

BOARD DIRECTED POLICY

To: BOCC Employees

From: Taryn Kryzda, County
Administrator

Subject: AMUSEMENT AND ENTERTAINMENT POLICY

Effective Date: October 9, 2012

Created by: Parks Administration

BCC Meeting: October 9, 2012

Agenda #: 8D1

Item # 80390504

PURPOSE

The Amusement and Entertainment Policy is intended to establish a policy for use of specified amusement rides and apparatuses in the Martin County Parks and Recreation System.

POLICY

Statement of Authority

The Parks and Recreation Department shall develop guidelines for the appropriate uses of amusement rides and apparatuses at facilities and participation in recreation programs. Staff will review these guidelines periodically and make the recommended changes to the Parks and Recreation Department Director. Authority is granted via Chapter 17 of Codes and Ordinances for Martin County.

Statement of Need and Benefit

It is the responsibility of the Parks and Recreation Department to offer comprehensive year-round recreation programs; provide public parkland and to provide services for the benefit and well being of our citizens. The citizens of Martin County have requested on numerous occasions the ability to have amusement rides and apparatuses in County Parks for their enjoyment during special events and activities.

Statement of Philosophy

The guiding principle of the Martin County Parks and Recreation Department's philosophy is to efficiently and effectively offer recreational services, ensuring that Martin County citizens have equal opportunity to participate in a wide variety of programs and services while safeguarding the public and county assets in addition to limiting the County's exposure to liability. In order to create a safe experience for the public, the County will select qualified vendor(s) through a procurement process and ensure that the necessary safety requirements are in place prior to the selection of a qualified vendor. The Parks and Recreation Department reserves the right to prohibit or limit the number of amusement rides or apparatuses based on location (i.e. space a pavilions, special events and open parks space.). The Parks and Recreation Department may designate the areas or locations where amusement rides and apparatuses are permitted. All bookings will take place through the Parks and Recreation Department administrative offices.

DEFINITIONS

1. **Amusement Apparatus:** means any structure, not mechanical in nature, designed to give its users amusement, pleasure, thrills or excitement.
2. **Amusement Ride:** means, in accordance with section 616.242, Florida Statutes, as may be amended from time to time, any building, structure, or mechanical device or combination thereof through which a patron moves, walks, or is carried or conveyed on, along, around, over or through a fixed or restricted course or within a defined area for the purpose of giving its patrons amusement, pleasure, thrills. Or excitement.

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3. **Kiddie Ride:** means an amusement ride that is designed primarily for use by patrons up to twelve (12) years of age.
4. **Non-Kiddie Ride:** means an amusement ride that is designed primarily for use by patrons twelve (12) years of age or older, but is not classified as a super amusement.
5. **Super Amusement Ride:** means, in accordance with section 5F-8.001, Florida Administrative Code, as may be amended from time to time, an amusement ride which, because of design, size, passenger capacity, restraint system or operating characteristics, require an extensive or extraordinary amount of inspection time to assure compliance with requirements of law and rule, when compared with kiddie rides or non-kiddie amusement rides.

PROCEDURE

1. Department has established certain restrictions regarding amusement rides and apparatuses in the park system. Specifically, the following identifies both permitted and prohibited amusement rides and apparatuses:
 - a. **Permitted amusement rides and apparatuses:** Bounce houses and inflatables up to thirty feet (30') in height, climbing walls, reverse bungee trampolines, water apparatus (dunk tanks, slip and slides, inflatable water slides, etc.), mechanical bulls and pony rides.
 - b. **Prohibited amusement apparatus and rides:** trampolines, non-kiddie rides, super amusement rides, trackless trains, and privately owned amusement apparatus and/or amusement rides both mechanical and non-mechanical.
2. The following criteria must be maintained from the selected vendor(s) providing services on County park property:
 - a. Certificate of insurance signed by the insurance company's representative naming Martin County Board of County Commissioners as an additional insured under category of certificate holder with the address of 2401 S.E. Monterey Rd, Stuart, FL 34996.
 - b. General liability insurance coverage amount is to be determined by the County's risk management department.
 - c. Affidavit from the insurance company's authorized representative identifying the type(s) of equipment, amusement insured under the policy.
 - d. Current Martin County Business License.
 - e. All vendors and their staff must have completed a Level II background check that will be conducted by the County and the vendor's expense.
 - f. County assumes no liability for the recruitment, selection and/or background screening of vendor's personnel. The use of subcontracting to other vendors is strictly prohibited.
 - g. Wear a photo identification (provided by the County) at all times while on County park property.
 - h. Comply with all County purchasing requirements.

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3. Accessibility Compliance

- a. For private events not open or advertised to the public, the vendor will be responsible for providing modifications, accommodations, and auxiliary aides or services that may be requested for their guests and invited attendees.
- b. For rental/events that are open to the public, the vendor shall comply with all applicable provisions of Title I, Title II, and/or Title III of the American with Disabilities Act (ADA) in the course of providing any services, program, and/or activities regarding nondiscrimination on the basis of disability and all applicable regulations, guidelines and standards.

4. Vendor Responsibilities:

- a. Install amusement apparatus and/or amusement rides only in areas designated by the Parks Department. The vendor will provide and set-up any required fencing for amusement rides or apparatuses around the designated site.
- b. Vendors are responsible for following manufacturers' guidelines with regard to installation and safe operation of all amusement rides and apparatuses. Portable structures must be secured to prevent lifting, rolling, etc. in case of high winds.
- c. Portable structures may not be secured to trees, benches, or other park equipment.
- d. Vendors are responsible for contacting the Parks and Recreation Department and/or Sunshine (811) underground location services for any irrigation, electrical or other underground utility lines prior to staking any amusement rides or apparatuses.
- e. Vendors shall provide an attendant, age sixteen (16) or older, at all amusement rides or apparatuses. Said attendants shall be covered by the vendors insurance. Said attendant will be present at all times during the operation of the amusement apparatus or amusement ride.
- f. All inflatables will be operated by a gas powered generator and not plugged in to park utilities.
- g. The vendor shall be subject to paying for any repairs resulting from damages caused by amusement rides or apparatuses to County Property or county assets including, but not limited to, the installation, operation or dissemble of the same.

SIGNED 10/23/2012

Taryn Kryzda, County Administrator

Suppression History:

None