

ORDINANCE 83-53

TO AMEND TITLE 4 OF THE BLOOMINGTON MUNICIPAL CODE TO ADD CHAPTER 4.30,
ENTITLED "HORSE-DRAWN VEHICLES FOR HIRE"

WHEREAS, IC 36-8-2-10 grants the City of Bloomington the power to regulate businesses in the interest of public welfare and safety, and

WHEREAS, in order to regulate businesses operating horse-drawn vehicles for hire, the Common Council desires to provide a procedure for licensing of such vehicles,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, THAT:

SECTION I. Title 4 of the Bloomington Municipal Code, entitled "Business Licenses and Regulations" shall be amended to add the following chapter entitled, "Horse-Drawn Vehicles for Hire":

Chapter 4.30

HORSE-DRAWN VEHICLES FOR HIRE

4.30.010 Definition. As used in this Chapter, "horse-drawn vehicle for hire" means a buggy, carriage, dray, or wagon designed and intended to use a horse or horses, mule, donkey, oxen, mare, pony, or similar animal as motive power which is operated upon city streets for hire.

4.30.020 Operations generally. It is unlawful to drive or operate a horse-drawn vehicle for hire in the city except in accordance with the provisions of this chapter.

4.30.030 Business license--Required. It is unlawful to drive or operate a horse-drawn vehicle for hire in the city without first having secured a license to do so as provided by this chapter.

4.30.040 Business license--Application. Any person who intends to operate a horse-drawn vehicle for hire in the city shall file an application form with the city controller. Such application shall be in writing, signed and duly sworn by the applicant, and shall contain the following information:

- (a) The name and address of the person, partnership, firm or corporation requesting the license and, if the applicant is a firm or partnership, the name and address of each of the officers;
- (b) A list of the make, model, and factory number of each vehicle to be used as a horse-drawn vehicle;
- (c) A statement that the applicant owns the vehicles described in subsection (b) above and that the applicant will operate these vehicles for hire;
- (d) A statement that the applicant is financially able to render the service, has adequate resources and financial backing, and has insurance sufficient to meet minimum requirements for operating a limousine service in the State of Indiana.
- (e) A certificate, issued by a licensed and accredited veterinarian, signed, dated, and certifying for each animal: vaccinations against encephalitis, tetanus, and influenza, "Coggins Test", and a statement that the general physical condition of the animal and its stamina render it able to carry the loads and perform the work required of it. Such certificate shall include a description of the animal, including: breed, sex, age, height, color, markings, and any other information useful for identification. Such examination and certification shall be obtained annually for each animal.

4.30.050 Business license--Insurance required. No license to operate a horse-drawn vehicle for hire shall be issued unless the applicant files with the city controller a written statement from the applicant's insurer stating that the applicant has a policy of public liability and property damage insurance in a sum sufficient to meet the requirements for the operation of a limousine service in the State of Indiana.

4.30.060 Permission by Board of Public Works required. No license to operate

a horse-drawn vehicle for hire shall be issued unless the applicant has obtained written permission from the Board of Public Works to operate on city streets. The Board of Public Works, after consultation with the Chief of Police and the City Engineer, may determine and identify any necessary restrictions on the times of operation and distances permissible on high traffic volume streets or accident intensive areas, and the permissible parking location if special parking facilities are required. A license to operate a horse-drawn vehicle for hire shall be subject to those limitations, if any. Any applicant may appeal a decision of the Board of Public Works that restricts times or distances of operation to the Common Council within fifteen days of the date of the Board's decision.

4.30.070 Business license--Safety inspection required.

(a) No license shall be issued to operate a horse-drawn vehicle for hire unless the Chief of Police or his designee has made a safety inspection of each vehicle designated in the application. The Chief of Police shall send a report of the inspection and his recommendation to the controller as soon as the inspection is completed.

(b) All carriages shall be equipped with two red reflectors (minimum 3 inch diameter) on the left and right back of the wagon. Carriages used in the evening or night shall be equipped with four running lights. On each of the front corners a white or amber light is required. On each of the rear corners a red light is required. In addition, reflective material shall be used on the bridle or harness or front of the towing bar (tongue) of the carriage, sufficient to reflect headlights from oncoming cars one block away.

(c) It is unlawful to operate a horse-drawn vehicle for hire which has not been inspected by the Chief of Police or his designee and found to be safe to operate. In addition, the number of people per carriage shall not exceed the recommended load capacity specified by the police during the safety inspection.

4.30.080 Business license--Issuance.

(a) The controller shall within fourteen days of receipt of the completed application issue the business license to the applicant, provided there is compliance with all other provisions of this chapter.

(b) If the controller fails to issue the license within fourteen days of completion of the application, the applicant may appeal the denial to the Board of Public Works. The Board shall at its next regularly scheduled meeting determine whether the applicant has complied with all provisions of this chapter and shall authorize the controller to issue the license if there is such compliance.

4.30.090 Business license--Information.

(a) The following information shall be included on the business license and shall be kept current:

- (1) The name and address of the licensee;
- (2) The name and address of the company;
- (3) A list of the make, model, and factory number of each vehicle to be used as a horse-drawn vehicle for hire;
- (4) A statement that the licensee has sufficient insurance to meet state requirements for limousines;
- (5) A schedule of fares and rates, and
- (6) The date of issuance of the license with the with the signature of the controller.

(b) If a change is made in the information contained in the license, the old license shall be delivered to the controller, cancelled and destroyed and a new license issued in its place.

4.30.100 Business license--Term and fee. The license shall be valid for a period of one year from the date of issuance. The fee for a license shall be Twenty-five dollars (\$25.00) for the first vehicle and Five dollars (\$5.00) for each subsequent vehicle, and shall be paid to the city controller in the form of either cash or certified check.

4.30.110 Other laws applicable. Such vehicle shall operate in accordance with all other applicable state laws and provision of the Bloomington Municipal Code, including the provisions of Section 12.04.030, "Allowing filthy or noisome liquid to flow on streets."

4.30.120 Fare and Driver card. Every licensed vehicle shall be equipped with a card prominently displayed showing the fares and rates to be charged for the transportation of passengers and showing the name of the driver operating the vehicle. In addition, every vehicle shall carry a veterinarian certificate for each animal as required by 4.30.040 of this chapter. No person under the age of eighteen years shall operate a horse-drawn vehicle for hire.

4.30.130 Complaints. All complaints against licensed operators and owners of horse-drawn vehicles for hire shall be referred to the Board of Public Works. If a preliminary investigation determines that a violation of this chapter has occurred, the complaint may either be referred to the Board of Public Works for a public hearing on the suspension or revocation of the license under Section 4.30.140 of this chapter or to the Legal Department for action under Section 4.30.150 of this chapter.

4.30.140 Suspension and revocation of license. Any license properly issued under the terms and conditions of this chapter may be revoked or suspended by the Board of Public Works upon the failure of the owner or operator to operate any such vehicle in compliance with the terms of this chapter. The owner or operator shall be given five days written notice of such violation, and upon public hearing and adequate proof of noncompliance the license may be suspended or revoked.

4.30.150 Penalty. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be subject to a fine of not more than one hundred dollars (\$100.00) or to suspension or revocation of the license. Each day that a violation of this chapter continues shall constitute a separate violation.

SECTION II. Title 7 of the Bloomington Municipal Code entitled "Animals" shall be amended to add the following section:

7.36.060 Specific animal care provisions for animals used for drawing vehicles.

(a) In addition to the provisions set out in 7.36.050 General animal care above, every owner of an animal used to draw a vehicle for hire within the city shall see that:

- (1) the animal has adequate flesh and muscle tones;
- (2) the hooves of the animal are properly trimmed and shod within every eight weeks of work. Acceptable horseshoes for this work are limited to Borium studded type or polyurethane (plastic), studs optional. Records must be kept by the owner of the dates and the name of the blacksmith who shod the animal.
- (3) the animal is groomed daily;
- (4) the animal is not over-ridden, driven, or kept, to result in over-heating or exhaustion. Animals shall not be worked during the middle of the afternoon during hot days when livestock warnings are issued. Whenever possible during warm weather the driver shall park in the shade. Animals shall not be worked more than two hours without being given a 30 minute rest period. Maximum working period for any one animal shall be ten hours out of every 24 hours, and any five out of seven consecutive days.
- (5) no animal may be whipped by a driver with more than a light touch by a light whip;
- (6) the speed at which any animal is driven shall not exceed a trot;
- (7) the animals shall not be left unattended on a street or public way;
- (8) the harness, bridle, saddle, and any other equipment required or in use is properly fitted, in good working order, free of makeshift design, and used so as in no way causes pain or injury to the animal. Twisted wire snaffles, and spurs are not permitted.

(b) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (c) may, at the discretion of the animal owner, be paid to the authorized agency within 72 hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction. In addition, to protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a vehicle for hire, any animal control officer may issue an order that the animal is deemed unfit for work and order it removed from the vehicle and the city streets; such order may be appealed within 48 hours to the Animal Control Commission which shall, upon hearing all evidence, confirm or deny the order of the animal control officer.

(c) Persons who violate any provision of this section shall be subject to a fine of ten dollars (\$10.00) for the first offense, with the fine for each subsequent offense of this section increasing by an increment of ten dollars (\$10.00). In the event the person has no additional violations of this section for a period of twelve consecutive months, the fine for any violation of this section after that period shall be ten dollars (\$10.00) for the first offense, with the fine for each subsequent offense increasing by an increment of ten dollars (\$10.00).

SECTION III. Section 7.36.060 Abandonment of Chapter 7.36 of the Bloomington Municipal Code shall be renumbered Section 7.36.070.

SECTION IV. Severability. If any section of this ordinance or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and following publication as required by law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of October, 1983.

Katherine Dilcher

KATHERINE DILCHER, President
Bloomington Common Council

ATTEST:

Patricia Williams

Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of October, 1983.

Patricia Williams

Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 24th day of October, 1983.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance, sponsored by Councilmember Towell, provides a new licensing requirement and procedure for the operation of horse-drawn vehicles for hire within the city.

Dicta. 11/1/83 To:

J.C. Lloyd - St Dept

Public Works

Legal

Licensing

BMC & 2 c to Dick Post

11/2/83

Animal Control

BMC updates list

Traffic Comm (R. Murray)