufacturer or permit holder, as the case may be, shall forthwith notify the director, in writing, stating the nature of the defect and the details of any action taken with respect to the part or component. O. Reg. 221/01, s. 12.

Operation of amusement devices

- 13.** (1) No person shall operate an amusement device or cause or permit it to be operated,
- (a) if the device is not safe to operate;
 - (b) in an unsafe manner; or
 - (c) using an unsafe practice. O. Reg. 221/01, s. 13 (1).
- (2) No person shall, without the director's consent, operate or cause or permit the operation of an amusement device that is involved in an accident that results in the death of or serious injury to a person. O. Reg. 221/01, s. 13 (2).
- (3) No person shall remove, displace, interfere with or damage any device installed in or about an amusement device for its safe operation. O. Reg. 221/01, s. 13 (3).
- (4) No person shall behave in or on an amusement device or do any work on an amusement device in such manner as to,
- (a) impair the safe operation of the device; or
 - (b) endanger any person. O. Reg. 221/01, s. 13 (4).
- (5) If an accident or an incident occurs in connection with an amusement device that results in the death of or serious injury to any person, the licence holder responsible for the device shall immediately notify the director of the accident or incident. O. Reg. 221/01, s. 13 (5).
- (6) A licence holder responsible for an amusement device that is involved in an accident or an incident indicating that the device is potentially dangerous shall,
- (a) notify the director of the accident or incident by telephone within 24 hours; and

(b) submit to the director a written report setting out the particulars of the accident or incident within seven days. O. Reg. 221/01, s. 13 (6).

(7) Where an accident or incident resulting in the death of or serious injury to a person has occurred, no person shall, except for the purpose of rescuing an injured person, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the amusement device without an inspector's permission. O. Reg. 221/01, s. 13 (7).

Duty of licence holder and log books

14. (1) A licence holder shall ensure with respect to each amusement device operated by the licence holder that,

(a) the device is operated in accordance with this Regulation, the technical dossier filed with the director and the manufacturer's instructions, where applicable, relating to the device;

(b) before the device is opened to the public each day, it is inspected and tested in accordance with the technical dossier and manufacturer's instructions, where applicable, relating to the device;

(c) a record of each inspection and test that is carried out on the device is kept in a log book. O. Reg. 221/01, s. 14 (1).

(2) A record referred to in clause (1) (c) shall be signed by the person performing the inspection or test, or that person's supervisor, attesting to the carrying out of the inspection or test. O. Reg. 221/01, s. 14 (2).

(3) In addition to a record of daily inspections and tests, the log book shall contain,

(a) results of all other inspections and tests on the amusement device;

(b) daily records of the operation of the amusement device, including all data concerning accidents and incidents involving the device; and

(c) maintenance records, including all data concerning changes and improvements carried out on the device. O. Reg. 221/01, s. 14 (3).

(4) A log book shall be kept for a period of at least six years from the date of the last entry in the log book. O. Reg. 221/01, s. 14 (4).

(5) That portion of a log book that covers the 12-month period previous to the date of the last entry in the log book shall be kept at the location of the amusement device to which it relates. O. Reg. 221/01, s. 14 (5).

(6) A licence holder shall ensure that copies of the last inspection report prepared by an inspector under the Act, the licence to carry on the business of operating amusement devices, the permit for the amusement device, the technical dossier and any manufacturer's bulletins relating to the amusement device are available to the inspector for inspection purposes in the vicinity of the amusement device to which it relates. O. Reg. 221/01, s. 14 (6).

(7) Signs describing rider responsibility shall be posted at or near the amusement device as required by the director. O. Reg. 221/01, s. 14 (7).

Attendants and operators

15. (1) A licence holder shall appoint a sufficient number of operators and attendants in respect of each amusement device operated by the holder to ensure that they are operated safely and in accordance with this Regulation. O. Reg. 221/01, s. 15 (1).

(2) A licence holder shall ensure that the attendants and operators of the holder are readily identifiable. O. Reg. 221/01, s. 15 (2).

(3) A licence holder shall ensure that,

(a) each operator of an amusement device of the holder has such knowledge, training and experience that,

(i) he or she is able to operate it safely without supervision, and

(ii) he or she is aware of the hazardous situations that may occur with respect to persons using the amusement device to which the operator is assigned;

(b) each attendant of an amusement device of the holder has such knowledge, training and experience that,

(i) he or she is able to carry out his or her responsibilities without supervision, and

(ii) he or she is aware of the hazardous situations that may occur with respect to persons using the amusement device to which the attendant is assigned. O. Reg. 221/01, s. 15 (3).

(4) An attendant who is assigned to an amusement device shall,

(a) be located in the area or at the position required by the manufacturer of the device or by the licence holder;

(b) be responsible for the safe functioning and use of the amusement device or component that is within the scope of the attendant's duties as assigned by the licence holder in the technical dossier;

(c) ensure that persons move safely to or from the device;

- (d) ensure that persons using the device are adequately instructed with respect to the use of the area and components under the attendant's supervision; and
 - (e) ensure that all components of the device are engaged in order to fulfil their respective purposes and that all necessary safety measures in the circumstances are taken before a signal to operate is given to the operator or person using the device. O. Reg. 221/01, s. 15 (4).
- (5) An operator shall be responsible for the safe operation and use of the amusement device or part of it to which he or she is assigned. O. Reg. 221/01, s. 15 (5).
- (6) No operator assigned to an amusement device shall,
- (a) operate or initiate the operation of the device unless signalled by an attendant that it is ready for operation or unless the operator is otherwise satisfied that all necessary safety measures in the circumstances have been taken to ensure the safe operation of the device;
 - (b) operate more than one amusement device at a time; or
 - (c) while on duty, leave the controls of the device unattended without taking measures to prevent the unauthorized operation of the device and ensure its safe operation. O. Reg. 221/01, s. 15 (6).
- (7) A rider who has direct control over the starting, stopping and speed of a passenger carrying unit of an amusement device is not an operator despite the definition of "operator" in subsection 1 (1). O. Reg. 221/01, s. 15 (7).

Inspections

- 16.** (1) An amusement device shall be inspected by an inspector at such intervals as may be determined by the director to ensure that the device is safe. O. Reg. 221/01, s. 16 (1).
- (2) The labour, test load, measuring and other devices required to carry out the inspection shall be provided and the fee set by the designated administrative authority paid by,
- (a) in the case of an initial inspection, a special inspection following an alteration or a follow-up inspection after an initial inspection or a special inspection, the licence holder who installed or altered the amusement device;
 - (b) in the case of any other inspection, the owner of the amusement device. O. Reg. 221/01, s. 16 (2).
- 17.** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 221/01, s. 17.