

DIVISION XII FINAL PROVISIONS

42. This Regulation replaces the Rules of evidence, procedure and practice of the Comité de déontologie policière, approved by Order in Council 908-92 dated 17 June 1992.

43. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2018

Gouvernement du Québec

O.C. 363-2012, 4 April 2012

Building Act
(R.S.Q., c. B-1.1)

Safety Code — Amendment

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec must by regulation adopt a safety code containing, in particular, safety standards for buildings, facilities intended for use by the public, and installations independent of a building and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards, and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of persons, contractors, owner-builders, manufacturers of pressure installations, or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, and categories of buildings, pressure installations, facilities, installations or construction work;

WHEREAS, under paragraph 0.2 of section 185 of the Act, the Board may, by regulation, for the purposes of section 10, designate any facility as a facility intended for use by the public and establish criteria for determining whether or not a facility is intended for use by the public;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary, in particular, according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Regulation to amend the Safety Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2011 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 60 days following that publication;

WHEREAS the Board wants the Regulation to come into force on 3 May 2012;

WHEREAS the comments received were examined;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour :

THAT the Regulation to amend the Safety Code, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code

Building Act
(R.S.Q., c. B-1.1, ss. 175, 176, 176.1, 178, 179, 185,
pars. 0.1, 0.2, 1, 5.1, 5.2, 20, 33, 37 and 38, and s. 192)

1. The Safety Code (c. B-1.1, r. 3) is amended by inserting the following after section 283:

“CHAPTER VII AMUSEMENT RIDES AND DEVICES

DIVISION I INTERPRETATION

284. In this chapter, unless the context indicates otherwise,

“Code” means CSA Standard CAN/CSA Z267-00, Code de sécurité concernant les jeux et les manèges, including Appendix C concerning tests, and CSA Standard CAN/CSA Z267-00, Safety Code for Amusement Rides and Devices, including Appendix C concerning tests, published by the Canadian Standards Association, referred to in Chapter IX of the Construction Code made under the Building Act (R.S.Q., c. B-1.1) and as amended by Division VIII of that Chapter.

DIVISION II APPLICATION

285. Subject to the exemptions referred to in Chapter IX of the Construction Code, the Code and this Chapter apply to every amusement ride or device covered by the Code and designated as a facility intended for use by the public in section 9.03 of the Construction Code, including their vicinity.

DIVISION III PROVISIONS APPLICABLE TO ALL AMUSEMENT RIDES AND DEVICES

§1. General

286. Every amusement ride or device must be used for the use for which it is intended and maintained in proper and safe working order at all times.

287. The vicinity of an amusement ride or device may not be altered in such manner that the amusement ride or device no longer complies with Chapter IX of the Construction Code.

288. Every amusement ride or device must be used so that it does not constitute a fire or accident hazard that could cause injury or death.

The required rectification must be made if the operating conditions of an amusement ride or device are hazardous due, in particular, to alteration, modification, intensive use, wear and tear, obsolescence or breakdown.

289. The owner of an amusement ride or device must ensure that

(1) the amusement ride or device has protection devices that ensure the safety of persons who have access to the amusement ride or device or who use it; and

(2) no safety device is removed or altered without the manufacturer’s authorization.

290. An amusement ride or device must be installed and used so that it does not exceed the operating limits specified by the designer or manufacturer or be equipped, to that effect, with a speed limiting device.

291. No part of an amusement ride or device is to come nearer to an electrical conductor of more than 750 V than the distance specified in the following table:

Voltage (in volts)	Distance (in metres)
Less than 125,000	5
125,000 or more	30

Services and distribution of electric power, grounding and bonding of equipment, wiring methods and equipment, single-conductor cables, as well as motors and other electrical equipment of portable amusement rides and devices are made under the provisions of Section 66 of CSA C22.1 Canadian Electrical Code, Part 1, as modified and adopted under Chapter V – Electricity of the Construction Code.

§2. Technical provisions

292. The owner of an amusement ride or device must ensure that the requirements concerning support and blocking referred to in Clause 4.3.2.2 of the Code are complied with during its operation.

293. The owner of an amusement ride or device must ensure that the requirements concerning the seats referred to in Clause 5.3.1 of the Code are complied with during its operation.

294. Amusement rides or devices must be equipped with a device to restrain passengers under all loading and operating conditions planned for the amusement ride or device, in compliance with ASTM Standard ASTM F2291-04, Standard Practice for Design of Amusement Rides and Devices, published by the American Society for Testing and Materials. The restraining device must

be of a type that cannot be inadvertently released when the amusement ride is in operation and be inaccessible to passengers.

295. The owner of an amusement ride or device must ensure that the requirements concerning clearance referred to in Clause 5.3.3 of the Code are complied with during its operation. The following clearances are considered to comply with the requirements of Clause 5.3.3:

(1) 600 mm between a structural member and any point of the vehicle in contact with the passenger;

(2) 1,200 mm of vertical clearance between the seat and any fixed structural member located above such seat; and

(3) 2,000 mm of vertical clearance between the floor in front of the seat and any fixed structural member located above such floor, where the passenger is not restrained in the vehicle seat.

This section does not apply to a vehicle which is enclosed or has an openwork wire mesh preventing a 38-mm diameter spherical object from going through or 50-mm in the case of an amusement device to be used solely by adults.

296. A rope tensioning device must be designed so that it will not release itself during the operation of an amusement ride or device and be equipped with a manual reset slack rope device.

297. An amusement ride or device must be equipped with devices to prevent the vehicles from making translatory or rotary movements when they are at a standstill in the loading or unloading area or be equipped, to that effect, with a parking brake, except in the case of a vehicle composed of a suspended seat.

298. A vehicle designed to be towed and each drive mechanism of such a vehicle must be equipped with backstop devices preventing any vehicle in the towing zone from moving back more than 150 mm.

299. Where a suspension or coupling device for a vehicle or any other moving part of an amusement ride or device is used as a single retainer, a safety retainer must be installed on the vehicle or on the moving part to ensure the safety of users, unless the single coupling device has a safety factor of at least 10.

300. Glazing used in a vehicle must be certified as complying with CGSB Standard CAN/CGSB-12.1-M90, Tempered or Laminated Safety Glass, or CGSB Standard CAN/CGSB-12.12-M90, Plastic Safety Glazing Sheets, published by the Canadian General Standards Board (CGSB).

DIVISION IV **SPECIAL PROVISIONS APPLICABLE TO** **CERTAIN AMUSEMENT RIDES OR DEVICES**

§1. Roller coaster rides

301. Every amusement ride or device of the “roller coaster ride” type must comply with the following requirements:

(1) be installed so as to allow for the presence of only one vehicle or only one train of vehicles, at the same time, in the space between each braking system along its path;

(2) the nuts used to lock the wheels of a vehicle must be of the castle type and be locked with cotter pins;

(3) every coupling device for vehicles must be locked, and any bolts, nuts or locks that are used must be equipped with a wire to prevent loosening or disengaging; and

(4) operating controls must be located so as to allow the operator to monitor the entire loading and unloading area.

§2. Flume rides

302. Every amusement ride or device equipped with a sloping channel and a receptacle basin which uses water to generate or reduce the speed of a vehicle must be provided with devices allowing for the control of the water level of the basin and the water flow of the flume’s feed pump.

In addition, the devices must automatically stop the operation of the amusement ride or device if the water level or flow does not comply with that required for the operation of the amusement ride or device.

§3. Amusement rides or devices in darkness

303. Where users are moved in darkness inside an enclosure or in the case of an amusement ride or device completely enclosed, the enclosure must be equipped with

(1) a smoke alarm bearing a seal of approval from Underwriters’ Laboratories of Canada (ULC) and installed in compliance with the manufacturer’s instructions. The proper working order of the smoke alarm must be checked at every assembly of a portable amusement ride or device and every month in other cases;

(2) signs, visible from the vehicle, indicating egresses; and

(3) an emergency lighting system of not less than 10 lx at floor level and egress signs, activated automatically when the main source of power supply is interrupted.

In addition, each egress door must bear the inscription “SORTIE” in lettering at least 25 mm high and, if locked, it must be possible to open it from the inside, by a single manoeuvre, without a key.

DIVISION V **TESTS, INSPECTIONS AND MAINTENANCE**

§1. General

304. Every amusement ride or device must undergo tests, inspections and maintenance in compliance with the manufacturer’s instructions and the provisions of the Code. If the information is not available from the original amusement ride or device manufacturer, the owner must have a maintenance program approved by a recognized person within the meaning of Chapter IX of the Construction Code.

305. In the case of a portable amusement ride or device, the owner must follow the assembly procedures and instructions and conduct the inspections provided for by the manufacturer and the Code. Before operating the portable amusement ride or device, the owner must make

(1) a visual examination of the condition of electrical wiring, including bonding and weldings, articulations, bearings and driving shafts;

(2) an inspection of the proper working order of brakes and safety devices;

(3) an inspection of the clearances prescribed in section 295;

(4) a visual examination of structural members in order to detect distorted or bent members; and

(5) the correction of any defect identified during the inspections.

§2. Maintenance of ropes and chains

306. Steel wire ropes must be replaced in the following cases:

(1) instructions of the amusement ride or device manufacturer require it;

(2) 6 wires are broken in one rope lay;

(3) 3 wires are broken in one strand of a rope lay;

(4) 2 wires are broken in a suspension rope that supports the total load of a vehicle;

(5) the initial diameter of the rope has decreased by 10%; and

(6) the rope is distorted because of kinking, crushing or untwisting of the rope or a strand.

Steel wire ropes must be repaired where 2 wires are broken near a fastening.

307. A link chain must be replaced when a link is distorted, cracked or when its initial diameter has decreased by 10%.

§3. Log book

308. The owner must record and maintain, for each amusement ride or device, a log book or append thereto, as the case may be, for the life of each amusement ride or device, the following information and documents:

(1) the amusement ride or device name, the manufacturer’s name and the serial number;

(2) the number of the identification plate issued by the Board;

(3) the rated capacity and the maximum speed specified by the manufacturer;

(4) a copy of the plans related to all construction work carried out on the amusement ride or device and all technical information relating to the alterations made to the amusement ride or device;

(5) the manufacturer’s technical manuals and service, maintenance and safety bulletins and the action taken to implement the recommendations contained in the bulletins;

(6) certificates of conformity or safety produced by a recognized person within the meaning of Chapter IX of the Construction Code;

(7) the compiling of operating dates and hours;

(8) the nature of alterations made to a safety device or its elimination and the manufacturer’s authorization to that effect;

(9) the location and nature of alterations and weldings made to a mechanical part or a structural member and the welding procedure used;

(10) a list of the daily inspections planned by the manufacturer and inspections made during the assembly and the identification of the person who made them and all rectifications made following the inspections;

(11) the inspection of every portable fire extinguisher and smoke alarm;

(12) the identification of any safety device having interrupted the operation of an amusement ride or device;

(13) the breakdowns, accidents and evacuations that occurred while operating the amusement ride or device;

(14) the replacement or repair of a steel wire rope;

(15) the replacement of a link chain;

(16) remedial notices issued by the Board under section 122 of the Building Act; and

(17) periods during which the amusement ride or device was not used.

The log book and documents referred to in paragraph 4 of section 12 and section 51 of the Amusement Rides Regulation (R.S.Q., c. S-3, r. 2.001) become, without other formality, an integral part of the log book and schedules provided in this Code.

The log book must be made available to the Board.

DIVISION VI OPERATION

§1. General

309. The working order and operation of every amusement ride or device must be made in compliance with the manufacturer's instructions and the provisions of the Code. If the information is not available from the original amusement ride or device manufacturer, the owner must have a maintenance program approved by a recognized person within the meaning of Chapter IX of the Construction Code.

§2. Protection of the public and safety of users

310. Fences that meet the requirements of Clause 5.10 *a* of the Code must be installed around every amusement ride or device.

Fences at least 1,000 mm high installed before 3 May 2012 are deemed to comply with the first paragraph.

311. Signs bearing characters at least 25 mm high or pictograms at least 150 x 150 mm must be installed to indicate to users

(1) that smoking and drinking alcohol are prohibited;

(2) that hair and clothing must be confined to prevent entanglement with the installation;

(3) the restrictions provided by the manufacturer regarding size, weight or use and, if applicable, the risk factors associated with the health of users; and

(4) that the smallest user must be placed the nearest to the centre of a centrifugal amusement ride or device.

312. Evacuation procedures for each amusement ride or device must be established by the owner.

313. The owner must have a first-aid kit on the site where the amusement rides or devices are being operated and a means of communication with the emergency services.

The owner must also establish an emergency procedure.

314. Only non-combustible materials necessary for its operation may be stored inside an amusement ride or device or under its structure, and the premises must be kept clean.

§3. Operator and control station

315. The owner must ensure that the operator is familiar with the operation and safety measures of an amusement ride or device before operating it. The operator must be knowledgeable about

(1) the location and use of safety devices;

(2) the loading and unloading procedure;

(3) the signals used;

(4) the evacuation procedure;

(5) the location of emergency and first-aid services or of the means of communication with those services;

(6) how to use portable fire extinguishers; and

(7) the operating instructions.

316. At least 1 operator must remain at the controls when each amusement ride or device is in operation.

317. A signal system must be used during the starting or stopping of an amusement ride or device where the loading or unloading areas cannot be seen from the operating controls.

318. A minimum of 100 lx at floor level must be maintained at the loading and unloading areas, entrances and egresses.

319. An amusement ride or device must be equipped with an emergency stop device and marked “Arrêt de secours”. The device must be of the push-pull type and be provided with contacts which open by positive mechanical separation that causes the amusement ride or device to stop.

320. Where an amusement ride or device has been stopped by the actuation of a safety device or by the interruption of the main source of power supply, the closing or the resetting of the safety device and the restoring of the supply source must not start up the amusement ride or device before the starting device is actuated.

321. A portable fire extinguisher must be near the operating controls of each amusement ride or device.

Such a fire extinguisher must comply with NFPA Standard NFPA-10-1998, Standard for Portable Fire Extinguishers, published by the National Fire Protection Association, and bear a seal of approval from Underwriters’ Laboratories of Canada (ULC).

In addition, the proper working order of the portable fire extinguisher must be inspected at every assembly of a portable amusement ride or device and every month in other cases.

DIVISION VII **IDENTIFICATION PLATE**

322. Every amusement ride or device must be provided with an identification plate issued by the Board before it is put into operation.

The identification plate must be attached permanently and prominently on the amusement ride or device.

323. The Board issues the identification plate at the end of the construction work provided for in Chapter IX of the Construction Code and on receiving the certificate of conformity according to section 9.12 of the Code.

Despite the first paragraph, an identification plate may be issued for a portable amusement ride or device if the owner has obtained from a person recognized under Chapter IX of the Construction Code

(1) a certificate of conformity with the Safety Code certifying that the amusement device

(a) has been designed, manufactured and built so as to withstand loads and constraints under all loading and operating conditions;

(b) has undergone tests and inspections to that effect and that their results are satisfactory;

(c) has been altered, if applicable, according to the manufacturer’s bulletin recommendations; and

(d) has been delivered with the documents necessary for its operation and maintenance;

(e) has been approved in accordance with CSA standard SPE-1000, Model Code for the Field Evaluation of Electrical Equipment.

(2) a detailed report of the tests and inspections performed on the amusement device that confirms its working order;

(3) specific recommendations concerning operation, periodic testing and maintenance.

The certificate must also indicate the type, trademark, model and serial number of the amusement device, the date on which and the place where the tests and inspections were conducted together with the name, seal and title of the person by whom they were performed.

DIVISION VIII **OPERATING PERMIT**

324. The owner of an amusement ride or device must hold an operating permit for all the amusement rides or devices the owner puts into operation.

325. The owner of an amusement ride or device who applies for the issue or renewal of an operating permit must provide the Board with the following information and documents at least 60 days before the date set for the beginning of the activities or the date of renewal:

(1) the owner’s name, home address, telephone number and, where applicable, the business number assigned to the owner under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) if the application is made on behalf of a partnership or a legal person, the name of the partnership or legal person, the address of its head office and, where applicable, the business number assigned to the owner under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons;

(3) the list of amusement rides or devices to be operated during the validity period of the permit, and for each of them, the manufacturer's name, the manufacturer's serial number, the amusement ride or device's original name, common name and identification plate number;

(4) the list of portable amusement rides or devices, the calendar of events and the list of sites where portable amusement rides or devices will be operated during the validity period of the permit and, where applicable, the identification of the event where the amusement rides or devices will be operated;

(5) an attestation of the insurer required under section 333 for the year of the validity of the operating permit; and

(6) the required certificates of conformity.

The application may be made on the form provided by the Board or on any other document clearly and legibly written for that purpose. Every application must include the fees payable under section 330 and an attestation that the information and documents provided under the first paragraph are true, and be signed by the owner.

326. The holder of a permit who wishes to add amusement rides or devices must apply for modification of a permit. An application for modification of a permit must contain

(1) the information and documents required under subparagraphs 3, 4 and 6 of the first paragraph of section 325; and

(2) a description of the new amusement rides or devices.

327. An application for the issue, renewal or modification of a permit is deemed to be received only if it contains all the required information and documents and includes the fees payable under this Chapter.

328. The holder of a permit must notify the Board immediately of any change in the information or documents provided under section 325 or 326.

329. At the time an application for the issue, modification or renewal of an operating permit is made, all required information and documents previously provided to the Board need not be re-filed.

330. The fee payable for the issue or renewal of an operating permit is \$300 to which \$346 is added for each portable amusement ride or device and \$172 for each fixed amusement ride or device.

The fee payable for the modification of an operating permit regarding an addition to the list of amusement rides or devices is \$75.00 to which \$346 is added for each new portable amusement ride or device and \$172 for each new fixed amusement ride or device.

The fee must be paid to the Board and be attached to the application for the issue, modification or renewal of a permit.

331. The operating permit must contain

(1) the name of the owner of amusement rides or devices and any other business name that the owner is legally authorized to use in Québec and that is related to the operation of an amusement ride or device;

(2) the owner's address;

(3) the list of amusement rides or devices operated during the validity period of the permit and for each of them, the manufacturer's name, the manufacturer's serial number, the amusement ride or device's original name, common name and identification plate number;

(4) the validity period of the permit is from 1 April to 31 March of each year; and

(5) the signature of the president and chief executive officer or of a vice-president and the signature of the secretary of the Board.

332. An operating permit is non-transferable.

333. The owner of an amusement ride or device who applies for the issue or renewal of an operating permit must obtain and maintain in force, during the entire validity period of the permit, civil liability insurance of a minimum amount of \$2,000,000 per claim to cover damage caused to another person as a result of fault or negligence in the operation of the amusement rides or devices. The insurance must provide for a commitment by the insurer to inform the Board of the insurer's intention to terminate the contract.

An attestation of the insurer to the effect that the insurance meets the requirements of the first paragraph must, in accordance with subparagraph 5 of the first paragraph of section 325, be provided to the Board with the application for the issue or renewal of the operating permit.

334. The insurer or holder of an operating permit may terminate the insurance only on written notice of at least 60 days to the Board.

335. The Board may suspend or refuse to renew an operating permit where the holder

(1) has not informed the Board of any change, in accordance with section 328 or 334;

(2) has not complied with an order issued under section 123 or 124 of the Building Act (R.S.Q., c. B-1.1);

(3) operates an amusement ride or device that is not provided with the identification plate referred to in section 322 or 323; or

(4) has not complied with a remedial notice issued by the Board under section 122 of the Building Act regarding an amusement ride or device referred to in the permit or in the supplementary measure required in such a notice.

DIVISION IX OFFENCE

336. Every contravention of any of the provisions of this Chapter, except section 330, constitutes an offence.”.

DIVISION X FINAL

2. Section 308 of the Safety Code relating to the maintenance of a log book for each amusement ride or device, introduced by section 1 of this Regulation, applies to the log books maintained under the Amusement Rides Regulation, made by Order in Council 649-91 dated 8 May 1991, and to the documents that accompany them.

3. The identification plates issued under the Amusement Rides Regulation, made by Order in Council 649-91 dated 8 May 1991, become, without other formality, identification plates issued under section 322 or 323 of the Safety Code, introduced by section 1 of this Regulation.

4. The Regulation respecting fees exigible from owners of passenger ropeways and amusement park rides, approved by Order in Council 941-95 dated 5 July 1995, is to be revoked on 3 May 2012.

5. For the first application for an operating permit, the owner has 60 days from 3 May 2012 to comply with sections 324 to 335 of the Safety Code introduced by section 1 of this Regulation with respect to amusement rides and devices existing on that date.

6. This Regulation comes into force on 3 May 2012.

2000

Gouvernement du Québec

Décret 364-2012, 4 April 2012

Building Act
(R.S.Q., c. B-1.1)

Construction Code — Amendment

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec must by regulation adopt a building code containing, in particular, building standards for buildings, facilities intended for use by the public, and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards, and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of persons, contractors, owner-builders, manufacturers of pressure installations, or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, and categories of buildings, pressure installations, facilities, installations or construction work;

WHEREAS, under paragraph 0.2 of section 185 of the Act, the Board may, by regulation, for the purposes of section 10, designate any facility as a facility intended for use by the public and establish criteria for determining whether or not a facility is intended for use by the public;

WHEREAS, under section 192 of the Act, the contents of the Construction Code may vary, in particular, according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use