



AGRITOURISM GUIDANCE

Code Enforcement Section

June 2024





DO I NEED AN A&E PERMIT AND INSPECTION?

- An A&E permit must be obtained from IDHS before a regulated place of amusement or entertainment can be used for an amusement or entertainment (see Indiana Code § 22-14-3-5).
- A regulated place of amusement or entertainment is defined in IC § 22-12-1-23 and 675 IAC 12-9-2. These are “places” where a performance or show is held for consideration or promotional purposes that is designed to amuse or divert an assembly of people. A “place” is defined in 675 IAC 12-9-2(d) and means:
 - A building or room capable of being classified as a group A occupancy under the Indiana building code
 - A structure capable of being classified as a group A-4 occupancy under the Indiana building code
 - A designated outdoor area where temporary or permanent regulated amusement devices are located



DO I NEED AN A&E PERMIT AND INSPECTION?

- Below is a list of common places that require a permit prior to hosting an amusement or entertainment event:
 - Indoor or outdoor theaters, stadiums, or stages (i.e., a structure classified as an A-5) or sports arenas with spectator seating (being bleachers or grandstands)
 - Opera houses, performing arts theaters and movie theaters
 - Night clubs, comedy clubs, bars or restaurants with a dance floor, show or performer
 - Indoor event venues with a stage, a dance floor, or that will be used by performers before an audience
 - Haunted houses
 - Any location where a regulated amusement device is operated (e.g., fairs, festivals, carnivals, amusement parks)
 - Dance halls or adult clubs with live entertainment
- Please note the locations above must also meet the definition of a “place” in 675 IAC 12-9-2(d) in order to be regulated.



APPLICATION AND INSPECTION PROCESS

- To apply for a permit, go to the new IDHS Services Gateway located at <https://dhs.govcloud.my.site.com/permits/s/> and complete a request for a permit.
- **Before a permit can be issued, you will be required to pay a fee (unless exempt) and your facility must be inspected and found in compliance with all applicable fire safety laws.** The fee pricing is as follows:
 - Annual permit, based on occupant load:
 - 1-99: \$99
 - 100-499: \$134
 - 500-999: \$168
 - 1,000-4,999: \$203
 - 5,000-9,999: \$237
 - 10,000: \$272
 - Special event endorsement: \$99



APPLICATION AND INSPECTION PROCESS

- Inspections for A&E permits generally will be performed before the date of the event, in the case that there is one. If the permit is for daily operations, inspectors will fit it into their schedule according to their availability.
- A&E permits must be renewed annually.
- Non-public schools and schools operated by a school corporation are exempt from the requirement of obtaining a permit for their amusement or entertainment events, but they must still be inspected annually to determine compliance with Indiana's fire safety laws.
 - This “exempt” status does not affect amusement rides. Those still need to meet the proper regulation requirements, which are generally completed by the operator of the ride itself.



DO I NEED AN AMUSEMENT PERMIT/INSPECTION?

- Tents and membrane structures that cover an area of more than 400 square feet require an A&E permit.
- These structures need to be anchored to withstand weather and to prevent collapse. Documentation by the installer is required as part of the permit.
- The documentation form and a presentation clarifying the fire code requirements for tents and membrane structures are available in the Tents and Other Membrane Structures section of the IDHS Code Enforcement webpage.
- Cooking devices and devices that emit flames, heat or combustible liquids, gas or charcoal are not allowed inside the structure or within 10 feet of it while it is open to the public.



DO I NEED AN AMUSEMENT PERMIT/INSPECTION?

- Outdoor stages and stage equipment are subject to regulation unless the stage is less than 1,000 square feet.
- All venues with an event where outdoor stages and equipment will be used must apply for an A&E permit at least 14 days in advance.
- Stages that are in place for 45 days or longer are considered permanent structures and must receive a construction design release from the IDHS Building Plan Review Section.
- Stage requirements include a diagram showing measurements and weight capacity, anchoring and tie-downs as applicable, an emergency plan in case of extreme weather and the name of the person responsible for the plan.
- Adequate spacing and barricades must protect the public from equipment associated with the stage in case it were to fall over. If the public is to be allowed closer, then stage requirements (including anchoring) would apply.



DO I NEED AN AMUSEMENT PERMIT/INSPECTION?

- In reference to IC 22-15-7, every amusement ride requires an inspection prior to its first event with public riders each year. This ensures the ride is properly operating and following the codes. The safety requirements for these devices are robust and keep accidents infrequent.
- Every ride should have a prominently displayed, current permit issued by the Indiana Department of Homeland Security. If the ride has no such permit, call the amusement ride hotline at 1-888-203-5020.
- All IDHS amusement ride inspectors are certified by the National Association of Amusement Ride Safety Officials (NAARSO) or AIMS International.
- Rides do not require a licensed operator or installer.



TRACKLESS TRAINS

- Effective July 1, 2024, and in accordance with House Bill 1106 with IC 22-12-1; IC 22-14-3-1; IC 22-15, the department shall not inspect, and operating permits are not required for the following regulated amusement devices:
 - A barrel train pulled by a garden tractor or a rubber-tired farm tractor propelled by a motor of not more than forty (40) horsepower.
 - A regulated amusement device exempt from the operating permit and inspection requirements by a rule of the commission.
- A regulated amusement device covered by this section shall comply with all other requirements applicable to regulated amusement devices in this chapter.
- The department may perform an inspection of a regulated amusement device covered by this section only if a valid complaint or incident is reported to the department concerning the regulated amusement device.

RIDE TYPES AND WHAT IS/NOT REGULATED

- Examples of the rides that are not regulated with IDHS include:



- Examples of the rides that are regulated with IDHS include:





CONTACT INFORMATION

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