TO: Mayor and City Council Members

SUBJECT: Ordinance Amendments Pertaining to Amusement Parks and Rides

INITIATED BY: Law Department

AGENDA: New Business

**Recommendation:** Place the ordinance on first reading and authorize all necessary signatures.

**Background:** Since 2005, the City has regulated permanent and portable amusement park rides. At the time of the passage of these ordinances, there was no state regulation of this industry.

Since that time, state statutes have been enacted to require permanent and portable amusement park ride owners and operators to maintain insurance, have rides inspected by a certified inspector, and most recently in 2017, require periodic inspections and notice to the Department of Labor if an accident occurs causing bodily injury.

**Analysis:** Kansas Statutes provide that any permanent or portable amusement park ride must be registered with the State of Kansas, be inspected annually, provide proof of adequate insurance coverage and notify the Department of Labor of any accidents causing bodily injury. The Department of Labor has the authority to conduct investigations following any such accident.

Currently, the City ordinances require that a permit fee be paid and proof of ride inspections and liability insurance be provided to the City Treasurer at the time of licensing. Licensees must also notify the City if an accident occurs. State statutes allow municipalities to continue to regulate these rides; however, any regulation cannot be in conflict or less restrictive than state law. In order to comply with state law requirements, the ordinances would need to be amended to allow the City to complete an investigation following any accident causing bodily injury. Additionally, amendments to the education level of inspectors allowed to certify such rides would also be required.

Staff is recommending that in lieu of amending the City’s existing licensing scheme, that the licensing provisions be repealed and regulation of these rides be undertaken by the Department of Labor. Since annual license renewals are due on April 30 of each calendar year, a repeal of Chapter 3.20 of the City Code would immediately eliminate the need for such businesses to pay a renewal fee for the current year and would eliminate what has become a duplicitous layer of regulation.

**Financial Considerations:** Each year approximately 20 amusement park or ride licenses are issued. Annual revenue for these licenses is approximately $5,500.

**Legal Considerations:** The amendments have been prepared and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council place the ordinance on first reading and authorize all necessary signatures.

**Attachment:** Ordinance.