

CHAPTER 8

AMUSEMENT DEVICES AND SHOOTING GALLERIES

GENERAL

801 INTERPRETATION

801.1 In this Part of this bylaw, unless inconsistent with the context:

PROPRIETOR, when used in relation to amusement device or a shooting gallery as herein defined, includes any person who, either on his own behalf or on behalf of any other person, lets on hire or causes or suffers to be used or let on hire such amusement device or such shooting gallery, or any seat or place in or upon such device, or any firearms in such shooting gallery.

SHOOTING GALLERY means any premises to which the public are admitted with or without payment, and which are used for the discharge of missiles by firearms or otherwise.

AMUSEMENT DEVICE means a power driven device which is erected, fixed, or set up and used, or let, or intended to be used or let on hire, and includes a whirligig, merry-go-round, chair-o-plane, swing, ferris wheel, or other riding device.

AMUSEMENT DEVICES

802 PERMIT REQUIRED TO USE LAND OR BUILDINGS FOR AMUSEMENT DEVICES

802.1 No person shall use any land or building or any part of any land or building, structure, or enclosure, or any part of any public place as a site for an amusement device to which the public have admission or access by payment or otherwise, until he shall have made application for and obtained from the Council a permit under the Amusement Devices Regulations 1978 to operate such device. The term of any such permit shall not exceed 1 year. The fee payable for the issue of a permit shall be such sum as set by statute.

803 SAFETY PRECAUTIONS

803.1 In addition to regulations contained in the Amusement Devices Regulations 1978, the proprietor of an amusement device shall, for the prevention of danger from such device:

- (a) Cause such amusement device to be so placed as to have about it a clear space the distance across which, measured upon the ground from the outermost point covered or which may be overhung by such device, shall in every part be equal at least to one-half of the greatest height of such device;
- (b) Cause such amusement device to be erected in a proper manner, and sited on ground able to support the device under full operating conditions without risk of subsidence and to the satisfaction of the officer appointed by the Council to inspect such device. Compliance with such officer's directions (if any) in

this case will not absolve the proprietor from the prime responsibility for ensuring that the requirements of this subclause are carried out;

- (c) Cause every part of such amusement device and of the apparatus for driving the same to be maintained at all times in good repair and condition, and to be under proper management and control;
- (d) Cause the apparatus for driving such amusement device to be tended and regulated by a competent person responsible for the care and management of such appliance; and
- (e) Cause such amusement device, if in motion and if any person riding in or upon such device be ill or be desirous of alighting therefrom, to be stopped as quickly as may be practicable for the purpose of allowing such person to alight or to be removed from such device.

804 **DANGER PREVENTION**

804.1 The proprietor or any other person for the time being having the management or control of an amusement device or of the apparatus for driving the same, or any part of such device or apparatus, shall, in the exercise of such management or control, take all reasonable and proper care so as to prevent danger to any person or property.

805 **EXCESSIVE SPEED**

805.1 Such proprietor or other person shall not cause or suffer such amusement device to be driven at any greater speed than shall be consistent with the safety of any person riding in or upon such device and with all other circumstances attending or affecting the use thereof.

806 **OVERLOADING**

806.1 Such proprietor or other person shall not cause or suffer such person to enter or mount upon such amusement device at any time when such device shall be already occupied by the full number of persons for whose accommodation such device shall be constructed or intended or adapted to be used.

807 **OFFENCES**

807.1 No person shall:

- (a) Knowingly enter or mount upon, or seek to enter or mount upon, any amusement device or any part thereof at any time when such device or such part thereof shall be already occupied by the full number of persons for whose accommodation such device shall be constructed or intended or adapted to be used;
- (b) Be guilty of disorderly or improper conduct so that the use of such amusement device may be attended with danger to any person;
- (c) Wilfully and improperly, or carelessly or negligently, interfere with the due management and control of such amusement device, or with the apparatus for driving the same, or with any fastening, fitting, or appliance connected with such device or apparatus; or
- (d) Otherwise do any act which may cause danger to any person or property from such amusement device.

808 **INTOXICATED PERSONS**

808.1 The proprietor or person in charge shall not allow any person in a state of intoxication or under the influence of drugs to mount or enter on or use any amusement device.

SHOOTING GALLERIES

809 **APPLICATION FOR LICENCE AND ANNUAL FEE PAYABLE**

809.1 No person shall use any land or building, or any part of any land or building, structure, or enclosure, or any part of any public place for the purpose of a shooting gallery, to which the public have admission or access by payment or otherwise, until he shall have made application for and obtained from the Council a licence or permission in writing so to do and shall have paid therefore a licence fee as prescribed by resolution of the Council from time to time.

809.2 Every such licence shall expire on such day after the issue thereof as shall be fixed by the Council and shall be renewable annually.

810 **SAFETY CONSTRUCTION**

810.1 The proprietor of a shooting gallery shall, for the prevention of danger from the use of firearms in such shooting gallery:

- (a) Cause the several parts of such shooting gallery to be properly put together and securely fixed;
- (b) Cause every part of such shooting gallery, within, along, or towards which it may be intended that any firearm shall be discharged, to be constructed of iron or other material of such strength and thickness as shall be sufficient to resist any missile or projectile that may be discharged from such firearm;
- (c) Cause the mode of construction of such shooting gallery to be such that no missile or projectile that may be discharged from any firearm used therein can escape from such shooting gallery if such firearm at the moment of discharge be pointed as required by this Part of this bylaw towards any target or mark that may be within such shooting gallery;
- (d) Cause every part of such shooting gallery, within, along, or towards which it may be intended that any firearm shall be discharged, to be maintained, and all firearms used therein, to be at all times in good repair and condition;
- (e) Cause such shooting gallery at all times, when the public are admitted thereto, to be under the management and control of a sufficient number of competent persons; and
- (f) Cause the letting on hire and use by any person of any firearm in such shooting gallery to be under the management and control of a competent person directly responsible therefor.

811 **DANGER PREVENTION**

811.1 The proprietor or any other person for the time being having the management or control of a shooting gallery, or any part thereof, shall in the exercise of such management or control take all reasonable and proper care so as to prevent danger from the use of firearms in such shooting gallery.

- 811.2 No person having in pursuance of this Part of this bylaw in that behalf the management or control of the letting on hire and use by a person of any firearm in a shooting gallery shall at any time cause or suffer to be used in such firearm any greater charge than is consistent with safety; nor cause or permit any such firearm when loaded or being loaded to be pointed elsewhere than towards any target or mark that may be within such shooting gallery; nor suffer any loaded firearm to be taken out of such shooting gallery; nor permit any drunken, violent, quarrelsome, or disorderly person to enter or remain in any such shooting gallery.
- 811.3 Notwithstanding anything in this Part of this bylaw, no person hiring or using any firearm in a shooting gallery shall, while such firearm is loaded or being loaded, cause such firearm to be pointed otherwise or elsewhere than towards any target or mark that may be within such shooting gallery, and no person shall take any loaded firearm out of such shooting gallery.
- 811.4 No person in a shooting gallery shall be guilty of any disorderly or improper conduct so as to cause danger in connection with the use of any firearm in such shooting gallery.
- 811.5 No person shall wilfully and improperly or carelessly or negligently interfere with the due management and control of the letting on hire and use by any person of any firearm in a shooting gallery, or with any shield, fastening, or fitting in or forming part of such shooting gallery and intended to secure and contribute to the safe use of firearms therein.

812 **HOURS AND SPECIAL DAYS TO BE CLOSED**

- 812.1 The hours that any shooting gallery shall be open for public admission may be fixed by resolution of the Council.

813 **SANITARY ACCOMMODATION**

- 813.1 The proprietor of every shooting gallery shall provide and maintain in a clean, sanitary, and good working condition such closet and urinal accommodation and washing facilities in connection therewith in accordance with the Building Act 2004.