

[NAME OF LOCAL GOVERNMENT] [REGULATION OF MECHANICAL RIDES] BYE LAWS, 2017

PREAMBLE:

WHEREAS it is expedient to regulate mechanical rides installed in parks and open spaces or on private property, within the specified parameters, to prevent any injury or loss of human life and ensure public safety;

AND WHEREAS the circumstances exist that render it necessary to take immediate steps to frame the **[Name of Local Government]** [Regulation of Mechanical Rides] Byelaws, 2017;

AND WHEREAS under Section 145 read with Part-II of the Seventh Schedule of the Punjab Local Government Act 2013, the **[Name of Local Government]** may, in its ambit of responsibilities, make bye-laws to carry out the purposes of the Act *ibid*.

NOW, THEREFORE, in exercise of the aforesaid powers and all other enabling provisions in this behalf, the **[Name of Local Government]** through Resolution No. _____ dated _____ has approved the following bye-laws which are hereby notified.

**CHIEF OFFICER
[NAME OF LOCAL GOVERNMENT]
DISTRICT _____**

THE [NAME OF LOCAL GOVERNMENT] [REGULATION OF MECHANICAL RIDES] BYE LAWS, 2017

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1. Short title and commencement.– (1) These Byelaws may be called “The [Name of Local Government] (Regulation of Mechanical Rides) Byelaws, 2017.

(2) These bye-laws shall extend to the whole area of the [Name of Local Government].

(3) These bye-laws shall come into force with immediate effect.

2. Definitions.– (1) In these bye-laws unless there is anything repugnant in the subject or context, the following expressions shall have the meaning hereby respectively assigned to them:

- (a) “**Act**” means the Punjab Local Government Act, 2013 (*XVIII of 2013*);
- (b) “**Chief Officer**” means the Chief Officer of the Metropolitan Corporation, a Municipal Corporation, a District Councils or a Municipal Committee;
- (c) “**Inspection**” means a physical examination of a ride by an inspector of Local Government for the purpose of approving the application for a license and includes the periodical inspection;
- (d) “**License**” means a permit for a specified time, granted under these bye-laws to install and operate mechanical ride(s);
- (e) “**Local Government**” means the Metropolitan Corporation, a Municipal Corporation, a District Council or a Municipal Committee established under the Act;
- (f) “**Maintenance**” means the preservation and upkeep of mechanical ride(s) for the purpose of maintaining its designed operational capability;
- (g) “**Major injury or minor injury**” means an injury defined in Pakistan Penal Code;
- (h) “**Mechanical Ride**” means any mechanical device that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of providing enjoyment, pleasure, or excitement;
- (i) “**Mechanical Ride Operator**” means any person causing the mechanical ride to go, stop, or perform its function;
- (j) “**Operation**” means the use or operation, or both, of a mechanical ride with riders;
- (k) “**Owner**” means any person who owns and controls or manages the operation of mechanical ride(s);
- (l) “**Permanent Mechanical Ride**” means a mechanical ride that is installed in a park or open space or on a private property and remains a lasting part of the premises and holds permission of Local Government on annual basis for a minimum period of one year;
- (m) “**Rider**” means any person who sits, stands, or is otherwise conveyed or carried as a customer on a mechanical ride, but

does not include employees or agents of the owner of the mechanical ride;

- (n) "**Safe Operation**" means the practical application of maintenance, inspection and operational processes, as indicated by the manufacturer, owner, or local government that secures a rider from threat of physical danger, harm, or loss; and
- (o) "**Temporary Mechanical Ride**" means a mechanical ride that is temporarily installed for less than one year in a park or open space or on private property with the permission of Local Government.

(2) Words and expressions used but not defined in these bye-laws shall have the same meanings as are assigned to them under the Act.

3. Conditions to install and operate mechanical rides.– (1) No owner shall install and operate mechanical ride(s) in a park, open space or on private property, temporarily or on permanent basis except under and in conformity with the conditions of a license granted under these bye-laws by the Local Government

(2) The Local Government shall, immediately after the notification of these bye-laws, issue notice to a person operating mechanical ride(s) in a park or open space or on private property within its local area and direct him to obtain necessary license within seven days.

(3) In case a person fails to obtain the license within the prescribed time, the Local Government shall take legal action against him under the Act and these bye-laws including sealing of the premises.

4. Application for grant of License.– (1) If an owner intends to install and operate a mechanical ride temporarily or on permanent basis anywhere in the local area of the Local Government, he shall apply to the Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure) in writing for grant of a license in this behalf

(2) No application for grant of license shall be entertained unless submitted on prescribed **Form-I** and accompanied by the following documents:

- (a) Copy of CNIC of the owner/applicant with recent three passport size photographs;
- (b) Details of the manufacturing firm duly registered with the Pakistan Engineering Council;
- (c) Detail of design of the ride indicating the details of mechanical, electrical, structural, control, safety, hydraulics, pneumatic systems;
- (d) Details of the design loads with factor of safety;
- (e) Fitness certificate issued by an independent engineering firm or company regarding the safety, quality of the rides and its worthiness for public use along with the capacity of the ride;
- (f) Certificate of the manufacturing firm certifying that new material has been used in manufacturing the ride (In case of installing the ride for the first time);
- (g) Protection against the thunder/lightening or any other natural hazard;

- (h) Emergency Rescue Plan and details of the First Aid to be made available on the site;
- (i) Certificate that the operators are duly trained to operate and maintain the safety standard of the ride;
- (j) Checklist and maintenance plan including lubricant requirements to be observed by the operator;
- (k) Detail of the measures to be provided for safety of the riders as well as visitors;
- (l) NOC from District Administration; and
- (m) Any other detail which the Municipal Officer (Infrastructure) or District Municipal Officer (Infrastructure) of [Name of Local Government] may require.

(3) The Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure) shall send the application for license to concerned Inspector who shall inspect the premises and mechanical ride(s) and send his report within seven days to Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure).

(4) The Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure) shall within seven days after the receipt of inspection report of the Inspector, either grant license on **Form-II** or refuse the license with reason(s) to be communicated to the applicant in writing on **Form-III**.

5. Fee for License.— (1) Fee for new license and renewal fee shall be levied by the Local Government under section 115 of the Act and determined in accordance with the procedure laid down in the Punjab Local Governments (Taxation) Rules, 2016.

(2) The prescribed fee shall be deposited in the local fund of Local Government.

6. General terms and conditions for License and responsibilities of owner/licensee.— (1) The owner/licensee shall:

- (a) Observe the prescribed terms and conditions under these bye-laws and any other law in force.
- (b) Install the rides as per prescribed instructions of the manufacturer and the safety standards mentioned in the fitness certificate.
- (c) He shall display at a conspicuous place in the premises the following requirements:
 - i. the License and expiry date;
 - ii. fitness certificate;
 - iii. description of each ride;
 - iv. description of each ride operation including the interplay of its major components;
 - v. rate list;
 - vi. capacity of each ride;
 - vii. safety measures to be observed by the riders;
 - viii. checklist to be observed by the operator(s);
 - ix. steps to be adopted in case of any emergency;
 - x. location of First Aid facility;
 - xi. complaints book;
 - xii. exit and entry points;

xiii. rest areas;

- (d) He shall maintain and make available the following documents at the time of inspection:
- (i) maintenance plan including lubricant requirements;
 - (ii) maintenance and repair record of each ride;
 - (iii) Detail of design of the ride indicating the details of mechanical, electrical, structural, control, safety, hydraulics, pneumatic systems;
 - (iv) Details of the design loads with factor of safety; and
 - (v) Inspection Register for recording observations of the inspecting officers.
- (e) Licensee shall not in any case use or allow to be used licensed premises for any other purpose other than the one for which license has been issued;
- (f) Licensee shall make adequate arrangements to the satisfaction of Local Government to prevent and control any outbreak of fire;
- (g) Ride operator(s) is physically fit, having valid CNIC and of sound mind, trained and qualified to operate the ride in the prescribed manner;
- (h) Licensee shall get his license renewed one month before its expiry;
- (i) The license shall be treated as invalid if the ownership of ride has been changed;
- (j) The license does not absolve him of the duty to obtain any other approval of consent that may be mandatory/required under any law in force; and
- (k) any other condition which the Local Government may deem appropriate to specify.

(2) This license does not absolve the licensee to obtain other mandatory licenses / permissions / permits to carry out such activity.

7. Responsibilities of Mechanical Ride Operator.– (1) Mechanical ride operator shall ensure that all riders are following safety instructions.

(2) He shall ensure number of riders does not exceed the permissible load and capacity as per design of the ride.

(3) He shall ensure daily pre-opening inspection and maintain an inspection register to this effect.

(4) He shall carry out daily procedure to ensure the proper functioning of the rides including lubrication, mechanical/ electrical fittings, etc.

(5) In case of any malfunction of the rides, he shall immediately stop the operation and inform the owner / licensee and Local Government concerned.

8. Responsibilities of riders.– No rider shall fail to do any of the following:

- (a) Follow all written warnings and directions that require a rider to meet certain conditions or to refrain from certain actions regarding a mechanical ride, as determined in these bye laws.

- (b) Refrain from behaving or acting in any manner that may cause injury or contribute to injuring himself or other people while occupying a mechanical ride.

9. Liability of owner/insurance requirement in case of an accident.– (1) Owner / Licensee shall be responsible for arrangements of all insurances related to rides / operators / users.

(2) Owner / licensee shall be liable to pay amount of monetary compensation determined by the Local Government concerned, to the affectees, in case of any accident resulting in minor or major injury or death in addition to the other legal action. The Amount of compensation shall be determined by the Local Government keeping in view the on ground factors.

(3) In case of any accident owing to the negligence of owner / licensee / operator / riders, Local Government shall stand indemnified in all respects.

10. Inspection of the Licensed Premises and Renewal of License.– (1) The Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure) or any Inspector designated as such by the Local Government in this behalf, may inspect any premises, where the mechanical ride(s) are installed and operated.

(2) The Inspecting Officer shall, during the course of inspection, ensure that:

- (i) license is displayed at a conspicuous place;
- (ii) mechanical ride(s) are being operated and maintained as per SOP;
- (iii) riders safety measures are in place;
- (iv) ride(s) are in safe operation; and
- (v) all terms and conditions required under these bye-laws are being followed by the licensee in letter and spirit.

(3) The Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure) shall maintain the record of inspections.

(4) The license shall be issued or renewed after receiving a satisfactory inspection report.

(5) Inspecting officer shall recommend the frequency of inspections and testing, other than daily pre-opening inspection.

(6) The Local Government shall have the authority to carry out independent inspection of each ride, temporary or permanent, as the case may be, through a qualified Engineering firm / company at any time during the installation to check the safety & quality of rides.

(7) Government may conduct an inspection through a third party and cost thereof shall be borne by the respective Local Government.

11. Power of Entry and Sealing of Premises.– The Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure) or any Inspector as such designated by the Local Government in writing in this behalf, may at any time enter into any premises being used for operating the mechanical ride(s) within the jurisdiction of the Local Government and, in case of serious threat to the safety or danger to the life of riders, may stop the operation and seal the premises.

12. Cancellation of License.— (1) In case of any serious threat to the safety or danger to life of rider(s), the Enforcement Inspector may, in his area of jurisdiction in addition to imposition of fine or initiating prosecution under these bye laws:

- (a) suspend the operation of mechanical ride(s);
- (b) seal the premises;
- (c) remove mechanical ride(s); and
- (d) issue directions for taking corrective measures in the time specified by him.

(2) The Local Government may cancel the license in case of violation of any provision of these bye-laws and the terms and conditions of the license by the licensee.

(3) Before cancellation of license, the licensee shall be informed in writing.

(4) No license shall be cancelled without providing an opportunity of hearing to the licensee.

(5) Cancellation of the license shall be intimated in writing.

13. Public Awareness.— The Local Government shall make arrangement of public awareness through posters, notice boards, newspapers and electronic media regarding the enforcement of these bye-laws and the responsibilities of the owners of mechanical ride(s).

14. Appeals.— Any person aggrieved by an order passed under these bye-laws may file appeal under section 143 of the Act to the Appellate Authority as prescribed under the Punjab Local Governments (Appeal) Rules, 2016.

15. Penalties.— In addition to any other action as provided in these bye-laws, the person doing an act without license or permission shall be proceeded against under sections 132 and 134 read with the Fourth Schedule and Fifth Schedule of the Act, for imposition of punishment or fine thereon.

16. Responsibility of Enforcement.— The Municipal Officer (Infrastructure) / District Officer (Municipal Infrastructure) shall be responsible to enforce these bye-laws.

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FORM-I

(see bye-law 4(2))

To

The Municipal Officer (Infrastructure) /
District Officer (Municipal Infrastructure)

[Name of Local Government],

Subject:- **APPLICATION FOR GRANT OF LICENSE TO INSTALL AND OPERATE MECHANICAL RIDE(S)**

Sir,

I intend to install and operate mechanical ride(s) under the [Name of Local Government] (Regulation of Mechanical Rides) Byelaws, 2017.

2. I may kindly be permitted and granted a license to install and operate mechanical ride(s) at (place) _____ for the period from _____ to _____.

3. I undertake to abide by the bye-laws applicable to the subject matter and all directions issued by the Government and **[Name of Local Government]**, from time to time.

4. After the expiry of the license period, I will myself apply for renewal of the license.

Applicant's Signature _____

Applicant's Name _____

Father's/Husbands Name _____

C.N.I.C No. _____

Residential Address _____

Contact No. _____

Following documents are enclosed:

FORM-II
(see bye-law 4(4))

[Name of Local Government]

From

The Municipal Officer (Infrastructure) /
District Officer (Municipal Infrastructure)
[Name of Local Government],

To

(Name) _____
Address _____

Subject:- **LICENSE TO INSTALL AND OPERATE MECHANICAL RIDE(S)**

With reference to your application dated _____, the license is hereby granted to install and operate mechanical ride(s) at (place) _____ for a period from _____ to _____.

2. During the term of license you will strictly abide by all prescribed regulations and bye-laws on the subject matter and as may be directed or conveyed by the Local Government from time to time.

3. The license is granted to you as per following particulars and subject to the conditions annexed herewith:-

Name _____
Father's/Husband's Name _____
CNIC No. _____
License No. _____
Term of license _____
License fee paid _____
Address _____
Description of the premises _____

**Municipal Officer (Infrastructure) /
District Officer (Municipal Infrastructure)**

Copy to:

1. Deputy Commissioner, _____
2. Mayor/Chairman, _____
3. Chief Officer, _____
4. Concerned Enforcement Inspector, _____

**Municipal Officer (Infrastructure) /
District Officer (Municipal Infrastructure)**

FORM-III
(see bye-law 4(4))

[Name of Local Government]

To

(Name) _____

Address _____

Subject:- **REJECTION OF APPLICATION FOR GRANT OF LICENSE TO
INSTALL AND OPERATE MECHANICAL RIDE(S)**

Reference your application, dated _____ for grant of license
to install and operate mechanical ride(s) at (place)
_____ in the jurisdiction of **[Name of Local
Government]**.

2. It is intimated that your application for grant of license has been
rejected on the following grounds:

i. _____

ii. _____

iii. _____

**Municipal Officer (Infrastructure) /
District Officer (Municipal Infrastructure)
Name of Local Government**

Copy to:

1. Deputy Commissioner, _____
2. Mayor / Chairman, [Name of Local Government]
3. Chief Officer, [Name of Local Government]
4. Concerned Enforcement Inspector, [Name of Local Government]

**Municipal Officer (Infrastructure) /
District Officer (Municipal Infrastructure)
[Name of Local Government]**

GENERAL TERMS AND CONDITIONS OF LICENSE
(to be annexed with the license)