

## ORDINANCE 18-03

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING VEHICLES FOR HIRE TO CREATE A NEW ARTICLE III RELATING TO REGULATION OF COMMERCIAL HORSE-DRAWN CARRIAGES; PROVIDING FOR OPERATIONAL GUIDELINES AND REGULATIONS OF COMMERCIAL HORSE-DRAWN CARRIAGES IN THE CITY OF WINTER GARDEN; PROVIDING ROUTE RESTRICTIONS AND REGULATIONS; PROVIDING FOR ANIMAL SAFETY AND EQUIPMENT SAFETY PROVISIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Garden ("City") recognizes that vehicular, bicycle, and pedestrian traffic within the City and along certain streets and highways within the City are and remain heavily congested due to the well-traveled nature of such thoroughfares; and

**WHEREAS**, the City Commission recognizes that the Florida Uniform Traffic Control Law as set forth in chapter 316, Florida Statutes, allows municipalities to reasonably exercise their police powers to regulate stopping, standing, or parking; restrict the use of streets; and otherwise prohibit or regulate the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic upon streets and highways under the jurisdiction of such municipalities; and

**WHEREAS**, the City Commission finds that certain streets and highways within the City as set forth herein may only sustain limited additional commercial traffic in the form of commercial horse-drawn carriages in the best interests of the safety and convenience of pedestrians, cyclists, and other vehicles; and

**WHEREAS**, the City Commission desires to place reasonable regulations upon the operation of horse-drawn carriages, including but not limited to, policies relating to disposal and management of animal waste, ensuring proper nutrition and health of horses used in the operation of commercial horse-drawn carriages, and appropriate restrictions for stopping, standing, or parking of commercial horse-drawn carriages within the City; and

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:**

**Section 1: Recitals.** The above recitals are hereby incorporated by reference and shall constitute the legislative findings of the City Commission of the City of Winter Garden.

**Section 2: Adoption:** Chapter 82 regarding Vehicles for Hire is hereby amended to create a new Article III relating to commercial horse-drawn carriages and shall read as follows (words that are underlined are additions; all other provisions of Chapter 82 shall remain unchanged):

### **ARTICLE III. – COMMERCIAL HORSE-DRAWN CARRIAGES**

#### **Sec. 82-96. – Definitions.**

Except where the context clearly indicates otherwise, the following terms and phrases used in this Article III shall have the following meanings:

Commercial horse-drawn carriage shall mean any animal driven vehicle drawn or pulled by an animal used for touring, transportation, or sight-seeing purposes that is utilized for such purposes for hire, for monetary or other valuable consideration, or for tips or other gratuities.

Operate or operation means and includes operation by the owner or any agent of the owner or by any person with the owner's knowledge, consent or permission, express or implied.

Streets shall mean any of the public streets, boulevards, avenues, drives, alleys, or any public ways within the City and under the jurisdiction of the City pursuant to Florida law.

#### **Sec. 82-97. – Use of Streets.**

Except as provided in this Article III, no commercial horse-drawn carriage shall operate on the streets of the City for the transaction of business other than the picking up of passengers. All places of business of commercial horse-drawn carriage shall be maintained off the City streets. Additionally, it shall be unlawful for any person operating any commercial horse-drawn carriage in the City to operate such commercial horse-drawn carriage for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the City along the streets of the City.

#### **Sec. 82-98. – Restrictions; Routes by Resolution; Commercial Operational Hours.**

(a) Prohibited Streets. Unless approved by the City Manager or his/her designee or by resolution as proscribed herein, commercial horse-drawn carriages shall be at all times prohibited from operating on the following City streets:

- (1) Plant Street;
- (2) Dillard Street from Plant Street to Highway Fifty; and
- (3) Such other streets as may be designated by resolution of the City Commission.

No passenger pick-ups or drop-offs shall occur along or upon any prohibited streets as provided in this section.

(b) The City Commission may, by resolution adopted after a public hearing, establish routes of operation for commercial horse-drawn carriages and if such occurs, commercial horse-drawn carriages shall operate only within such established routes. Additionally, permitted and/or prohibited routes of operation may be temporarily changed or altered by the City Manager or his/her designee if determined to be necessary for public safety reasons with such changes or alterations being subject to immediate review of the City Commission at the City Commission's next regularly scheduled meeting upon five days written request of any owner or operator of any commercial horse-drawn carriage business within the City.

(c) Commercial horse-drawn carriages may lawfully operate only between the hours of 8:00 a.m. and 9:00 p.m.

#### **Sec. 82-99. – Stopping, Standing, and Parking.**

(a) No operator of any commercial horse-drawn carriage shall stand or park such carriage in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic with the curbside wheels of the carriage within twelve inches of the edge of the roadway, except upon a street that has been marked or a sign erected for angle parking, where the carriage shall be parked at the angle to the curb indicated by such a mark or sign. During daylight hours, all commercial horse-drawn carriages shall limit stopping, standing, and parking to adequately shaded areas except for situations where such stopping, standing, and/or parking is unsafe, may be required in obedience to traffic regulations, or upon signal or directive from a police officer.

(b) No operator of any commercial horse-drawn carriage shall permit such carriage to stand unattended.

(c) No operator of any commercial horse-drawn carriage shall stop, stand, or park such carriage in a street in such a manner or under such conditions as to leave available less than ten feet of the width of any lane of the street or roadway for free movement of vehicular traffic, except that such operator may stop momentarily as when necessary to do so in obedience to a traffic regulation or traffic sign or signal or directive from a police officer.

(d) No operator of any commercial horse-drawn carriage shall load or unload passengers from within or upon the streets of the City except in delineated or dedicated parking areas or lots in a manner consistent with the requirements of this section and other applicable state or local law or regulation. During daylight hours, all commercial horse-drawn carriages shall limit loading or unloading of passengers to adequately shaded areas except for situations where such loading or unloading is unsafe, may be required in obedience to traffic regulations, or upon signal or directive from a police officer

**Sec. 82-100. – Compliance with City Code, Traffic Regulations, and Applicable Law.**

All commercial horse-drawn carriage businesses and their operators shall be subject to all applicable provisions of this Code and other ordinances and regulations in effect in the City and all traffic ordinances and regulations which may pertain to the operation or regulation of horse-drawn vehicles hereinafter enacted or adopted by the City. Additionally, such businesses and entities shall abide by all provisions of the Florida Uniform Traffic Control Law as set forth in chapter 316, Florida Statutes, and any other applicable state or federal rules, laws, or regulations.

**Sec. 82-101. – Equipment and Safety Requirements; Sanitation.**

(a) Every commercial horse-drawn carriage shall have the following equipment on the vehicle, which equipment shall be maintained in good repair and working order:

- (1) Reflectors;
- (2) Grab handles;
- (3) Traces;
- (4) Harness;
- (5) Rubber surfaced wheels;
- (6) Shafts;
- (7) Steps;
- (8) Proper lights for vehicles operating at night;
- (9) Signage or emblems located on the rear of the vehicle indicating that the vehicle is “slow moving” or a “SMV.”

(b) All animals utilized for commercial horse-drawn carriages shall be equipped with diapers or similar devices to prevent manure or droppings from falling on City streets. All operators shall remove from the streets of the City all manure and droppings within a reasonable time from the occurrence of same but in no event longer than fifteen minutes from the occurrence of such event. Urine must be immediately diluted with deodorizing, non-toxic liquid. The liquid used shall be eco-friendly, safe, recyclable, non-toxic, and non-harmful to people and property. The operator of the commercial horse-drawn carriage shall be responsible for carrying and using the diluting liquid.

**Sec. 82-102. – Animal Safety and Care.**

(a) Animals shall not engage in commercial horse-drawn carriage work with harnesses or bits which harm or are unsafe to the animal. Harnesses, bridles, bits, and padding shall be properly fitted and kept in clean and good repair. Harnesses shall be kept free of makeshifts like wire, rope, and rusty chain. Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.

(b) No animal shall be utilized to draw a commercial horse-drawn carriage unless the animal is in good health and the following standards are met:

(1) The animal does not have any open sores or wounds or is lame or has any other ailments unless the operator has in his/her possession a current written statement by a veterinarian that the animal is fit for such work notwithstanding such condition;

(2) The animal shall be properly and appropriately groomed;

(3) The animal is in good working condition;

(4) ~~Water is provided to each animal immediately after completing any tour or fare;~~ Animals must have free choice and access to clean water at least once per hour or as needed after completing a tour.

(5) ~~Animals shall have at least fifteen minutes rest between back-to-back tours or fares;~~ No animal may work for more than fifty minutes and any sixty-minute period or shall have a ten minute rest per hour when touring.

(6) ~~Animals must be given water and rest for not less than a fifteen minute period during each working hour, and animals may not work longer than four hours in any twenty-four hour period;~~ No animal may work more than five hours in any twenty-four hour period.

(7) Animals shall not engage in work more than five days in any seven day period;

(8) Animals shall not engage in work with equipment causing an impairment of vision other than normal blinders;

(9) Animals shall not be driven at a speed faster than a slow trot;

(10) Animals shall not be subject to any cruel or harassing treatment or equipment;

(11) Animals shall not be sold or disposed of except in a humane manner in accordance with the American Association of Equine Practitioners' guidelines; and

(12) Animal hoofs are properly shod and trimmed, utilizing rubber-coated, rubber heel pads or open steel barium tip shoes to aid in the prevention of slipping. All pads or shoes shall be non-slip.

(13) No horse may work if it is a stallion, a mare with an un-weaned foal or a pregnant mare.

(14) Owners, operators and drivers of a horse-drawn carriage shall monitor the condition of each horse, and will not allow a horse to work when the horse shows signs of exhaustion, dehydration, sickness, disease, injury or severe stress.

### **Sec. 82-103. – Adverse Weather.**

Operators shall use caution when working animals for commercial horse-drawn carriages in adverse weather conditions such as high heat and humidity, snow, ice, heavy rain, and other slippery or reduced visibility situations. When either the ambient temperature reaches ninety-two (92) degrees Fahrenheit or the heat index reaches one hundred and two (102) degrees Fahrenheit, as determined by the weather station at the Orlando International Airport (MCO), all operators shall cease operations and discontinue working their animals and pull them off the streets until the temperature decreases below the above-stated temperatures or as directed by the City Manager or his/her designee.

### **Sec. 82-104. – Liability Insurance or Surety Bond.**

It shall be unlawful for the owner, operator, driver, or chauffeur of any commercial horse-drawn carriage to operate such carriage or to permit such carriage to be driven or operated upon the any City streets unless such owner, operator, driver, or chauffeur shall have first procured a liability insurance policy issued by a good and responsible

insurance company or a surety bond issued by a good and responsible surety company. Such insurance company or surety company must have authority to do business in the state of Florida. The amount of liability insurance or surety bond for each commercial horse-drawn carriage shall be as follows:

(1) An amount of not less than \$100,000.00 for any one person injured because of the negligent operation of such commercial horse-drawn carriage;

(2) An amount of not less than \$300,000.00 for more than one person so injured in any one accident; and

(3) An amount of not less than \$50,000.00 for all property damage in any one accident.

Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each commercial horse-drawn carriage or may be in the form of a fleet policy or similar covering all such commercial horse-drawn carriages operated by such owner, operator, driver, or chauffeur. In the latter event, such policy of insurance or surety bond shall provide the same coverage for each commercial horse-drawn carriage as specified herein. Every commercial horse-drawn carriage hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact of compliance with this section. Additionally, proof of such policies must be presented to the City upon demand.

#### **Sec. 82.105. – Periodic Carriage Inspections.**

The owner or operator of any commercial horse-drawn carriage shall subject the vehicle to a reasonably complete and thorough inspection to ensure compliance with this Article III and other City, state, and federal laws and regulations for each commercial horse-drawn carriage in operation in the City no less than once per any twelve month period.

#### **Sec. 82-106. – Enforcement.**

(a) Determination of Violations. The City's law enforcement officers, the city manager, code enforcement officers, code inspectors, and their agents are empowered to investigate any situation where a person is alleged to be violating this Article III.

(b) Enforcement. In the event that a violation of this article has occurred or is occurring, the City shall have the right to one or more of the following remedies or actions:

(1) Code Enforcement Proceedings – The City may initiate a code enforcement proceeding against the person(s) or entities in violation and/or the property owner of the real property where the violation occurs.

A violation of this article may be prosecuted as a violation of an itinerant or transient nature and one that is irreparable and irreversible.

(2) Civil Citation – A civil citation may be issued against the person(s) or entities in violation as set forth in Chapter 2 of the Winter Garden Code of Ordinances. The City’s law enforcement officers or code enforcement officers are authorized to issue notices to appear to the violator(s).

(3) Criminal Penalty – The City may prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court.

(4) Other Remedies – The City may institute any appropriate action at law or in equity to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person(s) or entity shall be liable to the City for reimbursement of the City’s attorneys’ fees and costs concerning such action.

**SECTION 3: Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

**SECTION 4: Conflicts:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

**SECTION 5: Severability:** If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**SECTION 6: Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING:** \_\_\_\_\_November 9\_\_\_\_\_, 2017.

**SECOND READING AND PUBLIC HEARING:** \_\_\_Dec 14\_\_\_, 2017.

**ADOPTED** this \_14th\_ day of \_December\_, 2017, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

\_\_\_\_/S/\_\_\_\_\_  
John Rees, Mayor/Commissioner



ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
KATHY GOLDEN, City Clerk

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