

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-09

AN ORDINANCE concerning

Horse-drawn vehicles for hire

FOR the purpose of eliminating the "authority" and instead providing for administration by the Frederick Police Department; establishing greater standards for the care of horses; establishing more detailed provisions for the suspension or revocation of licenses; clarifying language; making stylistic changes; and otherwise generally pertaining to the operation of horse-drawn vehicles for hire.

BY repealing and reenacting, with amendments,
Chapter 22
Article V
The Code of the City of Frederick, 1966 (as amended)

ARTICLE V. OPERATION OF HORSE-DRAWN VEHICLES FOR HIRE

Sec. 22-50. Definitions.

- (a) As used in this article, the following terms have the meanings given:
- (b) **Commercial operation.** "Commercial operation" means any use for payment of horse-drawn vehicles for riding or touring on the streets or other public ways of the City.
- (c) **Department.** "Department" means the Frederick Police Department.
- (d) **Driver.** "Driver" means the driver of a horse-drawn vehicle.
- (e) **Horse.** "Horse" means any animal of the genus equus and of a type used for the purpose of driving, pulling, or hauling a carriage.
- (f) **Horse-drawn vehicle or vehicle.** "Horse-drawn vehicle" or "vehicle" means any conveyance that is pulled, drawn or propelled by a horse and that is part of a commercial operation.
- (g) **Operator.** "Operator" means any person who owns, manages, or operates a commercial operation.

Sec. 22-51. General applicability.

- (a) **Scope.** This article applies to the commercial operation of all horse-drawn vehicles within the City.

- (b) **Commercial operation.** The commercial operation of any horse-drawn vehicle within the City is expressly prohibited, except by a valid permit, issued and authorized under the provisions of this article.

Sec. 22-52. Administration of article.

The Department may develop and implement administrative regulations as needed for the efficient administration and enforcement of this article.

Sec. 22-53. License required—Driver.

- (a) **Generally.** An individual may not drive a horse-drawn vehicle without a valid license issued in accordance with this section.
- (b) **Application process.**
 - (1) The Department shall create and provide application forms for licenses. The information required by the application form will be the minimum information required of any applicant for a license under this section and will include the following:
 - (A) Documentation showing that the applicant is at least 18 years old and has at least 3 years of general experience driving a horse-drawn vehicle;
 - (B) a certification that the operator for which the applicant will be driving has examined the skills of the applicant and determined the applicant to be competent to drive a single, pair, three abreast, four horses in hand, or all the above, and that the applicant only drive the configuration stated; and
 - (C) any application fee as specified in the City's fee schedule ordinance.
 - (2) The Department shall review a submitted application for compliance with this section. If the Department finds that the applicant meets the requirements of this section, the Department shall approve the application and shall issue a license to the applicant. If the Department finds that the applicant fails to meet the requirements of this section, the Department shall deny the application.
- (c) **Issuance and display of license.** The license will be issued with a recent photograph of the driver affixed to it and laminated together. The driver shall ensure that the license is displayed in a conspicuous place on the carriage in a manner so that it is easily visible to passengers.
- (d) **Expiration.** A license issued under this section is valid for 3 years.
- (e) **Violations.**
 - (1) An operator may not knowingly allow an unlicensed person to drive a horse-drawn vehicle as part of a commercial operation. Violation of this paragraph is a municipal infraction punishable by a fine of \$100.

- (2) Driving a horse-drawn vehicle without a license is a municipal infraction punishable by a fine of \$100.

Sec. 22-54. Permit required—Vehicle.

- (a) **Generally.** An operator may not allow a horse-drawn vehicle to be driven as part of a commercial operation without a valid permit issued in accordance with this section.
- (b) **Application process.**
- (1) The Department shall create and provide application forms for permits. An operator seeking a permit shall submit an application in accordance with this section. The information required by the application form will be the minimum information that is required of any applicant, and will include the following:
- (A) a written description and photograph of the vehicle;
- (B) proof of general liability insurance coverage for the duration of the licensing period in the amount of \$1,000,000.00;
- (C) a physical bill of health certified by an equine veterinarian, including Coggins papers, for each horse to be used in the commercial operation;
- (D) a photograph of each horse; and
- (E) any application fee as specified in the City's fee schedule ordinance.
- (2) The Department shall inspect a vehicle and equipment to ensure compliance with this article.
- (3) The Department shall review a submitted application for compliance with this section. If the Department finds that the applicant meets the requirements of this article and the vehicle and equipment are in good working order and comply with the requirements of this article, the Department shall approve the application and shall issue a permit to the applicant. If the Department finds that the applicant fails to meet the requirements of this section, the Department shall deny the application.
- (c) **Display.** Each permit shall be displayed on the vehicle for which it was issued, and shall be mounted to the left rear of the carriage.
- (d) **Expiration and transfer.** A permit is valid for one year from the date of its issuance. Permits are transferable in accordance with this subsection. An operator wishing to transfer a permit shall submit a written request to the Department stating the reasons for the transfer. The operator to receive the permit must comply with all requirements of this article.
- (e) **Violations.** Operation of a horse-drawn vehicle without a valid permit is a municipal infraction punishable by a fine of \$400.

Sec. 22-55. Suspension and Revocation of License.

(a) Suspension.

- (1) The Department may suspend a license issued under Sec. 22-53 of this article for a period of up to 30 days, or a longer period if necessary to carry out the intent of this article, if the Department finds:
 - (A) there is a risk to public health or safety; or
 - (B) the license holder has violated any of the provisions of this article.
- (2) Upon suspending a license, the Department shall provide written notice to the license holder setting forth the grounds for the suspension, the effective date of the suspension, and the length of the suspension.
- (3) The Department may reinstate a license when the Department is satisfied that the grounds for the suspension have been remedied.

(b) Revocation.

- (1) The Department may revoke a license issued under Sec. 22-53 of this article if the Department finds:
 - (A) the license holder has misrepresented or provided false information on an application; or
 - (B) the license holder has violated any of the provisions of this article, including but not limited to failure to comply with a license issued under this article; and the license has been suspended within the previous 12 months under subsection (a) of this section.
- (2) Upon revoking a license, the Department shall provide written notice to the license holder setting forth the grounds for the revocation and effective date of the revocation.
- (3) A new license will not be issued to the same license holder for a period of one year after revocation.

Sec. 22-56. Suspension and Revocation of Permit.

(a) Suspension.

- (1) The Department may suspend a permit issued under Sec. 22-54 of this article for a period of up to 30 days, or a longer period if necessary to carry out the intent of this article, if the Department finds:
 - (A) there is a risk to public health or safety; or
 - (B) the permit holder has violated any of the provisions of this article.

- (2) Upon suspending a permit, the Department shall provide written notice to the permit holder setting forth the grounds for the suspension, the effective date of the suspension, and the length of the suspension.
- (3) The Department may reinstate a permit when the Department is satisfied that the grounds for the suspension have been remedied.

(b) Revocation.

- (1) The Department may revoke a permit issued under Sec. 22-54 of this article if the Department finds:
 - (A) the permit holder has misrepresented or provided false information on an application; or
 - (B) the permit holder has violated any of the provisions of this article, including but not limited to failure to comply with a permit issued under this article; and the permit has been suspended within the previous 12 months under subsection (a) of this section.
- (2) Upon revoking a permit, the Department shall provide written notice to the permit holder setting forth the grounds for the revocation and effective date of the revocation.
- (3) A new permit will not be issued to the same permit holder for a period of one year after revocation.

Sec. 22-57. Vehicles and equipment.

(a) Lights. Each vehicle must be equipped with:

- (1) at least one lamp displaying a white light visible from a distance of at least 1,000 feet to the front of the vehicle; and
- (2) one of the following configurations of rear lights:
 - (A) two lamps displaying red lights visible from a distance of at least 1,000 feet to the rear; or
 - (B) one lamp displaying a red light visible from a distance of at least 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the upper beams of head lamps.

(b) Signs. Each vehicle must be equipped with a slow moving vehicle sign posted showing to the rear, which shall be a truncated equilateral triangle at least 14 inches high with a red reflective border and be mounted, base down, at a height of at least 3 feet but less than 5 feet above the ground.

(c) Brakes. Each vehicle must be equipped with brakes that are capable of stopping the loaded vehicle and holding it away from the animal in any type of environmental topographical conditions.

Sec. 22-58. Inspections required.

- (a) **Accidents.** A driver of a horse-drawn vehicle involved in an accident must report the accident as soon as possible to the Department. The vehicle and all equipment involved in the accident will be inspected by the Department before being allowed to operate.
- (b) **Routine inspections.** The Department may inspect any vehicles, equipment, and horses used in a commercial operation to ensure the public safety and the proper care and maintenance of the horses.
- (c) **Violations.** Failure to report an accident or submit to inspection as required by this section is a municipal infraction punishable by a fine of \$400.

Sec. 22-59. Designated areas of operation.

- (a) **Designation.** The Department shall designate boarding areas within the City that will be used by all commercially operated horse-drawn vehicles to load and unload passengers. Operators and drivers may use only the boarding areas assigned to them by the Department.
- (b) **Routes.** The Department shall designate specific routes where travel of commercially operated horse-drawn vehicles is allowed.
- (c) **Solicitation.** Solicitation for horse-drawn vehicle rides within the designated areas of operation is limited to salutations and the presentation of cards offering the service with enclosed rates. No signs or other forms of solicitation are permitted.
- (d) **Violations.** Violation of this section is declared to be a municipal infraction punishable by a fine of \$400.

Sec. 22-60. Care and condition of horses.

- (a) **Generally.** Horses that may be used as a part of a commercial operation must meet the criteria of this section. All horses used as part of a commercial operation must be at least four years old and may not be stallions or mares with unweaned foals.
- (b) **Annual certification.** Operators shall provide a physical bill of health certified by an equine veterinarian each year on or before the anniversary of the date a permit is issued under Sec. 22-54 of this article.
- (c) **Medical concerns.** Operators and drivers shall ensure that horses engaging in a commercial operation are physically capable of doing so. Horses must be in good condition and must not have any:
 - (1) evidence of lameness;
 - (2) open or bleeding wound, oozing sore, cut below skin level, or bleeding wound; or
 - (3) obvious signs of emaciation, malnutrition, dehydration, or exhaustion.
- (d) **Shoes.** Except as otherwise provided in this subsection, all horses engaged in a commercial operation must be shod with four metal shoes coated with driltex or burium

or, in the alternative, rubber shoes. For a period not to exceed two hours per day, horses may wear only two shoes (on the front feet only). All shoes must be tight and in place at all times.

- (e) **Tie ropes.** Tie ropes used around the neck or attaching to the halter must be carried on all commercially operated vehicles while the vehicle is in service. A person may not tie a horse using the bridle, bit or reins.
- (f) **Hours.** A driver or operator may not allow a horse to work for more than 2 hours before receiving a 30 minute break or for more than 6 hours per day.
- (g) **Water.** Operators and drivers shall ensure that all horses under their ownership or control have access to an adequate supply of water. Specifically, operators and drivers shall ensure that potable, liquid water is available at designated boarding areas and shall make reasonable efforts to lead the horses under their ownership or control to such water at least once every two hours. Operators and drivers shall ensure that horses are physically free to drink the water provided. Failure to make a horse drink does not constitute a violation of this subsection.
- (h) **Temperature.** Except as otherwise provided in this subsection, a commercial operation may not operate if the temperature is less than 15° F or higher than 90° F as determined by the automated weather observation system at the Frederick Municipal Airport. If the operator submits written proof of a reservation having been made for the service at least one week previously, the operator is permitted to perform the service and then shall cease operations until the temperature is within the required parameters.
- (i) **Violations.** Violation of this section is a municipal infraction punishable by a fine of \$400.

Sec. 22-61. Operating regulations.

- (a) **Waste catchers.** Waste catchers must be in place and functioning properly at all times and must be emptied as soon as practicable after use. The operator shall clean up any spillage. Environmentally safe fly spray must be used after each collection of waste during warm or hot weather. The waste collected shall be stored in plastic bags inside a rigid container and stored out of the public traffic areas. After urination of a horse, the operator shall immediately flush the street or other area affected with water.
- (b) **Hours.** Horse-drawn vehicles may operate only between the hours of 8 a.m. and 1 a.m., subject to any further conditions imposed as a condition of a license or permit.
- (c) **Tying.** Drivers shall stay within an arm's reach of the horse's head when the horse is not tied to a stationary object and within 30 feet of the horse and vehicle when the horse is tied to a stationary object. Horses may only be tied with either a neck strap or a halter over the bridle.
- (d) **Alcohol and drugs.** A driver may not drive a horse-drawn vehicle while under the influence of alcohol or drugs.
- (e) **Eating or drinking.** A driver may not eat or drink while driving a horse-drawn vehicle.

- (f) **Control.** All drivers of horse-drawn vehicles shall be in the driver's seat and in control of the vehicle before any passengers board and remain in the driver's seat with reins in hand until all passengers have disembarked.
- (g) **Violations.** Violation of this section is a municipal infraction punishable by a fine of \$400.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that this ordinance shall take effect on the date it is approved by the Mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

PASSED:

DATE:



April 18, 2019

**Michael C. O'Connor, President,
Board of Aldermen**

APPROVED:

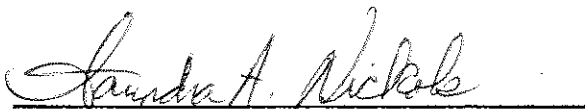
DATE:



April 18, 2019

Michael C. O'Connor, Mayor

Approved for Legal Sufficiency:



City Attorney