

Chapter 3½

AMUSEMENTS

- Art. I. In General, §§ 3½-1—3½-10
- Art. II. Amusement Rides and Devices, §§ 3½-11—3½-30
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ARTICLE I. IN GENERAL

Secs. 3½-1—3½-10. Reserved.

ARTICLE II. AMUSEMENT RIDES AND DEVICES*

Sec. 3½-11. Definitions.

The terms used herein are defined as follows:

- (1) *Commissioner* means the building commissioner of the City of Kirkwood or his authorized representative as approved by the chief administrative officer.
- (2) *Amusement device* means any equipment or piece of equipment, appliance, or combination thereof designed or intended to entertain or amuse a person.
- (3) *Amusement ride* means any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of amusement and entertainment.
- (4) *Carnival* means an enterprise offering amusement or entertainment to the public in, upon, or by means of amusement devices or rides or concession booths.
- (5) *Fair* means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with the operation of amusement rides or devices or concession booths.
- (6) *Concession booth* means a structure, or enclosure, located at a fair or carnival from which amusements are offered to the public.
- (7) *Related electrical equipment* means any electrical apparatus or wiring used at a carnival or fair.

***Editor's note**—At the editor's discretion, Ord. No. 6103, nonamendatory of the Code, has been included as Art. II, §§ 3½-11—3½-20, at the editor's discretion.

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- (8) *Operator* means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement device or ride, a concession booth, or related electrical equipment at a carnival or fair.
- (9) *Amusement park* means a tract, structures, area and equipment, including electrical equipment used principally at a location for supporting amusement rides, amusement devices and concession booths.
- (10) *Average adult passenger* means, for purposes of design, a person weighing one hundred seventy (170) pounds.
- (11) *Average child passenger* means, for purposes of design, a child weighing seventy-five (75) pounds.
- (12) Specific classes of amusement rides:
 - (a) *Major ride* is a device designated to carry a specific maximum number of passengers, adults or children, either by power or gravity in cars or other suitable fixtures for conveying persons.
 - (b) *Kiddie ride* is a device designated primarily for use by children but which may accommodate adults.
- (13) *Inspections* means inspections made by the building commissioner.
- (14) *Ride operator* is a person or persons causing the amusement ride or amusement device to go and stop or perform its entertaining function. A ride operator can be the operator's employee.
- (15) *Rope, wire rope and cable* are interchangeable terms except where the term "fiber rope" is used.
- (16) *Safety retainer* is a secondary safety cable, bar, chain, attachment or other device designed to prevent parts of a ride or device from becoming disengaged from the main mechanism or from tipping or tilting in a manner to cause injury to persons riding on or in the vicinity of a ride or device.
- (17) *Restraining device* is a safety belt, harness, chain, bar or other mechanism designed and utilized for physical support, retention or restraint to the passenger of a ride or device.
- (18) *Containing device* is a strap, belt, bar, gate or other safety device designed to prevent accidental or inadvertent dislodgement of a passenger from a ride or device but which does not actually provide physical support. (Ord. No. 6103, § 1, 3-24-77; Ord. No. 7521, § 1, 5-1-86)

Sec. 3½-12. Safety standards.

(A) *Electrical.* Electrical conductors and electrical equipment installed and utilized on or around permanent and temporary amusement parks and amusement rides shall conform to National

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Electrical Code, NFPA Number 70-1975. The following rules are supplemental to the national code. If any conflict exists or appears to exist, the national code shall have precedence.

- (1) Installation. Portable electrical systems required by temporary amusement rides or devices and temporary structures shall be installed by a qualified electrician.
- (2) Grounding. A carnival shall not operate until all grounding electrode conductors, equipment, and safety grounding connections are secured, polarized and tested. The grounding conductors shall conform to the National Electrical Code, NFPA Number 70-1975, Article 250-Grounding, paragraph 250-94, size of equipment grounding conductors. The path to ground from circuits, equipment and conductor enclosures shall be permanent and continuous and shall have ample carrying capacity to conduct currents liable to be imposed on it, and shall have impedance sufficiently low to limit the potential above ground and to facilitate the operation of the overcurrent devices in the circuit.
- (3) Service ground. Equipment or generators operating from a separate supply or supplies which are located closer than eight (8) feet and all service equipment within itself shall be bonded together. The service ground shall be established by connecting the grounding conductor to the service entrance neutral bar in the hot truck or generator and to an approved type service grounding electrode such as ground rods. If twenty-five (25) ohms or less is not obtained by a single grounding electrode such as a ground rod plate or pipe it shall be augmented by one additional grounding electrode of the type permitted by code.
- (4) Circuit and equipment safety. From the service entrance neutral bar, the circuit grounded and equipment safety grounding conductors shall be continuous and separate throughout the entire system. The portable outlet and terminal boxes shall contain a service ground through grounded receptacles for both circuit and safety. The equipment safety grounding conductors shall be attached to each ride, device or concession booth such that impedance is sufficiently low to limit the potential above ground and to facilitate the operation of the overcurrent devices in the circuit. Separate steel tracks or steel framework, such as roller coaster tracks or big slides, shall have grounding the same as the service equipment.
- (5) Current-limiting devices. Conductors shall be fused or protected to their current-carrying capacities. No more than six (6) disconnect switches are to be in the hot truck or generator unless a main switch is provided. All distribution lines from hot trucks or generators shall be either one hundred-amp or two hundred-amp capacity. No fuses or current-limiting devices shall be installed in the neutral or grounding conductors. Motors and lighting circuits shall be fused separately.
- (6) Concession booth wiring. Concession booth overhead wiring may be done with approved Type C brewery code (not smaller than No. 12 with a built-in tracer for identification of the neutral wire) and weatherproof, pigtail lamp sockets, polarized, soldered and taped to the brewery code with polarized male cord cap on the end that plugs into the current supply. Approved type pin sockets are acceptable when used on stranded conductors. Lengths up to forty (40) feet may be used without a messenger support wire provided the tie off on each end terminated in an insulating block or knob. S.O. cord sets may be used. Cord sets not to be installed lower than eight (8) feet except where they are not accessible to the public. Other concession booth wiring may include

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any of the approved National Electrical Code wiring methods suitable for the condition of use. Portable wiring methods are covered specifically by Article 400 of the National Electrical Code, NFPA Number 70-1975; section 305 shall also be utilized. If lamps and long sockets are lower than eight (8) feet, they shall be guarded and grounded.

- (7) Bus bars. Bus bars shall be located low or near the bottom of the cabinet. Separate bus bars shall be provided for grounding neutral and phase conductors.

Color codes painted on inside and outside of box, but not on contact surfaces of bus bars, are to be:

Ground—Green or green with yellow strip
Neutral—White or natural gray
1st phase—Black
2nd phase—Red
3rd phase—Blue

On a four-wire delta-connected secondary, the phase conductor having the higher voltage to ground shall be orange. These color codes are to carry on through all connected wiring from service through portable power outlet and terminal boxes. Buses shall not be less than two hundred-amp capacity. The load terminals in a switchboard or panel board shall be located so that it will be unnecessary to reach across or beyond a live bus (hot bus) to make a local connection.

- (8) Portable power, terminal box, supply cords, and cables:
- (a) Portable power outlet and terminal box. Boxes are to be raintight and kept locked during the time when the general public is in the area. Wood boxes may be used if insulated on all sides with fire-resistant material or painted with insulating varnish. The service powers shall be connected to the box by receptacles mounted on the exterior walls which includes the safety grounding. The distribution within the box shall be accomplished by neutral terminal bar(s) and circuit breakers or fuses. The branch circuits which include the equipment safety grounding shall obtain their power through receptacles mounted on the exterior of the box. The exterior openings of the receptacles must be at least six (6) inches above ground level and provided with a protective cover, draining eye or canvas, that will avoid the possibility of rain on the receptacle. If it is required to run conductors directly through an opening on the wall of the box for additional service or to obtain required ampacity, the opening(s) shall be color coded and shall be sized to prevent public accessibility to the interior of the box. The fuses or breakers, in the boxes, shall be secured permanently in place, and all connections to the bus bars within the boxes to be made with threaded screws and lugs of the proper size to fasten wiring in place.
- (b) Supply cords and cables. Portable or permanent cord or cable assemblies supplying power to the current limiting disconnect of a ride, concession booth, or device shall contain within the assembly a conductor of equal size for equipment grounding. All conductors within the assembly shall not be smaller than No. 12 awg (American Wire Gage) wire and cords or cable assemblies purchased for this purpose after May 1, 1975, shall not be smaller than No. 10 awg (American Wire

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Gage) wire. Current-carrying conductors within the assembly shall be protected with current limiting devices rated at or below the current-carrying capacity of the conductors.

- (c) Power sources. Electrical power sources shall be located in a manner permitting proper maintenance and shall be protected either by guards, fencing or enclosure to prevent exposure to hazard and to secure the equipment from the public.
- (B) *Fire protection.*
- (1) Fire extinguishers. The operator shall provide adequate or insure that adequate fire protection equipment is available within and surrounding the temporary structures. The agent or agency responsible for the permanent structures shall provide or insure adequate fire protection equipment exists or is available for the permanent structure. The selection, placement and maintenance of fire extinguisher shall be in accordance with Standard for the Installation of Portable Fire Extinguishers, NFPA Number 10-1974.
 - (2) Alarm. The operator shall insure that he has a telephone number for the local fire department and that this number is conspicuously posted.
 - (3) Compressed gas and air equipment. Air and gas compressors, tanks, piping and equipment shall be constructed and maintained to insure safe operation at all times.
- (C) *Machinery and machine guarding.*
- (1) General requirements. One or more methods of machine guarding shall be provided to protect the public from injury. An example of double guarding is public barriers and gear shielding. Guards shall be fixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard or barrier shall be such that it does not offer an accident hazard in itself. Barriers shall be securely staked or sandbagged to prevent movement or tipover by the public falling, pressing or stumbling against them. The barriers shall be located to keep the public at least six (6) feet away from the ride. Ride entrances shall have a passenger waiting line retaining chain, bar, gate or device. All machinery designed for a fixed location shall be securely anchored to prevent walking or moving. All rides containing or having a mounting or mountings that would catch, wind up or entangle long hair shall have attached adequate guards.
 - (2) Mechanical power transmission. All power transmission devices and associated moving parts shall be shielded, enclosed or barricaded to protect the public in accordance with 29 C.F.R., Chapter XVII, Part 1910 subpart 0, Machinery and Machine Guarding, paragraph 1910.219, mechanical power transmission apparatus, as published at 39 Federal Register 23728 (June 27, 1974).
 - (3) Location. The general layout shall be established such that continuous traffic patterns will exist. Box canyons formed by rides, devices and concession booths shall be avoided. The egress of a ride, device or booth shall not be located immediately in front of hazardous equipment. The layouts shall be such to prevent traffic patterns through the concession booth backyards and shall minimize traffic over any water lines and electrical lines. The intermingling of water lines and electrical lines shall be avoided. Long guy

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wires or narrow braces utilized for ride; device or booth support shall be clearly marked with streamers or other devices to attract attention when located in traffic patterns.

- (4) Temporary ride. A ride shall be placed on solid footings, be secured to prevent shifting, tipping, swaying or erratic motion. No cement, brick or similar type blocks shall be permitted. The provision pertinent to erratic motion or sway does not apply to a ride designed to permit flotation characteristics or flexibility. Use of shim blocks shall be kept to a minimum. Depressions in the ground near the ride footings shall be filled and tamped and adequate means of drainage provided to prevent water from collecting and softening supported areas in case of rain. The area surrounding the ride shall be clear and kept free from trash and tripping hazards. A daily inspection of the ride motion and footings shall be made.
- (5) Public protection. Temporary booths shall not be located under aerial amusement devices. Temporary booths utilized for cooking food shall be located such that at least ten (10) feet of clearance exists on two (2) sides for the use of fire equipment or other emergency vehicles, and shall not be located within ten (10) feet of amusement rides. A minimum clearance of six (6) feet shall exist between an exterior ride and walls, buildings and other structures. At least twelve (12) feet of clearance shall be maintained between rides.

Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, operation or where insulating barriers, not a part of or attachment to the equipment, ride structure or machinery, have been erected to prevent physical contact with the lines, equipment, ride or machines shall be operated proximate to power lines only in accordance with the following:

- (a) For lines rated fifty (50) kv or below, minimum clearance between the lines and any part of a lifting crane, ride structure or equipment shall be ten (10) feet.
- (b) For lines rated over fifty (50) kv, minimum clearance between the lines and the lifting crane, ride, structure or equipment shall be ten (10) feet plus four-tenths (0.4) inches for each kv over fifty (50) kv.
- (c) During assembly or disassembly, a person shall be designated to observe clearance of the equipment and give timely warning for all maneuvers where it is difficult to maintain the desired clearance by visual means.

The operator shall insure that there exists in the immediate vicinity a device or devices (for example; ladder, fire truck or hydraulic chair lift) which are available for emergency removal of passengers from elevated amusement rides or amusement devices that will not operate.

- (6) Leveling and alignment. Corner posts, central columns or support structures of a ride designed to operate on a perpendicular axis shall be plumb and secured so that the path of the sweeps or platforms shall be level and operate on a true horizontal plane at right angles to the axis of the pivot. A ride whose carriers are designed to operate on a horizontal axis shall be leveled so that the carriers will orbit in a true perpendicular plane. The base of a ride employing a combination of orbiting planes or a ride whose carriers operate normally in a plane other than true horizontal or vertical shall be leveled and

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plumbed and secured so that they will not tip or shift and will be stable under the most adverse operating conditions, except for a ride designed to permit flotation characteristics or flexibility or designed to operate properly whether the base is plumb or level or not.

- (7) Ride operators. A ride or device shall be operated by a competent ride operator trained for the duty. The ride operator of a kiddie ride or device designed for the exclusive use of children shall be at least sixteen (16) years of age. For all other major rides or devices an operator shall be at least eighteen (18) years of age. A ride operator shall have knowledge of the use and function of all normal operating controls, signal systems and safety devices applicable to the ride or device and of the proper use, function, capacity and speed of the particular ride or device which he is operating. A ride operator shall have complete control of the ride or device at all times that it is being operated for the public's use. When the ride or device is shut down, provision shall be made to prevent operation by the public. No person other than a trained ride operator shall be permitted to handle the controls of a ride or device during normal operation except where it is designed to be controlled by the passenger.
- (8) Overspeeding and overloading. A ride or device shall not be loaded beyond its rated capacity nor shall it be operated at an unsafe speed or at any speed other than that prescribed by the design engineer or manufacturer. When this information is not obtainable, the criteria for safe operating speeds and rated capacity will be established by the commissioner.
- (9) Internal combustion power sources. Fuel tanks for internal combustion power sources should be of adequate capacity to permit uninterrupted operation during normal operating hours. Where it is impossible to provide tanks of proper capacity for a complete day, the ride or device shall be shut down and unloaded or evacuated during the refueling procedure. The fuel supply shall not be replenished while the engines are running. An enclosed area in which an internal combustion engine is operated shall be ventilated. Exhaust fumes from the engine shall be discharged outside the area. Internal combustion power sources shall be located in a manner and shall be protected either by guards, fencing or enclosure to prevent public exposure to hazards and to secure the equipment from the public.
- (10) Seating and carrying devices. Tubs, cars, chairs, seats, gondolas and other carriers used on rides or devices shall be designed and constructed as strong as practical. Their interior and exterior parts with which passengers may come in contact shall be smooth, rounded, free from sharp, rough or splintered edges or corners, and with no protruding screws or projections which might cause injury. Parts upon or against which passengers might be thrown by action of the ride shall be adequately padded to prevent or minimize the possibility of injury. Propellers or other moving parts or decorations attached to tubs, cars, chairs, seats, gondolas and other carriers shall be securely fastened to such equipment and keyed or otherwise secured so that they cannot come off during operation of the ride. Vanes, canopies or other attachments which become disengaged shall be secured with safety straps to prevent their flying away in case of breakage or dislocation.
- (11) Speed-limiting devices. An amusement ride or amusement device capable of exceeding its maximum safe operating speed shall be provided with a maximum speed-limiting device. Steam engines that require an overspeed throttle setting to initiate the operation are exempt.

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- (12) Brakes and stops. On a ride or device where coasting renders the operation dangerous, either during the period while the ride or device is being loaded or unloaded or in case of power failure or other unforeseeable situation, a method of braking shall be provided. Where rollback may cause injury, anti-rollback devices shall be provided.
 - (13) Retaining, restraining and containing safety devices:
 - (a) Retaining safety devices. Tubs, cars, chairs, seats, gondolas or other carriers on a ride that depend upon a single means of attachment or support shall be equipped with safety retainers to prevent a carrier, if it becomes disengaged from its support or attachment, from being catapulted from the ride and to prevent any action of the carrier which might throw the occupants from the carrier. This rule only applies to rides, a ride design or situations determined to be hazardous by the commissioner.
 - (b) Restraining and containing safety devices. Restraining devices used on tubs, cars, chairs, seats, gondolas or other carriers on a ride wherein the forces generated by the action of the ride require retention, restraint or actual physical support of the passenger shall be designed, constructed and installed to withstand impact and forces of a minimum of eight hundred fifty (850) pounds per passenger. On a ride or a ride design where, after inspection by the commissioner, it is deemed necessary to install safety devices to prevent accidental or inadvertent dislodgement of a passenger from any tub, car, chair, seat, gondola or other carrier, a containing device shall be installed to withstand the design loads.
- (D) *Maintenance.*
- (1) General. All equipment relative to amusement rides, amusement devices, and concession booths shall be given periodic maintenance service. This shall include properly lubricating and cleaning machinery, engines and motors. Worn mechanical parts, padding material and cushioning shall be replaced and kept in a safe condition, and machinery shall be periodically inspected for loose fasteners. Lockout devices shall be engaged prior to inspecting or servicing a piece of equipment. The upholstery shall be examined, and no loose or flapping portions of upholstery or decoration shall be permitted. Equipment and structure for amusement rides, amusement devices and concession booths shall be kept free from protruding nails, loose nails, splintered wood, loose and wobbly seats and rough, loose or dangerous arm rests.
 - (2) Wire rope. Wire rope shall be thoroughly examined. Wire rope found to be damaged shall be replaced with new rope of proper design and capacity. Any of the following conditions shall be cause for rope replacement:
 - (a) In running ropes, six (6) randomly distributed broken wires in one rope lay, or three (3) broken wires in one strand in one rope lay. A rope lay is the length along the rope in which one strand makes a complete revolution around the rope.

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- (b) In pendants or standing ropes, (ropes bearing the entire load and subjected to constant pressure and surge shocks) evidence of more than one broken wire in one rope lay.
- (c) Abrasion, scrubbing or peeling causing loss of more than one-third of the original diameter of the outside wires.
- (d) Severe corrosion.
- (e) Severe kinking, severe crushing or other damage resulting in distortion of the rope structure.
- (f) Heat damage resulting from a torch or arc caused by contact with electrical wires.
- (g) Reduction from normal diameter of more than 3/64 inch for diameters up to and including 3/4 inch; 1/16 inch for diameters 7/8 inch to 1-1/8 inches; 3/32 inch for diameters 1-1/4 inches to 1-1/2 inches. Marked reduction in diameter indicates deterioration of the core resulting in lack of proper support for the load carrying strands.
- (h) Bird caging or other distortion resulting in some members of the rope structure carrying more load than others.
- (i) Noticeable rusting or development of broken wires in the vicinity of attachments. If this condition is localized in an operating rope, the section in question can be eliminated by making a new attachment. This may be done rather than replacing the entire rope.

Wire ropes used to support, suspend, bear or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats, gondolas, other carriers, the sweeps and other supporting members of a ride or device shall not be lengthened or repaired by splicing.

Couplings, sockets and fittings shall be of a design and type approved by the commissioner and installed in accordance with the instructions or specifications of the designer, engineer or manufacturer.

- (3) Wood components. Footings, splices, uprights, track timbers, ledgers, sills, laps, bracing, flooring and all other wood components of rides, devices and structures shall be inspected for deterioration, cracks or fractures. Emphasis shall be given to insuring tight nails, bolts, lag bolts and other fasteners.
- (4) Housekeeping. An adequate number of containers for refuse shall be provided in and around all amusement rides and devices, permanent structures and temporary structures. Excessive accumulations of trash and refuse shall be promptly removed. All parts of amusement rides and devices, temporary structures and permanent structures used by the public shall be maintained in a clean condition. All walkways between amusement rides and devices shall be kept free from debris, obstructions and other hazards.

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- (5) Electric motors. Electric motors exposed to water shall be given a dielectric test at least annually to insure a safe operation and the results are to be kept with the carnival or in the amusement park.
- (6) Wire rope rollers, drums and sheaves. The mechanical devices that brake, control or come in contact with wire rope, such as rollers, drums and sheaves shall be examined on a periodic basis to insure cleanliness and safe condition. Mechanical devices with broken chips, undue roughness or uneven wear shall be replaced immediately.
- (7) Articulations and bearings. The articulating pinions, frames, sweeps, eccentrics and other mechanical members shall be inspected for wear, out of round, cracks and other signs of deterioration, and shall be kept in good repair. Bearing surfaces, ball joints and other single or multiple direction mechanical surfaces shall be kept well lubricated, clean and inspected for out of round or out of spherical alignment and shall be kept in good repair. Gear alignment and gear drives shall be kept in good repair.
- (8) Electrical Wiring. Motor wiring, general service circuitry, decorative wiring, festoon wiring and concession stand wiring shall be inspected for insulation wear, fraying or other signs of deterioration such as cracking. Secure tape repairs may be used; however, use of tape repairs shall be kept to a minimum. Wire clips on articulating devices shall be kept in good repair, and wires at elbows and at the end of articulating devices shall be emphasized during inspections.
- (9) Safety devices. Retaining, restraining and containing devices shall be inspected to insure they can continuously fulfill their function. Worn and damaged areas shall be repaired immediately or shall be cause for immediate replacement.
- (10) Hydraulic systems. The system is to be checked for leaks, damaged pipes and worn or deteriorated hoses.
- (11) Relief devices. Pressure relief valves or devices shall be exercised on a periodic basis to insure that they operate properly. This includes compressed air and gas devices. (Ord. No. 6103, § 2, 3-24-77)

Sec. 3½-13. Concession booths.

Concession booths shall be subject to the following requirements:

- (1) *General.* Concession booths shall be designed so that bracing rods and the tie-down ropes are not projecting in front of booths where the public can trip, stumble or run into the braces or ropes. All front openings and awnings shall be designed with safety latching or safety pin devices that prevent the wind or crowds from forcing rings over pins, braces off from supporting studs or any other type of supporting device off its temporary structural mount. The concession booths shall be constructed to meet the requirements of Standard for Tents, Grandstands, Air-Supported Structures Used for Places of Assembly, NFPA No. 102-1972, section 5, tents, paragraph 52, structural requirements. Arm rests and seating devices shall be designed with adequate strength, smooth and round edges. No sharp material that can cut, puncture or scrape shall be utilized.

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- (2) *Hazardous use prohibited.* Concession booths shall not utilize normal hunting or other high-powered rifles or ammunition in shooting galleries. (Ord. No. 6103, § 3, 3-24-77)

Sec. 3½-14. Walking surfaces; access and egress; minimum safety requirements.

Safe and adequate means of access to and egress from amusement rides, devices, concession booths, permanent structures and temporary structures shall be provided. The design, number, location and identification of exits shall be in accordance with the Standard for Tents, Grandstands and Air-Supported Structures Used for Places of Assembly, NFPA No. 102-1972, section 7, ways of egress. All passageways are to be kept free from debris, obstructions, projections and other hazards. All surfaces shall be such as to prevent slipping and tripping, and floors shall be kept free from protruding nails, splinters, holes or loose boards. Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for passageways. (Ord. No. 6103, § 4, 3-24-77)

Sec. 3½-15. General environment.

- (1) *Weather and riot.* During a lightning storm, high wind storm, a period of tornado warning, severe storm warning, fire, or when violence, riot or civil disturbance occurs or threatens in or is a direct threat to an amusement park or a carnival lot, passengers shall be unloaded or evacuated from a ride or device and the ride or device shut down and secured immediately. Operations shall not resume until the situation has returned to a normal operating condition.

- (2) *Illumination.* Access and exits to and from amusement rides and devices and temporary or permanent structures shall be provided with illumination by natural or artificial means of no less than five (5) footcandles measured at grade level. No less than ten (10) footcandles of illumination shall be provided at all work levels for assembly and disassembly of amusement rides and devices and temporary structures. (Ord. No. 6103, § 5, 3-24-77)

Sec. 3½-16. Permits and fees; insurance.

- (1) No amusement device or ride, concession booth, or any related electrical equipment shall be operated at a carnival or fair in this city without a permit having been issued by the commissioner to an operator of such equipment. Mechanical and electrical inspection fees for amusement rides and devices shall be forty dollars (\$40.00) for each inspection.

- (2) *Application for permit to operate.* Before operation of each setup the operator of a ride or device shall apply to the commissioner for a permit to operate amusement rides, amusement devices or concession booths in this city for the forthcoming year as prescribed in this article. The application shall be made upon forms to be furnished by the commissioner. The application shall be accompanied by the permit fee as set by this article and a certificate of insurance indicating that the owner has obtained insurance in the amount conforming to the provisions set forth herein. The application shall identify the rides, devices and booths intended to be operated and the dates and locations where they will be used.

- (3) *Issuance of permit.* Upon receipt of the inspection fees as set by ordinance, inspection forms and certification that the ride, device or booth met the safety standards, the commissioner shall issue a permit to operate the ride, device or booth which has been inspected.

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(4) *Cessation order.* The commissioner may order, in writing, a temporary cessation of operation of any amusement device or ride, concession booth or related electrical equipment if it has been determined after inspection to be hazardous or unsafe.

(5) *Revocation of permit to operate.* The commissioner may suspend or revoke the permit to operate of an operator for gross negligence, repeated disregard of inspection standards, misrepresentation of material information required as a part of the application for permit to operate, failure to comply with a safety order issued by the commissioner, conduct in derogation or disregard of public safety and welfare, lapsing of the required insurance coverage, or failure to pay fees that are required under the provisions of these rules. Any person aggrieved by the decision of the commissioner may appeal such decision to the city council, which shall hold a public hearing at the next regularly scheduled council meeting, and the council may by majority vote affirm, reverse or modify the finding of the commissioner. Prior to such hearing any order of the commissioner shall remain in full force and effect. Any person in interest may be represented by an attorney at such hearing. (Ord. No. 6103, § 6, 3-24-77)

Sec. 3½-17. Insurance.

No person shall be issued a permit under this article unless he first obtains an insurance policy in an amount of not less than one hundred thousand dollars (\$100,000.00) for bodily injury to or death of one person in any one accident, and, subject to the limit for one person, in the amount of not less than three hundred thousand dollars (\$300,000.00) for bodily injury to or death of two (2) or more persons in any one accident, and in the amount of not less than fifty thousand dollars (\$50,000.00) for injury to or destruction of property of others in any one accident, and excess coverage for bodily injury or death for a total of five hundred thousand dollars (\$500,000.00), insuring the operator against liability for injury or death suffered by a person attending a fair or carnival. (Ord. No. 6103, § 7, 3-24-77)

Sec. 3½-18. Authority to enter and inspect.

In order to enforce the provisions of this article the commissioner shall have the authority to, and shall upon request and identification be granted permission:

- (a) To enter without delay and at reasonable times any establishment, assembly area or other area where amusement rides, amusement devices and concession booths are stored, being assembled, are in use, being manufactured or being modified;
- (b) To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and within a reasonable manner, any such place of amusement, and to question privately any operator or employee. (Ord. NO. 6103, § 8, 3-24-77)

Sec. 3½-19. Exemptions.

The following amusement devices or rides or concession booths are exempt from the provisions of this chapter: Non-mechanized playground equipment including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, swinging gates and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located. (Ord. No. 6103, § 9, 3-24-77)

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Sec. 3½-20. Penalties.

Any person who operates an amusement device or ride, concession booth or related equipment at a carnival or fair without having first obtained a permit as provided herein, or any person who violates any other provision of this article or any lawful orders or rules issued pursuant to this ordinance shall upon conviction thereof be subject to the penalty provision provided in section 1-8, Code of Ordinances. (Ord. No. 6103, § 10, 3-2477)

Secs. 3½-21—3½-30. Reserved.

ARTICLE III. AMUSEMENT DEVICES AND AMUSEMENT CENTERS*

Sec. 3½-31. Definitions.

As used in this article words shall be defined as follows:

Amusement center. Any establishment which provides four (4) or more amusement devices for use or operation by the public or which provides less than four (4) amusement devices for use or operation by the public and the gross revenue from such devices exceeds thirty-three and one-third (33⅓) per cent of the total gross revenues of such business establishment.

Amusement device. Any machine, which, upon the insertion of a coin, slug, token, plat, disc, or any other insertion device, or which upon payment of a fee, may be operated by the public for use as a game, entertainment, or amusement, of any kind or description whatever.

City. The City of Kirkwood, Missouri.

Director of Finance. The director of finance of the City of Kirkwood.

Person. Any individual, copartnership, firm, association, company, corporation, or combination of individuals, of whatever form or character. (Ord. No. 6862, § 1 (3½-1(A)), 4-5-82)

***Cross references**—Method of calculating license tax for automatic coin operated amusement machines, § 13-34(c); licenses for coin-operated amusement devices, § 13-59; licenses for coin-operated vending machines, § 13-60.

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Sec. 3½-32. Applicability of provisions.

The provisions of this article shall not be applicable to any person having set up in his private residence one or more amusement devices when employed for his own private use or for the use of his family, nor clubs where amusement devices are used exclusively by club members and upon which no charge for playing is made. (Ord. No. 6862, § 1 (3½-1(B)), 4-5-82)

Sec. 3½-33. License—Required.

It shall be unlawful for any person to operate, or to permit to be operated on any premises in the city, an amusement center without first securing a license duly issued by the director of finance as set forth herein. (Ord. No. 6862, § 1 (3½-2), 4-5-82)

Sec. 3½-34. Same—Requirements.

(a) An application for the operation of an amusement center in the city shall be obtained from the chief administrative officer.

(b) Each such application shall be verified and shall contain the name of the proposed operator (if a partnership, the names of all general partners, and if a corporation, the names of all officers and stockholders owning ten (10) per cent or more of the corporation), the proposed location of the amusement center, and the number and types of machines to be provided. Such application shall be accompanied by fully dimensioned plans of the premises, showing the proposed location of the machines.

(c) Each application for an initial license hereunder shall be accompanied by a fee of two hundred fifty dollars (\$250.00) to cover the cost of reviewing the application and licensing as required hereunder. Each application shall also be accompanied by an application for a special use permit in accordance with Appendix A, Article IX, Section 1, and the fee then in effect for such application. Such application shall be filed with the director of finance.

(d) The director of finance shall cause the application for the special use permit to be referred to the planning and zoning commission of the city where it shall be reviewed and acted upon as any other application for a special use permit as provided in Appendix A, Article IX, Section 1. The director of finance shall cause the application for the license to be referred to the chief of police for review and comments by the chief or his delegate. (Ord. No. 6862, § 1 (3½-3), 4-5-82; Ord. No. 7521, § 2, 5-1-86)

Sec. 3½-35. Same—Granted.

(a) The city council shall conduct a public hearing upon the application for a license hereunder at such time as the city council shall conduct the public hearing on the application for the special use permit.

(b) The city council shall approve the granting of the license provided:

(1) It shall grant the special use permit;

(2) All fees required hereunder have been paid;

(3) The party interested in the proposed business shall not have been convicted of any violation of statute or ordinance involving moral turpitude;

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- (4) No party interested in the proposed business had previously had any business license revoked;
- (5) Said proposed premises are in compliance with the applicable city codes.

(Ord. No. 6862, § 1 (3½-4), 4-5-82; Ord. No. 7521, § 3, 5-1-86)

Sec. 3½-36. Term of special use permit and license renewal.

(a) The special use permit shall remain in effect so long as the premises shall be used for a licensed amusement center, but shall expire without further action of the city council in the event the license for such amusement center shall be revoked or expire or the amusement center shall cease to operate for a period of ninety (90) consecutive days.

(b) The license granted hereunder shall be for a term of one year and may upon application to the director of finance be renewed annually. Application for renewal shall be made on the same form as the original application, shall be accompanied by a renewal fee of one hundred fifty dollars (\$150.00) and shall be referred to the chief of police by the director of finance. Upon receipt of the comments from the chief of police, the application shall be submitted to the city council by the director of finance. The city council shall grant the renewal so long as it shall find the provisions of section 3½-35(b) satisfied and that the amusement center has been operated consistent with section 3½-37. (Ord. No. 6862, § 1(3½-5), 4-5-82)

Sec. 3½-37. Operation of amusement center.

All amusement centers shall be operated subject to the following regulations:

- (1) No person under the age of fourteen (14) years shall be permitted on the premises unless accompanied by a parent or legal guardian.
- (2) No alcoholic beverages or nonintoxicating beer shall be permitted on the premises unless such location has a license for the sale of such products.
- (3) No narcotics or controlled substance under the laws of the United States or the State of Missouri shall be permitted on the premises.
- (4) No firearms shall be permitted on the premises.
- (5) At least one supervisor at least twenty-one (21) years of age employed by the licensee shall be on duty at all times and present on the premises of such amusement center when it is open for business.
- (6) Such amusement center shall be closed daily from at least 11:00 p.m. to 9:00 a.m. local time.
- (7) Each amusement device shall have a license pursuant to section 13-34.

(Ord. No. 6862, § 1 (3½-6), 4-5-82)

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Sec. 3½-38. Revocation of license.

The city council may revoke or refuse to renew any license granted hereunder after hearing if it finds that the licensee has not operated such center in accordance with the regulations set forth herein. (Ord. No. 6862, § 1 (3½-7), 4-5-82)

Sec. 3½-39. Provisions in addition to other licensing requirements.

The provisions of this article are in addition to the license required for each amusement device pursuant to section 13-34. (Ord. No. 6862, § 1 (3½-8), 4-5-82)

Sec. 3½-40. Amusement devices-license required.

In the event any establishment shall have less than four (4) amusement devices and shall not be required to obtain a license for an amusement center, each amusement device shall require a license as provided in section 13-34. (Ord. No. 6862, § 1 (3½-9), 4-5-82)

Sec. 3½-41. Same—Issuance and renewal.

(a) The director of finance shall issue licenses or renewal of licenses for amusement devices as set forth in section 13-34 in the following manner:

- (1) If the amusement device is to be operated as a part of an amusement center such licenses shall be issued upon payment to the director of finance of the license fee for such amusement device, provided that at such time such amusement center has received an amusement center license pursuant to this article.
- (2) If the amusement device is to be operated other than as a part of an amusement center, such license shall be issued upon payment to the director of finance of the license fee for such device upon application on a form to be prepared for such purpose by the director of finance. Such form shall require the same information as set forth in section 3½-34 of this article. Such license shall be issued by the director of finance unless the director of finance shall determine:
 - a. That the applicant has permitted such device to be operated contrary to the provisions of section 3½-40 of this article.
 - b. That the premises upon which the device is to be located is not in compliance with the city's zoning code.
 - c. The business establishment in which such device is to be located is in default in any license fees or taxes due the city.
 - d. The business establishment has not obtained a proper license for the operation of the business establishment at which the amusement device is to be located.

(b) In the event the director of finance shall refuse to issue a license or to renew a license for any amusement device, the applicant may appeal such decision to the city council by so notifying the city clerk within thirty (30) days after receipt of notice of such decision, who shall place the same on the council's agenda. In the event such appeal is made the city clerk shall so notify the director of finance

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who shall at the time such matter is heard by the city council advise the council of the reasons such application for license or renewal was denied. (Ord. No. 6862, § 1 (3½-10), 4-5-82; Ord. No. 7521, § 4, 5-1-86)