

or pneumatic drive or control feature, or a restraint or other protective feature.

“Major ride” or “adult ride” means a ride not classified as a “kiddie ride” or a “super ride” by the Department.

“Manufacturer” means a person who obtains type certification for a carnival-amusement ride and who has responsibility for the design and manufacture of any carnival-amusement ride to be used or installed in this State, or sold for use in this State, and includes any entity controlled by the manufacturer.

“Mechanical malfunction” means any breakdown that constitutes a structural failure of a load bearing element, mechanical or electrical failure of a drive or control system component or failure of a restraint system which materially compromises ride safety. Mechanical malfunction does not include a foreseeable malfunction that actuates a safety system.

“Minor repair” means a repair, which does not involve a load-bearing structural member, requires minimal disassembly and assembly, and is accomplished using general or required hand tools of the trade. This may include, but is not limited to, replacement of electrical fuses and lamps operating at less than 150 volts to ground, patching of inflatable fabric, and patching of fiberglass.

“Mobile ride” or “portable amusement ride” means an amusement ride that is designed, constructed, and maintained to be readily disassembled and transported from one site to another and is intended to be relocated when environmental conditions exceed design criteria. The ride shall also have been designated by the manufacturer as a mobile or portable ride.

“Modify” means to make a modification.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., or the Factory Mutual Engineering Corporation or any similar testing organization acceptable to the Department.

“NDT” or “non destructive testing” means to examine and evaluate parts, areas, or items for defects at or below the surface. The testing when required is done by a qualified individual and is done without harm or damage to the tested item.

“NDT statement” means a non-destructive testing plan or a statement from the manufacturer that NDT is not required.

“New Jersey serial number” means a unique identifying number assigned to each individual ride at the time that a permit is first issued for it, which remains with the ride as long as it exists in this State.

“New ride” means a ride of a type that has not previously been assigned a type certification by the Department, that has not obtained individual approval or that does not have a New Jersey serial number.

“NFPA” means the National Fire Prevention Association.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Operating manual” means the document that contains the required procedures and forms for the safe operation of an amusement ride at the stated site.

“Operator” see “ride operator.”

“Operator assistant” means a person whose duties include, but are not limited to, loading and unloading riders, collecting tickets, checking seatbelts, lap bars and other restraints and occupying the entrance or exit areas to prevent intrusion while ride is in operation, but who is not the primary operator.

“Operator presence device” means a device which, when activated, requires an operator to remain in contact with the switch during the entire ride cycle.

“Over speed” means a condition present when a ride achieves a speed, whether forward or reverse, that is faster than the approved manufacturer’s safe operating speed.

“Owner” means a person who owns, leases, controls, or manages the operations of a carnival-amusement ride, including individuals, partnerships, corporations, both profit and non-profit, and the State or any of its political subdivisions and their Departments and agencies.

“Passenger tramway” means a device used to transport riders in cars on tracks or suspended in the air, by the use of steel cables, chains, belts, or by ropes and usually supported by trestles or towers with one or more spans.

“Patron” see “rider.”

“Permit” means a permit to operate an amusement ride issued annually by the Department.

“Person” includes corporations, companies, associations, societies, firms, partnerships, and joint stock companies as well as individuals, unless restricted by the context to an individual.

“Qualified person” means an individual who performs work not reserved to a maintenance technician or RCMT and who has the degree of competence necessary to perform assigned work on an amusement ride.

“Reassembly” means the installation, erection, or reconstruction of an amusement ride following transportation or storage and prior to operation.

“Recognized certified maintenance technician (RCMT)” means an individual qualified in accordance with the provisions of N.J.A.C. 5:14A-2.18.

“Record” means writings, drawings, graphs, charts, checklists, logs, electronically stored information and any other data or data compilations stored in any medium from which information can be obtained and translated into a reasonably useable form.

“Redundant restraint devices” means independent restraints in the sense that the secondary device, for example, lap bar, containment enclosure, etc., is able to restrain the patron in case of failure of the primary restraint.

“Repair” means to restore or fix an amusement ride or ride component with like components or materials that meet or exceed current design specifications for the ride.

“Ride” see “carnival-amusement ride.”

“Ride operator” or “operator” means any person or persons actually engaged in or directly controlling the operations of a carnival-amusement ride.

“Ride perimeter” means the perimeter of the area recommended for safe operation of an amusement ride by the ride manufacturer.

“Rider” or “patron” means a person riding on or utilizing an amusement ride.

“SAE” means Society of Automotive Engineers.

“Safety bulletin” means a supplemental notification delivered by the manufacturer or the holder of a supplemental modification certification to the owner that contains new information or new recommendations for inspections, testing, repair, operation or training. For the purposes of ASTM F 853, this term includes, but is not limited to, Safety Alerts, Service Bulletins, and Notifications.

“Serious injury” means any injury in which the injured person has lost consciousness, broken a bone, was transported to an emergency medical facility or an injury for which medical treatment by a physician beyond first aid was required.

“Service proven” means an amusement ride, device or modification to an amusement ride or device of which:

1. Units have been in service to the public for a minimum of five years; and
2. Unit(s) that have been in service have done so without any significant design related failures or significant design related safety issues that have not been mitigated.

“Set-up” means to assemble and erect a portable amusement ride for use by patrons, as described in the set-up manual (N.J.A.C. 5:14A-2.14).

“Super ride” means a ride designed to propel riders at high speed or acceleration in any direction which requires an

accelerometer test according to the provisions of N.J.A.C. 5:14A-7.5.

“Supplemental modification certification” means a certification that is granted to a person other than the manufacturer by the Department after review of an application for modification of an individual approval.

“Time tested” means a type of amusement ride which is found by the Department to be simple in operation and impose insignificant forces on riders or which is service proven.

“Type certification” means a certification that is granted to a manufacturer by the Department after review of a new ride application and that is applicable to all rides of essentially the same design and manufacture with regard to structural, mechanical, electrical, hydraulic drive and control features, and restraint and other protective features.

“Use” means that an amusement ride is in operation, whether it is empty or carrying riders.

“Vehicle” means any carrier (for example, car, tub, tube, gondola, chair, capsule, compartment, etc.) on or in which riders are supported or contained and carried when participating in or riding on an amusement ride.

“Water amusement ride” means an amusement ride intended for use by riders in bathing attire where the action of the ride involves purposeful immersion of the rider’s body, in whole or in part, in water.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Deleted definitions “Acceleration, impact”, “Acceleration, sustained”, “Automatic mode”, “Closed”, “Containment”, “Electrical (E)/Electronic (E)/Programmable Electronic Systems (PES) (E/E/PES)”, “Electro-sensitive protective equipment (ESPE)”, “Emergency stop (e-stop)”, “Fail-safe”, “Fence”, “Force limiting”, “Gate”, “Guardrail”, “Hand mode”, “Handrail”, “Latched”, “Locked”, “Manual release”, “Modification”, “Primary circulation area”, “Restraint” and “Safety-related control system”; and added definitions “Fixed amusement ride”, “Fixed location”, “Major modification” and “Mobile ride”.

Amended by R.2008 d.172, effective June 16, 2008.

See: 40 N.J.R. 1413(a), 40 N.J.R. 3620(b).

Rewrote definition “Water amusement ride”.

Amended by R.2008 d.355, effective December 1, 2008.

See: 39 N.J.R. 4474(a), 40 N.J.R. 6767(a).

In definition “Fixed amusement ride”, substituted “is erected to remain a part of the premises and not intended to be relocated” for “is designed to resist all applicable environmental loads for its intended location and is located at a fixed location”; in definition “Fixed location”, substituted “an amusement area” for “a location where an amusement ride is” and “more than 60 days during a 90-day period” for “operation with permanent foundations, electrical, and plumbing, as required”; rewrote definition “Mobile ride”; and added definitions “Ride perimeter” and “Set-up”.

Amended by R.2009 d.99, effective April 6, 2009.

See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

Rewrote definitions “Maintenance” and “Qualified person”; and added definitions “Maintenance technician (MT)”, “Minor repair”, “Recognized certified maintenance technician (RCMT)” and “Record”.

**5:14A-1.3 Standards adopted**

(a) The standards listed below are adopted and incorporated as part of this chapter. In the event that any provision in any of the following standards conflicts with a provision of this chapter, this chapter shall govern.

1. The following standards are adopted and are available from the American Concrete Institute, P.O. Box 19150, Detroit, Michigan 48219:

- i. ACI 301—99, “Specifications for Structural Concrete for Buildings”;
- ii. ACI 318-02, “Building Code Requirements for Reinforced Concrete”

2. The following standards are adopted and are available from the American Institute of Steel Construction, 400 North Michigan Ave., Chicago, Illinois 60611;

- i. AISC, “Manual of Steel Construction ASD, 9th Edition”;
- ii. AISC 316 (1989) Manual on Steel Construction, Allowable Stress Design (ASD); and
- iii. AISC M015 (1986) Manual on Steel Construction, Load and Resistance Factor Design (LRFD);

3. The following standards are adopted and are available from the American National Standards Institute, 11 West 42nd Street, New York, NY 10036:

- i. ANSI B11.TR3 (2000), “Technical Report on Risk Assessment and Reduction”;
- ii. ANSI B77.1—1999, “American National Standard for Passenger Ropeways, Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyers—Safety Requirements”;

iii. ANSI/ASME B15.1, “Safety Standards for Mechanical Power Transmission and Conveyors and Related Equipment”;

iv. ANSI B93.114M (1987), “Pneumatic Fluid Power System Standard for Industrial Machinery”; and

v. ANSI/IAF-9 (2005), “American National Standard for Aquatic Recreation Facilities.”

4. The following standards are adopted and are available from the American Society of Civil Engineers, 1801 Alexander Bell Drive, Reston, Virginia 20191-4400:

- i. ASCE 7 (1998), Minimum Design Loads for Buildings and Other Structures; and
- ii. ASCE 16 (1995) Standard for Load and Resistance Factor Design (LRFD) for Engineered Wood Construction;

5. The following standards are adopted and are available from the ASTM International, 100 Barr Harbor Drive, P.O. Box C700, W. Conshohocken, PA 19428-2959:

- i. ASTM E 84, “Test Method for Surface Burning Characteristics of Building Materials”;
- ii. ASTM F 698-94, “Specification for Physical Information to be Provided for Amusement Rides and Devices”;
- iii. ASTM F 747-97, “Terminology Relating to Amusement Rides and Devices”;
- iv. ASTM F 770-93, “Practice for Operation Procedures for Amusement Rides and Devices”;
- v. ASTM F 846-92, “Guide for Testing Performance of Amusement Rides and Devices”;
- vi. ASTM F 853-04, “Practice for Maintenance Procedures for Amusement Rides and Devices”;

3. For an application to be complete and acceptable, there shall be no outstanding documentation required from previous years; and there shall be no outstanding violations; and

4. The name and address for official correspondence, pursuant to N.J.A.C. 5:14A-4.15.

(f) For rides without a New Jersey serial number:

1. An application for an annual permit shall include the following information and shall be submitted on a form provided by the Department:

i. Required proof of insurance and fee, as stated in (d) above;

ii. Type certification/amended type certification number or individual approval/supplemental modification certification;

iii. Certification of the fabrication of the ride. (Certification of weld integrity shall be acceptable for a used ride, when the ride manufacturer does not provide a certification of fabrication.);

iv. A copy of certification that the manufacture has tested the ride in accordance with ASTM F 846 and determined that the ride is satisfactory. (Certification of testing from the ride owner shall be acceptable for a used ride, when the ride manufacturer does not provide a certificate.);

v. Certification of training;

vi. The name and address for official correspondence, pursuant to N.J.A.C. 5:14A-4.15; and

vii. For rides sited on foundation(s) or a separate structure, applicable documentation of N.J.A.C. 5:14A-2.13, Foundations for and siting of rides at fixed locations.

2. There shall be no outstanding documentation required from previous years and there shall be no outstanding violations.

3. When the Department's review determines that the ride information is complete and accepted, a New Jersey serial number shall be assigned, the annual permit shall be printed, and the annual permit and a New Jersey serial number plate shall be sent via first class mail to the owner at the address of record.

(g) Within 30 calendar days of receipt a complete and accepted application, the Department shall send to the applicant either a notification of approval or denial of the permit application.

1. The denial shall be in writing and shall outline the reason(s) for such denial.

2. Failure to issue a determination within 30 calendar days of submission of a complete application shall be deemed a denial for the purpose of appeal.

(h) The annual permit issued by the Department shall be continuously displayed in the vicinity of the entrance to the ride or where the inspector affixed it. The permit shall be encased in such a manner as to be protected from weather conditions.

(i) A duplicate plate may be obtained from the Department at a cost of \$100.00 for each plate.

(j) A duplicate permit may be obtained from the Department at a cost of \$20.00 for each permit.

(k) A ride for which no foundation is required may be moved during the season without obtaining a new annual permit. In this case, the owner shall notify the Department of the move. The ride shall be required to be inspected prior to being put back into use. Rides that are to be located on another structure shall comply with the siting requirements of N.J.A.C. 5:14A-2.13.

(l) When a ride for which a foundation is required is moved, it shall comply with the fixed site requirements of N.J.A.C. 5:14A-2.13 and shall obtain a new annual permit pursuant to this section.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

In (c)1, deleted "and" from the end; in (c)2, substituted "; and" for a period at the end; added (c)3; in d(2), deleted "and" from the end; in (d)3, substituted "; and" for a period at the end; added (d)4; and rewrote (e).

Amended by R.2008 d.54, effective March 3, 2008.

See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

In (c)3, (d)4, and (e)1vi, substituted "official correspondence from the Department" for "service of process".

Amended by R.2008 d.370, effective December 15, 2008.

See: 40 N.J.R. 4650(b), 40 N.J.R. 6957(b).

Added new (b); recodified former (b) through (k) as (c) through (l); and in (f)1i, substituted "(d)" for "(c)".

Amended by R.2009 d.50, effective February 2, 2009.

See: 40 N.J.R. 5316(a), 41 N.J.R. 727(a).

Rewrote (d)3, (e)4 and (f)1vi.

### 5:14A-2.11 Inspections

(a) For all inspections, the owner, operator or manufacturer shall ensure that the ride is ready.

1. Where required, personnel shall be available to operate the ride at the scheduled inspection time.

2. Where required, power shall be provided to operate the ride.

3. If the ride is not ready at the time of the scheduled inspection, it shall be deemed to have failed the inspection. Another inspection shall be required to be scheduled.

(b) Following any pre-season or pre-operational inspection, the inspector shall provide a deficiencies list to the owner.

1. When the ride is presented as ready for opening to the public, any non-conformances from the deficiencies list that have not been corrected shall become violations and shall be included in an "Order to Cease Violations."

(c) Annual inspection: An annual inspection shall be performed before a ride operates each year. The annual inspection shall include, but not be limited to:

1. A review of the maintenance records, including periodic check lists;
2. A review of operator training records;
3. A review of required non-destructive testing records if these records were not submitted with the application;
4. A complete mechanical inspection, which may require the ride to be partially disassembled;
5. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as it is during normal operation; and
6. A test and inspection of the full emergency brake or anti-rollback system, as applicable.

(d) Reassembly inspection: The Department may perform a reassembly inspection at any new set-up. The reassembly inspection shall include, but not be limited to:

1. A review of the maintenance records including periodic check lists;
2. A review of operator training records;
3. A complete mechanical inspection, or at the discretion of the inspector, a partial inspection addressing only those portions disassembled; and
4. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as during normal operation.

(e) Acceptance inspection: An acceptance inspection shall be performed before a new ride, or a ride having undergone a major modification, may operate. The acceptance inspection shall verify conformance with the approved design and shall include, but not be limited to, the following:

1. A review of the maintenance records, including periodic check lists, if applicable;
2. A review of operator training records, including certification of training in accordance with the manufacturer's procedures or manuals;
3. A review of non-destructive testing records, when required;
4. For fixed rides, an erection and assembly certification. This certification shall be retained in the ride file at the Department;

5. Those parts of the assembly process that are required to be witnessed of which the owner was notified during the permit process;

6. A complete mechanical inspection, which may require the ride to be partially disassembled;

7. A check of redundant safety systems;

8. An operating inspection, during which all safety systems shall be checked and the ride shall be cycled as during normal operation; and

9. Any ride designed with g's in excess of 75 percent of the limits, as set forth in N.J.A.C. 5:14A-7, shall be tested in accordance with ASTM F 2137. Any ride that has peaks greater than 75 percent of any value in the pulse width of less than 60 seconds, in figures 5 through 9 of ASTM F 2291, no matter how long its total run time, requires a Department-witnessed accelerometer test. For a portable amusement ride, this test may be performed at the factory by a third party testing agency.

(f) Operational inspection: An operational inspection shall be performed several times each year. The operational inspection shall include, but not be limited to:

1. Observation of the ride operating when the operator has not been informed of the inspector's presence;
2. A review of operator training records; and
3. Information provided to the owner both verbally and in writing of the results of the inspection.

(g) Notwithstanding any appeal procedures of these rules, for any ride for which a permit has been suspended, the Department shall re-inspect a ride within 48 hours of receiving written notice from the owner of the ride that the condition or violation for which the permit was suspended has been corrected.

Amended by R.2007 d.75, effective March 19, 2007.  
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Rewrote (e).

#### Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 395) adopted, which dismissed charges for failure to have inspections made of two inflatable rides and a zip line ride; although fliers advertised the rides, there was no observation that the rides were in operation. *Diamond Gymnastics v. Bureau of Code Services*, OAL Dkt. No. CAF 1634-05 and 1053-06, 2006 N.J. AGEN LEXIS 852, Final Decision (September 11, 2006).

#### 5:14A-2.12 Engineering review

(a) The Department shall perform engineering reviews in support of type certifications/amended type certifications and individual approvals/supplemental modification certifications. The manufacturer or owner, as appropriate, shall ensure that all documents submitted conform to accepted engineering practice and reflect sound engineering principals.

(b) Unless waived by the Department, ride drawings shall be required for all applications for type certifications/amended type certifications and individual approvals/supplemental modification certifications. All ride drawings submitted as part of an application shall clearly depict the following in appropriate views and cross-sections:

1. Dimensions and tolerances and other important characteristics;
2. General drawings or diagrams in plan, elevation, and section views showing the general arrangement of components and operating clearance envelopes;
3. Assembly and sub-assembly drawings that provide additional views of areas not clearly discernable from the

general drawings and providing clear identification and specification of all components, including proper adjustment(s), fastener tightening specifications, descriptions of other materials or lubricants used, any other important information;

4. Detailed drawings of all components specifically manufactured for use in the amusement ride, device, or modification shall not be required unless a specific drawing is needed for verification. However, such drawings shall be available from the manufacturer as per N.J.A.C. 5:14A-5;

5. Illustrations or narrative, as appropriate, to provide a clear understanding of the function and relationship of each important part of the amusement ride, device, or modification;

3. Set-up, in accordance with N.J.A.C. 5:14A-9.7; and
4. Repair, in accordance with N.J.A.C. 5:14A-9.11.

(d) A maintenance technician, under the supervision of an RCMT, shall be qualified to perform all work on amusement rides, including all:

1. Maintenance and inspections, in accordance with N.J.A.C. 5:14A-9.3(b);
2. Assembly and disassembly, in accordance with N.J.A.C. 5:14A-9.5;
3. Set-up, in accordance with N.J.A.C. 5:14A-9.7; and
4. Repair, in accordance with N.J.A.C. 5:14A-9.11.

(e) A qualified person, under the supervision of an RCMT, shall be qualified to perform only the following work on amusement rides, all:

1. Assembly and disassembly, in accordance with N.J.A.C. 5:14A-9.5;
2. Set-up, in accordance with N.J.A.C. 5:14A-9.7; and
3. Repair, in accordance with N.J.A.C. 5:14A-9.11.

New Rule, R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

#### **5:14A-2.18 Qualifications of recognized certified maintenance technicians (RCMTs)**

(a) An RCMT shall be qualified by one of the following means:

1. Holding a valid National Association of Amusement Ride Safety Officials (NAARSO) Level I, Level II, or Level III certification, or a valid Amusement Industry Manufacturers and Suppliers International (AIMS) Level I, Level II, or Level III maintenance certification, or certification from another professional organization that meets or exceeds the certification requirements as set forth by NAARSO for Level I Certification or AIMS for Level I Maintenance Certification;
2. Recognized by the Department in accordance with (b) below;
3. A licensed electrical contractor pursuant to N.J.A.C. 13:31, or equivalent license from a recognized authority that is acceptable to the Department, when working on electrical systems;
4. An employee, agent, subcontractor, or independent contractor designated by, or on behalf of, a ride manufacturer, when working on a ride manufactured by that company;
5. Holding a valid recognized certified maintenance technician card issued by the Department. Such certification shall be renewed biennially. An applicant is eligible

for certification by the Department if the following conditions are met:

- i. The applicant must apply for the certification and receive the certification by April 6, 2011;
- ii. The applicant must have five or more years of documented relevant supervisory experience prior to April 6, 2009;
- iii. Prior to applying, the applicant must have completed at least 40 hours of training sponsored by the Amusement Industry Manufacturers and Suppliers, National Association of Amusement Ride Safety Officials, International Association of Amusement Parks and Attractions, Responsible Operators of Amusement Rentals or an equivalent approved by the Department that is relevant to the maintenance of amusement rides and was completed within the five years prior to the date of application. For each two-year renewal period after the original issuance, the applicant must complete 32 hours of training relevant to amusement ride maintenance sponsored by a group as described in this subparagraph; and
- iv. An application fee of \$50.00 is required at the time of initial application and each renewal; or

6. For a maximum of 60 days within a 365-day period, in the event an RCMT employed by an amusement ride owner for more than 60 days leaves employment of said owner, the owner may appoint a maintenance technician, employed by owner, temporarily to the position of RCMT.

(b) Until April 6, 2011, a maintenance technician with three or more years of documented relevant experience is permitted to perform all functions for which RCMT is needed.

New Rule, R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

### SUBCHAPTER 3. RIDER RESPONSIBILITY

#### **5:14A-3.1 Title; scope; intent**

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Rider Responsibility," shall be known and may be cited throughout these rules as N.J.A.C. 5:14A-3, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes the rider responsibilities as covered by the Act and these rules.

#### **5:14A-3.2 Riders to comply with posted warnings and directions**

(a) Each individual who rides a carnival-amusement ride shall comply with written warnings and directions posted by

the operator of the carnival-amusement ride according to these rules. These include:

1. Height, weight, and size restrictions, if any, in accordance with N.J.A.C. 5:14A-9.34;
2. Rider warning signs in accordance with N.J.A.C. 5:14A-9.34;
3. Rider conduct signs in accordance with N.J.A.C. 5:14A-9.33; and
4. Any other signs or warning posted by the operator with the express intent to protect the safety and well being of riders, equipment and operators.

### 5:14A-3.3 Riders under the influence of alcohol or drugs

A rider shall not board or attempt to board any amusement ride if he/she is knowingly under the influence of any alcoholic beverage as defined in N.J.S.A. 33:1-1 or under the influence of any prescription, legend drug or controlled dangerous substance as this term is defined P.L. 1970, c.226 (N.J.S.A. 24:21-1 et al.) or any other substance which affects the rider's ability to use the ride safely and to abide by the posted and stated instructions.

## SUBCHAPTER 4. OWNER RESPONSIBILITY

### 5:14A-4.1 Title; scope; intent

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Owner Responsibility," shall be known and may be cited throughout the rules as N.J.A.C. 5:14A-4, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes the responsibilities of the owner of an amusement ride regarding the safe operation and maintenance of amusement rides.

### 5:14A-4.2 Ride equipment

(a) No one shall install, operate or allow to be operated any ride that does not have a current type certification, individual approval, supplemental modification certification or amended type certification issued pursuant to the requirements of this chapter.

(b) The owner of an amusement ride shall not knowingly permit a major modification of that ride without obtaining a supplemental modification certification or an amended type certification, as applicable, from the Department, pursuant to N.J.A.C. 5:14A-2.7 or 2.6.

(c) Existing equipment shall be maintained in accordance with this chapter.

(d) The owner of an amusement ride shall not offer or advertise that ride for use or rental within the State without a

valid annual permit for that ride, pursuant to N.J.A.C. 5:14A-2.10. A ride brought to a site where another amusement ride is operating or advertised, or to a public event, is considered as being offered or advertised for use unless it has clear signage stating it cannot be operated in the State. This subsection shall not preclude promotional advertising for coming attractions as long as it is noted that they are coming attractions and are not yet available for use.

Amended by R.2007 d.75, effective March 19, 2007.  
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Rewrote (b).  
Amended by R.2008 d.54, effective March 3, 2008.  
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).  
Added (d).

### 5:14A-4.3 Annual permit application

(a) Each year, 30 days before commencing operations and in each year thereafter or, for continuously operated rides, 30 days prior to the beginning of a new year, the owner shall apply for a permit on an application form furnished by the Department.

(b) The application for an annual permit shall include all information required pursuant to N.J.A.C. 5:14A-2.10.

### 5:14A-4.4 Application for individual approval and grandfathering

(a) If a carnival-amusement ride was manufactured prior to December 16, 2002, or if type certification is not renewed by the manufacturer or is revoked by the Department, then the ride shall not be operated, installed, or used in the State unless the owner has obtained an individual approval from the Department.

1. For rides that have a valid type certification that the manufacturer is not renewing, the owner may apply for an individual approval pursuant to N.J.A.C. 5:14A-2.4 without undergoing engineering review.

2. For rides that have a New Jersey serial number and had an annual permit in the year of or the year prior to December 16, 2002, but are not type certified, the owner may apply for an individual approval pursuant to N.J.A.C. 5:14A-2.5 without undergoing an engineering review.

(b) For rides not grandfathered under the provisions of (a) above, the owner shall make application for individual approval of the ride as a new ride. The application for an individual approval shall include the information required by N.J.A.C. 5:14A-2.5 and the ride shall undergo engineering review according to the applicable provisions of this chapter. The fees for these reviews will be consistent with type certification review fees.

1. Pursuant to N.J.A.C. 5:14A-2.1, information supplied by the owner in support of an individual approval application that has been designated by the manufacturer in an application for a type certification as proprietary shall be considered proprietary.

**5:14A-4.5 Compliance with manufacturer's recommendations for modifications**

(a) An owner shall comply with any manufacturer's recommendation or requirement including, but not limited to, the replacement or modification of a component of the ride, a change or addition to the maintenance schedule for a ride or the performance of a test on a ride.

1. A copy of all manufacturer's bulletins or recommendations received by the owner shall be forwarded to the Department within 14 days of receipt by the owner unless the ride has a current type certification, in which case the manufacturer shall be responsible for sending such information to the Department.

2. The Department may waive the requirement to implement a manufacturer's recommendation, at the owner's request, if failure to implement the recommendation does not jeopardize public safety.

**5:14A-4.6 Assembly, disassembly, maintenance, repair, and nondestructive testing**

(a) The owner of an amusement ride shall have assembly, disassembly, maintenance, or repair of that ride performed in accordance with applicable requirements of N.J.A.C. 5:14A-9.

(b) The owner of an amusement ride shall keep a record of assembly, disassembly, maintenance or repair performed, in accordance with N.J.A.C. 5:14A-9. When this work is performed by a party other than the ride owner, the owner shall obtain a summary of the work from that party as a record. These records shall be retained and available for review by the Department for a period of at least three years, with the most recent 12 months being on site of the ride.

(c) The owner of an amusement ride shall provide training to employees performing regularly scheduled maintenance of that amusement ride, pertaining to their assigned duties, and provide ready access by such persons to appropriate ride manual(s) (N.J.A.C. 5:14A-2.14) during performance of those duties. A record of such training shall be retained and available for review by the Department for a period of at least three years, with the most recent 12 months being on site of the ride.

(d) The owner shall have any required nondestructive testing, as specified by the Nondestructive Testing Plan (N.J.A.C. 5:14A-2.15), performed in accordance with N.J.A.C. 5:14A-9.24.

Amended by R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

Section was "Assembly or disassembly". Rewrote the section.

**5:14A-4.7 Inspection and testing**

(a) The owner of an amusement ride shall have inspection and testing of that ride performed in accordance with applicable requirements of N.J.A.C. 5:14A-9.

(b) The owner of an amusement ride shall keep a record of all maintenance and operational inspections and tests in accordance with N.J.A.C. 5:14A-9. These records shall be retained for a period of at least three years, with the most recent 12 months being kept on site of the ride and available to the Department for review.

(c) The owner of an amusement ride shall provide training to employees performing inspection or testing of an amusement ride, pertaining to their assigned duties, and provide ready access by such persons to appropriate ride manual(s) (N.J.A.C. 5:14A-2.14) during performance of those duties. A record of such training shall be retained and available for review by the Department for a period of at least three years, with the most recent 12 months being on site of the ride.

Amended by R.2009 d.99, effective April 6, 2009.

See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

Section was "Daily inspection, test and maintenance and inspection records". Rewrote the section.

**5:14A-4.8 Training and certification of ride operators**

(a) The owner shall ensure that all operators comply with the requirements of N.J.A.C. 5:14A-9.8 and 9.9.

(b) The owner shall ensure that, at the time of initial operation in the State, at least one operator trained by the manufacturer and having a certification from the manufacturer, in a format prescribed by the Department, is operating the ride.

(c) The owner shall ensure that operators are trained to operate the ride based on manufacturer requirements covered by the operational manual and any supplemental safety bulletins, safety alerts or other notices related to operational requirements.

(d) The owner shall ensure that ride operators operate no more than one ride at any given time.

(e) The owner shall ensure that operators give full attention to any ride they operate.

(f) The owner shall ensure that anyone who operates a ride shall have demonstrated the ability to operate the ride in compliance with all applicable requirements of this chapter and shall ensure that each operator has signed a ride-specific certification attesting that the operator:

1. Has read and understood the manufacturer's recommendations for the operation of the ride and, if applicable, any operations manual provided by the owner;

2. Knows the safety-based limitations, including height, weight or other rider requirements, on who may ride the ride;

3. Is well versed on what could be reasonably expected to go wrong, how to recognize it, and how to get the ride and riders into as safe a position as possible to minimize the risk of injury or damage;

4. Has had adequate training to operate the ride;

5. Knows how to do the pre-startup operational ride checks as required by the manufacturer or as established by the owner in compliance with this chapter;

6. Knows how to verify that the daily maintenance checklist has been done prior to operating the ride; and

7. Has knowledge of the use and function of all normal and emergency operating controls and the proper use of the ride.

#### **5:14A-4.9 Insurance, bond or other security**

No person shall operate a ride without insurance as required by N.J.A.C. 5:14A-2.9.

#### **5:14A-4.10 Riders under the influence of alcohol or drugs**

The owner of an amusement ride may not permit a person who is perceptibly or apparently under the influence of alcohol or drugs to enter or ride an amusement ride.

#### **5:14A-4.11 Rider accident reporting requirement**

The owner shall designate an office or location as a site for reporting accidents or injuries. The office shall be open during normal business hours and shall be marked with clear signage. Forms with the minimum required information (see N.J.A.C. 5:14A-4.13(c)) shall be available for riders to fill out at this location. More than one office or location may be required so that the locations are within reasonable walking distance from any ride.

#### **5:14A-4.12 Required notices of rider responsibility**

(a) Signs advising of the rider reporting requirement (see N.J.S.A. 5:3-57) in English, and in at least one other language prevalent among riders, shall be posted in areas where rides covered by this chapter are operating, including all entrances, exits, locations for receiving forms and the first aid station(s).

(b) Each ride owner shall post warnings and directions for each ride which comply with manufacturer's requirements, N.J.S.A. 5:3-31 et seq. and this chapter. Such warnings shall be clearly legible and shall be in a conspicuous location.

(c) This sign shall be next to, above, below or may be combined with the required signs regarding accident reporting, rider conduct and warnings described in this section and in N.J.A.C. 5:14A-9.33 and 9.34.

#### **5:14A-4.13 Accident, incident or mechanical breakdown reporting**

(a) Shut down and report: When any incident occurs involving a death or serious injury, ejection from the ride or failure of a critical structural or mechanical component, regardless of cause, the owner shall:

1. Shut down the ride and secure the area;
2. Evacuate riders and provide care for any injured persons;
3. Report the incident to the Department immediately by telephone at the telephone number provided for this purpose; and
4. Prepare a written incident report and send it to the Department by telefacsimile at the telefacsimile number provided for this purpose within 24 hours of the incident.
  - i. A copy of the report submitted to the Department shall be sent to the manufacturer.

(b) Report within 24 hours: When any incident occurs involving a ride-related injury requiring first aid, or any mechanical malfunction, or an emergency evacuation of the ride, the owner shall:

1. Report the incident to the Department within 24 hours of the incident by telephone or by telefacsimile at the numbers provided for this purpose;
2. Prepare a written incident report and send it to the Department by facsimile at a number provided for this purpose within five days of the incident or by mail at PO Box 808, Trenton, NJ 08625 postmarked within five days of the incident. The written incident report shall be on a form designed by the Department and shall include a description of any planned corrective action and a time frame for its completion; and
3. Repair the ride according to the manufacturer's instructions, if necessary, and submit a written report to the Department indicating the actions taken.

4. An evacuation due to an area-wide power failure or an evacuation at the normal discharge location of the ride shall not be considered an emergency evacuation for purposes of this subsection.

- i. The removal of an individual rider or riders at other than the normal discharge location at the rider's request or due to rider behavior and having nothing to do with the operation or functioning of the ride shall be recorded in accordance with (c) below.

(c) Record: When any incident occurs that is not covered by (a) or (b) above involving any type of ride-related injury or complaint that was observed by the owner or operator or reported to the owner or operator by the rider, the owner shall keep a record of such incident, including pertinent information, in a form that is easy to access and read and that is readily available for inspection by the Department.

1. The information shall include at least the following:
  - i. The name and address of the injured party;
  - ii. The age and sex of the injured party;
  - iii. A brief description of the injury;
  - iv. The ride on which injury occurred;
  - v. The time, date and weather conditions when the incident occurred; and
  - vi. A description of the incident.

2. The removal of an individual rider or riders as described in (b)4i above shall be recorded.

#### 5:14A-4.14 Transfer of ownership

The owner of an amusement ride shall notify the Department when ownership is transferred to another owner. In such case, the new owner shall obtain a new annual permit and become responsible for the individual approval, if applicable.

#### 5:14A-4.15 Name and address for official correspondence

(a) The owner of an amusement ride shall maintain a name and address within the State of New Jersey, or designate the name and address of a representative within the State, for the purpose of accepting official correspondence from the Department.

1. Such address shall not be a post office box, but shall specify a physical location where such owner or representative may be found during normal business hours.

2. Where the owner or representative is a corporation, partnership, or other business entity, the name and address of an officer, or other responsible person, to whom correspondence is to be addressed, shall be provided.

3. It shall be the responsibility of the owner to notify the Department of any change in the identity, address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

New Rule, R.2009 d.50, effective February 2, 2009.  
See: 40 N.J.R. 5316(a), 41 N.J.R. 727(a).

### SUBCHAPTER 5. MANUFACTURER RESPONSIBILITY

#### 5:14A-5.1 Title; scope; intent

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Manu-

facturer Responsibility," shall be known and may be cited throughout the rules as N.J.A.C. 5:14A-5, and when referred to in this subchapter may be cited as "this subchapter."

(b) This subchapter establishes responsibilities for a ride manufacturer.

#### 5:14A-5.2 General requirements

(a) The manufacturer shall ensure that all rides are designed and constructed in compliance with the requirements of N.J.A.C. 5:14A-7.

(b) The manufacturer shall affix a data plate to each ride in compliance with N.J.A.C. 5:14A-7.7.

(c) The manufacturer of an amusement ride shall not state or imply in any advertising that ride as being approved for use within the State without a valid type certification for that ride.

Amended by R.2007 d.75, effective March 19, 2007.  
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

In (b), updated N.J.A.C. reference.  
Amended by R.2008 d.54, effective March 3, 2008.  
See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).  
Added (c).

#### 5:14A-5.3 Ride type certifications

(a) The manufacturer shall apply for type certification, in accordance with the requirements of N.J.A.C. 5:14A-2.4, for each ride type to be used within this State.

(b) As provided at N.J.A.C. 5:14A-2.4, type certification shall be valid for a period of three years and may be renewed every three years provided that the manufacturer continues to support the ride within the full meaning of this chapter.

#### 5:14A-5.4 Amended type certification

(a) The manufacturer of an amusement ride type having a valid type certification shall not knowingly authorize a major modification of that ride type without obtaining an amended type certification from the Department, in accordance with N.J.A.C. 5:14A-2.6.

(b) Amended type certification shall be valid for a period of three years and may be renewed every three years provided that the manufacturer continues to support the ride within the full meaning of this chapter.

(c) If, as determined by the Department, an amusement ride is materially rebuilt or so modified as to change its original action, then a new type certification or individual approval shall be required as if it were a new ride.

(d) Book-on rides included after initial notification in (b) above shall provide the same information as in (b)2 and 3 above.

(e) When a book-on ride is included outside of the initial notification, the owner shall give at least 72 hours advance notice to the Department before the ride is placed in operation.

### 5:14A-9.3 Maintenance, inspections and tests

(a) No amusement ride shall be opened to the public without having completed all applicable maintenance and operation inspections, including recording of results.

(b) Maintenance shall be performed, and maintenance checklists shall be completed, by a maintenance technician experienced in the proper maintenance of the ride, as per the maintenance manual. This work shall be performed within the timeframe specified in the maintenance manual and records shall be in compliance with N.J.A.C. 5:14A-4.7.

(c) The Department shall not inspect or issue a permit for a carnival-amusement ride without a current copy of the following items being on site and available to the inspector:

1. The manufacturer's set up and assembly manual;
2. The manufacturer's maintenance manual;
3. The manufacturer's operation manual;
4. The daily maintenance inspection and checklist;
5. The daily operational inspection and checklist;
6. The daily maintenance log; and
7. The NDT plan, if applicable.

(d) The maintenance or operational checklist shall include, but not be limited to, the following:

1. The name and manufacturer's serial number of the ride;
2. The printed name and signature of the person completing the checklist;
3. The date the checklist is completed;
4. A detailed list and description of all items being checked. Items listed shall be at a minimum those required by the manufacturer; and
5. Testing within the timeframe specified in the operating manual of all control devices, speed-limiting devices, block system, emergency brakes, automatic and manual lowering devices and any other equipment provided for safety.

(e) Each amusement ride shall have a dedicated maintenance log with pages identified in numerical or chronological order for recording all maintenance, set-up, and repair, excluding that of the maintenance checklist(s). Each log shall be

identified with the ride name and manufacturer's serial number of that ride. Each maintenance log entry shall be made within 48 hours of performing work and include, but not be limited to, the following:

1. The printed name and signature of the person performing, or responsible for performance of, the work;
2. The nature of the work (for example, malfunction, repair, adjustment, lubrication, set-up, inspection, violation abatement, etc.);
  - i. If other than routine maintenance, a notation as to the reason;
  - ii. If safety bulletin, a reference to the manufacturer's bulletin;
  - iii. If "order to cease violations" issued by a regulatory agency, a reference to said order;
  - iv. Account of work performed and all parts repaired or replaced;
  - v. A copy of the manufacturer's recommendations for repair or repair procedures, if any; and
  - vi. For set-up, only identifying the set-up procedure followed is sufficient;
3. The date(s) work was performed; and

4. The printed name and signature of the RCMT, when such individual is required for supervision of the work by this chapter. This information may be omitted at time of entry, but shall be added within seven days of work completion.

(f) Any maintenance or operational inspection or test by a party other than the ride owner shall be performed by a maintenance technician and documented in compliance with N.J.A.C. 5:14A-4.7. This documentation shall include, but not be limited to, the following:

1. The name and manufacturer's serial number of the ride;
2. The name and address of the organization performing the inspection or test;
3. The printed name and signature of the person performing the inspection or test;
4. The nature of the inspection or test, including the:
  - i. Reason for inspection or test;
  - ii. Description of items being inspected or tested; and
  - iii. Results of inspection or test; and
5. The date the work was performed.

(g) After all required maintenance is completed, all applicable operational inspections, tests, and checklists shall be

completed by a person experienced in proper operation of the ride, as per the operation manual. This work shall be performed within the timeframe specified in the operation manual and records shall be in compliance with N.J.A.C. 5:14A-4.7.

(h) Individual tubs, sweeps, vehicle chassis, bents, towers, and supports to ground shall be uniquely identified and marked with no more than a combination of six characters or numbers to facilitate identification during maintenance and inspection.

Amended by R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

Section was "Daily maintenance and operations inspections and tests". Rewrote the section.

#### **5:14A-9.4 Identification, data plates and manufacturer's information**

(a) A data plate that conforms to the requirements of N.J.A.C. 5:14A-7.7 shall be affixed to each ride.

1. Where no manufacturer's serial number is available and the ride was manufactured prior to December 16, 2002, an identification number supplied by the owner and registered with the Department shall be used.

Amended by R.2007 d.75, effective March 19, 2007.  
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

In the introductory paragraph of (a), updated the N.J.A.C. reference.

#### **5:14A-9.5 Assembly and disassembly**

(a) Assembly or disassembly of an amusement ride, and inspection thereof, shall be performed in accordance with the appropriate manual (N.J.A.C. 5:14A-2.14) by, or under the supervision of, an RCMT.

1. Exception: Assembly and disassembly required during the set-up or tear down of an inflatable amusement ride, as described in the set-up manual, shall not require an RCMT, but shall be performed by a maintenance technician.

2. Exception: Assembly and disassembly required during performance of a minor repair shall not require an RCMT, but shall be performed by a maintenance technician.

(b) Assembly work shall be performed in a proper and workmanlike manner. Parts shall be properly aligned, and shall not be bent, distorted, cut or otherwise injured to force a fit. Parts requiring lubrication shall be lubricated in the course of assembly. Fastening and locking devices, such as bolts, caps, screws, cotter pins and lock washers, shall be installed where required for safe operation. Nuts shall be drawn tight, cotter pins shall be spread and lock nuts firmly set.

(c) Parts which are excessively worn or which have been materially damaged shall not be used. Close visual inspection of parts shall be made during assembly to discover such wear or damage and immediate inspection of fastening devices

shall be made after assembly to assure that they have been properly installed.

(d) Tools of proper size and design, to enable work to be done in a proper manner, shall be used. Broken, damaged and unsuitable tools shall not be used.

(e) Assembly or disassembly of amusement rides shall be done under light conditions adequate to permit the work to be properly performed and inspected.

(f) A sufficient number of persons to perform work properly shall be engaged for assembly or disassembly. The public shall be prevented from entering the area in which work may create a hazard.

(g) An amusement ride shall be inspected for compliance with the manufacturer's assembly requirements by a maintenance technician each time the ride is assembled.

Repeal and New Rule, R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).  
Section was "Inspection after assembly".

#### **5:14A-9.6 Prohibited use**

(a) No person shall knowingly use or permit to be used an amusement ride which is not properly assembled or which is defective or unsafe in any of its parts, components, controls or safety equipment.

(b) No ride shall be used if all manufacturer's requirements, based on current bulletins, have not been completed.

(c) No ride shall be used without a current Certificate of Compliance issued by the local fire inspector, if required.

(d) No ride shall be used without a valid Certificate of Occupancy or Certificate of Approval issued by the local construction official, if required.

(e) No ride shall be used without a current and valid annual ride permit except as allowed by this chapter.

(f) No ride shall be used without a New Jersey State serial number except as allowed by this chapter.

(g) No ride with a maximum safe operating wind speed shall be used if the wind velocity exceeds the manufacturer's recommended safe operating wind speed. Wind speeds shall be measured with an anemometer mounted at a high point capable of being read from ground level or the operations office or tied into the control system to prohibit starting or to shut down the ride if operating.

(h) No ride shall operate after being issued a shut down order from the Department until the ride has had and passed a complete inspection by the Department unless the order allows operation to resume or unless re-inspection is waived by the Department.

3. Operating a ride in a manner likely to cause injury;
4. Submission or maintenance of false, invalid or fraudulent information;
5. Failure to cease operation after a serious incident;
6. Failure to report an incident;
7. Failure to comply with an order of the Commissioner that is in the form of an express condition of a permit, individual approval, type certification, or amended type certification;
8. An owner offering or advertising a ride for use or rental within the State without a valid annual permit for that ride, pursuant to N.J.A.C. 5:14A-2.10; or
9. A manufacturer stating or implying in advertising that a ride is approved for use within the State without a valid type certification for that ride.

Amended by R.2008 d.54, effective March 3, 2008.

See: 39 N.J.R. 2409(a), 40 N.J.R. 1082(a).

In (d)6, deleted "or" from the end; in (d)7, substituted a colon for the period at the end; and added (d)8 and (d)9.

#### 5:14A-6.4 Appeals and hearings

(a) A request for an administrative hearing shall be submitted, in writing, within 10-calendar-days following the receipt of the notice or order. Hearing requests shall be addressed to: Hearing Coordinator, Department of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802. All hearings shall be conducted pursuant to the Adminis-

trative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) When an aggrieved person fails to request a formal hearing within the 10-calendar-day period specified in (a) above, his or her right to a formal hearing shall be deemed waived and the agency action shall become final.

(c) Recipients of an administrative penalty assessment may request the initiation of a settlement conference at the time that a hearing request is made. If a party requests a settlement conference, or the Department determines that a settlement conference might be useful, a settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the hearing request.

(d) If a settlement is not agreed upon or no settlement conference is scheduled and a hearing has been requested, the matter shall be transmitted to the Office of Administrative Law (OAL) for hearing.

(e) Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.

(f) All payments shall be made payable to the "Treasurer, State of New Jersey" in the form of a certified check or money order, or such other form of payment as may be acceptable to the Department.

(g) Upon final order, the penalty imposed may be recovered with cost pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

(i) No ride requiring NDT shall be operated without the receipt of a current NDT report by the Department based on the current NDT plan filed with the Department.

(j) No ride shall be permitted to operate without correction of all items on the list of non-conformances issued by the inspector unless the inspector gives the operator a specific completion date and permission to operate until that date.

#### 5:14A-9.7 Set-up and installation

(a) The site on which rides are to be erected shall be reasonably:

1. Free of large rocks and debris that might pose a hazard;
2. Well maintained to ensure safe operation;
3. Free of holes that might pose a hazard;
4. Sufficiently level to allow safe operation of the ride; and
5. Far enough away from vehicle traffic to provide a safe environment for the public.

(b) Wherever required by the manufacturer, proper protection between the amusement device and the ground shall be provided.

(c) Whenever foundations are required for a ride, the owner shall submit the required documentation pursuant to N.J.A.C. 5:14A-2.12 and 2.13.

(d) A mobile amusement ride set-up at a fixed location shall be permitted to have utility lines (that is, electric, water, pneumatic, hydraulic, liquid waste) for portable equipment, in compliance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23, extending a maximum of 20 feet beyond the ride perimeter. Utility lines beyond 20 feet from the ride perimeter shall be part of the fixed location infrastructure and comply with N.J.A.C. 5:23 for permanent installations. Portable utility lines in at a fixed location, and connection of those lines, shall be surrounded by barriers to limit access to only authorized personnel. Means of shutting off utility supply that comply with applicable codes shall be provided at the point where a portable line connects to a permanent line.

1. Portable electrical wiring shall comply with Article 525 of the National Electric Code as required under the Uniform Construction Code, N.J.A.C. 5:23.

(e) Set-up and installation of amusement rides shall comply with N.J.A.C. 5:14A-7.5.

(f) Set-up of an amusement ride and inspection thereof, shall be performed in accordance with the Set-Up Manual (N.J.A.C. 5:14A-2.14) by, or under the supervision of, an RCMT each time the ride is set-up.

1. Exception: Set-up of an inflatable amusement ride and inspection thereof, as described in the Set-Up Manual,

shall not require an RCMT, but shall be performed by a maintenance technician.

Amended by R.2008 d.355, effective December 1, 2008.

See: 39 N.J.R. 4474(a), 40 N.J.R. 6767(a).

Section was "Site layout". Added (d) and (e).

Amended by R.2009 d.99, effective April 6, 2009.

See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

Added (f).

#### 5:14A-9.8 Control of operation

(a) All amusement rides shall have an operating manual. The owner of an amusement ride shall operate the ride in accordance with the manufacturer's operating manual. In the absence of a manufacturer's operating manual, the owner shall write an approved operating manual. Where any conflict occurs between the operating manual and this chapter, this chapter shall govern. The operating manual shall be kept at the site where the ride is in use and shall be available for use by the Department.

(b) The owner shall ensure compliance with the requirements of N.J.A.C. 5:14A-4.8 for ride operators.

(c) The ride operator shall not allow anyone obviously under the influence of alcohol or drugs to ride the ride.

(d) The ride operator shall operate no more than one ride at any given time.

(e) The ride operator shall monitor the riders until the ride is completed.

(f) The correct number of operators necessary to safely operate the ride, based on the operating manual, shall be on site and in the correct location(s).

(g) The Department may require additional operators in the event of "blind spots." An additional operator with emergency stop capabilities shall be stationed in each "blind spot" location during operations.

(h) An operator shall not leave the ride unattended without disabling the controls so the ride cannot be started by unauthorized persons. If the ride is left unattended and disabled during an operational day, the operator, upon returning, shall run a complete cycle of the ride.

(i) The operator or operator assistants shall check each and every restraint, constraint, seatbelt, lap bar and any other device used in securing riders into a vehicle individually to assure that it is locked properly and that the rider fits properly in the safety system.

(j) Additional operation start button(s) shall be provided where loading and unloading operations are being performed in an extended area where safety restraints, harness and other devices are required to prevent ejection from the ride during operations. The start button(s) shall work in series in that all button(s) shall be depressed by operators before the ride will start.

(k) The operator or operator assistant shall check the height, weight or size of riders, as applicable, with the height mark, scale or other means of measurement provided by the owner. The means of measurement shall enable the operator to determine whether a rider meets the required limit in a "go, no go" fashion. No one who does not meet the required limits shall be permitted to ride the ride.

1. When the weight of a rider is used to determine entry to or use of an amusement ride, an accurate scale shall be provided.

2. A rider not meeting the approved height restriction may be accompanied by a companion if provided for in the manufacturer's operations manual or otherwise specified by the manufacturer. Companions shall meet any requirements given in the manufacturer's specifications. The larger person shall be by the exit door to ensure it stays closed and latched during operation unless this arrangement of riders creates a conflict with (k)3 below.

3. Where riders are of disparate sizes, riders shall be placed in the ride such that any action caused by centrifugal forces shall push the weight of the lighter rider into the heavier rider.

4. Riders at or above the maximum weight may be allowed if such riders are provided for in the manufacturer's operations manual. Distribution of such riders shall be as per the operations manual.

(l) All powered amusement rides and devices shall be equipped with a properly functioning operator presence device.

1. The operator shall be in constant contact with the operator presence device at all times during normal operation of the ride. This rule shall not be construed to prohibit riders from using amusement ride operating controls designed for use by a rider.

2. The operator presence device shall be tested at each inspection.

3. Exception: For rides and attractions where the operator presence device does not add to safety, including roller coasters, bumper cars, log flumes, go karts and some computer controlled rides, an operator presence device shall not be required.

(m) The ride operator shall exercise control over the ride to prevent dangerous actions by a rider.

(n) In the event of an emergency stop, routine stop (for the purpose of loading or unloading of a rider), or a stop for any other reason, the operator or operator assistants shall assure that no other riders have exited their vehicles unexpectedly.

#### Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 395) adopted, which concluded that appellant was properly charged for leaving a ride unattended under N.J.A.C. 5:14A-9.8(h), as the slide was in use because appellant

failed to cordon off the area or post any notices advising the public that the slide was closed, and no operator was present when the slide was being used by children and an adult, who was not an employee of appellant. *Diamond Gymnastics v. Bureau of Code Services*, OAL Dkt. No. CAF 1634-05 and 1053-06, 2006 N.J. AGEN LEXIS 852, Final Decision (September 11, 2006).

#### 5:14A-9.9 Operator qualifications and training

(a) The ride operator shall be at least 16 years of age.

(b) The ride operator or operator assistant shall not operate any ride while under the influence of drugs or alcohol.

(c) The ride operator shall be properly trained before being assigned the duties of operating a ride. The operator training shall include, but shall not be limited to, any manufacturer's recommendations for the operation of the ride. The owner shall require a certification to be signed by each ride operator and operator assistant indicating the ride name and operator's level of authority regarding the ride. This certification shall be kept on file by the owner for at least three years.

(d) The ride operator shall have a copy of the manual and shall have the ability to read and understand the manual as written by the manufacturer and to safely operate and communicate safe riding policies to the public for the ride.

(e) The operator and all operator assistants shall have a complete knowledge of the operation of the restraint system, lap bar locking system, seatbelts and the proper way to seat a rider in a vehicle.

(f) The operator and all operator assistants shall be trained to be aware of the motions and sounds attributed to the normal operation of the ride. The operator shall be familiar with how the ride looks when it is functioning normally, and be alert to any unusual conditions. If there are any changes in the normal operating condition, operation shall cease and the owner shall be called immediately. The owner will decide the appropriate action to be taken.

(g) Operators and operator assistants shall know the whereabouts of all safety equipment such as fire extinguishers, emergency main electrical disconnect, lock-out point and nearest telephone for routine or emergency assistance.

#### 5:14A-9.10 Lock-out procedure

(a) All amusement ride disconnecting devices shall be provided with a means of lock-out. Where rides have mechanical, pneumatic or hydraulic energy, these shall have a means of being locked out when necessary for doing maintenance and inspections.

(b) The ride operator or maintenance staff shall lock-out the disconnect switch when restoration of power to an amusement ride could create a hazard to persons during the performance of maintenance, repair, inspection or an emergency evacuation of riders, and ensure that it remains locked-out until such time that restoration of power will not create a hazard.

(c) All amusement ride owners shall have in place a written lock-out procedure.

(d) A lock-out shall not be removed by any person other than the person who installed it, except as allowed by the written procedure for lock-outs. Lock-outs put in place by the Department shall be removed only by the Department.

#### 5:14A-9.11 Maintenance and repair

(a) Amusement rides and attractions shall have no corrosion or pitting affecting structural integrity or the functioning of key components.

(b) Rides shall be operated and maintained in compliance with the manufacturer's specifications for fatigue loading. No holes shall be drilled into tubing that might compromise the integrity of the structure without written permission from the manufacturer. In the event the manufacturer does not exist, a professional engineer licensed to practice in the State of New Jersey shall review and approve, in writing, the actions and reasons for said actions. The manufacturer or the professional engineer shall show, from materials standards or from the maintenance manual, that the proposed hole sizes and locations will not compromise the integrity of the structure.

(c) No structural shaft may be cross-drilled or welded without the written permission of the manufacturer. In the event the manufacturer does not exist, a professional engineer licensed to practice in the State of New Jersey shall review and approve, in writing, the actions and reasons for said actions.

(d) During installation, set-up to begin seasonal operational or assembly after disassembly for mechanical malfunction, an owner shall use or order to be used fasteners supplied by or the equivalent to those specified by the manufacturer.

1. All pins used shall adhere to manufacturer's specifications in length, hardness and type.

2. All safety pins, such as "R" keys, and "cotter pins," shall be as per manufacturer's specifications.

3. All fasteners shall be tightened to manufacturer's specified torque values.

(e) Before being used by the public, amusement rides shall be so placed or secured with blocking, cribbing, outriggers, guys or other means as to be stable under all operating conditions.

(f) Any and all welding done on the amusement ride shall be performed by a welder certified by the American Welding Society (AWS) or an acceptable alternative welding certification with proof of certification on site at all times.

(g) Any and all work performed by a machine shop, repair facility, or a third party of any kind for any reason shall be done to the documented specifications of the manufacturer or of a professional engineer licensed to practice in the State of

New Jersey, as appropriate, based on the approved written repair plan.

(h) All work done shall be done to manufacturer's specifications.

(i) Prior to re-inspection following a repair, documentation for the repair shall be provided from the maintenance manual or from an original letter from the manufacturer.

1. When requested by the Department, copies of all correspondence regarding a specific repair not covered in the manual shall be sent to the Department. Copies of subsequent correspondence shall be sent as they occur.

2. If a manufacturer no longer exists or no other manufacturer has taken over responsibility for the technical support of the ride, then the ride owner shall make the repair following accepted engineering practice. Notice of such repair, including a description of the repair procedure, shall be given to the Department.

i. The owner takes responsibility for the repair and may be required to have the repair certified by a licensed professional engineer or other individual acceptable to the Department.

(j) Repair of an amusement ride shall be performed by, or under the supervision of, an RCMT.

1. Exception: A minor repair shall not require an RCMT, but shall be performed by a maintenance technician.

Amended by R.2009 d.99, effective April 6, 2009.  
See: 40 N.J.R. 5095(a), 41 N.J.R. 1394(a).

Section was "Set up, maintenance and repair operations affecting structural integrity or key components". Added (j).

#### 5:14A-9.12 Vehicle integrity

(a) The interior and exterior parts of all rider carrying amusement rides with which a rider may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws or other projections which might cause injury.

(b) Interior parts upon which a rider may be forcibly thrown by the action of the ride shall be adequately padded.

(c) Seatbelts, lap bars, straps, shoulder harnesses, chains, secondary locking devices and any other form of restraint, constraint or containment device shall be in proper working order or vehicle shall be tagged "Out of Service."

(d) Handholds, bars, footrests and other equipment as may be necessary for safe entrance and exit to and from amusement rides shall be provided and maintained in a safe condition. Such equipment shall be of sufficient strength to support the riders.

(e) Where only individual units of a ride, such as cars, seats or other carriers are defective and not in compliance

with this chapter, such units shall be taken out of service and clearly marked with a sign reading "Out of Service," provided, however, that such defects do not jeopardize safety and that removing these units does not unbalance the ride.

#### **5:14A-9.13 Voice communication and signal system**

(a) Voice communication shall be provided between the ride operators at the entrance, intermediate points, and the termination of an amusement ride where voice communication improves control of the ride by reducing a hazardous condition created by distance or lack of visibility between these points.

(b) An additional operator and a signal system shall be provided where the operator of the ride does not have a clear view of the point at which riders are loaded or unloaded. The

additional operator shall be stationed so as to be able to observe all areas not visible to the operator of the ride.

(c) For rides and attractions which require a spoken message of instruction or warning prior to operation, this message shall be given in a manner that is clearly audible to all riders prior to the start of each ride cycle. This message shall be in writing in the operation manual.

(d) Any code of signals adopted for the operation of any amusement ride shall be printed and kept posted at both the operator and signalman's stations. All persons who may use these signals shall be carefully instructed in their use.

(e) Signals for the movement or operation of an amusement ride shall not be given until all riders and other persons who may be endangered are in a position of safety.

**5:14A-9.14 Proximity to high voltage lines**

Amusement rides shall be located so that they conform to the requirements of the High Voltage Proximity Act, N.J.S.A. 34:6-47.1 et seq.

**5:14A-9.15 Ride loading and unloading**

(a) The means of loading and unloading from each ride shall be maintained in compliance with the specifications and N.J.A.C. 5:14A-7.6.

1. Controls and dimensions in place as of the effective date of these regulations shall be permitted to remain. All replacement components shall comply with the requirements of N.J.A.C. 5:14A-7.6 to the greatest extent possible.

Amended by R.2007 d.75, effective March 19, 2007.  
See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

In the introductory paragraph of (a) and in (a)1, updated the N.J.A.C. reference.

**5:14A-9.16 Means of access and egress**

(a) Safe and adequate means of access and egress from amusement rides shall be maintained and shall be free from debris, obstructions, projections and slipping, tripping and other hazards.

(b) A building housing an amusement ride shall comply with the requirements of the Uniform Construction Code (N.J.A.C. 5:23) or the Uniform Fire Code (N.J.A.C. 5:70-4), as appropriate.

(c) Handrails shall be provided for stairs or ramps with a change in elevation of 30 inches or greater. Guardrails shall be provided along all open-sided walking surfaces, platforms, stairways, ramps and landings which are located more than 30 inches above the floor or grade below.

1. Handrails or guardrails shall be continuous without interruption and shall be free of any sharp or abrasive elements.
2. Existing guardrails shall be at least 30 inches above the ramp surface or nose of steps and 42 inches above landings.
  - i. Newly-installed or replacement guardrails shall be at least 42 inches above the ramp surface, nose of steps or landing.
3. Handrails and guardrails shall be maintained so that they are not hazardous for use under emergency exiting conditions.

**5:14A-9.17 Safety brakes**

Safety brakes and anti-rollback devices shall be provided and maintained in compliance with sections 13.4 and 13.7 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2, and N.J.A.C. 5:14A-9.3.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Section was "Emergency brakes". Rewrote the section.

**5:14A-9.18 Protection against moving parts or other hazards and clearance envelopes**

(a) Owners, operators and operator assistants shall be aware of any construction equipment or vehicles operating in the immediate vicinity. Any equipment encroaching on the normal range of motion (clearance envelope) of the ride shall be removed to a safe distance or the ride shall not be operated.

(b) An amusement ride shall not be used or operated while any person is so located as to be endangered by it. Areas in which persons may be so endangered shall be fenced, barricaded or otherwise guarded against public intrusion.

(c) Where a public access, queuing, loading or unloading area is under the ride, overhead protection from objects that might reasonably be expected to fall from a ride (for example, items carried or worn by riders) shall be provided.

(d) Machinery used in or with an amusement ride shall be enclosed, barricaded or otherwise effectively guarded against contact. Guards removed for maintenance purposes shall be replaced before normal operation is resumed.

(e) Amusement rides which are self-powered and which are operated by a rider shall have the driving mechanism so guarded and the guard so secured in place as to prevent riders from gaining access to the mechanism.

(f) Each mechanical ride shall be rendered inoperable when not attended or in use.

(g) Clearance envelopes shall be maintained as per manufacturer's specifications at all times during the operation of an amusement ride.

(h) Decorations, such as flags, or lighting fixtures shall be secured in a fashion that they will not create a hazard to riders or members of the public in the event of high winds or normal vibration caused by moving equipment and shall be placed far enough from the ride so as not to encroach on the clearance envelope.

**5:14A-9.19 Rider restraint, restrictions, containment**

(a) Restraining, containing, or cushioning devices shall be maintained in compliance with the manufacturer's specifications and Chapter 6 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2.

1. The design requirements of Chapter 6 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2 shall not apply to devices in place as of December 16, 2002. Replacement devices shall comply with Chapter 6 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2 to the greatest extent possible.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

Substituted "Chapter 6 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2" for "N.J.A.C. 5:14A-7.3" throughout.

#### 5:14A-9.20 Overload and over speed

(a) An amusement ride shall not be overcrowded, or loaded in excess of its safe carrying capacity. The maximum safe number of riders listed in the manufacturer's operations manual and on the data plate affixed to the ride shall govern loading.

(b) Amusement rides and attractions clearly suitable for children only shall not carry adults, unless allowed by the manufacturer's operations manual.

(c) Amusement rides shall not be operated at an unsafe speed or at any speed beyond that recommended by the manufacturer. The maximum safe operating speed of an amusement ride can be found in the operations manual provided by the manufacturer and on the data plate affixed to the ride.

(d) An amusement ride capable of exceeding its maximum safe operating speed shall be provided with a maximum speed-limiting device.

1. An amusement ride requiring a maximum speed-limiting device shall have the device connected in the control circuit immediately bringing the ride to a safe stop if the ride exceeds the maximum safe operating speed or the device is disabled or malfunctioning.

2. The speed-limiting device shall not be by-passed or disabled in any way.

3. The Department, when necessary, shall require the testing of speed limiting devices by the owner or owner's representative for reasons of ensuring proper functioning of these devices.

#### 5:14A-9.21 Electrical equipment and wiring

(a) All electrical equipment and wiring shall be installed and maintained in compliance with Chapter 12 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2.

1. Equipment and wiring in place as of December 16, 2002 shall be permitted to remain provided that it is not in an unsafe or hazardous condition. Replacement or new equipment or wiring shall conform to the requirements of Chapter 12 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2.

i. Such works shall be identified in the maintenance log required to be maintained pursuant to N.J.A.C. 5:14A-9.3.

2. The continuity of the grounding conductor system used to reduce electrical shock hazards shall be verified as outlined in section 525.32 of the NEC each time a portable ride is connected.

3. During assembly/disassembly, no energized points/surfaces shall be exposed to any personnel.

Amended by R.2007 d.75, effective March 19, 2007.

See: 38 N.J.R. 1908(a), 39 N.J.R. 855(a).

In the introductory paragraphs of (a) and (a)1, substituted "Chapter 12 of ASTM F 2291, as amended in N.J.A.C. 5:14A-7.2" for "N.J.A.C. 5:14A-7.21".

#### 5:14A-9.22 Pressure vessels, air compressors, pneumatic and hydraulic systems

(a) Air compressors, air compressor tanks and appurtenances used in connection with amusement rides and attractions shall be designed, constructed, equipped and maintained to ensure safe operation.

1. Air compressors and holding tanks used in air systems for amusement rides shall be marked with one of the following certifications:

i. ASME: American Society of Mechanical Engineers; or

ii. An equivalent certification approved in advance by the Bureau of Boiler and Pressure Vessel Compliance in accordance with N.J.A.C. 5:11.

2. Air compressor tanks and other air receivers used in connection with air compressors shall be inspected to manufacturer's specifications at least once a year by a qualified person and a record of each inspection shall be kept in the maintenance log at the ride at all times.

3. Air compressor tanks and other air receivers used in connection with air compressors shall have the maximum allowable working pressure conspicuously marked thereon.

(b) Air compressor tanks and other receivers used in connection with air compressors shall comply with the provisions set forth at N.J.A.C. 5:11, concerning boilers, pressure vessels and refrigeration.

(c) Air systems used in connection with safety-related devices on rides and attractions shall have a pressure-monitoring device which causes an emergency condition and ride stoppage in the event of loss of air pressure.

1. In the event of power or air system pressure failure, all components shall fail to a position which will put the ride into the safest condition even if a mechanical means is needed to do that.

2. In the event of restoration of air or power, the system shall not operate automatically without action by the operator to reset the system and restart the ride.

(d) Pneumatic tubing, hose and fittings shall conform to Society of Automotive Engineers (SAE) standards or equivalent.

(e) Hydraulic or pneumatic systems and other related equipment used in connection with amusement rides shall be

**5:14A-13.6 Manuals**

(a) The operations manual shall contain a description of the ride, its intended use, and full operating instructions. At a minimum, the manual shall contain:

1. The number of required operators;
2. An emergency evacuation plan;
3. Disassembly, cleaning and storage instructions;
4. Information on setting up and maintaining the inflatable ride may be in the operations manual or in separate maintenance and erection and assembly manuals;
5. Instructions and drawings that clearly describe the steps to be followed in the assembly and inflation, and the disassembly and deflation; and
6. The number of anchorage points per inflatable ride.

**5:14A-13.7 Anchorage**

(a) The number of anchorage points per inflatable ride shall be clearly indicated and pictured in the manuals.

(b) The size and number of anchorage points shall be adequate for the structure, and take into account live and wind loads.

(c) Anchors may be straight stakes, screw stakes, ground weights or sandbag ground anchors, and shall be specifically described within the inflatable ride design documents. If substitutions are allowed by the manufacturer, such substitutions shall be clearly indicated in the design documents and manuals

(d) Ground stakes shall be a minimum of 40 inches long for slides 15 feet or higher.

(e) Manufacturers shall include one set of ground anchors with each inflatable ride.

(f) All anchors shall be protected to prevent them from being a hazard to the public.

**5:14A-13.8 Ride loading and unloading**

(a) Safe and adequate means of loading and unloading from amusement rides shall be provided.

(b) For completely enclosed, dark structures:

1. Exits shall be marked by readily visible signs in compliance with IBC 2000, Section 1003.2.10 in all cases where it is not immediately visible to the riders;
2. An independent system shall be provided for any lighting, emergency lighting, and loudspeaker system;
3. The electrical installation shall conform to Article 700 of the electrical subcode; and

4. Structures designed to accommodate more than 50 people shall have more than one exit at opposite ends or sides. All additional exits shall be clearly marked as exits and shall have a latching gate, door, or an operator to prevent entrance at that point.

(c) For structures not covered by (b) above:

1. Entrances and exits shall be clearly marked as such and shall be staffed at each location;

2. Riders waiting to board the ride shall be in a controlled area and shall not be permitted to gather around the entrance; and

3. If rides have exits as well as entrances, the exit shall be staffed and a fenced area shall direct riders away from any equipment, such as generators or transportation equipment.

**5:14A-13.9 Materials**

(a) Knitted and woven fabrics, whether coated or uncoated (such as netting, webbing, and fabrics), shall meet the specifications of NFPA 701, Standard Methods of Fire Test for Flame Resistant Textiles and Films, or an equivalent standard.

(b) Foam padding shall meet the requirements of ASTM F 1918, Section 11.5.2.

**5:14A-13.10 Electrical equipment, wiring and generators**

(a) Blowers shall be specific to the inflatable ride to avoid over inflation and possible rupture or under inflation, and shall be suitably guarded at the inlet and outlet. Blowers shall not be sited internally unless they are in a part of the structure not used by riders and out of possible contact with riders.

(b) Extension cords shall be of minimum length, proper gauge, and connected to a GFCI (ground fault circuit interrupter) receptacle.

(c) Extension cords shall not be connected.

(d) Extension cords shall be protected and secured so as not to present a tripping hazard.

(e) When an electrical generator is used, the generator shall:

1. Be in good operating condition;
2. Be free from leaks;
3. Have a proper spark arresting muffler arranged such that the exhaust fumes are directed away from the blower intake;
4. Have circuit protection with ground fault interrupt outlets; and

5. Be located at a safe distance from the inflatable ride and the public.

(f) All riders shall be removed from the inflatable ride during refueling of the generator.

**5:14A-13.11 Fire prevention**

Fire prevention shall be provided per N.J.A.C. 5:14A-9.23.

**5:14A-13.12 Identification and data plate**

(a) Every inflatable ride shall have an identification and data plate attached to it that is either sewn or glued to the unit. The identification and data plate shall include the following information:

1. The name and address of manufacturer;
2. The ride name;
3. The ride serial number;
4. The date of manufacture;
5. The rider capacity by weight and number;
6. Cubic feet per minute (CFM) required to properly inflate the ride;
7. The type of blower to be used; and
8. The flame resistant standards by which all materials used in the fabrication of the ride were tested and passed.

**5:14A-13.13 Assembly and disassembly**

(a) A thorough check of the inflatable ride and its accessories shall be carried out by a qualified person before its use. This check shall ensure that all anchor points, anchor ropes, and anchor stakes or ballasts are undamaged and suitable for continued use.

(b) Illustrations and detailed instructions shall be provided for setting up an inflatable ride.

(c) Anchorage requirements:

1. Stakes or ballast shall be used at every anchorage point and shall be installed per manufacturer requirements;
2. Stakes with restraining hooks or collars at the top shall be used to prevent the attached rope from sliding up and releasing; and
3. Anchoring shall not create a tripping hazard.

(d) All tie-down ropes attached to the inflatable ride shall be fastened to a stake or anchorage. Any rope that becomes detached from the structure shall be replaced with ropes of at least equivalent breaking strength, and shall be attached with equivalent or greater attachment strength.

(e) During assembly, proper clearance on all sides and top of the inflatable ride shall be observed as per the manufacturer's requirements and N.J.A.C. 5:14A-9.14.

**5:14A-13.14 Auxiliary equipment**

(a) Specification sheets for auxiliary components, including, but not limited to, harnesses, bungee cords, carabineers and other fasteners that support or limit riders on inflatable rides shall be provided. The specification sheets shall include:

1. The life cycle of component;

2. The conditions that would indicate mandatory replacement of component; and

3. Instructions indicating proper replacement procedures.

**5:14A-13.15 Operation**

(a) Notice shall be provided as per N.J.A.C. 5:14A-9.2.

(b) Daily inspection and testing shall be provided as per N.J.A.C. 5:14A-9.3.

(c) Inflatable rides shall comply with N.J.A.C. 5:14A-9.6, as applicable.

(d) Control of operation shall be as follows:

1. Operators shall operate only one inflatable ride at a time;

2. Operators shall be stationed at the exit as well as the entrance when the exit and entrance are in different locations not easily viewed and controlled from one location; and

3. On slides over 15 feet from the top of the sliding surface to the ground, an operator shall be stationed at the top of the slide.

(e) Operators shall not mix small riders with larger riders whose actions could cause injury to the smaller riders.

(f) Operators shall not allow riders to flip.

(g) Operators shall not allow any rider to wear shoes on an inflatable ride.

(h) Provisions shall be made to ensure that riders cannot conceal themselves from the operator's view.

(i) Wind and storm hazards:

1. In the event of an approaching thunderstorm, gusting or sustained wind, rain, or any other hazardous weather related condition, inflatable rides shall be evacuated and deflated; and

2. After the weather condition passes, the inflatable ride shall be dried of rainwater, re-inflated, re-inspected by the operator and shall be re-opened when deemed safe to operate.

(j) Imminent danger:

1. Inflatable rides shall not be placed under power lines;

2. Inflatable rides shall be placed a reasonable distance from roadways or motor vehicle traffic;

3. Inflatable rides shall have the proper manufacturer-recommended ground cover, and shall not be set up on a

surface that could puncture the structure and cause sudden deflation;

4. Areas in which inflatable rides are used shall be sufficiently lighted; and

5. Inflatable rides shall be placed on relatively level ground.

(k) Cleanliness:

1. Inflatable rides shall be cleaned as per manufacturer's specifications on a regular basis; and

2. The air intake filter screen on the blower unit shall be free of debris at all times.

(l) Rider conduct:

1. Warning signs: On inflatable rides that require physical exertion by the riders, the owner shall post a conspicuous warning sign at the entrance of the ride advising the public of the risk to participants;

2. All operators and operating assistants shall be aware of and understand the use of and reasoning behind the required warning sign; and

3. The sign posted shall comply with the requirements of N.J.A.C. 5:14A-9.34, and shall include "NO FLIPS".

(m) All rides shall have a legible sign in plain view of the riding public indicating the height restriction for that ride.

## SUBCHAPTER 14. CLIMBING WALL AMUSEMENT RIDES

### 5:14A-14.1 Title; intent; scope

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Climbing Wall Amusement Rides," shall be known and may be cited throughout the regulations as N.J.A.C. 5:14A-14, and when referred to in this subchapter may be cited as "this subchapter."

(b) The intent of this subchapter is to provide minimum criteria for design, construction, and operation of climbing wall amusement rides. The requirements contained in this subchapter are intended to supplement the provisions in the balance of this chapter.

(c) The scope of this subchapter shall include climbing wall amusement rides. Where a specific provision within this subchapter conflicts with the general provisions of this chapter, the provisions set forth in this subchapter shall govern.

(d) An artificial climbing wall shall be considered a climbing wall amusement ride, and governed by the provisions of this chapter, only when located in an amusement area, amuse-

ment park, or water park in which there are other rides covered by this chapter.

### 5:14A-14.2 Definitions

The words and terms found in section 3 of ASTM F 1773-97, as amended within N.J.A.C. 5:14A-14.7, when used in this subchapter shall have the meanings stated therein, unless the context clearly indicates otherwise.

### 5:14A-14.3 Owner responsibility

(a) An owner of a climbing wall amusement ride shall comply with applicable requirements of N.J.A.C. 5:14A-4.

(b) A climbing wall amusement ride shall be operated in accordance with the provisions of N.J.A.C. 5:14A-14.6 and 5:14A-9.

### 5:14A-14.4 Manufacturer responsibility

(a) A manufacturer of a climbing wall amusement ride shall comply with applicable requirements of N.J.A.C. 5:14A-5.

(b) A climbing wall amusement ride shall be designed and constructed in accordance with N.J.A.C. 5:14A-14.5 and applicable provisions of N.J.A.C. 5:14A-7.

### 5:14A-14.5 Design and construction

(a) Design of a climbing wall amusement ride shall include, but not be limited to, all components required for use by, and protection of, the climber.

(b) Design shall facilitate conformance with provisions of N.J.A.C. 5:14A-14.7.

(c) Design and construction shall be in accordance with N.J.A.C. 5:14A-7, where applicable.

(d) A climbing wall amusement ride shall not require:

1. An "operator presence device"; or
2. An "emergency stop" and/or "category 0 stop".

(e) A climbing wall amusement ride greater than 12 feet in height shall have a belay system.

(f) Design of an artificial climbing wall shall be in accordance with EN 12572:1999, Artificial climbing structures - Protection points, stability requirements, and test methods.

(g) Mounting of holds shall be designed to prevent damage to the artificial climbing wall when replacing or relocating.

(h) Rock walls employing manual-belay devices shall comply with the following:

1. The use zone shall be a volume area extending a minimum of eight feet perpendicular from the outermost