

TOWN OF WEST JEFFERSON CODE OF ORDINANCES
Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

- § 111-10. Definitions.
- § 111-10.1. Compliance with article required.
- § 111-10.2. Permit required; information on application to be shown.
- § 111-10.3. Fixed place of business required.
- § 111-10.4. Permits not transferable; replacements and substitution.
- § 111-10.5. Renewal of permit; revocation.
- §. 111-10.6. Special permits.
- § 111-10.7. Insurance.
- § 111-10.8. Horse-drawn carriage driver's permit.
- § 111-10.9. Safe mechanical condition of horse-drawn carriage required.
- § 111-10.10. Safety equipment required.
- § 111-10.11. Cleanliness of horse-drawn carriage required.
- § 111-10.12. Inspection of carriage required.
- § 111-10.13. Suspension of permit.
- § 111-10.14. Certificate of health of animals required.
- § 111-10.15. Other requirements for the safety of the animals.
- § 111-10.16. Carriage stands.
- § 111-10.17. Driver not to leave vehicle while waiting to be hired.
- § 111-10.18. Restriction on number of passengers.
- § 111-10.19. Refusal to carry orderly passengers prohibited.
- § 111-10.20. Other prohibited acts.
- § 111-10.21. Areas of operation.
- § 111-10.22. Hours of operation.
- § 111-10.23. Traffic violations.
- § 111-10.24. Sanitation requirements.
- § 111-10.25. Penalty for failure to comply.
- § 111-10.26. Appeals.

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

§ 111-10. Definitions.

In all matters relating to the administration of this article, whenever the following terms are used, they shall be construed and defined as follows:

Clerk shall mean the West Jefferson Town Clerk.

Company shall mean the holder of a permit to operate a horse-drawn carriage business under the provisions of this article, whether a person, firm, partnership or corporation.

Driver shall mean any person who drives or operates a horse-drawn carriage on the streets of West Jefferson for a licensed company.

Driver's permit shall mean the written authority granted by the Town for an individual to drive or operate a horse-drawn carriage.

Horse-drawn carriage shall mean any hack or carriage which is drawn by a horse or mule or other beast of burden, for the transportation for hire of passengers.

Permit shall mean the written authority granted by the Town under this article to engage in the business of operating one or more horse-drawn carriages in the Town for transportation of passengers.

Stand shall mean a public place alongside the curb of a street or elsewhere which has been designated by the Town as reserved exclusively for the use of horse-drawn carriages.

§ 111-10.1. Compliance with article required.

It shall be unlawful for any person to engage in the business of operating any horse-drawn carriage on the streets of the Town until the provisions of this article have been complied with. Provided, however, any such business in operation as of the effective date of this article shall have 30 days to comply with the provisions of this article.

§ 111-10.2. Permit required; information on application to be shown.

- (a) Any person desiring to operate one or more horse-drawn carriages within the Town shall first make written application for a permit and shall file the application with the clerk. The application shall contain the full name and address of the applicant, and the names of the officers if the applicant is a corporation; the principal location from which the business is to be operated; the number of horse-drawn carriages to be operated under the permit, if granted; the hours of operation for the carriages; the planned routes for the carriages; and such other information as may be required by the Town.
- (b) The Town council hereby authorizes the clerk to issue permits to any applicant or applicants, upon compliance with the provisions of this article.
- (c) The permit shall be conspicuously displayed at all times at the fixed place of business described in section 111-10.2 hereinafter.

§ 111-10.3. Fixed place of business required.

Each horse-drawn carriage company shall establish and maintain a fixed headquarters ~~on private property for the operation of the company's business~~ as designated by the Town- see 111-10-16(a). The headquarters shall conform to the ordinances of the Town and shall provide adequate off-street parking for all horse-drawn carriages not in service on the streets. The company headquarters shall not be moved except by the approved transfer of the company's permit to another location.

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

§ 111-10.4. Permits not transferable; replacements and substitution.

Permits to operate horse-drawn carriages shall not be transferred; provided, however, that the holders of permits may make replacements and substitutions of such carriages if the total number of carriages does not exceed the total number provided for in the permit. In the event a horse-drawn carriage business is transferred, the new owner shall apply to the clerk for the permits required hereunder.

§ 111-10.5. Renewal of permit; revocation.

Any company to whom a permit has been issued shall be entitled to renew such permit on an annual basis, so long as such company shall fully comply with the provisions of this article and such other ordinances, rules and regulations as shall be enacted or adopted from time to time by the Town and shall pay the annual permit fee required hereunder and pay the annual privilege license tax. Annual permit fees shall be due on or before July 1 of each year. The clerk, for good cause shown, may at any time revoke such permit.

§ 111-10.6. Special permits.

- (a) In addition to the permits issued under and pursuant to section 111-10.2 of this article, special permits for the operation of horse-drawn carriages during special events may be issued pursuant to this section, subject to approval of the special events committee. Applications may be made for special permits upon forms issued by the clerk, upon a showing by the applicant therefor of the following:
 - (1) That a specific need or convenience will be served by the issuance of such additional permit, based upon the uniqueness of the type of carriage, the routes to be served, or other special amenities different in kind from those currently available to the general public in West Jefferson;
 - (2) That the applicant has obtained a certificate of insurance pursuant to section 111-10.7 of this article;
 - (3) That the proposed carriage has passed inspection for safety;
 - (4) That the applicant present a certificate from a veterinarian licensed in the state of any U.S. state or the District of Columbia stating that the horses or other beasts of burden proposed for use with such carriage are in good health and suitable for the proposed use;
 - (5) That there be presented with such application a proposed schedule of operation, including proposed rates and fees to be charged therefor, which schedule of fees shall be posted prominently within each carriage.
- (b) Each application shall be accompanied by a nonrefundable application fee as established by the Town.
- (c) A special permit shall expire automatically at the close of the special event for which it was issued.

§ 111-10.7. Insurance.

- (a) Any company operating under this article shall hold the Town, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the Town by reason of negligence, default or misconduct of the company in connection with the rights granted hereunder. Nothing in this article shall be considered to make the Town, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any company, its servants, agents, drivers or other employees, during the operation by the company of a horse-drawn carriage business, either in respect to injury to persons or with respect to damage to

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

property which may be sustained. All permits issued hereunder shall include a notarized statement of the permit holder to incorporate the provisions set forth herein.

- (b) Any company operating under this article shall secure and maintain a liability insurance policy from an insurance company authorized to do business in the state, covering each carriage to be used. The minimum coverage shall be \$100,000.00 for bodily injury to any one person, \$300,000.00 for injury to more than one person in the same accident, and \$25,000.00 for property damage resulting from one accident. Such policy may be in the form of a separate policy for each carriage or in the form of a fleet policy covering all carriages operated by the company. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice thereof being served upon the clerk at least 30 days prior to the date of such alteration, modification or cancellation. A certificate of insurance certifying the above coverage shall be filed in the office of the clerk.
- (c) **No permit shall be issued under this article until the certificate of insurance has been filed and approved.**
- (d) If at any time during the life of any permit issued under the provisions of this article, the company allows said insurance policy to lapse or to become ineffective, or if any insurer thereof becomes unable financially to respond to the obligation thereof, or such policy is allowed to terminate in whole or in part, then at the same time the permit of such company to operate such carriage shall consequently become null and void.

§ 111-10.8. Horse-drawn carriage driver's permit.

- (a) No person shall operate a horse-drawn carriage for hire upon the streets of the Town, and no person who owns or operates a horse-drawn carriage company shall permit a horse-drawn carriage to be driven, unless the driver of such carriage first obtain and have in force a horse-drawn carriage driver's permit issued under the provisions of this article and pay the permit fee therefor (if applicable).
- (b) Any person desiring a horse-drawn carriage driver's permit shall submit an application in writing to the clerk, on a form to be furnished by the clerk. The application shall state the age of the applicant, his address, their driver's license number, and whether he has been convicted of a violation of any of the laws of the state or the ordinances of the Town, and if so, when and of what offense, and the sentence of the court.
- (c) An applicant for a driver's permit must be not less than 18 years of age, with no physical infirmities which might make him an unsafe or unsatisfactory horse-drawn carriage driver. No permit shall be issued to any person who has been convicted of operating a motor vehicle while impaired within one year prior to the date of the application for such permit, or who has been convicted of the offense three or more times within five years prior to the date of application. An applicant must provide a copy of his or her current North Carolina Class "C" driver's license or the equivalent license issued by any other U.S. state or the District of Columbia and that the license is not under suspension or revocation.
- (d) Each applicant for a driver's permit shall file with the clerk a sworn affidavit that he or she has successfully completed an apprenticeship with horse-drawn carriages, which includes, but is not limited to:
 - (1) The proper method of fitting a harness to a horse and hitching and unhitching a properly harnessed horse;
 - (2) An attestation that the applicant has ridden with a driver permitted hereunder during the first 24 hours of the apprenticeship to observe the proper handling and driving of a horse-drawn carriage and has been trained in emergency situations for unexpected animal behavior; and

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

- (3) Has driven horse-drawn carriages under the supervision of a driver permitted hereunder for the last 16 hours of the apprenticeship;
- (4) Is familiar with the traffic regulations and designated horse-drawn carriage routes.
- (e) In lieu of the apprenticeship requirements, an applicant may file with the clerk a sworn affidavit that he or she has had previous experience driving a horse-drawn carriage, exceeding 40 hours therein, including a detailed description, of that experience;
- (f) An identification card showing that a permit has been issued under the provisions of this section shall be displayed on the driver's person at all times when the carriage is for hire or is being operated.
- (g) A driver's permit shall remain in effect for 12 months from the date of issue. Permits may be renewed, upon application, for additional 12-month periods upon satisfaction of the requirements of this section and payment of the annual permit fee, if applicable.
- (h) It shall be unlawful for any person willfully to alter, deface, obliterate or destroy a horse-drawn carriage driver's permit, or cause or allow the same.
- (i) Any horse-drawn carriage driver's permit issued under this article is not transferable, and is to be used solely by the person to whom it is issued.
- (j) Every driver of a horse-drawn carriage shall be neat and clean in appearance and shall, while on duty, wear an identification badge, with his name and permit information thereon, on his shirt or coat, in plain view. No driver may use any tobacco product while carrying any passenger.
- (k) The clerk shall have the authority to revoke a horse-drawn carriage driver's permit if the holder of the permit:
 - (1) Ceases to meet the qualifications described in subsection (c), above; or
 - (2) Fails to correct satisfactorily any false statement made in the application for the permit immediately upon request; or
 - (3) Fails to operate his carriage in accordance with the provisions of this article.

§ 111-10.9. Safe mechanical condition of horse-drawn carriage required.

Every carriage operated on the streets of the Town shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operative at all times when the carriage is in service.

§ 111-10.10. Safety equipment required.

Each horse-drawn carriage shall be equipped with operable turn signals. Each such carriage shall also be equipped with operable lights or lanterns and reflectors when are used during the hours of dusk and darkness. The turn signals, lights and reflectors shall be mounted so that they are visible from any direction for a distance of at least 1,000 feet. Each such carriage shall have on board at all times a fire extinguisher and a first aid kit.

§ 111-10.11. Cleanliness of horse-drawn carriage required.

Every carriage operating under this article shall be kept painted and in a clean and sanitary condition, free of litter and debris and at all times suitable for public transportation of passengers.

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

§ 111-10.12. Inspection of carriage required.

- (a) Each carriage shall be inspected by the chief of police or the chief's designee for compliance with the provisions of this article regarding safety and overall appearance and shall pass the inspection before being used to carry passengers for hire. Each carriage shall be inspected by the chief of police or the chief's designee at least once in each six-month period to ensure continued compliance with this article. The chief of police shall certify to the clerk the carriage is in compliance by signature on the initial application and before any operations begin. When a carriage is involved in an accident, the horse-drawn carriage business owner shall file a report of the accident with the police department. The chief of police or the chief's designee shall inspect each such carriage before it is returned to service.
- (b) The inspection shall include the following:
 - (1) Body condition;
 - (2) Reflectors;
 - (3) Grab handles;
 - (4) Traces;
 - (5) Harness;
 - (6) Seats;
 - (7) Wheels;
 - (8) Top;
 - (9) Shafts;
 - (10) Steps;
 - (11) Brakes;
 - (12) Lights or lanterns, on any vehicle to be operated at night;
 - (13) Turn signals.

§ 111-10.13. Suspension of permit.

The clerk is hereby given full power to suspend a permit upon the clerk's determination that the operation of the carriage would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the owner. The carriage may not be returned to service until it has been re-inspected and found to comply with § 111-10.12 of this article.

§ 111-10.14. Certificate of health of animals required.

The holder of each permit to operate a horse-drawn carriage company shall, as a condition to such permit remaining in force, present to the clerk no later than the first day the horse-drawn carriage operation is to begin, a certificate by a doctor of veterinary medicine, duly licensed in the state of any U.S. state or the District of Columbia, for each horse or other beast of burden owned by such company for its horse-drawn carriage business, with identifying information, certifying that such doctor of veterinary medicine has examined such horse or other animal, and that the animal is in good health and able to draw the horse-drawn carriage or carriages to which the horse is assigned without endangering the health of such horse or other animal. In the event of failure to present a certificate for each such horse, the owner shall not be

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

able to use in the horse-drawn carriage business any horse for which a certificate is not presented. Such certificate of health shall be required to be presented to the clerk every year thereafter.

§ 111-10.15. Other requirements for the safety of the animals.

(a) All operating carriages shall comply with the following requirements:

- (1) No single animal shall pull a carriage holding more than 1.5 times its body weight.
- (2) Unless written approval is given by a licensed veterinarian, no animal having open sores or wounds or any disease or ailment shall be permitted to be in service on the streets of the Town.
- (3) Each animal shall have all hooves properly trimmed and shod for street surfaces, with the horse shoes to be designed to keep the animal from slipping on the pavement.
- (4) Each animal shall be groomed and shall not have fungus, dandruff, or a dirty coat.
- (5) Harnesses shall be properly fitted, maintained and oiled so that no irritating material will come in direct contact with the animal.
- (6) No driver may use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal.
- (7) No driver shall permit an animal to pull a carriage at a speed faster than a slow trot, except in emergency situations.
- (8) Each animal shall be provided with adequate food, water and rest to pull the horse-drawn carriage to which it is assigned.
- (9) No animal shall become overheated in a manner which endangers its health and safety.
- (10) No animal shall pull horse-drawn carriages in temperatures below 25 degrees Fahrenheit under calm conditions or its equivalent when adding in a wind chill factor, or when the apparent temperature, combining the air temperature with the relative humidity, is above 90 degrees Fahrenheit.
- (11) Animals used to pull horse-drawn carriages shall be given a ten-minute rest period at the end of two consecutive labor hours and potable water shall be made available during the rest period. Labor hours are defined as hours the animal is in harness for the horse-drawn carriage business. No animal shall be kept in harness for the horse-drawn carriage business for periods in excess of eight successive labor hours without a minimum of three successive hours out of harness. No animal shall be in harness for the horse-drawn carriage business for more than six days in a seven-day period.
- (12) No animal shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that animal.

Any sworn Town police officer is hereby empowered to stop all carriages for inspection as to compliance with the above requirements, and is further empowered to confiscate for delivery to the clerk the permit for any vehicle appearing to be in probable violation hereof.

§ 111-10.16. Carriage stands.

- (a) ~~If To be approved by the Town Manager, the director of the public works department, or the director's designee, in consultation with the chief of police, and is hereby empowered to designate the location and extent of space for stands located on Town streets and parking spaces or lots and which shall be~~

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

known as "carriage stands." Unless otherwise allowed by the Town, no automobiles or other means of conveyance other than horse-drawn carriages as defined in this article shall be permitted to use such stands.

- (b) No long-term parking of horse-drawn carriages shall be permitted on the public streets except at such stands as approved by the Town, which shall also be designated by signs. Whenever any stand is established, it may be used by horse-drawn carriages on a "first come, first serve" rotation basis.
- (c) Temporary parking of horse drawn-carriages shall be permitted on the public streets in the event a private function is taking place and the horse-drawn carriage is being utilized (i.e. such as a wedding where the carriage would be temporarily parked out in front of a church).
- (d) Drivers of horse-drawn carriages shall maintain such stands in a sanitary condition at all times. Any failure on the part of a driver to conform to the requirements of this section shall be unlawful and shall subject the driver to the penalties provided herein.

§ 111-10.17. Driver not to leave vehicle while waiting to be hired.

It shall be unlawful for any driver to leave his carriage, or the immediate premises thereof, while the carriage is parked in a carriage stand waiting to be hired.

§ 111-10.18. Restriction on number of passengers.

No driver shall permit more persons to be carried in his carriage as passengers than the rated seating capacity of said carriage or if exceeding the weight limit as described in § 111-10.15. A child in arms shall not be counted as a passenger, so long as the child is five years of age or less.

§ 111-10.19. Refusal to carry orderly passengers prohibited.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.

§ 111-10.20 Other prohibited acts.

It shall be unlawful for any driver to use his carriage for any purpose other than the transportation of passengers.

§ 111-10.21. Areas of operation.

Horse-drawn carriages carrying passengers for hire shall be allowed on Town streets as well as in accordance to the restrictions explained in § 111.10.22

§ 111-10.22. Hours of operation.

No horse-drawn carriage shall be operated for the purposes of a tour on Town streets between the hours of midnight and 9:00 a.m. on any day. No carriage shall be operated along Jefferson Avenue during the hours of 10:00 a.m. to 5:30 p.m. Monday through Friday, except that such restriction shall not apply on legal holidays.

TOWN OF WEST JEFFERSON CODE OF ORDINANCES

Chapter 111- VEHICLES FOR HIRE

§ 111.10 - OPERATION OF HORSE-DRAWN CARRIAGES

§ 111-10.23. Traffic violations.

- (a) Drivers of horse-drawn carriages shall be subject to all traffic laws applicable to drivers of motor vehicles, except those provisions which by their nature can have no application.
- (b) Horse-drawn carriages shall be prohibited from stopping in traffic or delaying any on-street traffic for the purpose of loading or unloading passengers or for any other purpose.
- (c) It shall be unlawful to operate carriages except when the draft animals are under complete control. Such vehicles shall be operated with caution and due care for the safety of others.

§ 111-10.24. Sanitation requirements.

Drivers of horse-drawn carriages and the permit holder for the horse-drawn carriage business shall ensure that draft animals are equipped with diapers or similar devices or that other methods are used to prevent manure and other wastes of the animals from falling or collecting on Town streets. The Town shall charge the company with the assumed costs, including materials and assumed labor costs, for the cleanup of such manure and other wastes. any charge not paid by the company within 30 days of the sending of written notice by any generally recognized means shall constitute grounds for suspension of the company's right to operate carriages.

§ 111-10.25. Penalty for failure to comply.

- (a) Failure to comply with the requirements of this article may result in revocation of the permit of the driver, the company, or both.
- (b) Violation of any provision of this article shall subject the violator to the civil penalties set forth in Section 10.99.

§ 111-10.26. Appeals.

Any decision of the clerk hereunder may be appealed to the Town Manager by any aggrieved person, by delivery to the clerk of a notice of appeal within ten days of the giving of notice by the clerk of such decision. The Town council shall decide all appeals. Decisions of the Town Manager may be appealed to the superior court within 30 days after receipt of the Town Manager's written decision.

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