

ORDINANCE NO. 11-024

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS AMENDING CHAPTER 35, "VEHICLES FOR HIRE" ARTICLE II, "HORSE DRAWN CARRIAGES" OF "THE CODE OF THE CITY OF GALVESTON, 1982", AS AMENDED, BY AMENDING SECTION 35-139, "HORSE LICENSES AND OTHER RECORDS" AND SECTION 35-143, "SHELTER REQUIREMENTS"; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the Animal Advisory Committee and staff have reviewed the "Code of the City of Galveston, 1982, as amended, "Vehicles for Hire" regulations pertaining to Horse Drawn Carriages and recommend revisions to Section 35-139, "Horse licenses and other records" and Section 35-143, "Shelter requirements," of the City's Code; and,

WHEREAS, the Animal Advisory Committee and staff have identified a need to update and modify the regulations pertaining to the health and humane treatment of horses; and,

WHEREAS, the City Council of the City of Galveston, Texas, deems it in the public interest to accept the changes proposed by the Animal Shelter Advisory Committee and Staff;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 35, "Vehicles For Hire", Article II, "Horse Drawn Carriages" of "the Code of the City of Galveston", as amended, is hereby amended to read and provide as follows:

Sec. 35-139. Horse licenses and other records.

- (k) The holder of a horse license shall maintain the following information on each horse and shall produce the information upon demand by the city manager, or the city manager's designee:
- (1) Current veterinarian examination record;
 - (2) Current picture of the horse;
 - (3) Each year the weight of the horse shall be certified by a veterinarian;

- (4) Description and location of any identifying characteristics, marks, or brands of the horse;
- (5) Description of any mechanical lameness that does not cause pain or suffering to the horse;
- (6) Annual immunization record, including but not limited to, rabies, Venezuelan equine encephalomyelitis, eastern and western equine encephalomyelitis, tetanus, influenza, and annual negative Coggins test;
- (7) Immunization record indicating a negative Coggins test every other year.

Sec. 35-143. Shelter requirements.

- (g) Mineral blocks shall be provided at all times in the stables.
- (h) Ventilation shall be provided for all stalls.
- (i) Roofs must be kept free of leaks.
- (j) All animal areas shall be treated in a manner that destroys and repels insects.
- (k) All shelters shall be properly zoned and approved by the planning department for the City of Galveston.
- (l) All shelters shall have smoke detectors in good working condition.
- (m) All interior and exterior areas of the shelter shall be kept clean, properly drained and free of nuisances, including, but not limited to, odors and accumulations.
- (n) ~~While in stalls, h~~Horses shall have access to hay at all times. The hay shall be clean, fresh and of good quality.
- (o) ~~While in stalls, h~~Horses shall have access to clean, fresh drinking water at all times.

SECTION 3. It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:


DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Douglas Godinich, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on the 14th day of April, 2011 as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 18th day of April, 2011.


Secretary for the City Council
of the City of Galveston



ARTICLE II. HORSE DRAWN CARRIAGES*

***Editor's note:** Ord. No. 02-058, § 2, adopted June 27, 2002, repealed and reenacted ch. 35 in its entirety except for provisions relating to horse drawn carriages. Section 4 of said ordinance renumbered the former article III, horse drawn carriages, as article II, horse drawn carriages. The historical notation has been retained for reference purposes.

Editor's note: Ord. No. 94-51, §§ 1, 2, adopted Sept. 8, 1994, amended former Art. III, §§ 35-138, 35-139, to read as herein set out. Former Art. III pertained to similar subject matter and derived from the Code of 1960, §§ 22-195--22-197.

Cross references: Animals and fowl, § 7-1 et seq.

Sec. 35-138. Permit issuance.

- (a) It shall be unlawful for any person to operate a horse drawn carriage for transportation of passengers for hire along or upon the public streets of the city without first having obtained the required city permit.
- (b) Before the city issues a permit, the applicant must furnish proof of certification of registration, as required by the Texas Department of Health, Texas Civil Statutes, article 4447.
- (c) The permit holder shall pay the city a permit fee of three hundred and fifty dollars (\$350.00) per year for each horse drawn carriage authorized by the permit.
- (d) Each permit holder shall pay when due all city taxes, fees or assessments levied on the business or property used in connection with the carriage service.
- (e) Each permit issued shall be valid for a period not to exceed one (1) year and shall expire on December 31 of the year of issuance, regardless of when the permit was issued. The permit fee shall be prorated if the validity period is six (6) months or less.
- (f) Upon issuance of the permit, the city shall issue a tag or other identifying plate for each authorized carriage. Such tag or plate shall be attached to the carriage in a conspicuous place at all times.
- (g) A carriage service may operate a maximum of four (4) horse-drawn carriages including substitute carriage(s), at any one time. Each permit issued shall clearly identify the carriage to which the permit applies, and the carriage service shall operate only those carriages. A carriage service may operate a substitute carriage if a "substitute permit" is obtained before the substitute carriage is placed into operation.
- (h) A permit holder may sell, assign, lease, or otherwise transfer a permit to either individual, partnership, business or other entity, but such transfer, sale, assignment, or lease shall be subject to prior city approval by the city manager or the city manager's designee.
- (i) Each permit holder shall be responsible for the actions of any carriage driver or other

person operating under the permit.

- (j) The city manager or the city manager's designee reserves the right to limit the number of carriage service companies and the number of carriages each company may operate. The city is not required to re-issue permits upon expiration of a permit.

(Ord. No. 94-51, §§ 1, 2, 9-8-94; Ord. No. 01-094, § 2, 12-13-01)

Sec. 35-139. Horse licenses and other records.

- (a) No person shall permit, allow, use or offer the use of a horse in a carriage service, or in any other service in which horses are used to transport persons on a public street unless such horse has been licensed pursuant to the provisions of this subsection, or specific written authorization has been given by the city manager, or the city manager's designee.
- (b) Only geldings and mares that are at least three (3) years old and that are determined by a licensed veterinarian to be capable of pulling a carriage, shall be used in a carriage service.
- (c) Application for a horse license shall be made to the city department of planning and community development. All information requested by the city shall be provided before the application will be considered.
- (d) Each application for a horse license shall include payment of five dollars (\$5.00) for the application. The application fee is nonrefundable.
- (e) A horse license shall be valid for twelve (12) months from the date of issuance unless the license is revoked.
- (f) A horse license may be renewed upon submission of a renewal application that includes all information requested by the city, and payment of a horse license renewal fee in the amount of five dollars (\$5.00).
- (g) If a horse license is sold, assigned, leased, or otherwise transferred to another individual, partnership, business or other entity, the license holder shall notify the department of planning and community development in writing of the transfer within three (3) business days of the transfer of ownership.
- (h) In addition to information requested on the application, the name and emergency phone number of the examining or treating veterinarian shall be listed on each license.
- (i) The holder of the horse license at all times shall maintain the horse license at the stable where the horse is kept. Upon demand and without prior notice, the license holder shall produce the license for inspection by the city manager, the city manager's designee, any officer of the Galveston police department, or any veterinarian employed or contracted by the city.
- (j) The holder of a horse license shall have a horse examined by a licensed veterinarian before the horse is placed into service and re-examined by a licensed veterinarian every six (6) months thereafter.
- (k) The holder of a horse license shall maintain the following information on each horse and shall produce the information upon demand by the city manager, or the city manager's

designee:

- (1) Current veterinarian examination record;
- (2) Current picture of the horse;
- (3) Each year the weight of the horse shall be certified by a veterinarian;
- (4) Description and location of any identifying characteristics, marks, or brands of the horse;
- (5) Description of any mechanical lameness that does not cause pain or suffering to the horse;
- (6) Annual immunization record, including but not limited to, rabies, venezuelan equine encephalomyelitis, eastern and western equine encephalomyelitis, tetanus, influenza, and annual negative Coggins test.
- (7) Immunization record indicating a negative Coggins test every other year.

(Ord. No. 94-51, §§ 1, 2, 9-8-94; Ord. No. 01-094, § 3, 12-13-01)

Sec. 35-140. Insurance requirements.

Each permit issued shall be issued subject to the following insurance requirements. A permit shall not be issued until the following requirements are met. A permit shall be revoked if the following requirements are not continuously met:

- (a) Each permit holder shall furnish the city proof of a public liability insurance policy issued by an insurance company authorized to do business in Texas. A permit shall not be issued until proof of insurance is provided.
- (b) Insurance policy limits shall be a minimum of one hundred thousand dollars (\$100,000.00) per person, three hundred thousand dollars (\$300,000.00) per occurrence, and twenty-five thousand dollars (\$25,000.00) property damage.
- (c) The insurance policy shall name the city as an additional insured and shall contain a thirty-day cancellation clause that requires notice of cancellation to the city.

Sec. 35-141. Routes, traffic, parking, operations.

- (a) Each permit holder shall park carriages only at locations and in a manner designated by the city manager or the city manager's designee. The city reserves the right to change the parking locations and the manner of parking from time to time.
- (b) Hours of operation:
 - (1) A permit holder shall operate carriages only between the hours of 9:00 a.m. and midnight each day except during the months of June, July, August, and from September 1 through and including September 15;
 - (2) During the months of June, July, August, and from September 1 through and including September 15, a permit holder shall operate carriages only between the hours of 9:00 a.m. and 1:00 p.m., and between the hours of 4:00 p.m. and 2:00 a.m. However, these restrictions shall not apply for weddings, parades, or

other special events.

- (c) Each permit holder shall operate carriages only in traffic lanes designated by the city manager or the city manager's designee and only over routes designated by the city manager or the city manager's designee.
- (d) Each permit holder shall be responsible for maintaining all designated routes free of animal excrement and each permit holder shall provide, at the permit holder's own expense any clean-up crew required by the city manager or the city manager's designee. The city manager or the city manager's designee shall determine the means and manner for keeping all designated routes clean. The city manager or the city manager's designee reserves the right to change the means and manner from time to time.
- (e) Each carriage operator shall be subject to all the rights and duties applicable under state laws, including, but not limited to Article 6701d, Vernon's Revised Civil Statutes (Motor Vehicle Act).
- (f) No carriage shall carry more than the number of adult passengers authorized by the city manager or the city manager's designee.
- (g) Fares:
 - (1) A permit holder shall file with the department of planning and community development a "schedule of fares". Changes to the "schedule of fares" must be filed with the department of planning and community development at least ten (10) days in advance of the effective date of the fares.
 - (2) The fare for each ride or trip shall be posted upon a placard attached to the carriage and visible to the public at all times.

(Ord. No. 94-51, §§ 1, 2, 9-8-94; Ord. No. 96-62, § 2, 6-13-96; Ord. No. 98-49, § 2, 6-25-98; Ord. No. 01-094, § 4, 12-13-01)

Sec. 35-142. Carriages and equipment.

- (a) Carriages and equipment shall be inspected by the city manager, or the city manager's designee from time to time. If the city manager, or designee, determines the carriage or equipment is not in a safe, presentable or satisfactory condition, the carriage shall not be operated until the city manager or designee grants approval for operation.
- (b) Carriages.
 - (1) Each carriage shall have identification on the outside carriage body as follows:
 - a. The name, telephone number, rated passenger capacity, and fare rates of the permit holder shall be posted on the right side of the carriage. The rated passenger capacity shall be identified with two-inch lettering.
 - b. The carriage vehicle number shall be centered on the "slow" emblem sign with four-inch lettering and reflector tape or paint.
 - c. A sign stating, "To report a complaint, please call (409) 797-3600" shall be securely affixed to the carriage in a visible location.

- d. A sign stating, "To report cruel or harassing animal treatment, call (409) 797-3600."
 - (2) Carriage wheels must be rubber wheels. Steel or outer rims shall not be permitted on any carriage.
 - (3) Each carriage shall be equipped with operating electrical lights and reflectors, including two (2) lamps in the front of the carriage.
 - (4) All service and parking brakes shall be maintained in good working condition.
 - (5) All carriages shall be equipped with emergency equipment, including but not limited to, a knife suitable for cutting a harness, a halter with lead, and a horse blindfold.
 - (6) All carriages shall have all bearing hubs. Antique carriages with servin hubs shall be properly greased before being placed into service.
- (c) All carriage stands shall be maintained in a clean and sanitary manner. At the end of each day, carriage companies shall clean carriage stands assigned to them. Failure to clean each carriage stand that was used during the day shall result in the carriage company not being allowed to operate any carriages the following day. In addition, if during the calendar year, a carriage company receives three (3) notices for failure to clean assigned carriage stand(s), the carriage company's permit shall automatically be cancelled. The cancellation of the permit is in addition to, not in lieu of, other penalties that may be imposed by this article.
- (d) Other equipment.
- (1) All harnesses must be oiled and cleaned so as to be soft at all times. Harness must be properly fitted and maintained. No temporary repair, including wire, shall be allowed if injury may be caused to the animal.
 - (2) Equipment causing an impairment of vision, except approved blinders, shall not be used.
 - (3) Horseshoes of steel, iron, urethane, or synthetic shoes shall be required.

(Ord. No. 94-51, §§ 1, 2, 9-8-94; Ord. No. 01-094, § 5, 12-13-01)

Sec. 35-143. Shelter requirements.

- (a) As used in this article, "shelter" shall mean barns, stables, or other housing for animals.
- (b) All shelters shall be located in such place or places approved by the city manager or the city manager's designee.
- (c) All shelters shall conform to all health and sanitation regulations and shall be open, without prior notice, for inspection by the city manager, or the city manager's designee.
- (d) Horses and carriages shall leave and return to designated shelters only along a route approved in writing by the city manager, or the city manager's designee.
- (e) Shelters shall have a permanent roof, stalls and access ways used for quartering equines. The walls shall not have sharp protruding objects. Every equine shall be

quartered in a clean, dry, well-ventilated, but not drafty, shelter of not less than one hundred (100) square feet per animal.

- (f) Horses shall be adequately quartered. Shelters and stalls shall be clean and dry. Sufficient bedding of straw, shavings, or other suitable material shall be furnished and changed as often as necessary to maintain the stables and stalls in a clean and dry condition. Bedding for concrete floors shall consist of at least six (6) inches of materials. Bedding for clay, dirt or rubber base floor shall consist of at least three (3) inches of materials.
 - (g) Mineral blocks shall be provided at all times in the stables.
 - (h) Ventilation shall be provided for all stalls.
 - (i) Roofs must be kept free of leaks.
 - (j) All animal areas shall be treated in a manner that destroys and repels insects.
 - (k) All shelters shall be properly zoned and approved by the planning department for the City of Galveston.
 - (l) All shelters shall have smoke detectors in good working condition.
 - (m) All interior and exterior areas of the shelter shall be kept clean, properly drained and free of nuisances, including, but not limited to, odors and accumulations.
 - (n) While in stalls, horses shall have access to hay at all times. The hay shall be clean, fresh and of good quality.
 - (o) While in stalls, horses shall have access to clean, fresh drinking water at all times.
- (Ord. No. 94-51, §§ 1, 2, 9-8-94)

Sec. 35-144. Animal health, care, and working conditions.

(a) *Health of animals.*

- (1) No animal shall be permitted to pull a carriage unless the following minimum requirements are met:
 - a. The animal is free of untreated open sores or wounds, fungus, or other ailments.
 - b. The animal is not lame.
 - c. All animals shall be groomed daily and shall be kept free of dandruff.
 - d. All animals shall have adequate flesh and muscle tone and comply with the body condition score as outlined in the Riding Stables Registration Rules.
 - e. No animal shall be allowed to work if the animal is emaciated, dehydrated, or exhausted.
 - f. No animal shall be allowed to work while being treated with prescription drugs. It shall be a defense to this subsection that the permit holder has written documentation from a licensed veterinarian, or the city manager,

or the city manager's designee, that the animal may work.

- g. No pregnant mare shall be allowed to pull a carriage. It shall be a defense to this subsection that the owner did not know the mare was pregnant.
- (2) Any animal removed from service because of an injury or illness shall not be permitted to return to work until written permission is granted by a licensed veterinarian.
 - (3) A horse with internal parasites shall be treated in accordance with directions from a licensed veterinarian.
 - (4) A horse with external parasites shall be immediately treated by either a licensed veterinarian, or the owner of the horse.
 - (5) Hooves of horses shall be trimmed and shoes reset with caulks or borium every eight (8) weeks. Shoes shall be maintained in a manner consistent with industry standards. The holder of the horse license upon demand shall provide proof that repairs have been made.
- (b) *Working conditions.*
- (1) All animals shall be given reasonable rest periods between each trip.
 - (2) At the end of seven (7) hours of work, an animal shall be given a one (1) hour rest break in which the animal is removed from the harness, returned to the shelter and provided adequate water, hay and shade.
 - (3) All animals shall be provided with adequate water in the working area.
 - (4) No animal shall be allowed to work if the ambient weather temperature is ninety-eight (98) degrees F or greater, as reported by the National Weather Service.
 - (5) All animals shall be covered with a clean and dry blanket when the ambient temperature is thirty (30) degrees F or less.
 - (6) No horse shall be allowed to work unless properly shod. If a horse throws a shoe or needs to be shod before the end of the work day, the horse shall immediately be removed from service and shall not be allowed to continue working until the horse is properly shod. If the horse is engaged in pulling a fare, the ride may be completed before the horse is removed from service.
 - (7) A horse shall not be paced faster than the horse's natural gait, unless crossing an intersection, in which case the horse shall not be paced faster than a trot.
 - (8) A horse's diaper shall be emptied of all excrement when the diaper is half full.
 - (9) A horse shall at all times be kept clean, including but not limited to, areas in which harness pads and pieces of tack come into contact with the horse's body.

(Ord. No. 94-51, §§ 1, 2, 9-8-94)

Sec. 35-145. Driver requirements and conduct.

- (a) All drivers shall be at least eighteen (18) years old.
- (b) All drivers shall have a valid motor vehicle license in the driver's possession at all times when operating a carriage.
- (c) A driver shall abide by all applicable state motor vehicle laws, including but not limited to, driving while intoxicated.
- (d) A driver shall not use abusive language or obscene hand gestures toward other drivers, customers, city employees or representatives, or the public in general.
- (e) A driver shall not smoke, eat, or wear head phones while the carriage is in motion.
- (f) A driver or other carriage employee shall not drink alcohol while on duty.
- (g) When conditions of poor visibility exist, including but not limited to one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, a driver shall cause the front and tail lights of the carriage to be in operation.
- (h) A driver shall not permit more passengers in a carriage than allowed by the carriage capacity.
- (i) While on duty, drivers and all other employees of a carriage service shall dress neatly.

(Ord. No. 94-51, §§ 1, 2, 9-8-94)

Sec. 35-146. Penalties.

- (a) Any person violating any of these rules and regulations shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine in any amount not to exceed five hundred dollars (\$500.00).
- (b) Each day a violation continues to exist shall constitute a separate offense.
- (c) In lieu of, or in addition to, any criminal prosecution or civil remedy for the violation of any provision of these rules and regulations, the city manager, or the city manager's designee shall have, as to the holder of any permit or license, the duty and authority to enforce the provisions of this article by administrative action. Administrative remedies that may be employed include, but are not limited to, revocation or temporary suspension of a permit and license. This power includes the authority to remove or cause to be removed from any carriage any sticker or other evidence of a permit. In the event the city imposes administrative remedies, the following procedures shall apply:
 - (1) Compliance officer notification. The compliance officer shall provide the owner of the horse drawn carriage written notification of the violation and the effective date of the revocation or temporary suspension. Such effective date shall not begin earlier than seven (7) business days after the date of the written violation, unless the violation constitutes an immediate hazard to the public's health or safety as determined by the city compliance officer. In the event the compliance officer deems the violation to be an immediate hazard, the revocation or temporary suspension shall be effective immediately.
 - (2) Within five (5) business days of the date of the written notification, the owner of the horse drawn carriage may request the intervention of the city manager. Such

request shall be in writing and submitted to the office of the city manager.

- (3) City manager review. The city manager shall schedule a meeting with the owner of the horse drawn carriage and others as deemed appropriate by the city manager. Such meeting shall be scheduled within thirty (30) days of the date the city manager receives the owner's request unless the owner agrees to a longer time period. The city manager shall provide a written response to the owner within ten (10) days after conducting the review. The city manager's decision shall be final.

(Ord. No. 94-51, §§ 1, 2, 9-8-94; Ord. No. 98-93, § 2, 9-24-98)

Secs. 35-147--35-199. Reserved.