

Sec. 4.04.024 Horse-drawn carriages

Holders of permits of privilege to operate a horse-drawn carriage service shall be governed by the provisions of this section in addition to all provisions found in this article.

(1) Minimum number of horse-drawn carriages needed for vehicle for hire permit. In order to apply for a vehicle for hire permit to operate a horse-drawn carriage in the city, the application must request authority for a minimum number of one (1) operational horse-drawn carriage before it will be accepted for review and consideration.

(2) Rates; posting.

(A) The chief of police may require a holder to display rates on or within a horse-drawn carriage in a manner prescribed by the chief of police.

(B) If demanded by any passenger, the driver of a horse-drawn carriage shall deliver to the person paying the fare at the time of such payment a receipt in legible type of writing, either mechanically printed or by a specifically prepared receipt, containing the horse drawn carriage company name, carriage number, driver name, any items for which charge is made, the total amount paid and the date of payment.

(C) The use of type of meter or measuring device to calculate a fare for horse-drawn carriage service is prohibited.

(3) Horse-drawn carriage stands.

(A) Permits may be issued to the vehicle for hire permit holder allowing any horse-drawn carriages, while awaiting employment, to stand at certain designated places upon the streets of the city. Additional locations may be permitted upon proper application being filed, and the issuance of such permit or permits shall remain in the absolute discretion of the chief of police, who shall determine the public interest in the establishment of such stand, or stands, as petitioned for, as well as the number of vehicles which shall be authorized to occupy the same at any one time, together with such other reasonable regulations thereof as he or she may determine proper, which regulation shall require the operator of each such vehicle to remain in the vehicle in the proper driver's position or adjacent to the carriage at curbside while occupying such stand.

(B) No horse-drawn carriage stand shall ever be used where it would interfere with proper ingress and egress to abutting property.

(C) Horse-drawn carriage operators are required to keep the horse-drawn carriage stand area clean and free of excrement or other debris.

(D) Once engaged by a passenger, the driver may aid in loading and unloading the carriage to the passenger as may be required.

(E) The horse-drawn carriage stands hereby authorized are subject to the control of the chief of police and are subject to change.

(F) Each of such stands shall be marked and property designated as being under the supervision of the city insofar as is practicable, shall be located so as to permit the use of presently established loading or unloading zones by horse-drawn carriages.

(G) The chief of police may establish temporary horse-drawn carriage stands for special events and functions where street access may be limited and the good of the public is best served by such temporary placements of stands.

(4) Equipment.

(A) Holder shall keep its equipment in a neat, clean, operable, and safe condition. At all times the equipment should be attractive to the public.

(B) Lighting: Each carriage operating in the city pursuant to this article shall have the following lighting and reflector equipment:

(i) Vehicle rear.

a. One (1) or two (2) lamps displaying red lights. The lamps shall be at least four (4) inches in diameter and use a bulb of at least thirty-two (32) candle power. If only

one (1) lamp is used, it shall be mounted as far to the left, towards the front as possible.

b. Two (2) red reflectors. The reflectors shall be at least three (3) inches in diameter or seven (7) square inches. The reflectors shall be mounted below the lamps, but not lower than two (2) feet from the ground.

(ii) Vehicle front. At least one (1) lamp displaying a white light: The lamp shall be at least four (4) inches in diameter and use a bulb of at least thirty-two (32) candle power. If only one lamp is used, it shall be mounted as far to the left, looking forward, as possible and shall not be obscured from view by the driver, the passenger or the horse pulling the vehicle. It shall be mounted no less than two (2) feet from the ground.

(iii) Side of the vehicle. Two (2) white, yellow, or amber reflectors shall be mounted on each side of the vehicle. The reflectors shall be at least three (3) inches in diameter or seven (7) square inches. Such reflectors shall be mounted no less than two (2) feet from the ground.

(C) The lamps required by this section shall be in use and operation during nighttime hours beginning one-half (1/2) hour before sunset and at any other time when weather conditions cause reduction in visibility.

(D) All horse-drawn carriages shall display a "slow moving vehicle" emblem on the center rear body of the vehicle. The emblem shall be thirteen and three-fourths (13-3/4) inch fluorescent orange triangle with a one and five-eighths (1-5/8) inch red reflective border. The emblem shall meet the current standards adopted by the "American Society of Agricultural Engineers," and shall be visible in daylight or at night when illuminated by the lower beams of headlamps for a distance of not less than five hundred (500) feet and shall be mounted not less than three (3) feet from the ground. No decorative trim or any part of the vehicle shall cover or obscure any part of the emblem at any time.

(E) Carriages will also have a sign conspicuously mounted to the carriage on the side passengers are loaded on. The sign shall contain the carriage company name.

(F) All horse-drawn carriage wheels shall be no smaller than 1 and one-quarter (1-1/4) inch in width with rubber or steel banding. All horse-drawn carriage wheels shall be firmly attached to the hub and shall not wobble excessively. All spring axles and supporting structures shall be intact without any visible breaks or deflection greater than incurred by a normal load.

(G) Each horse-drawn carriage shall be equipped with a suitable and efficient manually operated breaking mechanism designed for such carriage.

(H) All horse-drawn carriages shall not be larger than six (6) passengers for a single horse. No passengers will be allowed to ride on any part of the carriage except for seated inside the carriage while in motion.

(I) The harness attachment to the horse and to the carriage shall have safety devices to ensure that the horse cannot break away from its harness or the carriage. The driver shall inspect the harness each day prior to placing the carriage into service.

(i) Harness will be in good working order with no cracks or visible signs of excessive wear.

(ii) All driving lines shall have buckles and keepers. The use of snaps will not be a permitted method to connect driving lines to the bit.

(iii) Bridles must be equipped with a curb type coaching bit with a curb strap. Ring snaffle bits are not permitted.

(iv) All bridles must have a properly fitted throat latch.

(5) Inspections.

(A) All horse-drawn carriages shall be subject to inspection at any time by the city to ensure compliance with this article. It shall be a violation of this article for any person to delay, interfere with or refuse to permit such inspection. Any horse-drawn carriage found not to be in conform to the standards and tolerances provided for in this article shall not be approved by the city and

shall be ordered out of service.

(B) The city shall make or cause to be made, at least once every twelve (12) months, inspections of horse-drawn carriages to ensure their compliance with this article. The city shall maintain a record of each inspection and shall provide the holder a copy of same.

(C) Operators shall be able to provide evidence of insurance as required by [section 4.04.016](#) of this chapter.

(D) A person commits an offense if the person operates a horse-drawn carriage in the city without obtaining a horse-drawn carriage vehicle for hire permit from the chief of police.

(6) Condition and treatment of route.

(A) A holder of a permit shall keep all routes clean and free of horse excrement and the failure to keep all routes clean is grounds for suspension or revocation of the privilege.

(B) A horse shall not be left unattended except when confined to a stable or other enclosure.

(7) Drivers, helpers, and other staff.

(A) Qualification of coachmen. It shall be unlawful for an application under this chapter to cause, suffer or allow the operation of a horse-drawn carriage upon any public street in the city by a person, referred to in this chapter as coachman, until the chief of police first investigates such person's character, and such person first demonstrates to the chief of police that he or she is:

- (i) Able to speak, read and write the English language;
- (ii) The holder of a valid motor vehicle operator's license issued by the state;
- (iii) Free of defective vision, hearing or any other infirmity that would render the coachman unfit for safe operation of a public vehicle; and
- (iv) Free of alcohol or drug addiction.

(B) The chief of police or his designee may require the coachman to demonstrate the ability to drive a horse-drawn carriage and, by test or otherwise, ensure the coachman's knowledge of the requirements of this chapter.

(C) A list of all coachmen will be provided to the chief of police along with a current photograph, or state driver's license photograph of all coachmen.

(D) Coachmen, helpers, and employees of an applicant should always maintain a sanitary and well-groomed appearance while on duty. Additionally, the following clothing specifications are required:

- (i) Closed heel and toe shoes are required.
- (ii) All shirts must have a collar and sleeves, either short or long sleeves.
- (iii) Full length pants.
- (iv) All clothing should be free of rips, tears, cuts, stains, or odors.

(E) Coachmen will have an employee, helper, or attendant in the carriage with them at all times while they are driving with passengers.

(F) Any permittee receiving a sustained complaint will be notified in a timely manner through certified mail.

(8) Horses.

(A) Horse-drawn carriage owners and operators shall maintain their horses in good health. Owners and operators shall abide by the rules of good animal husbandry. This shall include an annual health examination of each animal by a veterinarian of equine medicine license by the state. A copy of such examination shall be submitted to the chief of police to be placed on file and updated annually.

- (i) The veterinarian examination shall include proof of vaccination for rabies. As well as any other vaccinations given as deemed necessary by the veterinarian.
- (ii) Annually each operator or owner should provide the city with a negative Coggins test

for each approved horse.

(B) Horse-drawn carriage owners and operators shall ensure any horse used is either a mare or gelding and at minimum three years old. The horse shall also be in such physical condition to perform the task without undue stress or effort. Horse-drawn carriage owners and operators shall ensure the horse(s) have the stamina and physical ability to perform the work and duties require.

(C) All horses, if shod, must be shod with horseshoes that are either a rubber compound shoe, a steel shoe with Barium, Drill-Tek, or Tungsten studs on the street-gripping surfaces, or other type of shoe that is approved. Horses are not required to be shod. If a horse is left barefoot, the feet must be trimmed and maintained and without excessive length, cracks, or chips.

(D) Horses shall be regularly groomed, with no offensive odors, caked dirt, or mud.

(E) Horses shall not have any open wound, oozing source, cut below skin level, or bleeding wound.

(F) Horses will not have any evidence of lameness, such as but not limited to head bobbing, irregular rhythm, or gait.

(G) The chief of police, or his designee, may require the operating authority or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined by a veterinarian license by the state and specializing in equine medicine, which certificate must be submitted to the chief of police.

(i) A qualified equine animal services officer is an employee of the city who has received advanced training in the health and safety of horses as recognized and approved by the Texas Department of Health and Safety or an employee who has received a bachelor's degree in equine science.

(H) Horses shall have a water source available to them when stopped at the designated place for a stand to pick up passengers. Horses shall be offered no less than five (5) gallons of water at least every two hours.

(I) Horses shall have at least a ten (10) minute rest period after every fifty (50) minutes worked.

(J) Insect repellent shall be kept at the designated place of stand to pick up passengers or kept in the carriage.

(K) Horses shall work no more than eight (8) hours in a twenty-four (24) hour period.

(L) Horses shall work no more than five (5) days in a one (1) week period.

(9) Temperature.

(A) Horses shall not work if the heat index meets or exceeds 150 degrees Fahrenheit.

(B) On days in which the temperature exceeds ninety-five (95) degrees Fahrenheit, a horse may not work more than four hours per day.

(10) Times and places carriage service permitted.

(A) A permit holder shall operate carriages only between the hours of 9:00 a.m. and 4:00 p.m. and 6:00 p.m. to midnight on Monday through Friday and 9:00 a.m. to midnight on Saturday and Sunday, except during the months of June, July, August, and September 1st through September 15th.

(B) During the months of June, July, August and September 1st through September 15th, 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 6:00 p.m. and midnight.

(C) Carriages are not permitted to operate on East Pearl Street, East of Brazos Street or on West Pearl Street West of Lambert Street. Carriages are not permitted to operate on North Houston Street North of Rucker Street.

(D) These restrictions do not apply to contractual or permitted events approved by the city.

(11) Offense - Harassing or startling a service horse.

(A) A person commits an offense if he or she harasses or startles, or attempts to harass or startle, any horse while it is pulling a horse-drawn carriage, or at rest, or otherwise treats a horse inhumanely while it is working in a horse-drawn carriage service.

(B) For the purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the permitted horse-drawn carriage service that is authorized and on file with the chief of police.

(12) Penalty. Any person, firm, corporation or business entity violating this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with the general penalty provision found in [section 1.01.009](#) of this code, per day for violation involving public health and sanitation and for all other violations. Each continuing day's violation under this section shall constitute a separate offense. The penal provisions imposed under this section shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state, and federal law.

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