

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 62, "VEHICLES FOR HIRE" OF THE CITY'S CODE OF ORDINANCES BY ADDING ARTICLE IV, "HORSE-DRAWN CARRIAGES" TO REGULATE THE USE OF SUCH CARRIAGES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lockhart is granted control over the highways, streets and alleys of the municipality pursuant to Texas Transportation Code § 311.001; and

WHEREAS, the Lockhart City Council finds that it is in the best interest of its citizens to regulate the use of Horse-Drawn carriages within the city limits; and

WHEREAS, the City Council has determined that this ordinance will promote the general health, safety, welfare, and morals of its citizens; and

WHEREAS, the City Council determined that this ordinance serves a public purpose by maintaining safe streets and safe transportation within the city.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT Chapter 62 of the Code of Ordinances, City of Lockhart, Texas, is hereby amended by adding an article to be numbered Article IV, which said article reads as follows:

I.

ARTICLE IV. – HORSE-DRAWN CARRIAGES

Sec. 62-131. Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings:

Horse means any member of the equine family including, but not limited to, a horse, mule, or donkey.

Horse-Drawn Carriage means a non-motorized vehicle designed to carry passengers while being pulled by one or more horses.

Sec. 62-132. Permit.

(a) It shall be unlawful to operate a horse-drawn carriage without first being issued a City Horse-Drawn Carriage permit. The City Secretary shall issue a carriage permit only if the following requirements have been satisfied:

- (1) The proposed route of the service does not operate on any hike-and-bike trail, footpath or sidewalk within the City.
- (2) The carriages and equipment proposed to be used in the service are in safe and presentable condition.
- (3) The applicant has agreed to operate only on a schedule and route and over the designated traffic lanes approved by the Chief of Police and to park said carriages or vehicles only at locations approved by the Chief of Police.

- (4) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damages to the street pavement.
- (5) Documentation of current rabies, VEWT, West Nile and Flu Rhino vaccinations for any horse used to pull a carriage shall be on file with the City Secretary at all times.
- (6) All horseshoes for a carriage horse shall be of a type approved by the Chief of Police and shall be comfortable/proper shoes for asphalt.
- (7) The applicant has agreed to maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and has agreed to permit the City to inspect such facilities at any time.
- (8) The applicant has agreed to keep all carriage routes clear and free of horse void and excrement and to maintain all permitted stands in a clean and sanitary matter. Each horse shall wear a bag capable of holding horse feces or in the alternative, the carriage shall be equipped with a shovel and receptacle and the carriage driver shall promptly remove all feces from the ground.
- (9) The applicant has agreed to post the fares for each ride or trip so that they are visible to the public. This section shall not apply to the exclusive, one-time rental of the carriage by a party by separate agreement, entered into more than twenty-four (24) hours prior to such trip.
- (10) Lanterns shall be affixed to either side of the carriage and must be illuminated at dusk.
- (11) The applicant has agreed that in order to protect the health and well-being of each horse employed in this service, the applicant shall specifically covenant and agree that:
- (a) Each horse shall be examined and certified as to its good health annually by a permitted veterinarian. The applicant will provide the City with Coggins paperwork annually, showing a negative result.
 - (b) No horse shall be worked longer than four (4) continuous hours without feeding and rest.
 - (c) Each horse shall be provided water at each carriage stand.
 - (d) Horses shall not be whipped unless necessary for the safety of the horse or carriage passengers.
 - (e) Horses shall not be overworked.
 - (f) Each horse shall be provided with its own custom fit harness.
 - (g) No horse with an open sore or wound, or which is lame or has any other ailment, shall be worked without specific written authorization from a veterinarian that such work will not endanger the health or well-being of the horse.
 - (h) Each horse shall be groomed daily.
 - (i) No horse shall be allowed to pull more than seven (7) people, including the driver.
 - (j) No horse shall be worked during time when the combined temperature and humidity index exceeds a numerical value of 150.

(12) The applicant has paid a nonrefundable permit fee of \$50.00 per carriage to defray the expense of carrying out the provisions of this article.

(13) The application shall include a sworn statement by the applicant that all information provided in the application is true and correct and shall further state that the applicant has conducted the annual background check required by this Chapter for each Driver authorized to operate a horse-drawn carriage on their behalf. The application shall also include a sworn statement that the applicant has not been convicted of an offense listed under Section 62-65.

(b) Upon finding that the applicant meets the qualifications stated herein, the City Secretary shall issue the carriage permit. The permit expires at the end of the calendar year, unless the application is for a new permit and is filed after September 30, in which case it is valid through the end of the following calendar year.

(c) A Driver of a horse-drawn carriage must be at least sixteen (16) years of age and possess a valid driver's license for motor vehicles.

Sec. 62-133. Liability Insurance.

(a) Any applicant for a carriage permit under this article shall, before the permit can be issued, deliver to the City Secretary a certificate of insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the carriage permit a policy of public liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, ensuring the public against any injury, loss or damage that may result to any person or property from the operation of each of applicant's Horse-Drawn carriages.

(b) General liability insurance shall be maintained in the amount of combined single limit of not less than \$500,000.00 per occurrence, with an aggregate amount of not less than \$1,000,000.00, covering property damage, bodily injury and personal injury (including death); to secure payment of all lawful and proper claims arising out of the operations of the carriage(s) for hire service authorized hereunder. The permit holder shall continually maintain insurance coverage during the term of the permit and shall immediately notify the City Secretary if the insurance lapses, is cancelled, or is non-renewed. If evidence of new insurance is not provided before the cancellation date of the previous policy, the permit shall be automatically revoked.

Sec. 62-134. Revocation or suspension of permit.

(a) The validity of a carriage permit shall be conditioned upon continued compliance by the permittee with each of the requirements of this article. The Chief of Police is hereby authorized and empowered to revoke or suspend any permit issued hereunder upon his or her finding that any carriage permit holder has violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the carriage permit holder, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the carriage permit holder shall have the right to appeal to the City Manager, or his or her designee, from any such action of the Chief of Police by delivering a written notice of appeal, to the City Secretary, with a copy delivered to the Chief of Police, not more than five (5) business days after receiving notice of revocation or suspension. In the event the carriage permit holder shall fail to deliver such notice to the City Secretary within the time prescribed, the action of the Chief of Police in revoking or suspending the permit shall be final. If the carriage permit holder timely delivers the notice to the City Secretary, the City Manager or his or her designee shall hear the appeal not more than twenty (20) business days after the filing of the notice of appeal with the City Secretary. The decision of the City Manager or his or her designee regarding the appeal is final.

Secs. 62-135 – 62-145. Reserved.

II. Findings of Fact: The matters and facts set forth in the preamble are found to be true.

III. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

IV. Repealer: That all other ordinances, section, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

V. Open Meeting: It is found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

VI. Penalty: Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8 of the City Code.

VII. Publication: The City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

VIII. Effective Date: This ordinance shall become effective and be in full force ten days from the date of its passage.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 19th DAY OF FEBRUARY, 2019.

CITY OF LOCKHART, TEXAS

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Peter Gruning
City Attorney