

Ordinance 2016-26

SHORT TITLE:

An ordinance enacting Provo City Code Chapter 6.11 (Trampoline Gyms) to regulate the licensing of trampoline gyms in Provo.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL	✓		✓			
CW 2	GEORGE STEWART		✓	✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO			✓			
CD 3	DAVID KNECHT			✓			
CD 4	KAY VAN BUREN			✓			
CD 5	DAVID HARDING			✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 4th day of October, 2016, on a roll call vote as described above. Signed this October 11, 2016.

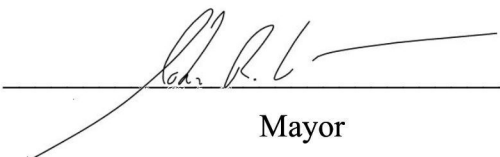


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 10/12/2016.



Mayor

Ordinance 2016-26

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 12th day of October, 2016, with a short summary being published on the 8th day of October, 2016, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2016-26.





City Recorder

ORDINANCE 2016-26.

AN ORDINANCE ENACTING PROVO CITY CODE CHAPTER 6.11 (TRAMPOLINE GYMS) TO REGULATE THE LICENSING OF TRAMPOLINE GYMS IN PROVO. (16-105)

WHEREAS, it is proposed that Provo City Code Chapter 6.11, as shown in Exhibit A, be enacted to impose regulations on trampoline gyms in Provo to promote public safety; and

WHEREAS, an interdisciplinary committee, including representatives of local trampoline gyms, has considered the proposed regulations, which are designed to promote public safety and create standardization among these businesses; and

WHEREAS, on September 20, 2016, and October 4, 2016, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Chapter 6.11 (Trampoline Gyms) should be enacted as set forth below and (ii) this action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Chapter 6.11 (Trampoline Gyms) is hereby enacted as shown in the attached Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

47 END

OF

ORDINANCE.

EXHIBIT A

Chapter 6.11

Trampoline Gyms.

- 6.11.010. Purpose.
- 6.11.020. Definitions.
- 6.11.030. Business License Required.
- 6.11.040. Exemptions.
- 6.11.050. Notification of Risk.
- 6.11.060. Safety Standards.
- 6.11.070. Supervision.
- 6.11.080. Reporting of Injuries.
- 6.11.090. Inspections.
- 6.11.100. Insurance.
- 6.11.110. Accreditation or Affiliation.
- 6.11.120. Appeals.
- 6.11.130. Penalty for Violation.

6.11.010. Purpose.

Jumping on trampolines carries a risk of severe injury. To promote public safety and address this risk, Provo City requires that commercial trampoline gyms comply with the following standards in order to be licensed to do business in Provo City.

6.11.020. Definitions.

For the purposes of this Chapter, the following words and phrases shall be defined as set forth in this Section. The definitions set forth in Provo City Code Section 1.02.030 shall also apply:

“**Commercial Trampoline**” shall mean a device consisting of a bed of canvas, fabric, or other material attached to a framework by springs, rubber coils, or other elastic material intended for use for jumping, springing, bouncing, acrobatics, or gymnastics in a commercial facility.

“**Emergency Response Plan**” is a written plan of action for the efficient deployment and coordination of services, agencies and personnel to provide the earliest possible response to an emergency.

“**Injury**” shall mean an injury that requires only basic first-aid or requires any type of treatment or remedy that is not deemed as a “Serious Injury.”

“**Operator**” shall mean a person who owns, manages, or controls or has the duty to control the operation of a trampoline gym.

“**Poly Bed Trampoline**” shall mean a trampoline bed consisting of interwoven materials such that a break in the material compromises the integrity of the bed.

“**Serious Injury**” an injury that requires medical attention beyond basic first- aid, or is reasonably likely to require medical attention beyond basic first- aid, or where the nature of the cause of injury and/or pain or symptoms related to the injury carry a reasonable risk that a failure to receive medical attention beyond basic first- aid may result in serious or permanent injury. Serious injury shall include, but shall not be limited to: broken bones, head injuries, spinal cord injuries, paralysis, cuts requiring sutures, etc.

“**String Bed Trampoline**” shall mean a trampoline bed consisting of individual strings.

“**Trampoline Court**” shall mean an area comprised of one or more commercial trampolines and any associated foam pits.

“**Trampoline Gym**” shall mean any place of business that operates for the purpose of offering the use of a trampoline court at a price.

6.11.030. Business License Required.

Except as provided in Section 6.11.040 of this Chapter, a person or business that operates a Trampoline Gym shall obtain a business license and shall be subject to the requirements of Provo City Code Chapters 6.01 and 6.02.

6.11.040. Exemptions.

This regulation does not apply to the following:

(1) Any playground operated by a school or local government, if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure or thrills;

(2) Equipment used exclusively for exercise, inflatable rides, inflatable bounce houses, and/or ball crawls; and

(3) Gymnastics, Dance, Cheer, and Tumbling facilities where all of the following are applicable:

(a) The majority of activities are gymnastics based;

(b) Where the facility derives at least 80% of its revenues through supervised educational instruction classes where the student- to- coach/instructor ratio is based on age, skill level, and number of students; and

(c) The facility teaches gymnastics skills and basics through programs that use progressive- oriented training and has supervised classes.

6.11.050. Notification of Risk.

(1) Each operator of a trampoline gym shall educate all participants regarding the risk of serious injury associated with use of the trampoline court in addition to and separate from any waiver of liability forms. Education shall include instruction on safe use of the facility, including warnings regarding any activities prohibited or restricted by these regulations, and the risks of unsafe or dangerous activities.

(2) Such education shall be provided either through in-person training or by video instruction and the operator shall document the acknowledgement of each customer that this education has been received.

(3) Such education shall also advise each participant that they are required to report any injury to gym staff before leaving the premises.

(4) Each operator shall post signage in conspicuous, well- lit places at the entrance desk and within the trampoline gym warning users of the risks of using the trampoline court and displaying safety rules. Letters shall be at least 2 inches in height. Warning signs shall also contain visual depictions of prohibited activities and potential dangers, including, but not limited to:

(a) Risks associated with low bounce areas; and

(b) Cautions those participants attempting a flip that they should do so into a foam pit until they have achieved sufficient skill to flip safely.

(5) The operator shall ensure that all gym staff are trained to closely monitor participants and advise participants not to attempt tricks or skills that the participant does not appear to be qualified to attempt.

6.11.060. Safety Standards.

(1) High risk activities, including activities involving boxes 4 feet in height or higher, shall be restricted to separate

areas and shall require that participants receive personal training from gym staff before admittance to this area.

(2) Trampolines shall be placed away from other structures, except for structures specifically designed for use in trampoline court activities, for example boxes or platforms for jumping off. Any structures allowed under this rule shall meet the minimum padding rules set forth herein.

(3) All non-jumping surfaces on or adjacent to a trampoline court or foam pit shall be covered with at least 1-3/8" of padding.

(4) All Poly Bed Trampolines must have a redundant bed, safety netting, or pad below the trampoline bed.

(5) All trampoline courts must have adequate clearance both above and below the trampoline bed surface.

(6) Any structures, such as boxes or platforms, designed for jumping off shall be designed to provide adequate safety for the height of the structure. Participants shall not be allowed to jump off any structure or surface not designed for such activity, which structures and surfaces should be clearly marked as prohibited or Out of Bounds.

(7) For safety purposes, participants must be segregated by age and height. Participants who are under 46" in height or under 6 years in age must have direct parental supervision at all times and may not participate in activities with, or be allowed into areas used by, other participants.

(8) Only one person may be allowed at a time on trampoline beds where tricks or flips are permitted.

(9) Head first diving shall not never be allowed in any area of the facility under any circumstances.

(10) Double-bouncing or launching shall not be allowed.

(11) Areas set aside for dodgeball or other team sports shall comply with the following rules:

(a) No tricks or flips shall be allowed in such areas;

(b) Participants may not be allowed to change from one trampoline bed to another in a reckless or unsafe manner; and

(c) Participants must be of relatively the same size.

(12) Foam pit areas must comply with the following rules:

(a) Participants may not remain in the pit; and

(b) The landing area must be clear before any other participant is allowed to jump into the landing area.

(13) Participants may not climb on a climbing wall surface directly above or below another participant.

(14) Operators shall inspect and document in maintenance logs, which shall be available for inspection upon request by City employees, the condition of the facility on a weekly and monthly basis. Such inspection shall include, but not be limited to, the condition of:

(a) Trampoline beds, springs, frames, and pads;

(b) Padding materials;

(c) Bolts, including tightness, and moving connectors;

(d) Safety netting and safety equipment; and

(e) Other equipment.

6.11.070. Supervision.

(1) All Trampoline Courts shall be monitored at all times, except for those limited to children where parental supervision is required. Monitoring means that a Trampoline Gym employee must have a clear and unimpeded view of the entire area of each Trampoline Court that the employee monitors. Video monitoring is permissible if such monitoring reasonably allows the employee a view meeting these standards.

(2) Trampoline Gym employees tasked with monitoring a Trampoline Gym must:

(a) have monitoring as their primary responsibility;

(b) be at least 18 years of age;

(c) be able to communicate immediately with other monitoring employees and any supervisory employees via radio or other method that does not require them to leave their monitoring post;

(d) be easily identifiable to participants as a monitor;

(e) have ready access to basic first aid supplies; and

(f) not be tasked to monitor a larger area or a larger number of participants than the employee can reasonably exercise authority and control over.

(g) be able to easily and clearly communicate to all participants, including by PA system.

(3) Operators shall train all employees to actively enforce all regulations herein and all rules of the trampoline gym.

(4) At all times, one on-duty employee shall be designated as a safety officer and shall be easily identifiable as such. All safety officers shall be trained regarding these regulations, rules of the trampoline gym, first aid, and both CPR and blood borne pathogen training that meets OSHA standards. Safety officers shall be trained in how to provide immediate care for breathing emergencies and serious injuries (as defined above). This training must be completed (or administered) once a year to all safety officers and documentation must be available at City's request.

(5) Every trampoline gym shall have an AED device on its premises and shall have on duty an employee trained in its use at all times.

6.11.080. Reporting of Injuries.

(1) Each operator of a trampoline gym shall immediately call 911 when any serious injury (as defined above) occurs.

(2) Each trampoline gym must create an Emergency Response Plan (ERP) approved by the Provo City Fire Marshall. All employees are required to know the response plan. At a minimum, the plan will describe what to do, who to call, etc. based on the injury. The plan must include a requirement to call 911 with any serious injury.

(3) All Injuries and Serious Injuries, must be recorded in a log that is kept on site and is available for review upon request by an authorized City employee.

6.11.090. Inspections.

(1) Each operator shall allow and facilitate the Provo City's inspections of their records to ensure compliance with the regulations found herein.

(2) The trampoline court should be maintained in good repair and inspected at least every year by the insurer of the gym, or another qualified individual not affiliated with the gym.

(3) Inspections shall include verification of compliance with the safety standards contained herein.

(4) Each operator shall make available to the Provo City inspector the updated Emergency Response Plan and all maintenance, inspection, employee first aid/ CPR training, and injury logs.

6.11.100. Insurance.

(1) Every trampoline gym operator shall maintain insurance providing liability coverage of at least \$1,000,000 per incident to cover injuries to participants arising out of any negligence or misconduct by the operator or gym staff in the construction, maintenance, or operation of the gym.

(2) Every operator shall maintain on file, and make available upon request, a certificate of insurance demonstrating compliance with this Section.

(3) Every operator shall notify Provo City licensing staff within 24 hours of the lapse, expiration, cancellation, or any other event that causes the operator not to have the insurance coverage required by this Section.

6.11.110. Accreditation or Affiliation.

Every trampoline gym shall be a member of a statewide industry association related to trampoline gyms, if one exists.

6.11.120. Appeals.

Any person aggrieved by an action taken pursuant to this Chapter may appeal the action within thirty (30) days as provided by Provo City Code Chapter 3.06.

6.11.130. Penalty for Violation.

It shall be unlawful to violate any section of these regulations. Violation is grounds for revocation of the operator's business license and is punishable as a Class B misdemeanor.