

1 RESOLUTION NO. 2009-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY,
4 FLORIDA, AMENDING CHAPTER 5, PART VIII, OF
5 THE BROWARD COUNTY ADMINISTRATIVE CODE
6 RELATING TO THE PARKS AND RECREATION
7 DIVISION; ESTABLISHING AN AMUSEMENT
8 APPARATUS AND AMUSEMENT RIDES POLICY IN
9 THE BROWARD COUNTY PARKS SYSTEM;
10 PROVIDING AUTHORITY FOR THE PARKS AND
11 RECREATION DIVISION DIRECTOR TO
12 IMPLEMENT THE POLICY FOR THE PARKS
13 SYSTEM; PROVIDING FOR SEVERABILITY;
14 PROVIDING FOR INCLUSION IN THE BROWARD
15 COUNTY ADMINISTRATIVE CODE; AND
16 PROVIDING FOR AN EFFECTIVE DATE.

17 WHEREAS, it is the desire of the Broward County Board of County
18 Commissioners to amend Chapter 5, Part VIII, of the Broward County Administrative
19 Code relating to the Parks and Recreation Division, establishing an Amusement
20 Apparatus and Amusement Rides Policy in the Broward County Parks System, and
21 providing authority for the Parks and Recreation Division to implement the policy for the
22 parks system; and

23 WHEREAS, the Board finds that the establishment of this policy is reasonable
24 and necessary in the best interest of the public and the County's parks system; NOW,
THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
BROWARD COUNTY, FLORIDA:

Section 1. That the Board of County Commissioners of Broward County, Florida,
hereby amends Chapter 5, Part VIII, of the Broward County Administrative Code,
relating to the Parks and Recreation Division establishing an Amusement Apparatus
and Amusement Rides Policy in the Broward County Parks System.

1 **Section 2.** That the Board of County Commissioners of Broward County, Florida,
2 finds that this policy is reasonable and necessary in the best interest of the public and
3 the County's parks system.

4 **Section 3.** Chapter 5, Part VIII, of the Broward County Administrative Code
5 relating to the Parks and Recreation Division is hereby amended to add new Section
6 5.41 establishing the Amusement Apparatus and Amusement Rides Policy in the
7 Broward County Parks System, attached hereto as Exhibit "A."

8 **Section 4. SEVERABILITY.**

9 If any portion of this Ordinance is determined by any Court to be invalid, the
10 invalid portion shall be stricken, and such striking shall not affect the validity of the
11 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
12 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
13 or circumstance(s), such determination shall not affect the applicability hereof to any
14 other individual, group, entity, property, or circumstance.

15 **Section 5. INCLUSION IN ADMINISTRATIVE CODE .**

16 It is the intention of the Board of County Commissioners that the provisions of
17 this Resolution shall become and be made a part of the Broward County Administrative
18 Code; and that the sections of this Resolution may be renumbered or relettered and the
19 word "resolution" may be changed to "section," "article," or such other appropriate word
20 or phrase in order to accomplish such intentions.

21 **Section 6. EFFECTIVE DATE.**

22 This Resolution shall become effective on its adoption.

23 ADOPTED this _____ day of _____, 2009.

24 PME:gmb
Amusement ride policy
02/09/09
#09-115

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 F. **Park Permit:** means an agreement between an event promoter or patron
2 and the Broward County Parks and Recreation Division for an event to be
3 held in a park.

4 G. **Permitee:** means an event promoter or patron issued a Park Permit.

5 H. **Super amusement ride:** means, in accordance with Section 5F-8.001,
6 Florida Administrative Code, as may be amended from time to time, an
7 amusement ride which, because of its design, size, passenger capacity,
8 restraint system or operating characteristics, requires an extensive or
9 extraordinary amount of inspection time to assure compliance with
10 requirements of law and rule, when compared with kiddie rides or non-
11 kiddie amusement rides.

12 III. Policy.

13 A. In order to provide for the quiet enjoyment of the park system, the Parks
14 and Recreation Division (Division) has established certain restrictions
15 regarding amusement apparatus and amusement rides in the park
16 system. Specifically, the following identifies both permitted and prohibited
17 amusement apparatus and amusement rides:

- 18 • Permitted amusement apparatus and amusement rides: Bounce
19 Houses/Inflatables up to thirty feet (30') in height, climbing walls,
20 reverse-bungee trampolines, up to three (3) kiddie rides per event.
21 Vendors must provide proof of a current annual State of Florida
22 inspection for each kiddie ride.
- 23 • Prohibited amusement apparatus and rides: bungee-type
24 apparatus and trampolines (except as permitted above), water

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1 apparatus (e.g., dunk tanks, slip and slides, inflatable water slides,
2 etc.), non-kiddie rides, super amusement rides, trackless trains,
3 mechanical bulls, and privately-owned amusement apparatus
4 and/or amusement rides (mechanical and non-mechanical).

5 B. All amusement apparatus or amusement rides must be provided through a
6 registered vendor. Events that are utilizing approved vendors to provide
7 amusement apparatus and/or amusement rides are limited to single-day
8 events, including set up and break down. The Division reserves the right
9 to prohibit or limit the number of amusement apparatus and/or amusement
10 rides based on location (i.e., space at pavilions, special event areas, park,
11 etc.) and may also limit the number of times per year events can be held
12 at a particular park. The Division may designate the area(s) or location(s)
13 where amusement apparatus and amusement rides are permitted. Any
14 questions concerning the type of amusement apparatus or amusement
15 rides permitted are to be referred to the Division Director's office.

16 IV. Insurance requirements.

17 A. Vendors providing amusement apparatus and/or amusement rides must
18 be on the Division's approved vendor list and must provide the following
19 prior to the event and maintain as such in order to remain as an approved
20 vendor:

- 21 1. Certificate of Insurance signed by the insurance company's
22 authorized representative,
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2. Affidavit from the insurance company's authorized representative identifying the type(s) of equipment, amusement apparatus, and amusement rides insured under the policy,
3. Certificate of Insurance naming Broward County Board of County Commissioners as an additional insured under category of Certificate Holder, with the address of 950 NW 38th Street, Oakland Park, FL 33309, and
4. General Liability insurance in amounts determined by the Risk Management Division.

V. Licensing requirements.

Any person, even if a one-person company or home-based business (collectively referred to herein as "vendor"), who provides merchandise, entertainment, or services to the public must obtain a Broward County Local Business Tax Receipt to operate. All vendors providing amusement apparatus and/or amusement rides must have a Broward County Local Business Tax Receipt as well as a municipal license from the municipality in which the business is located, if required by the municipality.

VI. Accessibility compliance.

A. This requirement for accessibility compliance differs for private rentals/events and those rentals/events open to the public.

1. For private rentals/events that are not open or advertised to the general public, the Permittee will be responsible for providing modifications, accommodations, and auxiliary aids and or services

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1 that may be requested by or necessary for their guests and invited
2 attendees.

- 3 2. For rentals/events that are open to the public, the Permittee shall
4 comply with all applicable provisions of Title I, Title II, and/or Title III
5 park the Americans with Disabilities Act (ADA) in the course of
6 providing any services, programs, and/or activities regarding
7 nondiscrimination on the basis of disability, and all applicable
8 regulations, guidelines, and standards.

9 VII. Enforcement.

10 For violations of this Policy by vendors, the Division will first issue a Cease and
11 Desist letter to the vendor. Continued noncompliance may subject the vendor to
12 being barred from doing business in Broward County parks for a period of one (1)
13 year. For violations of this Policy by Permittees, the procedures set forth in the
14 Park Permit shall control.

15 VIII. Procedures.

- 16 A. Vendor registration. Vendors providing amusement apparatus and/or
17 amusement rides must be on the Division's approved vendor list. Vendors
18 must complete a vendor application, provide the requisite insurance and
19 licensing documentation, and may be subject to an application fee as
20 established by Resolution of the Board of County Commissioners and set
21 forth in the Broward County Administrative Code, Parks System Fee
22 Schedule. Vendors must ensure that their employees, volunteers, and
23 independent contractors, collectively referred to herein as "Event
24 Personnel," working with or around children at a Broward County park are

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1 not listed on the FDLE Sexual Offender/Predator database, located at
2 <http://www.fdle.state.fl.us/>. Event Personnel found on the FDLE Sexual
3 Offender/Predator database will be prohibited from working at a Broward
4 County park event. Broward County assumes no liability for the
5 recruitment, selection, and/or background screening of vendors' Event
6 Personnel, including vendors' use of subcontractors and independent
7 contractors. Once a vendor has completed the application process and
8 has been placed on the approved vendor list, it will be issued an annual
9 vendor permit. Subcontracting to other vendors is prohibited, unless the
10 subcontracted vendor is also on the approved vendor list.

11 B. Vendor access. The vendor must present its Broward County issued
12 vendor permit upon entering the park. The Park Manager will be
13 responsible for determining the method to ensure the validity of the
14 vendor's permit.

15 C. Vendor responsibility. Upon being contracted to provide amusement
16 apparatus and/or amusement rides, the vendor must provide written
17 notification to the Park Manager within forty-eight (48) hours of the event
18 identifying the details of the rental agreement. Last minute rentals to
19 approved vendors and/or assignments to approved sub-contracted
20 vendors are subject to approval by the Park Manager. The vendor will
21 install amusement apparatus and/or amusement rides only in areas
22 designated by the Park Manager. The designated site for amusement
23 rides will be within State-required fencing. The Division reserves the right
24 to restrict the installation of equipment in areas deemed inappropriate.

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1 Vendors are responsible for following manufacturers' guidelines with
2 regard to installation and safe operation of all amusement apparatus
3 and/or amusement rides, including, but not limited to, inclement weather;
4 vendors shall provide an attendant, age sixteen (16) or older, at all
5 amusement apparatus and/or amusement rides, including, but not limited
6 to inflatables, kiddie rides, rock climbing walls, etc. Said attendant(s) shall
7 be covered by the vendor's, independent contractor's or sub-contracted
8 vendor's insurance. The Division reserves the right to inspect all
9 amusement apparatus and/or amusement rides to ensure safe installation.
10 Vendors shall install amusement apparatus and/or amusement rides with
11 the utmost care. Each amusement apparatus and/or amusement ride shall
12 have an attendant(s) present at all times while on site at the park. The
13 vendor shall be subject to paying for any repairs resulting from damages
14 caused by the amusement apparatus and/or amusement rides including,
15 but not limited to, the installation and disassembly of same. Park
16 Management will notify the vendor within forty-eight (48) hours of the
17 event of any damages incurred as noted above.

18 D. Permitee responsibility. Permitees issued a Park Permit will be required
19 to select vendors from the Division's approved vendor list if they will be
20 providing amusement apparatus and/or amusement rides.
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