

BOARD DIRECTED POLICY

To: Martin County BOCC **From:** Don G. Donaldson, County Administrator
Subject: Amusement and Entertainment Policy and Procedures
Effective Date: March 25, 2025 **Created by:** Parks and Recreation Department
BCC Meeting: March 25, 2025 **Agenda #:** CNST-x **Item #:** 25-0766

PURPOSE

Whereas the County seeks to offer its citizens the ability to participate in fun sources of entertainment through the use of amusement rides, while limiting the exposure of liability to the County and creating a safe environment for the public.

POLICY

The Martin County Parks and Recreation Department seeks to offer recreational services efficiently and effectively while safeguarding the public and County assets. To create a safe experience for the public, the County will limit the types of amusement rides that may be operational on County land and require an applicant to obtain a Special Event Permit from the Parks and Recreation Department. The County requires that any individual, organization, or municipality, who seeks to obtain such a permit to use an amusement ride on County property shall utilize an amusement ride vendor who has demonstrated the qualifications and requirements of the County.

The Parks and Recreation Department reserves the right to prohibit or limit the number of amusement rides based on location, space, and scheduling.

DEFINITIONS

Amusement ride: means 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.

Bungy operation: means an amusement ride that uses as a component a bungy cord, which is an elastic rope made of rubber, latex, or other elastic-type materials, whether natural or synthetic.

Go-kart: means an amusement ride vehicle controlled or driven by patrons and specifically designed for and run on a fixed course.

Kiddie ride: means an amusement ride designed primarily for use by patrons up to 12 years of age.

Kiddie train: means a train designed as a kiddie ride which is operated on a flat surface or flat track, carries no more than 14 patrons, and does not exceed a speed of 3 miles per hour.

Non-Kiddie ride: means any amusement ride which is not a kiddie ride or a kiddie train.

Private event: means an event that is not open to the general public and for which admission is not charged.

State permit: means the United States Amusement Identification Number and the decal issued by the department, which signify that the permanent amusement ride has been permitted by the Department of Agriculture and Consumer Services.

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Super Amusement Ride: means an amusement ride which, because of its design, size, passenger capacity, restraint system or operating characteristics, requires an extensive or extraordinary amount of inspection time to assure compliance with requirements of law and rule, when compared with kiddie or non-kiddie amusement rides.

Vendor: means the person exercising dominion and control or ownership over an amusement ride. Vendor includes the owner of the company and the corporation supplying the amusement ride.

PROCEDURE

I. Allowed and not allowed rides are as follows:

- a. **Prohibited Rides:** Any amusement ride which is not listed in the permitted rides. Prohibited rides include, but not limited to bungy cord rides, go-karts, kiddie-rides, kiddie trains, non-kiddie rides, super amusement rides, trampolines, pony rides.
- b. **Permitted Rides:** Bounce houses up to thirty (30') feet in height, inflatables up to thirty (30') feet in height, climbing walls, dunk tanks, slip and slides, inflatable water slides up to 30' feet in height, and mechanical bulls.

II. Special Event Permit for Permitted Rides

- a. An individual, organization, or municipality shall apply for a Special Event Permit from the Parks and Recreation Department to have up to two (2) permitted amusement rides operational during a set date and time on County property.
- b. The Director of the Parks and Recreation Department shall be afforded discretion in the issuance of any Special Event Permit.

III. Municipalities Use of Prohibited Rides and Excess Permitted Rides

- a. Any municipality which seeks to operate one (1) or more prohibited rides, and/or more than two (2) permitted rides, on County property that is within the municipality's jurisdictional limits, may do so upon applying for a Special Event Permit and complying with the following responsibilities 6 (six) months prior to the event.
 - i. Obtain a Special Event Permit.
 - ii. Execute and comply with any necessary documents, agreements, and actions as required by the County to address liability, cleaning, restroom facilities, sewage, security, maintenance, fire suppression apparatus, first aid stations, landscaping, irrigation, road closures and traffic control, damages and repairs, and other matters the County deems need addressing based upon the event planned.
 - iii. Submit a detailed event site plan reflecting all rides, restrooms, egress, ingress, fire suppression apparatus, first aid stations, amenities, and all other elements required by the County.
 - iv. Provide proof of insurance as indicated in section IV below.
 - v. These requirements are the sole responsibility of the municipality and cannot be delegated to a vendor or other entity.

IV. Municipalities Insurance Requirements

- a. **General Liability:** No less than \$1M/\$2M limits on an occurrence form policy.
- b. **Workers Compensation:** Statutory limits and employers' liability of no less than \$100,000 each accident, \$100,000 each disease/employee, and \$500,000 each disease maximum limit from an AM Best rating of A:VII or greater for insurance carriers.

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- c. Auto Liability: No less than \$1M combined single limit covering any auto, including owned, hired, and non-owned autos.
- d. Excess or Umbrella Liability: No less than \$4M per occurrence limit and \$4M aggregate limit.
- e. Additional Coverage: The County's Risk Management Division may require the municipality obtain higher coverage limits and/or additional insurance policies as necessary due to the nature of the event.
- f. Certificate of Insurance ('COI') Policy Requirements:
 - i. Name of the event and activity dates shall be in the description portion in the COI. Activity dates shall include all dates the rides are on County property, including dates of set up, breakdown, and storage.
 - ii. Each insurance policy shall include a waiver of subrogation. Each insurance policy, except Worker's Compensation, shall include County as an additional insured and should be shown on the COI as "Martin County, a political subdivision of the State of Florida, and Martin County Board of County Commissioners and its officers, directors, employees, agents, and representatives".
 - iii. With the exception of Workers' Compensation, all policies shall apply as primary and non-contributory.
 - iv. Certificate Holder:

Martin County Board of County Commissioners
Attn: Parks and Recreation
2401 SE Monterey Road
Stuart, FL 34996

V. Vendor Responsibility Prior to Event

- a. All vendors supplying and monitoring the amusement ride(s) during the event must provide to the Parks and Recreation Department the following items six (6) months prior to the event:
 - i. A completed Vendor Application, which can be found online at <https://www.martin.fl.us/ParksVendor> or by calling (772) 288-5474.
 - ii. An affidavit affirming that its rides and company are in conformity with Florida Statute Chapters 546 and 616 and Florida Administrative Code Chapter 5j-18, as applicable to the permitted event.
 - iii. Current Martin County Business License and state permits.
 - iv. All vendors and its staff who will be working at the permitted event on behalf of the vendor, **must** have completed and passed a Level II background check at the vendor's expense within 12 months of the event date. Vendor shall furnish to the County an affidavit identifying its staff members who will be, or may be, working the event and affirmation that they have passed the Level II background. Any vendor and staff member who has been arrested for and is awaiting final disposition of any crime enumerated in § 435.04, Fla. Stat. is not authorized to work the event. County assumes no liability for the recruitment, selection, and/or background screening of vendor's personnel. An updated list shall be provided ten (10) days prior to event.
 - v. Provide proof of insurance as indicated in section VI below.
 - vi. No vendor shall subcontract any of its responsibilities to any other contractor who has not met all the requirements stated in this policy.

VI. Vendor Insurance Requirements

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- a. General Liability: No less than \$1M/\$2M limits on an occurrence form policy.
- b. Workers Compensation: Statutory limits and employers' liability of no less than \$100,000 each accident, \$100,000 each disease/employee, and \$500,000 each disease maximum limit from an AM Best rating of A:VII or greater for insurance carriers.
- c. Auto Liability: No less than \$1M combined single limit covering any auto, including owned, hired, and non-owned autos.
- d. Excess or Umbrella Liability: No less than \$4M per occurrence limit and \$4M aggregate limit.
- e. Additional Coverage: The County's Risk Management Division may require the vendor obtain higher coverage limits and/or additional insurance policies as necessary due to the nature of the event.
- f. Certificate of Insurance Policy Requirements both prohibited and permitted rides:
 - i. Name of the event and activity dates shall be in the description portion in the COI. Activity dates shall include all dates the rides are on County property, including dates of set up, breakdown, and storage.
 - ii. Each insurance policy shall include a waiver of subrogation. Each insurance policy, except Worker's Compensation, shall include County as an additional insured and should be shown on the COI as "Martin County, a political subdivision of the State of Florida, and Martin County Board of County Commissioners and its officers, directors, employees, agents, and representatives".
 - iii. With the exception of Workers' Compensation, all policies shall apply as primary and non-contributory.
 - iv. Certificate Holder:

Martin County Board of County Commissioners
Attn: Parks and Recreation
2401 Monterey Road
Stuart, FL 34996
 - v. Affidavit from the insurance company's authorized representative identifying the type(s) of equipment and amusement rides insured under the policy.

VII. Vendor Responsibilities at Event

- a. Install amusement rides only in areas designated by the Parks Department. The vendor will provide and set-up any required fencing for amusement rides around the designated site.
- b. Vendors are responsible for following manufacturers' guidelines regarding installation and safe operation of all amusement rides. Portable structures must be secured to prevent lifting, rolling, moving, 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.
- e. Vendors shall provide an attendant, age sixteen (16) or older, at all amusement rides. Said attendants shall be covered by the vendors insurance. Said attendant must be present at all times during the operation of the amusement ride.
- f. All vendor employees must wear a photo identification at all times while on County property.
- g. All inflatables will be operated by a gas-powered generator and not plugged in to park utilities.

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- h. The vendor shall be subject to paying for any repairs resulting from damages caused by amusement rides to County Property or county assets including, but not limited to, the installation, operation or dissemble of the same.
- i. 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.
- j. For public events, the vendor shall comply will 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.

Don G. Donaldson, County Administrator

Suppression History:

POL128 – October 9, 2012 (October 9, 2012 BCC Meeting, Item 8D1)