

1986

c 6 Amusement Devices Act, 1986

Ontario

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CHAPTER 6

An Act respecting Amusement Devices

Assented to January 17th, 1986

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“amusement device” means a machine, contrivance, structure or vehicle used in an amusement park to entertain members of the public by moving them or causing them to be moved;

“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;

“Deputy Minister” means the Deputy Minister of Consumer and Commercial Relations;

“Director” means the Director of the Elevating Devices Branch of the Ministry;

“licensee” means a person licensed under this Act;

“Ministry” means the Ministry of Consumer and Commercial Relations;

“prescribed” means prescribed by the regulations;

“regulations” means the regulations made under this Act.

2. This Act does not apply to,

Non-application

- (a) amusement devices operated by muscular power only that are provided for children in a public park, playground or similar facility;
- (b) coin-operated amusement devices designed for one or two children;

(c) trains, vehicles or conveyances operated solely for transportation purposes; or

R.S.O. 1980,
c. 135

(d) devices regulated under the *Elevating Devices Act*.

Licence
required

3. No person shall carry on the business of operating amusement devices except under the authority of and in accordance with a licence.

Liability
insurance

4. Every person who carries on the business of operating amusement devices shall procure and maintain liability insurance in respect of the operation of the business in an amount not less than a prescribed amount.

Permit
required

5.—(1) No person shall operate an amusement device unless there is a current permit issued by the Director for the device.

Entitlement
to
permit

(2) Every applicant for a permit for an amusement device is entitled to the permit upon the prescribed conditions being met.

Restrictions

(3) Any permit may be granted subject to such prescribed restrictions as the Director considers appropriate.

Changes
require
consent

(4) No person shall significantly alter an amusement device after a permit has been issued for it without express consent of the Director.

Unsafe
operation

6.—(1) No person shall operate an amusement device or cause or permit it to be operated,

(a) if that person knows or could reasonably be expected to know that the device is not safe to operate;

(b) in an unsafe manner; or

(c) using an unsafe practice.

Consent
to operate

(2) No person shall operate or cause or permit the operation of an amusement device that is involved in an accident that results in the death or serious injury to any person without the consent of the Director.

Tampering

(3) No person shall remove, displace, interfere with or damage any device installed in or about an amusement device for its safe operation.

7.—(1) Every applicant for a licence under this Act who meets the prescribed conditions is entitled to receive the licence.

Licence

(2) The Director may refuse to grant a licence to any applicant who does not meet the prescribed conditions.

Refusal to licence

(3) Any licence may be granted subject to such prescribed restrictions as the Director considers appropriate.

Restrictions

8.—(1) The Director may, after a hearing, revoke or suspend any licence if the licensee is in contravention of any provision of this Act or the regulations or of a restriction or condition in the licence or cancel any permit if there is a contravention of a restriction or condition in the permit.

Revocation or suspension

(2) A revocation, suspension or cancellation under subsection (1) does not take effect until final disposition of an appeal or the expiration of the thirty-day period for appeal without an appeal being filed.

Delayed effect

9.—(1) Where the Director refuses to,

Appeals

- (a) issue a permit for an amusement device;
- (b) consent to an alteration to an amusement device;
- (c) grant a licence; or
- (d) revoke an order made under section 12,

or where the Director,

- (e) grants a permit or licence subject to restrictions;
- (f) cancels a permit; or
- (g) revokes or suspends a licence,

the applicant, permit holder or licensee, as the case may be, may appeal to the District Court by filing a notice of appeal within thirty days after receiving notice of the Director's decision.

(2) On an appeal under subsection (1), the Court may order the Director to take such action as the Court considers proper.

Idem

(3) The Director is a party to every appeal under this section.

Director is party

- Inspectors** **10.**—(1) The Deputy Minister may designate in writing any employee of the Crown as an inspector for the purpose of this Act.
- Powers** (2) For the purposes of this Act and the regulations, an inspector designated under subsection (1) or a police officer,
- (a) may enter on any grounds or premises, without warrant, wherein there is reason to believe that an amusement device is being operated, installed or repaired, to inspect or observe the operation of the device;
 - (b) may enter on any grounds or premises, at any time reasonable in the circumstances, to inspect an amusement device;
 - (c) may require any licensee to produce for inspection any licence, permit, report, record or other document that the licensee is required to have by this Act or the regulations;
 - (d) may require any licensee to co-operate in and assist with an inspection; and
 - (e) may inspect and test any amusement device or inspect any document that may be required to be produced under clause (c).
- Assistants** (3) In the exercise of a power under subsection (2), an inspector or police officer may be accompanied by such experts or assistants as may be helpful in the exercise of the power.
- Interpretation** (4) In subsection (2), “premises” does not include a dwelling.
- Offences: no obstruction** **11.**—(1) No person shall obstruct or interfere with a person exercising a power under subsection 10 (2).
- production of documents** (2) No person shall refuse or fail to produce a document that is required under clause 10 (2) (c).
- false information, etc.** (3) Where information is required to be furnished or a document is required to be provided or produced under this Act or the regulations, no person furnishing such information or providing or producing such document shall furnish false information or provide or produce a false document.
- Order not to use** **12.**—(1) An inspector who,

- (a) is of the opinion that an amusement device is not being operated safely or can not be operated safely; or
- (b) has reason to believe that an amusement device will be operated unsafely,

may order that the device not be operated or used and may affix a seal thereto.

(2) An inspector may revoke any order made under subsection (1) upon being satisfied that a potential danger no longer exists. Revocation of order

(3) No person shall operate or cause or permit the operation of an amusement device in contravention of an order issued under subsection (1). Offence: re operation

(4) No person shall remove a seal affixed by an inspector without the consent of an inspector. removal of seal

(5) Subsection (4) does not apply upon the order that was made when the seal was affixed being revoked. When order revoked

13.—(1) Any person affected by an order under subsection 12 (1) may appeal at any time to the Director in writing. Appeal

(2) Upon receiving an appeal under subsection (1), the Director shall hold a hearing as soon as is reasonably possible. Hearing

(3) After a hearing, the Director shall revoke the order that is the subject-matter of the hearing if the Director is satisfied that a potential danger does not exist or shall affirm the order if the Director is not so satisfied. Decision

14. The Director may issue a certificate as to the registration or non-registration of an amusement device, the existence or non-existence of a licence, the revocation or suspension of a licence or the restrictions to which a licence is subject and every such certificate is proof, in the absence of evidence to the contrary, of the facts stated in it, without any proof of appointment or signature. Certificate by Director

15.—(1) An inspector shall not disclose to any person any information or document obtained under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations. Disclosure of information

(2) The Director may disclose any information, documents or test results obtained under this Act and the regulations. Idem

Notification
of accident

16.—(1) Every operator of an amusement device that is involved in the death or serious injury of a person shall ensure that the Director is immediately notified of the incident.

Idem

(2) Every operator of an amusement device that is involved in an accident or an incident that indicates the device is potentially dangerous shall notify the Director, by telephone, within twenty-four hours after the incident and shall submit to the Director, within seven days after the incident, a written report setting out full particulars of the incident.

Disturbing
evidence

(3) No person, except for the purpose of rescuing a person injured in the accident, shall interfere with an amusement device involved in the death or serious injury of a person or disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident without permission of an inspector.

Penalty

17.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both, or if the person is a body corporate, to a fine of not more than \$25,000.

Idem

(2) Where a body corporate is guilty of an offence under subsection (1), every director or officer of the body corporate who, without reasonable cause, authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Regulations

18.—(1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the registration of amusement devices and the issuing of permits therefor and prescribing the requirements to be met as conditions for registration and the issue of a permit;
- (b) prescribing conditions to be met for entitlement for a licence;
- (c) prescribing conditions and requirements for maintaining a licence or a permit;
- (d) prescribing forms and providing for their use;

- (e) prescribing information to be reported and providing for reports including the frequency, time and manner for reporting;
- (f) prescribing the information, records and documents to be kept;
- (g) prescribing classes of amusement devices;
- (h) prescribing classes of licensees;
- (i) regulating the use, location, design, construction, installation, blocking, operating, dismantling, removing, alteration, repair, maintenance, service, testing, transportation and inspection of amusement devices, parts thereof and equipment used in conjunction therewith;
- (j) prescribing qualifications, training and experience required by operators, attendants and mechanics working with amusement devices and prohibiting persons without the prescribed qualifications, training or experience from working with or being employed to work with amusement devices;
- (k) prescribing notices and markings to be used in conjunction with amusement devices and requiring their use;
- (l) prescribing conditions for the purposes of subsection 5 (3) or 7 (3);
- (m) prescribing fees;
- (n) exempting any amusement device or person or class or type thereof from any provision of this Act or the regulations;
- (o) prescribing, for the purpose of section 4, the minimum amount of liability insurance that applies to any class or type of operation.

(2) Any regulation may be general or specific in its application. Idem

(3) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code adopted. Codes

Variance
by Director

(4) The Director may allow a variance from any code adopted under the regulations where, in the opinion of the Director, the variance would not detrimentally affect the safety of the amusement device.

Use of new
codes, etc.

(5) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any conditions specified.

Commence-
ment

19. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

20. The short title of this Act is the *Amusement Devices Act, 1986*.