

ORDINANCE 2004-24

AN ORDINANCE ADOPTING NON-MOTORIZED SERVICES WITHIN THE CITY OF TAYLOR, TEXAS; PROVIDING FOR A FINE OR PENALTY OF THIS ORDINANCE AS A MISDEMEANOR SUBJECT TO A FINE NOT TO EXCEED \$500.00 FOR EACH OFFENSE, EXCEPT HOWEVER, WHERE DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, IN WHICH EVENT THE PENALTY SHALL BE FIXED BY STATE LAW AND IF DEEMED A VIOLATION OF ANY PROVISIONAL LAW THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, THE PENALTY SHALL NOT EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; AND HAVING A SAVINGS CLAUSE; AND HAVING A REPEALER CLAUSE.

WHEREAS, the City of Taylor, Texas, desires to adopt an Ordinance allowing the operation of non-motorized services; and

WHEREAS, it is deemed in the best interest of the City of Taylor, Texas, to allow the operation of non-motorized services; and

WHEREAS, it is the desire of the City to provide an Ordinance regulating the operation of non-motorized services as hereinafter provided.

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. Non-motorized services shall provide ground transportation service using non-motorized vehicles wherein passengers are transported on designated streets for a fixed rate determined by the length of the route.

SECTION 3. The following requirements shall apply to an operating authority for non-motorized ground transportation service:

- (1) A non-motorized service may operate only on the streets and designated traffic lanes and during the times proposed in the application for operating authority and approved by the City Manager. ("Operating Authority");
- (2) The holder of an Operating Authority may load and unload passengers and park a vehicle only at locations approved by the City Manager;
- (3) The holder may use only equipment approved by the City Manager.
- (4) The holder shall post in a location approved by the City Manager:
 - (a) the permit assigned by the City to the Holder of an Operating Authority and the name of the non-motorized service; and
 - (b) the fare for each ride on the vehicle.
- (5) The driver of a non-motorized vehicle may refuse to convey a person requesting service if:
 - (a) the driver is answering a previous request for service;
 - (b) the person requesting service is disorderly;
 - (c) the person requesting service is engaged in unlawful conduct;
 - (d) the driver believes that transporting the person requesting service may result in risk to the safety of the driver, horse or vehicle;
 - (e) the person requesting service cannot present proof of ability to pay the fare; or
 - (f) reasons determined by the driver to be in the best interest, safety and welfare of the City and the driver.

SECTION 4. An application for a non-motorized service Operating Authority must:

- (1) identify the streets and designate traffic lanes over which the non-motorized service will travel during specified time periods;
- (2) specify the off-street locations for parking and passenger loading and unloading; and

- (3) specify the equipment the applicant proposes to use to provide the service.

SECTION 5. A non-motorized vehicle must comply with the following inspection criteria:

- (1) A vehicle and any equipment used to provide non-motorized service must be in safe, sanitary, and clean condition;
- (2) The interior of the vehicle used to provide non-motorized service must be clean;
- (3) All portions of the interior upholstery of a vehicle used to provide non-motorized service must match in color or be of similar shades, without noticeable tears or other damage.
- (4) Missing, broken, or significantly damaged interior and exterior parts of a vehicle used to provide non-motorized service must be repaired or replaced in a neat and inconspicuous manner.
- (5) The vehicle must conform with other equipment requirements prescribed by the City.

SECTION 6.

- (A) The following are additional requirements for an operating authority for horse-drawn carriage service:
 - (1) The holder shall maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and agrees to permit the City to inspect the facilities at any time.
 - (2) The holder shall keep all carriage routes clear and free of animal void and excrement and maintain all approved carriage parking areas in a clean and sanitary manner. The Holder of an Operating Authority shall equip each carriage with a diaper device, approved by the City, to collect and prevent excrement from falling on the roadway. The holder shall transport all animal excrement collected in the diaper device to the holder's stable for disposal.

(B) A holder may not use an animal to provide the services unless the holder provides the City with a letter from a veterinarian licensed by the State, issued within the 90-day period immediately preceding the day the animal is to be used to provide the service, that includes:

- (1) an identifying description of the animal; and
- (2) a statement that the animal has been examined by a veterinarian, is in good health, and is suited to and physically capable of pulling the proposed carriage equipment with passengers.

(C) For the safety and well-being of the animals used to provide the service, a Holder of an Operating Authority shall:

- (1) have each animal shod with horseshoes of a type approved by the City;
- (2) offer potable water to each animal during each rest period;
- (3) provide a clean, soft, and pliable custom fit harness for each animal;
- (4) groom each animal before it is used to provide service;
- (5) provide shade for an animal during a rest period or while waiting if the temperature is reported to be above 90 degrees Fahrenheit at any City site monitored by the National Weather Service; and
- (6) require a driver to maintain a distance of not less than five feet from another animal and carriage.

(D) For the safety and well-being of the animals used to provide the service, a holder may not:

- (1) work an animal:
 - (a) longer than one hour without a 10-minute rest period;
 - (b) longer than three consecutive hours without a continuous one-hour rest period;

- (c) longer than a total of six hours per day; or
 - (d) more than five consecutive days without a 24-hour rest period before the next working day.
- (2) Work an animal at a gait faster than a walking gait, or whip an animal unless necessary for the safety of the animal or passengers or use any equipment to injure or wound an animal;
 - (3) overwork an animal;
 - (4) work an animal with an open sore or wound, or any animal that is lame or has any other ailment without specific written authorization from a veterinarian licensed by the state that the work will not endanger the health or well-being of the animal;
 - (5) operate a carriage having more than a seven-passenger capacity, including the driver's box;
 - (6) carry more passengers than the maximum allowed by the carriage's design capacity;
 - (7) work an animal during the time when the temperature at any City site monitored by the National Weather Service is reported to be at or below 30 degrees Fahrenheit, or work an animal over two hours when the temperature is reported to be above 95 degrees Fahrenheit;
 - (8) allow an animal to be subjected to cruel or harassing treatment; or
 - (9) allow a driver or a person to attend more than one horse and carriage while stopped, standing, waiting, or resting.
- (E) The carriage wheels must have steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damage to the street or pavement.
- (F) While on duty, a driver shall not:
- (1) permit or allow a person on the back of an animal under the driver's control;
 - (2) leave an animal unattended unless the animal is confined to a stable or other enclosure;

- (3) work an animal at a gait faster than a walking gait, unless necessary for the safety of the passengers or the animal;
 - (4) allow a person, other than the holder, a licensed driver, or a driver trainee in the driver's box of a carriage;
 - (5) stop, stand, wait, or rest an animal closer than five feet from another animal and carriage; or
 - (6) allow a person to attend more than one horse and carriage while stopped, standing, waiting, or resting.
- (G) A Holder of an Operating Authority shall report any accident involving an animal or carriage to the City.
- (H) A driver trainee must be eligible for licensure by the City. The holder or a licensed driver must accompany a driver trainee at all times during training.

SECTION 7. Definitions.

In this Ordinance:

- (1) REST means the time an animal is allowed to stand at rest, including the time an animal is harnessed to a carriage but not available for public hire.
- (2) WORK means the time an animal is harnessed to a carriage and available for public hire.

SECTION 8. Penalty

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Taylor, Texas, or any other Court of proper jurisdiction, shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty

shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 9. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 10. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Taylor, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 11. In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Taylor, Texas, on the _____ day of _____, 2004.

PASSED, APPROVED and ADOPTED on this the _____ day of _____, 2004.

Donald R. Hill, Mayor

ATTEST:

Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl, City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Susan Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2004-_____, passed and approved by the City Council of the City of Taylor, Texas, on the _____ day of _____, 2004, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this the _____ day of _____, 2004.

Susan Brock
City Clerk