



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

AMUSEMENT DEVICES ACT REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to December 26, 2015. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office

Tel: (902) 368-4292

Email: legislation@gov.pe.ca

**AMUSEMENT DEVICES ACT****Chapter A-10.1****REGULATIONS**

Pursuant to section 20 of the *Amusement Devices Act* R.S.P.E.I. 1988, Cap. A-10.1, Council made the following regulations:

INTERPRETATION**1. Definitions**

In these regulations

- (a) “**Act**” means the *Amusement Devices Act* R.S.P.E.I. 1988, Cap. A-10.1;
- (b) “**adult kart**” means a go-kart that is designed for use by persons who are at least 132 cm or 52 inches in height;
- (c) “**amusement park**” means a facility, open to the public, used in connection with a carnival, fair, shopping centre, resort, park or place of entertainment where amusement devices are provided;
- (d) “**approved helmet**” means a helmet that
 - (i) revoked by EC768/15, or
 - (ii) conforms to the United States of America Federal Motor Vehicle Safety Standard 28 and bears the DOT label, or
 - (iii) bears the label of either the British Standards Institute or the Snell Memorial Foundation;
- (d.1) “**ASME**” means the American Society of Mechanical Engineers;
- (d.2) “**ASTM**” means the American Society for Testing and Materials;
- (e) “**certified**” means certified by a certification or testing organization accredited by the Standards Council of Canada;
- (f) “**Code**” means the ASTM standard ASTM F2783-14, Standard Practice for Design, Manufacture, Operation, Maintenance, and Inspection of Amusement Rides and Devices, in Canada, as amended;
- (g) “**competent person**” means a person designated by the owner as qualified because of the person’s knowledge, maturity, training and experience to perform a task safely;
- (h) “**CSA**” means the Canadian Standards Association;
- (i) “**date stamp**” means a stamp or decal to be affixed to an amusement device to indicate the year it was inspected by an inspector;

- (j) **“Department”** means the Department of Communities, Land and Environment;
- (k) **“go-kart”** means an amusement device that consists of one or more adult karts or kiddie karts that are driven on a go-kart track;
- (l) **“go-kart track”** means a track specially constructed for use by go-karts, and includes the pit area and surrounding area;
- (m) **“kiddie kart”** means a go-kart that is designed for use by persons who do not exceed 137.5 cm or 54 inches in height;
- (n) **“operator”** means a person who
 - (i) has direct control over the starting, stopping, or speed of an amusement device or part thereof, or
 - (ii) is in charge of the entire operation of an amusement device;
- (o) **“permit”** means a permit to operate an amusement device that is issued under subsection 8(1), or transferred under section 9, of the Act;
- (p) **“professional engineer”** means a professional engineer as defined under the *Engineering Profession Act* R.S.P.E.I. 1988, Cap. E-8.1;
- (q) **“registration plate”** means an identification plate provided by the Department for attachment to an amusement under these regulations;
- (r) **“waterslide”** revoked by EC336/10; (*EC627/02; 336/10; 768/15*)

EXEMPTIONS

2. Exemptions

The provisions of the Act and these regulations do not apply to

- (a) an amusement device
 - (i) that is not operated for profit or reward,
 - (ii) that is rented by the owner of the amusement device for the purpose of a private function where the owner will not be operating the device and will not be providing any other person to operate the device, or
 - (iii) that is not operated on the same property as an amusement park;
- (b) aircraft within the meaning of the *Aeronautics Act* (Canada);
- (c) live animal rides including horse-drawn sleigh rides;
- (d) bicycles;
- (e) boats, other than bumper boats and motorized boats where
 - (i) the boats are designed primarily for use by children, and
 - (ii) the attendant has control over the depth and area of the water;
- (f) untethered balloons and chutes;
- (g) coin-operated amusement devices that
 - (i) are designed for the use of one or two persons,
 - (ii) are fastened to a fixed, non-moving base, and
 - (iii) require no skill for safe enjoyment;
- (h) golf carts;
- (i) hang gliders;
- (j) hay rides;



- (k) hovercraft;
- (l) jet water skis and similar jet or motorized devices used on water;
- (m) devices powered by muscle;
- (n) off-road vehicles which are not designed and manufactured primarily for use in an amusement park;
- (o) parasails;
- (p) self-propelled vehicles excluding
 - (i) go-karts operated on a go-kart track,
 - (ii) miniature trains, and
 - (iii) self-propelled vehicles that travel in excess of 4 km per hour and are designed or manufactured primarily for use in an amusement park;
- (q) skateboards and roller skates;
- (r) devices whose sliding action is dependent on snow or ice;
- (s) motorized snow vehicles;
- (t) soapbox racers;
- (u) surfboards;
- (v) water slides;
- (w) wave pools; and
- (x) wind surfers. (EC627/02)

SAFETY CODE FOR AMUSEMENT RIDES

3. Standards in Code

- (1) Except as provided in these regulations, and notwithstanding clause 1.1 of the Code, the standards governing the design, manufacture, construction, testing, installation, operation, inspection, maintenance, alteration, repair, and evacuation of amusement devices are as set out in the Code.

Definition

- (2) Where the term “amusement ride” or the word “ride” are used in the Code, their meaning shall correspond with the term “amusement device” as defined in clause 1(a) of the Act. (EC627/02)

4. Code application

Notwithstanding section 3 of the Code, for the purposes of these regulations, the Code shall be applied with the following changes:

- (a) in clause 1.5(b) of the Code, the words “CAN3-Z98” are replaced with the words “CSA standard CSA Z98-14, Passenger Ropeways and Passenger Conveyors, as amended as adopted pursuant to the *Prince Edward Island Elevators and Lifts Act* R.S.P.E.I. 1988, Cap. E-5 and the *Elevators and Lifts Act* Regulations”;
- (b) in clause 1.5(c) of the Code, the words “CSA Standard B-44” are replaced with the words “the latest adopted edition of the CSA Standard, CAN/CSA B-44 as adopted pursuant to the *Prince Edward Island Elevators and Lifts Act* and the *Elevators and Lifts Act* Regulations”;

- (c) in clause 5.5.1 of the Code, the words “CSA Standard C22.1 Canadian Electrical Code Part 1” are replaced with the words “CSA standard CSA C22.1-15, Canadian Electrical Code, Part 1, Safety Standard for Electrical Installations, as amended as adopted pursuant to the *Prince Edward Island Electrical Inspection Act* and the *Electrical Inspection Act Regulations*”. (EC627/02; 336/10; 768/15)

5. Welding

All requirements in the Code respecting welding are replaced by the requirements provided in sections 25 and 26. (EC627/02)

PERMITS AND INSPECTIONS

6. Application for permit

An application for a permit to operate an amusement device shall be made, in the Form prescribed in Schedule B, by the owner of the amusement device. (EC627/02)

7. Alteration of device

- (1) Every owner of an amusement device shall, on application for a permit, inform the Department if the amusement device has been altered, subsequent to its original manufacture, by changing its structural design, inherent safety or operational characteristics.

Notification and approval of alterations

- (2) Every owner shall notify, and obtain the approval of, the chief inspector before altering the structural design, inherent safety or operational characteristics of an amusement device for which a permit has been issued.

Compliance of device

- (3) The chief inspector shall approve a proposed alteration referred to in subsection (2) where the owner of the amusement device demonstrates to the satisfaction of the chief inspector that the amusement device will continue to be in compliance with the standards prescribed by these regulations or the Code after the changes have been effected. (EC627/02)

8. Inspection of device

- (1) An amusement device
- (a) shall be inspected by an inspector prior to issuance of a permit; and
 - (b) may be operated without a permit for the purpose of conducting an inspection.

Frequency of inspection

- (2) An inspector may inspect an amusement device as frequently as is, in the opinion of the chief inspector, necessary. (EC627/02)

9. Inspection

Every owner of an amusement device shall provide the labour, materials, tools, and equipment requested by an inspector for the purpose of carrying out an inspection pursuant to the Act and these regulations. (EC627/02)



10. Affixing of registration plate and date stamp

- (1) After a permit to operate an amusement device has been issued, an inspector may, with the consent of the owner or the operator, affix a registration plate and a date stamp to an amusement device.

Idem

- (2) Where the owner or the operator elects to affix the registration plate referred to in subsection (1), the registration plate shall only be affixed in the presence of an inspector. (EC627/02)

11. Validity of permits

A permit is valid only for the location named on the permit and expires on December 31 of the year of issuance unless

- (a) sooner suspended or revoked pursuant to the Act; or
- (b) otherwise expressly indicated on the permit. (EC627/02)

12. Posting of current registration plate

- (1) Where an amusement device is to be temporarily located and operated at a community fair, community event or carnival, the owner or operator
- (a) shall, subject to subsection 10(2), affix a current registration plate on the device; and
 - (b) may satisfy the requirement of subsection 4(2) of the Act by maintaining the permit nearby for public viewing.

Current date

- (2) For the purposes of subsection (1), a registration plate is current only with respect to the year for which it is dated, as indicated either by the date affixed on the registration plate or by an accompanying date stamp placed beside or near the registration plate. (EC627/02)

13. Contravention of regulations

- (1) An inspector who discovers by inspection or who otherwise has reason to believe that there is a contravention of these regulations which does not present an immediate safety hazard, may direct in writing the owner of the amusement device to take such action as the inspector considers necessary to make the amusement device comply with these regulations within the time specified in the direction.

Compliance with direction

- (2) An owner who is directed by an inspector under subsection (1) to take action in respect of an amusement device shall ensure that the action directed is taken.

Invalidation

- (3) For greater certainty, where an inspector directs the owner of an amusement device to take action in respect of it under subsection (1) or subsection 11(1) of the Act, the issuance of the direction does not invalidate the owner's permit for the amusement device or preclude the suspension or revocation of that permit under section 10 of the Act. (EC627/02)

14. Responsibility of owner

Notwithstanding any review, examination or inspection executed by an inspector, or the issuance of a permit, the owner of every amusement device shall be fully responsible for and ensure

- (a) the safety of the amusement device having regard to its design, manufacture, construction, testing, installation, operation, inspection, maintenance, alteration, repair, and evacuation of the device; and
- (b) compliance with the requirements of the Act and these regulations. *(EC627/02)*

15. Fees

Fees for inspections and the transfer of permits shall be paid to the Provincial Treasurer in accordance with Schedule A. *(EC627/02)*

GENERAL

16. Safety requirements

No owner of an amusement device shall cause or allow the amusement device to be operated unless the owner ensures that

- (a) all equipment, materials and safeguards required to comply with the standards prescribed by the Act and these regulations are maintained in good condition;
- (b) the amusement device is operated by a competent person;
- (c) the amusement device is maintained by a competent person; and
- (d) a daily examination of the amusement device is carried out by a competent person in conformity with section 6.9 of the Code and the recommendations of the manufacturer. *(EC627/02)*

17. Conduct

No person shall do or omit to do anything in, on, or near an amusement device in such a manner as to

- (a) impair the safe operation of the amusement device; or
- (b) endanger the safety of that person or any other person in, on, or near the amusement device. *(EC627/02)*

18. Prohibition

No person shall remove, displace, interfere with or damage any component or thing installed in, on or near an amusement device for its safe operation. *(EC627/02)*

19. Disclosure of information

- (1) For the purposes of carrying out the duties of the administration of the Act or these regulations, an inspector may disclose any information, documents or test results obtained pursuant to the Act or these regulations.



Idem

- (2) The disclosure of information referred to in subsection (1) includes the disclosure of information to any other provincial jurisdiction according to any arrangement made with the jurisdiction to exchange information on amusement devices. (EC627/02)

VARIANCES**20. Variances**

The provisions of sections 21 and 22 apply notwithstanding the standards prescribed elsewhere in these regulations or the Code. (EC627/02)

21. Alternative standards

Materials, equipment, systems, procedures and methods of design or construction, or any combination thereof, may be used as an alternative to the standards prescribed in these regulations or the Code where it has been shown to the satisfaction of the chief inspector that these alternatives provide an acceptable level of safety on the basis of tests, evaluation, or past performance. (EC627/02)

22. Code exemptions

- (1) In respect of an amusement device existing in the province at the coming into force of these regulations, and for which documentation or record of the technical design specifications are either non-existent or unavailable, the chief inspector may exempt the amusement device from strict compliance with the relevant provisions of the Code.

Professional recommendations

- (2) For the purposes of subsection (1), the chief inspector may require the owner to provide the chief inspector with the written recommendations of a professional engineer respecting the amusement device having regard to
- (a) maximum weight capacity;
 - (b) maximum occupancy;
 - (c) maximum operating speed;
 - (d) necessary safety features;
 - (e) structural testing and inspection and their frequency; and
 - (f) any other safety-related recommendations that the engineer determines appropriate for the amusement device.

Conditional permit

- (3) Where the chief inspector grants an exemption pursuant to subsection (1), the chief inspector may
- (a) issue a permit subject to conditions requiring the owner to comply with recommendations obtained in accordance with subsection (2); and
 - (b) prescribe a specified period of time for the conditions to be met. (EC627/02)

INSURANCE

23. Insurance

- (1) For the purposes of section 7 of the Act, the owner of an amusement device shall provide the chief inspector with documented proof of comprehensive general liability insurance of at least \$1,000,000.

Duration of insurance

- (2) Insurance required under subsection (1) shall be maintained for the entire period of the operation of the amusement device.

Suspension of insurance

- (3) In the event that the insurance required under the Act and these regulations is cancelled, suspended or otherwise becomes invalid, the insurer shall, as soon as is reasonably possible, report the cancellation, suspension or invalidity to the chief inspector. (EC627/02)

WELDING

24. Welding

- (1) Notwithstanding clause 5.4.3 of the Code, for the purposes of these regulations, the following CSA standards shall apply in respect of the welding of amusement devices:

- (a) CSA standard CSA B51-14, Boiler, Pressure Vessel, and Pressure Piping Code, as amended;
- (b) CSA standard CSA W59-13, Welded Steel Construction (Metal Arc Welding), as amended;
- (c) CSA standard CSA W47.2-11, Certification of Companies for Fusion Welding of Aluminium, as amended;
- (d) CSA standard CSAW47.1-09, Certification of Companies for Fusion Welding of Steel, as amended.

Idem

- (1.1) Subject to subsection (2), the requirements of sections 25 and 26 shall apply in respect of the welding of amusement devices.

Exception

- (2) Where, in the opinion of the chief inspector, a manufacturer's specifications are
- (a) based on sound engineering principles; and
 - (b) indicate that the requirements of sections 26 or 27 are inadequate or inappropriate,
- the chief inspector may permit welding of an amusement device based on the manufacturer's specifications. (EC627/02; 336/10; 768/15)

25. Standards - piping and fittings

- (1) The welding of piping and fittings containing an internal pressure greater than 103 kPa on an amusement device shall conform to CSA Standard B51, Boiler, Pressure Vessel and Pressure Piping Code.



Qualified welder

- (2) The welding referred to in subsection (1) shall be carried out by a person who is qualified in accordance with CSA standard CSA B51-14, Boiler, Pressure Vessel, and Pressure Piping Code, as amended.

Standards - stress-bearing parts

- (3) The welding of stress-bearing parts of an amusement device, other than parts referred to in subsection (1), the failure of which could create an unsafe condition, shall conform to CSA standard CSA W59-13, Welded Steel Construction (Metal Arc Welding), as amended.

Qualified welder

- (4) The welding of stress-bearing parts of an amusement device, other than parts referred to in subsection (1), the failure of which could create an unsafe condition, shall be carried out by a person who is qualified in accordance with CSA standard CSAW47.1-09, Certification of Companies for Fusion Welding of Steel, as amended, or CSA standard CSA W47.2-11, Certification of Companies for Fusion Welding of Aluminium, as amended, as the case requires.

Welding of other parts

- (5) The welding of parts not referred to in subsections (1) and (3) shall be carried out by a competent person. *(EC627/02; 336/10; 768/15)*

26. Alternative certification

As an alternative to subsection 25(4), the chief inspector may accept welding done by a person certified in accordance with other nationally recognized codes where the chief inspector is satisfied that

- (a) the quality assurance requirements and procedures applied ensure an equivalent level of safety; and
- (b) the owner of the amusement device has provided the engineering requirements as outlined in CSA standard CSAW47.1-09, Certification of Companies for Fusion Welding of Steel, as amended for the welding of stress-bearing parts of the amusement device. *(EC627/02; 336/10; 768/15)*

GO-KARTS**27 Duty of owner and operator**

- (1) The owner and the operator of a go-kart shall ensure that the go-kart is designed, constructed, equipped, limited or governed in performance, and operated in accordance with the Code, Appendix B of the Code, the Act and these regulations.

Idem

- (2) The owner and the operator of a go-kart track shall ensure that it is designed, constructed, equipped and operated in accordance with the Code, Appendix B of the Code, the Act and these regulations. *(EC627/02; 336/10)*

Physical requirements - adult karts

Sections 28 to 57 are revoked by EC336/10.

SCHEDULE A**FEEES**

The following fees are payable under the provisions of the *Amusement Devices Act* and these regulations:

1. Except as provided in this Schedule, the fee for the inspection of an amusement device is \$110 annually.
2. The fee for the inspection of
 - (a) a go-kart is \$110 annually for up to 10 go-karts plus \$6 annually for each additional go-kart;
 - (b) user-driven amusement devices is \$110 annually for up to 10 devices plus \$6 annually for each additional device; and
 - (c) dark houses or funhouses containing devices that physically move people is \$110 annually.
3. Where an inspection of an amusement device is carried out to check for compliance with a direction issued under sections 11 and 13 of these regulations, the fee is \$65 per hour if the device is found to be not in compliance with the direction.
4. The fee for an inspection made pursuant to section 14 of the Act is \$50 per hour plus travel expenses.
5. The fee for the transfer of a permit to a new owner is \$25.
6. For the purposes of section 4 of this Schedule, the rate of travel expenses payable shall be based on the rates in effect pursuant to the Collective Agreement between the province and the P.E.I. Union of Public Sector Employees for reimbursement for the use of private motor vehicles on Government business.

(EC627/02; 336/10)

SCHEDULE B

**COMMUNITY AND CULTURAL AFFAIRS
AFFAIRES COMMUNAUTAIRES ET CULTURELLES**

*Application for Permit to Operate an Amusement Device
Demande de Permis pour L'utilisation d'une Attraction Mécanique*

Registration number Immatriculation		Date issued Date d'émission			
Name of owner Nom du propriétaire					
Mailing address Adresse postale					
Postal code Code postal	Telephone Téléphone		Fax Télécopieur		
Type of amusement device Genre d'appareil de divertissement					
Model number N° du modèle			Serial number N° de série		
Name of manufacturer Nom du fabricant			Year manufactured Année de fabrication		
Date purchased Date d'achat	New/Neuve		Used/Usagée		
Name of previous owner Nom du propriétaire précédent					
Maximum number of persons Nbre maximum de personnes	Maximum speed Vitesse maximum	R.P.M. Vitesse de rotation	Type of drive Genre de commande	Gasoline Essence	Electric Électrique
Locations Endroits	Setup dates Dates de montage		Dismantle dates Dates de démontage		
Title/Titre			Signature		
NOTE					
1. A separate application form must be completed for each amusement device. 2. The appropriate fees must accompany this application form. 3. Each amusement device must be registered before it is put into operation.			1. On doit compléter une formule de demande pour chaque attraction. 2. On doit faire parvenir paiement des droits exigibles avec la présente demande de permis. 3. Toute attraction mécanique doit être enregistrée avant d'être mise en service.		
Payment instructions/Modalités de paiement Cheque or money order payable to Provincial Treasurer Faire le chèque ou le mandat à l'ordre de la trésorière. Debit card (if making payment in person). Carte de débit (si le paiement est fait en personne). Return this form with payment to address above. Retourner cet avis avec le paiement à l'adresse ci-dessus.			Method of Payment/Mode de paiement: <input type="checkbox"/> Cheque /Chèque <input type="checkbox"/> Debit /Carte de débit <input type="checkbox"/> Money order /Mandat <input type="checkbox"/> Cash /Argent comptant Received from: Signature:		

(EC627/02)