



Motion Sheet

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Jan Aramaki and Ben Luedtke
Policy Analysts

DATE: November 18, 2014

RE: MOTION SHEET – Proposal to prohibit horse-drawn carriage businesses on City streets except when connected with a special event (such as parades) or a free expression activity

MOTION 1

I move that the Council close the public hearing and adopt an ordinance amending Section 2.07.020 of the *Salt Lake City Code*, amending Chapter 5.37 of the *Salt Lake City Code*, and repealing Chapter 2.15 of the *Salt Lake City Code*.





COUNCIL STAFF Memo

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Jan Aramaki and Ben Luedtke
Policy Analysts

DATE November 25, 2014

RE: Proposal to prohibit horse-drawn carriage businesses on City streets except when connected with a special event (such as parades) or a free expression activity

Council Sponsor: **Council Member Charlie Luke**

[VIEW ADMINISTRATION'S PROPOSAL](#)

PROJECT TIMELINE:

Briefing: November 4, 2014
Set Date: November 18, 2014
Public Hearing: November 25, 2014
Potential Action:

ISSUE AT-A-GLANCE

At the Council's November, 4, 2014 work session discussion, the City Council took a straw poll to hold a public hearing on a proposed ordinance that would repeal Chapter 2.15 regarding a horse-drawn carriage committee while amending Chapter 5.37 in a manner that eliminates the existing horse-drawn carriage regulations. Six of seven Council Members were present, and there was unanimous support from the Council Members to hold a public hearing on this proposal.

This ordinance amendment would make it unlawful for horse-drawn carriage businesses to operate on City streets except when connected with a special event (such as parades) or free expression activities.

Definitions of a "Special Event" and a "Free Expression Activity:"

Current Salt Lake City Code defines Special Event as follows:

A COMMERCIALY RELATED SPECIAL EVENT is defined under Section 3.50.020 of *Salt Lake City Code*:



A. Any organized formation, parade, procession, assemblage of people, animals, vehicles or any combination thereof, which assembles or travels in unison with common purpose upon any public street, highway, alley, sidewalk or other public way and which does not comply with normal or usual traffic regulations or controls; or

B. Any organized assemblage at any public park or other city owned public forum which gathers for a common purpose or event under the discretion and control of a responsible person or entity and which requires more services, facilities or equipment than normally provided to groups which reserve park facilities; and

C. In either circumstance:

1. Which charges a fee of any kind for participation in the event or for viewing any or all of the event, or
2. Which is organized by an individual or entity for the purpose of making a financial return on the event.

D. Commercially related special event shall not include any event or activity of a type specified above which claims to be a "free expression activity" as defined below.

A FREE EXPRESSIONACTIVITY is defined under Section 3.50.020 of *Salt Lake City Code*: Any formation, procession or assembly upon any public street, park or other public way or other traditional public forum in a manner which does not comply with normal or usual regulations or controls and which claims that it has the purpose of engaging in constitutionally protected speech or assembly.

Free expression activity includes:

A. "Advanced planned free expression activities" where the activity is scheduled sufficiently in advance of its occurrence, such that the city may lawfully require compliance with certain of the permitting requirements as specified below; and

B. "Short notice free expression activities" which arise out of or are related to events or other public issues which cannot be reasonably anticipated far enough in advance of their occurrence to reasonably allow compliance with the requirements for advanced planned free expression activities. (Ord. 41-14, 2014)

Note: The Administration transmitted to the Council Office a rewrite of Chapter 3.50, Special Events for the Council's future discussion and consideration. The rewrite proposes to redefine Special Events as follows:

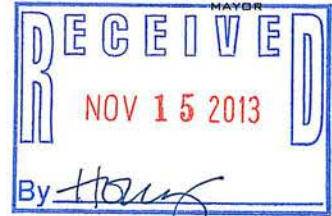
SPECIAL EVENT: Any athletic event, entertainment event, filming event, demonstration, or other organized event, whether held for profit, nonprofit, or charitable purposes, (1) involving 50 or more human participants or (2) if involving fewer than 50 human participants, that (a) involves use of streets, sidewalks, parks, or other city property in a way that does not comply with normal or usual traffic, pedestrian, park, or similar regulations or controls or (b) whose organizer desires to subject the event to the permit and other provisions of this chapter.

Return to Staff Memo

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF PUBLIC SERVICES
DIRECTORS OFFICE

RALPH BECKER
MAYOR



CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: 11/15/2013

Date Sent to City Council: 11/18/2013

TO: Kyle LaMalfa, Chair
Salt Lake City Council

DATE: November 10, 2013

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Regulating Horsedrawn Carriage Businesses

STAFF CONTACTS: Rick Graham, Director (801) 535-7774
Public Services Department


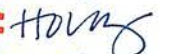
Jaysen R. Oldroyd, Senior City Attorney (801) 535-7630

RECOMMENDATION: The Administration recommends that the City Council either (1) approve the ordinance amendments accompanying this transmittal or (2) consider adopting an ordinance that adopts many of the amendments in the attached ordinance and also replaces the current regulatory framework (using certificates of public convenience and necessity) with a contract-based regulatory framework.

COUNCIL SPONSOR: Councilmember Charlie Luke

DOCUMENT TYPE: Amended Ordinance

BUDGET IMPACT: No Significant Impact.

SCANNED TO: 
SCANNED BY: 
DATE: 11/15/2013

DISCUSSION: Salt Lake City Corporation (the "City") passed an ordinance (Ordinance 52-89) in 1989 for the purpose of regulating horsedrawn carriages within the City. Portions of the City's ordinances regulating horsedrawn carriages have been amended from time to time. The ordinances that expressly govern carriage businesses are presently found in Chapters 5.37 and 8.16 of the Salt Lake City Code ("SLCC" or the "Code").

During this past summer the collapse of a horse while pulling a carriage downtown Salt Lake City served as the catalyst for the City's review of its carriage business ordinances. Although the review generally indicated such carriage business ordinances were consistent with the best practices utilized in cities across country, the review did identify certain aspects of carriage businesses that were not fully addressed under the existing ordinances. Consequently, the Administration has proposed an amended ordinance that keeps the majority of the City's existing ordinance intact while addressing the following aspects of carriage businesses:

Consolidating Chapter 5.37 and 8.16: The ordinances governing carriage businesses are currently located in two different tiles of the Salt Lake City Code (Chapters 5.37 and 8.16 respectively). In order to avoid any potential confusion as to where the pertinent provisions are located in City ordinance, the proposed ordinance amendments consolidate all the carriage business provisions by repealing Chapter 8.16 and moving all those sections of the Code into Chapter 5.37.

Eliminating References to Specific Companies in Ordinance: When Ordinance 62-89 was passed, it specifically identified the carriage businesses existing at that time by name and assigned certificates of public convenience to each identified business. These references are outdated in that many of the carriage businesses specifically identified in the city ordinance are no longer in business. The proposed ordinance amendments eliminate all references to specific carriage businesses.

Definition of "Veterinarian": The proposed ordinance amendments specify that a veterinarian may not provide the services described in Chapter 5.37 unless at least 15% of that veterinarian's practice must involve providing care for equine animals.

Carriage Driver Licenses: The proposed ordinance amendments provide significantly more detailed provisions regarding the processes and criteria governing the licensing of carriage drivers.

Carriage Equipment: The proposed ordinance amendments require that carriages operating on the City streets utilize certain equipment to insure the carriage operates in a safe, sanitary, and humane manner that benefits the horses pulling such carriages and the public as a whole.

Operating Conditions: The proposed ordinance amendments specify that horses used to pull carriages must be at least three (3) years old. The ordinance amendments also impose stricter standards with respect to the environmental conditions in which carriage business are allowed to operate, and require that horses work fewer hours while enjoying more frequent opportunities to rest.

Regulatory Framework: The City is currently regulating carriage business through certificates of public convenience and necessity ("CPCs") that are issued to those carriage businesses authorized to operate in the City. At present the City only uses the CPC regulatory framework to regulate two types of business – (1) carriage businesses, and (2) businesses that specializes in the

transportation of disabled individuals.¹ See Salt Lake City Code Chapters 5.05, § 5.37, and § 5.76.

Under the current CPC regulatory framework, a limited number of CPCs are available to carriage businesses operating in the City. In fact, Carriage For Hire is presently the only carriage business that holds a CPC permitting it to operate in Salt Lake City. A holder of an existing CPC generally renews the CPC automatically when the holder pays the business license renewal fees. See SLCC § 5.05.135. Existing CPCs cannot be transferred from a current CPC holder to another party without obtaining the City's consent to the transfer after a public hearing has been conducted. See SLCC § 5.05.145. Likewise applicants for new CPCs must demonstrate at a public hearing that (1) additional CPCs are needed to serve the existing demand, and (2) the applicant would be an appropriate holder of such additional CPCs.

As an alternative to using a regulatory system based on certificates of public convenience and necessity, the City could, as it did with on-demand taxicab services, determine that a contract-based regulatory system would better serve the needs of the City with respect to the regulation of carriage businesses. A contract-based approach would provide the City with significantly higher degree of control regarding the operation of carriage businesses within the City. For instance, the City can only revoke a CPC under a limited set of circumstances as described in ordinance.² In contrast, under a contract-based approach, the City could craft language in the contract that would contemplate the termination of the contract, or the imposition of other sanctions, in connection with a variety of circumstances. Some potential drawbacks of moving to a contract-based regulatory system could include (1) the existing certificate holder may object to the City's implementation of a contract-based regulatory system, and (2) the fact that the procurement processes required to enter into a contract one or more carriage businesses take time to perform and may be subject to legal challenges.

PUBLIC PROCESS: The public has recently been very engaged with respect to the operation of carriage businesses. The City has received petitions with thousands of signatures and public comment on the issue has been robust. The City Council has also held a number of public meetings regarding this issue, and veterinary experts have been consulted regarding some of the amendments contained in the proposed ordinance.

¹ The City previously required a CPC for the on-demand (not prearranged) transportation of individuals by taxicab companies. However, in 2010 the City moved away from the CPC regulatory system in favor of a contract-based regulatory system. The three taxicab companies who possessed CPCs under the prior regulatory framework were not awarded on-demand taxicab contracts under the new contract-based system. Two of those three taxicab companies have now sued the City and are claiming the procurement process used to award the taxicab contracts was improper. That litigation is ongoing, and the three taxicab companies that previously possessed CPC's are currently still providing the on-demand taxicab services within the City.

² Under SLCC § 5.05.150, a CPC may be suspended or revoked for (1) violation of any provision of Chapter 5.05; (2) abandoning operations for more than sixty days; (3) violation of any ordinance or statute where such violation reflects unfavorably on the CPC holder's fitness to offer public transportation; or (4) the holder becomes financially irresponsible to a degree that reflects unfavorably on the holder's fitness to offer public transportation.

SALT LAKE CITY ORDINANCE
No. _____ of 2013
(Updating the City's Ordinances Regarding Carriage Businesses)

An ordinance repealing Chapter 8.16 of the Salt Lake City Code in its entirety and renumbering and amending Chapter 5.37 of the Salt Lake City Code, regarding the operation of carriage businesses.

WHEREAS, Salt Lake City Corporation (the "City") has previously enacted ordinances pertaining to the regulation of carriage businesses within the City; and

WHEREAS, ordinances specifically governing carriage businesses can currently be found in Chapters 5.37 and 8.16 of the Salt Lake City Code; and

WHEREAS, on rare occasions incidents within the City involving carriage horses have occurred in which carriage horses needed medical care or attention; and

WHEREAS, the City Council desires to consolidate the ordinances governing carriage businesses into a single chapter of the Code in order to facilitate understanding and awareness of all pertinent City ordinances; and

WHEREAS, the City Council also desires to amend the ordinances governing carriage businesses to further provide for the welfare of the carriage horses and to make other changes regarding carriage businesses;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 8.16 of the Salt Lake City Code is hereby repealed in its entirety as follows:

Article I. Suitability Of Horses

8.16.010: Businesses Governed

8.16.015: Identification Number

8.16.020: Examination Required

8.16.025: Certificate Required

8.16.030: Certificate By Veterinarian; Term

8.16.035: Criteria For Determining Health

8.16.040: Cancellation And Suspension Of Certificate

8.16.045: Police Or Animal Services Orders

8.16.050: Disqualification

8.16.055: Accidents

8.16.060: Examination By The Office Of Animal Services

~~8.16.010: BUSINESSES GOVERNED:~~

~~In addition to the requirements of title 5, chapters 5.05, 5.37 of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.~~

~~8.16.015: IDENTIFICATION NUMBER:~~

~~Each horse used to pull a carriage in the city shall be identified by a brand or mark in accordance with chapter 4-24, Utah Code Annotated, or its successor, which brand or mark uniquely identifies the horse thus marked. The identification brand or mark and description of each of said horses, including age, breed, sex, color and other identifying markings, shall be filed by the carriage horse business with animal services.~~

~~8.16.020: EXAMINATION REQUIRED:~~

~~Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian and at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.~~

~~8.16.025: CERTIFICATE REQUIRED:~~

~~No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date.~~

~~8.16.030: CERTIFICATE BY VETERINARIAN; TERM:~~

~~After performing the physical examination required by section 8.16.020 of this chapter, or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.~~

~~8.16.035: CRITERIA FOR DETERMINING HEALTH:~~

~~For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:~~

- ~~A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;~~
- ~~B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;~~
- ~~C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;~~
- ~~D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.~~

~~**8.16.040: CANCELLATION AND SUSPENSION OF CERTIFICATE:**~~

~~A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in nonerasable ink on the original of the certificate.~~

~~**8.16.045: POLICE OR ANIMAL SERVICES ORDERS:**~~

~~A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.~~

~~**8.16.050: DISQUALIFICATION:**~~

~~The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a~~

~~carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.~~

~~8.16.055: ACCIDENTS:~~

~~In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 8.16.050 of this chapter, or its successor.~~

~~8.16.060: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:~~

~~The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.~~

~~Article II. Care Of Horses~~

~~8.16.065: Physical Condition For Work~~

~~8.16.067: Other Regulations Governing Carriage Horses~~

~~8.16.070: Stables And Stalls~~

~~8.16.075: Cruelty And Neglect Prohibited~~

~~8.16.065: PHYSICAL CONDITION FOR WORK:~~

~~No person shall cause a horse to draw or to be harnessed to a carriage if:~~

- ~~A.—Certifiable: The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;~~
- ~~B.—Acute Ailment: The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;~~
- ~~C.—Hoofs: The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;~~
- ~~D. Coat: The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.~~

~~8.16.067: OTHER REGULATIONS GOVERNING CARRIAGE HORSES~~

- ~~A.—A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.~~
- ~~B.—No carriage horse shall be at work for more than nine (9) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least fifteen (15) minutes at the end of each two (2) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.~~
- ~~C.—No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one day before the resumption of work.~~
- ~~D.—No carriage horse shall be at work: 1) whenever the ambient temperature, with the wind chill factor, drops below ten degrees Fahrenheit below zero (- 10°F), or 2) whenever the combination of the ambient temperature and the relative humidity exceeds one hundred fifty degrees Fahrenheit (150°F). For purposes of this subsection, temperatures shall be those measured in the downtown area of the city and broadcast by the local radio stations or as measured and announced by the national weather service. An operator of a carriage drawn by a horse already at work at the time the temperature reaches the above described conditions shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the temperature once again reaches acceptable limits under this section. Every horse at work shall have a blanket provided by its operator when standing idle at its staging point, the horse has been working and is visibly sweating, and the ambient temperature is less than twenty degrees Fahrenheit (20°F).~~

~~8.16.070: STABLES AND STALLS:~~

~~All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of chapter 8.08 of this title, or its successor, as well as any and all other applicable laws and ordinances, including the following:~~

~~A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.~~

~~B. Ceilings shall be at least ten feet (10') high from bedding flooring.~~

~~C. Stalls shall be constructed and maintained:~~

~~1. In good repair to protect the animals from injury and to contain them;~~

~~2. So as to enable the animals to remain dry and clean;~~

~~3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;~~

~~4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.~~

~~D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:~~

~~1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,~~

~~2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,~~

~~3. Not of a type that will harm or in any way be a discomfort to the animal.~~

~~E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.~~

~~F. Each stall shall house one horse only.~~

~~G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall~~

~~be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.~~

~~H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working. Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.~~

8.16.075: CRUELTY AND NEGLECT PROHIBITED:

~~No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.~~

SECTION 2. Chapter 5.37 of the Salt Lake City Code is hereby renumbered and amended to read as follows:

Article I. Definitions

- 5.37.005: Definitions And Interpretation Of Language**
- 5.37.008: Animal Services Or Office Of Animal Services**
- 5.37.010: Applicant**
- 5.37.015: Carriage Or Horsedrawn Carriage**
- 5.37.020: Carriage Business**
- 5.37.025: Carriage Day**
- 5.37.030: Carriage Stand**
- 5.37.035: Driver**
- 5.37.040: Holder**
- 5.37.045: Horse**
- 5.37.047: Horsedrawn Carriage Committee**
- 5.37.050: Person (Rep. by Ord. 37-99 § 1, 1999)**
- 5.37.055: Stable**
- 5.37.060: Veterinarian**

5.37.065: Work

5.37.005: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

The words and phrases, when used in this chapter, shall have the meanings defined and set forth in this article.

5.37.008: ANIMAL SERVICES OR OFFICE OF ANIMAL SERVICES:

"Animal services" or "office of animal services" means that division or office of the city or that person or entity with which the city has contracted to perform animal control and inspection services on behalf of the city.

5.37.010: APPLICANT:

"Applicant" means the person signing an application either for a carriage business license or for a driver's license under this chapter.

5.37.015: CARRIAGE OR HORSEDRAWN CARRIAGE:

"Carriage" or "horsedrawn carriage" means any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

5.37.020: CARRIAGE BUSINESS:

"Carriage business" means any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage.

5.37.025: CARRIAGE DAY:

"Carriage day" means the operating of a horsedrawn carriage for business on the streets of Salt Lake City for at least one hour during any calendar day.

5.37.030: CARRIAGE STAND:

"Carriage stand" means that portion of a curb lane designated by the city's division of transportation for loading and unloading of passengers for horsedrawn carriages.

5.37.035: DRIVER:

"Driver" means any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

5.37.040: HOLDER:

"Holder" means any person to whom a certificate of convenience and necessity has been issued and which certificate is unexpired.

5.37.045: HORSE:

"Horse" means an animal purely of the genus Equus caballus, specifically excluding crosses with other genera.

5.37.047: HORSEDRAWN CARRIAGE COMMITTEE:

"Horsedrawn carriage committee" means a committee appointed by the mayor to consider issues pertaining to the operation of horsedrawn carriages in the city, which shall include the city transportation engineer.

5.37.050: PERSON:

(Rep. by Ord. 37-99 § 1, 1999)

5.37.055: STABLE:

"Stable" means any place or facility where one or more horses are housed or maintained.

5.37.060: VETERINARIAN:

"Veterinarian" means any person legally licensed to practice veterinary medicine who devotes at least fifteen percent (15%) of his or her practice to providing care for equine animals.

5.37.065: WORK:

"Work", with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage.

Article II. Certificate Of Public Convenience And Necessity

5.37.070: Certificate; Required

5.37.075: Certificate; Additional Application Information

5.37.080: Fees; Annual Operation

5.37.085: ~~Carriages~~Existing Holders' Certificates

5.37.090: Licensing For All Certificated Vehicles

5.37.095: Minimum Use Of Carriages Required

5.37.100: Compliance Responsibility

5.37.070: CERTIFICATE; REQUIRED:

No person shall operate, or permit a horsedrawn carriage owned or controlled by him or her to be operated, as a carriage for hire upon the streets of the city, without first having obtained a certificate of public convenience and necessity from the city in accordance with [chapter 5.05](#) of this title, or its successor.

5.37.075: CERTIFICATE; ADDITIONAL APPLICATION INFORMATION:

In addition to the application information required under [chapter 5.05](#) of this title, or its successor, the application, verified under oath, shall show the experience of applicant in the transportation of passengers by horsedrawn carriage and shall show the specific route or routes within the city along which applicant proposes to operate one or more horsedrawn carriages.

5.37.080: FEES; ANNUAL OPERATION:

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual business regulatory fee as shown on the Salt Lake City consolidated fee schedule, for each horsedrawn carriage authorized under a certificate of public convenience and necessity.

5.37.085: ~~CARRIAGE EXISTING HOLDERS' CERTIFICATES:~~

- A. ~~The three (3) horsedrawn carriage companies operating horsedrawn carriages pursuant to a valid certificate of public convenience and necessity shall use carriages of types customarily known in the carriage industry as "vis-à-vis", "landau", "brougham", "victoria" and/or "rockaway", and shall meet all of the equipment, registration, and other requirements of this chapter before being used to transport customers. Said horsedrawn carriages shall operate only within specified routes and/or quadrants as set forth in section 5.37.210 of this chapter, or its successor. under revocable permit and licensing agreements with the city as of the effective date hereof shall, upon application as provided in chapter 5.05 of this title and section 5.37.075 of this chapter, or their successors, have a certificate of public convenience and necessity issued to them, allowing them to operate the following number of carriages, plus one training cart as set forth in this section, or its successor, without the hearing provided in this article, the public convenience and necessity having heretofore been demonstrated:~~

Carriage Horse Livery Ltd.	15 carriages
Carriage For Hire	10 carriages
The Carriage Connection	6 carriages

~~Said carriages shall be of types customarily known in the carriage industry as "vis-à-vis", "landau", "brougham", "victoria" and/or "rockaway", and shall meet all of the equipment, registration, and other requirements of this chapter before being used to transport customers. Said horsedrawn carriages shall operate only within specified routes and/or quadrants as set forth in section 5.37.170 of this chapter, or its successor.~~

- B. Each holder may operate one training cart, that is, a two (2) wheel, horsedrawn vehicle with extra long shafts, designed for training purposes. Said training cart shall not be used for the transport of customers for hire and shall meet all of the equipment, registration and other requirements of this chapter and shall operate only within routes specifically authorized by the city's transportation engineer as set forth in section 5.37.2170 of this chapter, or its successor.

5.37.090: LICENSING FOR ALL CERTIFICATED VEHICLES:

- A. A holder is required to have the total number of carriages authorized under such holder's certificate of convenience and necessity and to obtain the license plate required by section 5.05.155 of this title, or its successor, for each and every carriage.
- B. In the event the holder does not license the total number of carriages authorized by the certificate before February 15 of any year, such holder shall forfeit the right to operate any carriage not so licensed, unless such carriage is licensed within five (5) days of written notice being given by the city; that authority shall automatically revert to the city, and the certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year.

Such forfeited right to operate any carriage may be reissued to any person; provided, however, it shall not be reissued except upon application required by section 5.05.105 of this title, or its successor, and by a showing of public convenience and necessity as required by section 5.05.140 of this title, or its successor.

- C. Nothing contained herein shall prohibit a holder from having carriages in excess of the number authorized under such holder's certificate for the purpose of replacement or substitution of an authorized carriage under repair, maintenance or breakdown; provided, however, any such carriage shall not be used as a carriage other than as a replacement or substitution as herein provided. The type or style, color, seating capacity, year of manufacture, and serial number or identification number of any substitute carriage shall be filed with the licensing office.

5.37.095: MINIMUM USE OF CARRIAGES REQUIRED:

- A. No certificate issued in accordance with section 5.37.070 of this chapter, or its successor, shall be construed to be either a franchise or irrevocable. It is the intent of the city that all

carriages authorized be actually used for the transportation of passengers for hire. In order to implement that intent, the city hereby imposes the following requirements:

1. Each certificate holder shall have in service at least one carriage authorized under its certificate for a minimum of one hundred twenty (120) carriage days during any calendar six (6) months.
2. Within thirty (30) days following each June 30 and December 31, a holder of a certificate shall file a report with the city license supervisor's office. Such report shall be in writing, signed by the holder or by some person authorized to sign the same on behalf of the holder, and shall be properly verified. The report shall contain the following information:
 - a. A list of all carriages licensed under a certificate during the preceding calendar six (6) months, showing the serial number and the city business license plate number for each carriage. Such list shall include any carriage which has been salvaged or otherwise removed from the fleet, as well as the replacement thereof;
 - b. The number of carriage days each such carriage was in service during the preceding calendar six (6) months;
 - c. The holder may also file with such report a written statement of the circumstances that caused the authorized carriages to be in service for less than the required number of carriage days;
 - d. A statement that the information contained in the report was obtained from the company records, and that all statements contained in the report are true and accurate.
- B. In the event the carriages licensed under the provisions of this chapter are not actually in service for the minimum required carriage days during any calendar six (6) months as set forth in this section, or its successor, the right to operate one or more carriage may, upon at least ten (10) days' notice to the holder, and upon the hearing had therefor, be revoked by the city. The holder may appear in person or be represented by counsel at such hearing to show cause, if any he or she has, why the right to operate such carriage or carriages should not be revoked. If, at the conclusion of the hearing, the city shall find that the holder has shown extenuating circumstances, the city may grant continuance of authority.
- C. Upon revocation by the city of such authority, the certificate shall be modified to reflect the number of carriages actually in service for the required minimum number of carriage days during such calendar six (6) months. No refund shall be made for any unused portion of the license fee. Such forfeited right to operate any carriage may be reissued only upon application required by section [5.05.105](#) of this title, or its successor, and by a showing of

public convenience and necessity as required by section [5.05.140](#) of this title, or its successor.

- D. Each holder shall maintain and keep current at the place of business a daily log showing all trips made by every operator during such operator's hours of work showing time(s) and place(s) or origin and destination of trips, and the specific carriage(s) and horse(s) operated. Such logs shall be made available to the city for inspection upon reasonable notice.

5.37.100: COMPLIANCE RESPONSIBILITY:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers.

Article III. Driver Licensing

5.37.105: Licenses Required For Carriage Operators

5.37.110: Carriage Driver License Application:

5.37.115: Application; Verification:

5.37.120: Application; Fee Required:

5.37.125: Fingerprints Required:

5.37.130: Investigation of Applicant:

5.37.135: Driver's Qualifications:

5.37.140: Hearing Upon Rejection:

5.37.145: Term of Carriage Driver License:

5.37.150: License; Display:

5.37.105: LICENSES REQUIRED FOR CARRIAGE OPERATORS:

It is unlawful for any person to operate or for a holder to permit any person to ~~drive~~operate a carriage for hire or a training cart upon the streets of the city without such ~~person~~operator:

A. ~~a)~~ being at least twenty one (21) years of age; ~~and~~

B. ~~b)~~ having first obtained and having then in force a current Utah motor vehicle operator's license valid in the state of Utah; and

A-C. having first obtained and having then in force a current carriage driver license from the City expressly permitting that person to operate a horsedrawn carriage.

5.37.110: CARRIAGE DRIVER LICENSE APPLICATION:

A. A prospective applicant for a carriage driver license shall provide to the Salt Lake City business licensing supervisor a completed written application using the form provided therefore by the business licensing department. The application form shall include, but is not necessarily limited to, the following information regarding the applicant:

1. The correct legal name of the applicant;

2. Any other names or aliases used by the applicant;

3. Age, birth date, and place of birth;

4. Height;

5. Weight;

6. Color of hair;

7. Color of eyes;

8. Present business address and telephone number;

9. Present residence and telephone number;

10. Utah driver's license number;

11. Social security number;

12. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;

13. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant while previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;

14. A statement detailing all criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant for five (5) years prior to the date of the application. This disclosure shall include identification of any circumstances involving animal cruelty and shall include all

ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony, a class A misdemeanor, or an alcohol-related offense shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a carriage operator's license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the carriage horse operator's license;

15. A written certification from the carriage business employing the applicant driver stating that the applicant driver has received training from the said carriage business as to the requirements governing the operation of carriages as set forth in this chapter.

5.37.115: APPLICATION; VERIFICATION:

The application for a carriage driver license shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application.

5.37.120: APPLICATION; FEE REQUIRED:

At the time the carriage driver license application is filed, the applicant shall pay to the business license office the fee shown on the Salt Lake City consolidated fee schedule.

5.37.125: FINGERPRINTS REQUIRED:

The prospective applicant for a carriage driver license shall be required to file with the police department two (2) sets of fingerprint impressions, which shall be taken under the supervision of the chief of police.

5.37.130: INVESTIGATION OF APPLICANT:

A. The police department shall conduct an investigation of each applicant for each carriage driver license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the police department shall recommend approval or disapproval of the proposed application to the business license administrator on the operator application form.

B. It shall be the duty of the police department to report in writing to the business license administrator any misrepresentation or falsification by the applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the business license

administrator to refuse to issue a carriage driver license, or to suspend or revoke the same if it has been issued.

C. The police department's recommendation required by subsection A of this section shall be based upon:

1. Findings of the criteria specified in section 5.37.135 of this chapter, or its successor;
2. The police department's recommendation may take into account the length of time between any criminal conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any.

5.37.135: DRIVER'S QUALIFICATIONS:

A. Except as hereinafter set forth, no permit or renewal of a carriage driver license shall be issued to any of the following persons:

1. Any person under the age of twenty one (21) years;
2. Any person who is currently required to register with the Sex and Kidnap Offender Registry pursuant to title 77, chapter 41 of the Utah Code Annotated, or its successor;;
3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;
5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;
6. Any person who has been convicted of two (2) or more felonies;
7. Any person who has been convicted of offenses involving animal cruelty.

B. Notwithstanding the provisions of subsection A3 or A6 of this section, if the hearing examiner receives letters or testimony at a hearing, as provided in chapter 5.02 of this title, which proves by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. Part of the letters or testimony used to establish the preponderance shall come

from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request.

5.37.140: HEARING UPON REJECTION:

If the application for a carriage driver license is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in chapter 5.02 of this title, or its successor.

5.37.145: TERM OF CARRIAGE DRIVER LICENSE:

All carriage driver licenses issued pursuant to this Chapter are valid for one year, unless suspended or revoked, and shall be both nonassignable and nontransferable. A carriage driver license may be renewed by submitting the application and renewal fees to the city prior to the expiration of the current license.

5.37.150~~140~~: LICENSE; DISPLAY:

Every driver operating a carriage under this chapter shall keep his or her current, valid, carriage driver license and Utah motor vehicle operator's license on his or her person while such driver is operating a carriage, and shall exhibit the license upon demand of any police officer, animal services officer, license inspector, or any authorized agent of the license office of the city.

Article IV. Carriage Equipment And Maintenance

5.37.15~~15~~: Carriage Inspection Prior To Licensing

5.37.160~~20~~: Satisfactory Inspection; Sticker Issued

5.37.165~~25~~: Periodic Inspections

5.37.1~~5~~5: CARRIAGE INSPECTION PRIOR TO LICENSING:

Prior to the use and operation of any carriage under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by the office of animal services and found to comply with the specifications of section 5.37.1~~6~~25 of this chapter, or its successor.

5.37.1~~6~~020: SATISFACTORY INSPECTION; STICKER ISSUED:

When the office of animal services finds that a carriage has met the specifications established

by section [5.37.1265](#) of this chapter, or its successor, the office of animal services shall issue a sticker to that effect.

5.37.1625: PERIODIC INSPECTIONS:

A. Specifications: Every carriage operating under this chapter shall be inspected by the office of animal services at least once each year in order to make certain each carriage is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

1. Each carriage shall be equipped with two (2) electrified white lights visible for one thousand feet (1,000') to the front of the carriage, and two (2) electrified red lights visible for one thousand feet (1,000') to the rear of the carriage. All lights shall be operational from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise and during times of lessened visibility. Electrified directional signals are required at all times;

2. Each carriage shall be equipped with hydraulic or factory equipped mechanical brakes appropriate for the design of the particular carriage;

3. Each carriage shall be equipped with a slow moving vehicle emblem (red triangle) attached to the rear of the carriage;

4. Each carriage shall permanently and prominently display the name and telephone number of the carriage business operating it on the rear portion of such carriage;

5. Each carriage shall be equipped with a device to catch horse manure falling to the pavement.

6. Each carriage shall be equipped with a deodorizing non-toxic liquid that will not harm people, animals, or property, that will be used to dilute and deodorize any horse urine deposited in the right of way. The carriage business shall be responsible for providing the diluting liquid and shall maintain documentation in the carriage as to the composition of such liquid.;

67. Each carriage shall be maintained in a clean and sanitary condition.;

8. The harness and any other components used to tether the carriage to a horse shall include, but not be limited to, a padded saddle, soft pads, and where appropriate a properly oiled bit. Such harness and other components must be clean, well-maintained, and of high quality;

9. Each carriage shall be equipped with a fire extinguisher, a first aid kit, a blindfold, a cutting implement, a halter with lead, and any other emergency tools the carriage

business deems useful for the protection of the horse, driver and passengers in the event of an emergency;

- B. Training Cart: This article shall be fully applicable to training carts, as described in subsection 5.37.085B of this chapter, or its successor, with the exception of subsection A2 of this section regarding brakes. In addition, all training carts shall be clearly marked, on the rear portion of such cart, with the words: "CAUTION: HORSE IN TRAINING". (~~Ord. 17-02 § 7, 2002; Ord. 88-97 § 1, 1997; Ord. 52-89 § 1, 1989~~)

Article V. Conduct Of Drivers And Operation Of Carriages

5.37.1730: Traffic Laws

5.37.1735: Lights

5.37.1840: Speed

5.37.1845: Presence And Control

5.37.1950: Number Of Passengers

5.37.1595: Passengers Restricted To Passenger Area

5.37.20160: Manner And Appearance

5.37.205165: Hours

5.37.21170: Routes

5.37.21175: Termini

5.37.22180: Rates

5.37.1730: TRAFFIC LAWS:

A driver operating a horsedrawn carriage shall be subject to all laws of the city pertaining to the driver of any vehicle. Moreover, a driver shall also be responsible for removing any horse manure and diluting any horse urine deposited in the public right of way.

5.37.1735: LIGHTS:

The driver of each carriage in operation from one-half ($1/2$) hour after sunset until one-half ($1/2$) hour before sunrise, and in conditions of poor visibility, shall turn on the front and tail lights of the carriage and take any action necessary to make them operational, such as by replacing a light bulb.

5.37.1840: SPEED:

The driver shall not permit the speed at which any horsedrawn carriage is driven to exceed a slow trot.

5.37.1845: PRESENCE AND CONTROL:

No driver shall leave the carriage unattended in a public place.

5.37.1950: NUMBER OF PASSENGERS:

No driver shall permit more than six (6) passengers, five (5) years of age or older to ride in the carriage at one time, plus no more than two (2) children under five (5) years of age, if seated on the laps of adult passengers, unless the carriage was designed to carry fewer, in which event the carriage shall not carry more passengers than it was designed to carry. With regard to a training cart, no more than two (2) passengers shall be permitted, neither of which shall be a customer for hire.

5.37.1955: PASSENGERS RESTRICTED TO PASSENGER AREA:

No driver shall permit a customer to ride on any part of the carriage while in motion, unless the passenger is seated inside the carriage. No customer shall be allowed to ride while sitting on the same seat as the carriage driver at any time while the carriage is in motion.

5.37.200160: MANNER AND APPEARANCE:

Drivers shall be courteous in manner and shall adhere to the following standards of appearance, in order to meet the interests of Salt Lake City in such transportation:

- A. Wear enclosed shoes or boots.
- B. Maintain their hair, and beards or mustaches, if any, in a clean and groomed condition.
- C. Maintain their clothes in a clean and repaired condition.
- D. Be free from offensive odor.
- E. Not at any time expose the following body regions: the stomach, back, shoulders, chest, hips, buttocks, abdomen, genitals, or thighs higher than four inches (4") above the knee.
- F. Not wear as outer garments any clothing manufactured and commonly worn as underwear.
- G. Not wear T-shirts as outer garments unless as a part of a company uniform.
- H. Wear shirttails and shirt hems tucked into pants, and shall use a belt or suspenders when pants are designed for their use.
- I. Not wear sweatpants or sweatshirts designed for athletic use.
- J. At all times bear an identification of the company with which they are associated on their shirts, whether as a shirt logo, name tag, photo identification badge, or otherwise, as shall be approved by the city.

- K. Any driver who desires that an exception be made to any requirement under this section on any grounds may notify the city law department of the same in writing and request a review of the same by such mayoral hearing examiners as the mayor deems appropriate to consider such matters with the assistance of the city law department. Such exception shall be granted if such driver can demonstrate that the requirement from which an exception is requested is unduly restrictive of any religious, political or personal right of the driver, as provided under the United States or Utah constitution or laws, or Salt Lake City ordinances.

5.37.20165: HOURS:

Neither a ~~carriage business~~licensee nor any driver shall operate or allow to be operated its carriages on the streets of the city during the hours of seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M. and four o'clock (4:00) P.M. to six o'clock (6:00) P.M.

5.37.2170: ROUTES:

- A. 1. The ~~carriage businesses~~ licensees and drivers shall operate horsedrawn carriages only upon certain streets within specified routes and/or quadrants and according to restrictions authorized by the city's horsedrawn carriage committee. In determining said routes, restrictions, and/or quadrants, the horsedrawn carriage committee shall seek to ensure safe and efficient movement of transportation within the city, and shall take into consideration the location of the streets therein, the expected traffic flow upon such streets, the history of traffic accidents upon such streets, the width of such streets, and any natural or manmade physical features of such streets which may be pertinent to the safe and efficient movement of transportation thereon.
2. With regard to the determination as to which holders may operate carriages and as to the number of carriages to be operated by such holders along a particular route or within a particular quadrant within the city, the city horsedrawn carriage committee shall, no later than February 15, 1990, develop a process for allocating in an equitable manner such routes and/or quadrants among holders. Said process shall not unreasonably withhold entry into the market from holders which have not previously operated along a particular route or within a particular quadrant. Said allocation shall be made on an annual basis, no earlier than February 15 of each calendar year.
3. As of the effective date hereof, subject to amendment by the city horsedrawn carriage committee as provided in this section, there shall be established a quadrant for the operation of horsedrawn carriages which shall be bounded by the following streets: North Temple, 200 East, 400 South, and 200 West. The maximum number of carriages, which shall be allowed to operate within said quadrant, unless amended by the city horsedrawn carriage committee, shall be nineteen (19). ~~Subject to reallocation by the city horsedrawn carriage committee as provided in this section, the three (3) carriage companies in operation as of the effective date hereof shall be allowed to operate the following number of carriages within the aforementioned quadrant:~~

Carriage Horse Livery Ltd.	10 carriages
Carriage For Hire	5 carriages
The Carriage Connection	4 carriages

B. Carriage businesses~~Licensees~~ are barred from using streets which:

1. Have a speed limit exceeding thirty five (35) miles per hour, unless prior approval is obtained;
2. Do not have traffic signals at major intersections;
3. Involve major arterials during the hours of seven o'clock (7:00) A.M. to six o'clock (6:00) P.M., including, but not limited to, State Street, 700 East, 500 South and 600 South from 700 East west to I-15.

C. The authorized routes and termini shall be subject to amendment from time to time by the city horsedrawn carriage committee in order to ensure safe and efficient movement of transportation within the city, according to the guidelines set forth in this section. Advance charter ~~tours~~carriage rides may deviate from the authorized routes provided that the carriage business obtains a written permit from the city horsedrawn carriage committee authorizing such deviation.

~~driver stays on streets already approved for routes. A driver must receive prior permission of the city horsedrawn carriage committee to deviate from streets which have not been approved for routes or destinations which require use or crossing of streets designated as arterial or collector streets on the city's major street plan and official map.~~

5.37.~~2175~~: TERMINI:

Approved on street route termini include those areas designated by the city horsedrawn carriage committee. Drivers shall not stop on street longer than the maximum three (3) minutes available in any designated freight or passenger loading zone unless it is at a termini location approved by the city horsedrawn carriage committee or in a legal parking space. Each holder shall obtain permission from the property owner of all off street staging areas before using such areas. Upon request by the city horsedrawn carriage committee, a holder shall verify such permission to use such off street staging area by submitting to the engineer evidence of such written permission from the property owner. Drivers shall not stop at designated bus stops, bus lanes, or any other restricted parking areas.

5.37.~~220180~~: RATES:

All drivers must make available to any person upon request, the rates for all tours and trips

offered by the service. Once a vehicle has been hired for a designated route or termini, the driver may not accept additional passengers without the original contracting passengers' consent.

Article VI. Violations

5.37.22185: Revocation Or Suspension

5.37.23190: Misdemeanor

5.37.225185: REVOCATION OR SUSPENSION:

A. If any person to whom a business license or a carriage driver license has been issued pursuant to this chapter commits a violation of this chapter, such license may be revoked or suspended according to the procedure provided for revocation or suspension of a business license issued by the city.

B. Upon a serious violation, or upon any third violation of this chapter by either a driver or a business license licensee within any twelve (12) month period, a referral shall be made by animal services to the city's business licensing office for possible suspension or revocation of a business license issued by the city. A "serious violation" means a violation resulting in injury to human being or animal or property damage of one hundred dollars (\$100.00) or more.

5.37.23190: MISDEMEANOR:

Violation of any provision of this chapter shall be a class B misdemeanor.

Article VII. Suitability Of Horses

5.37.235: Businesses Governed

5.37.240: Identification

5.37.245: Examination Required

5.27.250: Certificate Required

5.37.255: Certificate By Veterinarian; Term

5.37.260: Criteria For Determining Health

5.37.265: Cancellation And Suspension Of Certificate

5.37.270: Police Or Animal Services Orders

5.37.275: Disqualification

5.37.280: Accidents

5.37.285: Examination By The Office Of Animal Services

5.37.2358-16.010: BUSINESSES GOVERNED:

In addition to the requirements of title 5, chapters 5.02, 5.04, and 5.05, ~~5.37~~ of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.

5.37.2408-16.015: IDENTIFICATION NUMBER:

Each horse used to pull a carriage in the city shall be identified ~~through by identification documents a brand or mark in accordance with chapter 4-24, Utah Code Annotated, or its successor, which brand or that contain a photograph and a description of mark uniquely identifies the horse thus marked. The identification brand or mark and description of each of said said horse s, including that states the~~ age, breed, sex, color and describes any other identifying markings. Such identification documents, shall be filed by the carriage ~~horse~~ business with animal services. A copy of the identification documents filed with animal services shall also be kept in the carriage itself while the horse and carriage are providing services within the City.

5.37.2458-16.020: EXAMINATION REQUIRED:

Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian ~~and~~ at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.

5.37.2508-16.025: CERTIFICATE REQUIRED:

No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date. Another copy of the certificate shall be kept in the carriage to which the horse is tethered while the horse is providing services within the City.

5.37.2558-16.030: CERTIFICATE BY VETERINARIAN; TERM:

After performing the physical examination required by section 5.37.2458-16.020 of this chapter,

or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.

5.37.2608-16.035: CRITERIA FOR DETERMINING HEALTH:

For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:

- A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;
- B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;
- C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;
- D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.

5.37.2658-16.040: CANCELLATION AND SUSPENSION OF CERTIFICATE:

A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in non-erasable ink on the original of the certificate.

5.37.2708-16.045: POLICE OR ANIMAL SERVICES ORDERS:

A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the

officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.

5.37.2758-16.050: DISQUALIFICATION:

The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.

5.37.2808-16.055: ACCIDENTS:

In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 5.37.2758-16.050 of this chapter, or its successor.

5.37.2858-16.060: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:

The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.

Article VIII. Care Of Horses

5.37.290: Physical Condition For Work

5.37.295305: Other Regulations Governing Carriage Horses

5.37.300: Stables And Stalls

5.37.305: Cruelty And Neglect Prohibited

5.37.2908-16.065: PHYSICAL CONDITION FOR WORK:

No person shall cause a horse to draw or to be harnessed to a carriage if:

- A. Certifiable: The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;
- B. Acute Ailment: The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;
- C. Hoofs: The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;
- D. Coat: The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.

E. Age: The horse is less than three (3) years old.

5.37.2958-16.067: OTHER REGULATIONS GOVERNING CARRIAGE HORSES

- A. A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.
- B. No carriage horse shall be at work for more than eightnine (98) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least ten fifteen (105) minutes at the end of each two (2)-one (1) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.
- C. No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one (1) day before the resumption of work.
- D. No carriage horse shall be at work:

1.1) whenever weather conditions such as icy roads, snow covered roads, heavy precipitation, thunderstorms and other inclement weather conditions are sufficiently unsafe that operation of a carriage results in physical injuries (whether equine or human) or property damage where the unsafe conditions caused or contributed to such injuries or damage.

2. whenever the ambient temperature as measured at the Salt Lake City Airport, with the wind chill factor, drops below ten (10) ten degrees Fahrenheit; ~~below zero (-10°F),~~ or

3.2) whenever the ~~combination of the~~ ambient heat index as calculated by the National Weather Service and measured at the Salt Lake City Airport ~~temperature and the relative humidity~~ exceeds one hundred four (104) one hundred fifty degrees Fahrenheit ~~(150°F).~~

E. For purposes of this subsection, temperatures shall be those measured in the downtown area of the city and broadcast by the local radio stations or as measured and announced by the national weather service. An operator of a carriage drawn by a horse already at work at the time the weather, temperature, or heat index reaches the conditions described in above described conditions, subsection D shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the weather, temperature, or heat index once again reaches acceptable limits under this section. Carriage businesses shall be responsible for monitoring the pertinent weather conditions, temperature measurements, and heat index measurements, and for insuring their carriages are operated in accordance with the requirements described in this section.

F. Every horse at work shall have a blanket provided by its operator when:

1. the horse is standing idle at its staging point; ~~;~~

2. the horse has been working and is visibly sweating, and

3. the ambient temperature is less than thirty-two twenty degrees Fahrenheit (3220°F).

5.37.3008.16.070: STABLES AND STALLS:

All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of [chapter 8.08](#) of the Salt Lake City Code is title, or its successor, as well as any and all other applicable laws and ordinances, including the following:

- A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.
- B. Ceilings shall be at least ten feet (10') high from bedding flooring.
- C. Stalls shall be constructed and maintained:

1. In good repair to protect the animals from injury and to contain them;
 2. So as to enable the animals to remain dry and clean;
 3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;
 4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.
- D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:
1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,
 2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,
 3. Not of a type that will harm or in any way be a discomfort to the animal.
- E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- F. Each stall shall house one horse only.
- G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.
- H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working.

Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.

5.37.3058-16.075: CRUELTY AND NEGLECT PROHIBITED:

No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.

SECTION 3. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2013.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2013.

Published: _____.

|

HB_ATTU-#34000-v1-Carriage_Horse_Ordinance_11-15.DOCX

SALT LAKE CITY ORDINANCE
No. _____ of 2013
(Updating the City's Ordinances Regarding Carriage Businesses)

An ordinance repealing Chapter 8.16 of the Salt Lake City Code in its entirety and renumbering and amending Chapter 5.37 of the Salt Lake City Code, regarding the operation of carriage businesses.

WHEREAS, Salt Lake City Corporation (the "City") has previously enacted ordinances pertaining to the regulation of carriage businesses within the City; and

WHEREAS, ordinances specifically governing carriage businesses can currently be found in Chapters 5.37 and 8.16 of the Salt Lake City Code; and

WHEREAS, on rare occasions incidents within the City involving carriage horses have occurred in which carriage horses needed medical care or attention; and

WHEREAS, the City Council desires to consolidate the ordinances governing carriage businesses into a single chapter of the Code in order to facilitate understanding and awareness of all pertinent City ordinances; and

WHEREAS, the City Council also desires to amend the ordinances governing carriage businesses to further provide for the welfare of the carriage horses and to make other changes regarding carriage businesses;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 8.16 of the Salt Lake City Code is hereby repealed in its entirety as follows:

Article I. Suitability Of Horses

8.16.010: Businesses Governed

8.16.015: Identification Number

8.16.020: Examination Required

8.16.025: Certificate Required

8.16.030: Certificate By Veterinarian; Term

8.16.035: Criteria For Determining Health

8.16.040: Cancellation And Suspension Of Certificate

8.16.045: Police Or Animal Services Orders

8.16.050: Disqualification

8.16.055: Accidents

8.16.060: Examination By The Office Of Animal Services

~~8.16.010: BUSINESSES GOVERNED:~~

~~In addition to the requirements of title 5, chapters 5.05, 5.37 of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.~~

~~8.16.015: IDENTIFICATION NUMBER:~~

~~Each horse used to pull a carriage in the city shall be identified by a brand or mark in accordance with chapter 4-24, Utah Code Annotated, or its successor, which brand or mark uniquely identifies the horse thus marked. The identification brand or mark and description of each of said horses, including age, breed, sex, color and other identifying markings, shall be filed by the carriage horse business with animal services.~~

~~8.16.020: EXAMINATION REQUIRED:~~

~~Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian and at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.~~

~~8.16.025: CERTIFICATE REQUIRED:~~

~~No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date.~~

~~8.16.030: CERTIFICATE BY VETERINARIAN; TERM:~~

~~After performing the physical examination required by section 8.16.020 of this chapter, or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.~~

~~8.16.035: CRITERIA FOR DETERMINING HEALTH:~~

~~For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:~~

- ~~A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;~~
- ~~B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;~~
- ~~C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;~~
- ~~D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.~~

~~**8.16.040: CANCELLATION AND SUSPENSION OF CERTIFICATE:**~~

~~A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in nonerasable ink on the original of the certificate.~~

~~**8.16.045: POLICE OR ANIMAL SERVICES ORDERS:**~~

~~A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.~~

~~**8.16.050: DISQUALIFICATION:**~~

~~The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a~~

~~carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.~~

~~8.16.055: ACCIDENTS:~~

~~In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 8.16.050 of this chapter, or its successor.~~

~~8.16.060: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:~~

~~The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.~~

~~Article II. Care Of Horses~~

~~8.16.065: Physical Condition For Work~~

~~8.16.067: Other Regulations Governing Carriage Horses~~

~~8.16.070: Stables And Stalls~~

~~8.16.075: Cruelty And Neglect Prohibited~~

~~8.16.065: PHYSICAL CONDITION FOR WORK:~~

~~No person shall cause a horse to draw or to be harnessed to a carriage if:~~

- ~~A.—Certifiable: The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;~~
- ~~B.—Acute Ailment: The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;~~
- ~~C.—Hoofs: The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;~~
- ~~D. Coat: The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.~~

~~8.16.067: OTHER REGULATIONS GOVERNING CARRIAGE HORSES~~

- ~~A.—A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.~~
- ~~B.—No carriage horse shall be at work for more than nine (9) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least fifteen (15) minutes at the end of each two (2) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.~~
- ~~C.—No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one day before the resumption of work.~~
- ~~D.—No carriage horse shall be at work: 1) whenever the ambient temperature, with the wind chill factor, drops below ten degrees Fahrenheit below zero (- 10°F), or 2) whenever the combination of the ambient temperature and the relative humidity exceeds one hundred fifty degrees Fahrenheit (150°F). For purposes of this subsection, temperatures shall be those measured in the downtown area of the city and broadcast by the local radio stations or as measured and announced by the national weather service. An operator of a carriage drawn by a horse already at work at the time the temperature reaches the above described conditions shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the temperature once again reaches acceptable limits under this section. Every horse at work shall have a blanket provided by its operator when standing idle at its staging point, the horse has been working and is visibly sweating, and the ambient temperature is less than twenty degrees Fahrenheit (20°F).~~

~~8.16.070: STABLES AND STALLS:~~

~~All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of chapter 8.08 of this title, or its successor, as well as any and all other applicable laws and ordinances, including the following:~~

~~A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.~~

~~B. Ceilings shall be at least ten feet (10') high from bedding flooring.~~

~~C. Stalls shall be constructed and maintained:~~

~~1. In good repair to protect the animals from injury and to contain them;~~

~~2. So as to enable the animals to remain dry and clean;~~

~~3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;~~

~~4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.~~

~~D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:~~

~~1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,~~

~~2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,~~

~~3. Not of a type that will harm or in any way be a discomfort to the animal.~~

~~E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.~~

~~F. Each stall shall house one horse only.~~

~~G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall~~

~~be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.~~

~~H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working. Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.~~

8.16.075: CRUELTY AND NEGLECT PROHIBITED:

~~No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.~~

SECTION 2. Chapter 5.37 of the Salt Lake City Code is hereby renumbered and amended to read as follows:

Article I. Definitions

- 5.37.005: Definitions And Interpretation Of Language**
- 5.37.008: Animal Services Or Office Of Animal Services**
- 5.37.010: Applicant**
- 5.37.015: Carriage Or Horsedrawn Carriage**
- 5.37.020: Carriage Business**
- 5.37.025: Carriage Day**
- 5.37.030: Carriage Stand**
- 5.37.035: Driver**
- 5.37.040: Holder**
- 5.37.045: Horse**
- 5.37.047: Horsedrawn Carriage Committee**
- 5.37.050: Person (Rep. by Ord. 37-99 § 1, 1999)**
- 5.37.055: Stable**
- 5.37.060: Veterinarian**

5.37.065: Work

5.37.005: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

The words and phrases, when used in this chapter, shall have the meanings defined and set forth in this article.

5.37.008: ANIMAL SERVICES OR OFFICE OF ANIMAL SERVICES:

"Animal services" or "office of animal services" means that division or office of the city or that person or entity with which the city has contracted to perform animal control and inspection services on behalf of the city.

5.37.010: APPLICANT:

"Applicant" means the person signing an application either for a carriage business license or for a driver's license under this chapter.

5.37.015: CARRIAGE OR HORSEDRAWN CARRIAGE:

"Carriage" or "horsedrawn carriage" means any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

5.37.020: CARRIAGE BUSINESS:

"Carriage business" means any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage.

5.37.025: CARRIAGE DAY:

"Carriage day" means the operating of a horsedrawn carriage for business on the streets of Salt Lake City for at least one hour during any calendar day.

5.37.030: CARRIAGE STAND:

"Carriage stand" means that portion of a curb lane designated by the city's division of transportation for loading and unloading of passengers for horsedrawn carriages.

5.37.035: DRIVER:

"Driver" means any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

5.37.040: HOLDER:

"Holder" means any person to whom a certificate of convenience and necessity has been issued and which certificate is unexpired.

5.37.045: HORSE:

"Horse" means an animal purely of the genus *Equus caballus*, specifically excluding crosses with other genera.

5.37.047: HORSEDRAWN CARRIAGE COMMITTEE:

"Horsedrawn carriage committee" means a committee appointed by the mayor to consider issues pertaining to the operation of horsedrawn carriages in the city, which shall include the city transportation engineer.

5.37.050: PERSON:

(Rep. by Ord. 37-99 § 1, 1999)

5.37.055: STABLE:

"Stable" means any place or facility where one or more horses are housed or maintained.

5.37.060: VETERINARIAN:

"Veterinarian" means any person legally licensed to practice veterinary medicine who devotes at least fifteen percent (15%) of his or her practice to providing care for equine animals.

5.37.065: WORK:

"Work", with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage.

Article II. Certificate Of Public Convenience And Necessity

5.37.070: Certificate; Required

5.37.075: Certificate; Additional Application Information

5.37.080: Fees; Annual Operation

5.37.085: Carriages

5.37.090: Licensing For All Certificated Vehicles

5.37.095: Minimum Use Of Carriages Required

5.37.100: Compliance Responsibility

5.37.070: CERTIFICATE; REQUIRED:

No person shall operate, or permit a horsedrawn carriage owned or controlled by him or her to be operated, as a carriage for hire upon the streets of the city, without first having obtained a certificate of public convenience and necessity from the city in accordance with [chapter 5.05](#) of this title, or its successor.

5.37.075: CERTIFICATE; ADDITIONAL APPLICATION INFORMATION:

In addition to the application information required under [chapter 5.05](#) of this title, or its successor, the application, verified under oath, shall show the experience of applicant in the transportation of passengers by horsedrawn carriage and shall show the specific route or routes within the city along which applicant proposes to operate one or more horsedrawn carriages.

5.37.080: FEES; ANNUAL OPERATION:

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual business regulatory fee as shown on the Salt Lake City consolidated fee schedule, for each horsedrawn carriage authorized under a certificate of public convenience and necessity.

5.37.085: CARRIAGES:

- A. Horsedrawn carriage companies operating horsedrawn carriages pursuant to a valid certificate of public convenience and necessity shall use carriages of types customarily known in the carriage industry as "vis-à-vis", "landau", "brougham", "victoria" and/or "rockaway", and shall meet all of the equipment, registration, and other requirements of this chapter before being used to transport customers. Said horsedrawn carriages shall operate only within specified routes and/or quadrants as set forth in section [5.37.210](#) of this chapter, or its successor.
- B. Each holder may operate one training cart, that is, a two (2) wheel, horsedrawn vehicle with extra long shafts, designed for training purposes. Said training cart shall not be used for the transport of customers for hire and shall meet all of the equipment, registration and other requirements of this chapter and shall operate only within routes specifically authorized by the city's transportation engineer as set forth in section [5.37.210](#) of this chapter, or its successor.

5.37.090: LICENSING FOR ALL CERTIFICATED VEHICLES:

- A. A holder is required to have the total number of carriages authorized under such holder's certificate of convenience and necessity and to obtain the license plate required by section [5.05.155](#) of this title, or its successor, for each and every carriage.
- B. In the event the holder does not license the total number of carriages authorized by the certificate before February 15 of any year, such holder shall forfeit the right to operate any carriage not so licensed, unless such carriage is licensed within five (5) days of written notice being given by the city; that authority shall automatically revert to the city, and the

certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year.

Such forfeited right to operate any carriage may be reissued to any person; provided, however, it shall not be reissued except upon application required by section [5.05.105](#) of this title, or its successor, and by a showing of public convenience and necessity as required by section [5.05.140](#) of this title, or its successor.

- C. Nothing contained herein shall prohibit a holder from having carriages in excess of the number authorized under such holder's certificate for the purpose of replacement or substitution of an authorized carriage under repair, maintenance or breakdown; provided, however, any such carriage shall not be used as a carriage other than as a replacement or substitution as herein provided. The type or style, color, seating capacity, year of manufacture, and serial number or identification number of any substitute carriage shall be filed with the licensing office.

5.37.095: MINIMUM USE OF CARRIAGES REQUIRED:

- A. No certificate issued in accordance with section [5.37.070](#) of this chapter, or its successor, shall be construed to be either a franchise or irrevocable. It is the intent of the city that all carriages authorized be actually used for the transportation of passengers for hire. In order to implement that intent, the city hereby imposes the following requirements:

- 1. Each certificate holder shall have in service at least one carriage authorized under its certificate for a minimum of one hundred twenty (120) carriage days during any calendar six (6) months.

- 2. Within thirty (30) days following each June 30 and December 31, a holder of a certificate shall file a report with the city license supervisor's office. Such report shall be in writing, signed by the holder or by some person authorized to sign the same on behalf of the holder, and shall be properly verified. The report shall contain the following information:

- a. A list of all carriages licensed under a certificate during the preceding calendar six (6) months, showing the serial number and the city business license plate number for each carriage. Such list shall include any carriage which has been salvaged or otherwise removed from the fleet, as well as the replacement thereof;

- b. The number of carriage days each such carriage was in service during the preceding calendar six (6) months;

c. The holder may also file with such report a written statement of the circumstances that caused the authorized carriages to be in service for less than the required number of carriage days;

d. A statement that the information contained in the report was obtained from the company records, and that all statements contained in the report are true and accurate.

- B. In the event the carriages licensed under the provisions of this chapter are not actually in service for the minimum required carriage days during any calendar six (6) months as set forth in this section, or its successor, the right to operate one or more carriage may, upon at least ten (10) days' notice to the holder, and upon the hearing had therefor, be revoked by the city. The holder may appear in person or be represented by counsel at such hearing to show cause, if any he or she has, why the right to operate such carriage or carriages should not be revoked. If, at the conclusion of the hearing, the city shall find that the holder has shown extenuating circumstances, the city may grant continuance of authority.
- C. Upon revocation by the city of such authority, the certificate shall be modified to reflect the number of carriages actually in service for the required minimum number of carriage days during such calendar six (6) months. No refund shall be made for any unused portion of the license fee. Such forfeited right to operate any carriage may be reissued only upon application required by section [5.05.105](#) of this title, or its successor, and by a showing of public convenience and necessity as required by section [5.05.140](#) of this title, or its successor.
- D. Each holder shall maintain and keep current at the place of business a daily log showing all trips made by every operator during such operator's hours of work showing time(s) and place(s) or origin and destination of trips, and the specific carriage(s) and horse(s) operated. Such logs shall be made available to the city for inspection upon reasonable notice.

5.37.100: COMPLIANCE RESPONSIBILITY:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers.

Article III. Driver Licensing

5.37.105: Licenses Required For Carriage Operators

5.37.110: Carriage Driver License Application:

5.37.115: Application; Verification:

5.37.120: Application; Fee Required:

- 5.37.125: Fingerprints Required:**
- 5.37.130: Investigation of Applicant:**
- 5.37.135: Driver's Qualifications:**
- 5.37.140: Hearing Upon Rejection:**
- 5.37.145: Term of Carriage Driver License:**
- 5.37.150: License; Display:**

5.37.105: LICENSES REQUIRED FOR CARRIAGE OPERATORS:

It is unlawful for any person to operate or for a holder to permit any person to drive a carriage for hire or a training cart upon the streets of the city without such person:

- A. being at least twenty one (21) years of age;
- B. having first obtained and having then in force a current Utah motor vehicle operator's license valid in the state of Utah; and
- C. having first obtained and having then in force a current carriage driver license from the City expressly permitting that person to operate a horsedrawn carriage.

5.37.110: CARRIAGE DRIVER LICENSE APPLICATION:

- A. A prospective applicant for a carriage driver license shall provide to the Salt Lake City business licensing supervisor a completed written application using the form provided therefore by the business licensing department. The application form shall include, but is not necessarily limited to, the following information regarding the applicant:
 - 1. The correct legal name of the applicant;
 - 2. Any other names or aliases used by the applicant;
 - 3. Age, birth date, and place of birth;
 - 4. Height;
 - 5. Weight;
 - 6. Color of hair;
 - 7. Color of eyes;
 - 8. Present business address and telephone number;
 - 9. Present residence and telephone number;

10. Utah driver's license number;

11. Social security number;

12. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;

13. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant while previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;

14. A statement detailing all criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant for five (5) years prior to the date of the application. This disclosure shall include identification of any circumstances involving animal cruelty and shall include all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony, a class A misdemeanor, or an alcohol-related offense shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a carriage operator's license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the carriage horse operator's license;

15. A written certification from the carriage business employing the applicant driver stating that the applicant driver has received training from the said carriage business as to the requirements governing the operation of carriages as set forth in this chapter.

5.37.115: APPLICATION; VERIFICATION:

The application for a carriage driver license shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application.

5.37.120: APPLICATION; FEE REQUIRED:

At the time the carriage driver license application is filed, the applicant shall pay to the business license office the fee shown on the Salt Lake City consolidated fee schedule.

5.37.125: FINGERPRINTS REQUIRED:

The prospective applicant for a carriage driver license shall be required to file with the police department two (2) sets of fingerprint impressions, which shall be taken under the supervision of the chief of police.

5.37.130: INVESTIGATION OF APPLICANT:

- A. The police department shall conduct an investigation of each applicant for each carriage driver license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the police department shall recommend approval or disapproval of the proposed application to the business license administrator on the operator application form.
- B. It shall be the duty of the police department to report in writing to the business license administrator any misrepresentation or falsification by the applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the business license administrator to refuse to issue a carriage driver license, or to suspend or revoke the same if it has been issued.
- C. The police department's recommendation required by subsection A of this section shall be based upon:
 - 1. Findings of the criteria specified in section [5.37.135](#) of this chapter, or its successor;
 - 2. The police department's recommendation may take into account the length of time between any criminal conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any.

5.37.135: DRIVER'S QUALIFICATIONS:

- A. Except as hereinafter set forth, no permit or renewal of a carriage driver license shall be issued to any of the following persons:
 - 1. Any person under the age of twenty one (21) years;
 - 2. Any person who is currently required to register with the Sex and Kidnap Offender Registry pursuant to title 77, Chapter 41 of the Utah Code Annotated, or its successor;

3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;

4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;

5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;

6. Any person who has been convicted of two (2) or more felonies;

7. Any person who has been convicted of offenses involving animal cruelty.

B. Notwithstanding the provisions of subsection A3 or A6 of this section, if the hearing examiner receives letters or testimony at a hearing, as provided in [chapter 5.02](#) of this title, which proves by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. Part of the letters or testimony used to establish the preponderance shall come from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request.

5.37.140: HEARING UPON REJECTION:

If the application for a carriage driver license is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in [chapter 5.02](#) of this title, or its successor.

5.37.145: TERM OF CARRIAGE DRIVER LICENSE:

All carriage driver licenses issued pursuant to this Chapter are valid for one year, unless suspended or revoked, and shall be both nonassignable and nontransferable. A carriage driver license may be renewed by submitting the application and renewal fees to the city prior to the expiration of the current license.

5.37.150: LICENSE; DISPLAY:

Every driver operating a carriage under this chapter shall keep his or her current, valid, carriage driver license and Utah motor vehicle operator's license on his or her person while such driver

is operating a carriage, and shall exhibit the license upon demand of any police officer, animal services officer, license inspector, or any authorized agent of the license office of the city.

Article IV. Carriage Equipment And Maintenance

5.37.155: Carriage Inspection Prior To Licensing

5.37.160: Satisfactory Inspection; Sticker Issued

5.37.165: Periodic Inspections

5.37.155: CARRIAGE INSPECTION PRIOR TO LICENSING:

Prior to the use and operation of any carriage under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by the office of animal services and found to comply with the specifications of section [5.37.165](#) of this chapter, or its successor.

5.37.160: SATISFACTORY INSPECTION; STICKER ISSUED:

When the office of animal services finds that a carriage has met the specifications established by section [5.37.165](#) of this chapter, or its successor, the office of animal services shall issue a sticker to that effect.

5.37.165: PERIODIC INSPECTIONS:

A. Specifications: Every carriage operating under this chapter shall be inspected by the office of animal services at least once each year in order to make certain each carriage is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

1. Each carriage shall be equipped with two (2) electrified white lights visible for one thousand feet (1,000') to the front of the carriage, and two (2) electrified red lights visible for one thousand feet (1,000') to the rear of the carriage. All lights shall be operational from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise and during times of lessened visibility. Electrified directional signals are required at all times;
2. Each carriage shall be equipped with hydraulic or factory equipped mechanical brakes appropriate for the design of the particular carriage;
3. Each carriage shall be equipped with a slow moving vehicle emblem (red triangle) attached to the rear of the carriage;
4. Each carriage shall permanently and prominently display the name and telephone number of the carriage business operating it on the rear portion of such carriage;

5. Each carriage shall be equipped with a device to catch horse manure falling to the pavement.
 6. Each carriage shall be equipped with a deodorizing non-toxic liquid that will not harm people, animals, or property, that will be used to dilute and deodorize any horse urine deposited in the right of way. The carriage business shall be responsible for providing the diluting liquid and shall maintain documentation in the carriage as to the composition of such liquid.
 7. Each carriage shall be maintained in a clean and sanitary condition;
 8. The harness and any other components used to tether the carriage to a horse shall include, but not be limited to, a padded saddle, soft pads, and where appropriate a properly oiled bit. Such harness and other components must be clean, well-maintained, and of high quality;
 9. Each carriage shall be equipped with a fire extinguisher, a first aid kit, a blindfold, a cutting implement, a halter with lead, and any other emergency tools the carriage business deems useful for the protection of the horse, driver and passengers in the event of an emergency;
- B. Training Cart: This article shall be fully applicable to training carts, as described in subsection [5.37.085B](#) of this chapter, or its successor, with the exception of subsection A2 of this section regarding brakes. In addition, all training carts shall be clearly marked, on the rear portion of such cart, with the words: "CAUTION: HORSE IN TRAINING".

Article V. Conduct Of Drivers And Operation Of Carriages

5.37.170: Traffic Laws

5.37.175: Lights

5.37.180: Speed

5.37.185: Presence And Control

5.37.190: Number Of Passengers

5.37.195: Passengers Restricted To Passenger Area

5.37.200: Manner And Appearance

5.37.205: Hours

5.37.210: Routes

5.37.215: Termini

5.37.220: Rates

5.37.170: TRAFFIC LAWS:

A driver operating a horsedrawn carriage shall be subject to all laws of the city pertaining to the driver of any vehicle. Moreover, a driver shall also be responsible for removing any horse manure and diluting any horse urine deposited in the public right of way.

5.37.175: LIGHTS:

The driver of each carriage in operation from one-half ($\frac{1}{2}$) hour after sunset until one-half ($\frac{1}{2}$) hour before sunrise, and in conditions of poor visibility, shall turn on the front and tail lights of the carriage and take any action necessary to make them operational, such as by replacing a light bulb.

5.37.180: SPEED:

The driver shall not permit the speed at which any horsedrawn carriage is driven to exceed a slow trot.

5.37.185: PRESENCE AND CONTROL:

No driver shall leave the carriage unattended in a public place.

5.37.190: NUMBER OF PASSENGERS:

No driver shall permit more than six (6) passengers, five (5) years of age or older to ride in the carriage at one time, plus no more than two (2) children under five (5) years of age, if seated on the laps of adult passengers, unless the carriage was designed to carry fewer, in which event the carriage shall not carry more passengers than it was designed to carry. With regard to a training cart, no more than two (2) passengers shall be permitted, neither of which shall be a customer for hire.

5.37.195: PASSENGERS RESTRICTED TO PASSENGER AREA:

No driver shall permit a customer to ride on any part of the carriage while in motion, unless the passenger is seated inside the carriage. No customer shall be allowed to ride while sitting on the same seat as the carriage driver at any time while the carriage is in motion.

5.37.200: MANNER AND APPEARANCE:

Drivers shall be courteous in manner and shall adhere to the following standards of appearance, in order to meet the interests of Salt Lake City in such transportation:

- A. Wear enclosed shoes or boots.
- B. Maintain their hair, and beards or mustaches, if any, in a clean and groomed condition.
- C. Maintain their clothes in a clean and repaired condition.

- D. Be free from offensive odor.
- E. Not at any time expose the following body regions: the stomach, back, shoulders, chest, hips, buttocks, abdomen, genitals, or thighs higher than four inches (4") above the knee.
- F. Not wear as outer garments any clothing manufactured and commonly worn as underwear.
- G. Not wear T-shirts as outer garments unless as a part of a company uniform.
- H. Wear shirttails and shirt hems tucked into pants, and shall use a belt or suspenders when pants are designed for their use.
- I. Not wear sweatpants or sweatshirts designed for athletic use.
- J. At all times bear an identification of the company with which they are associated on their shirts, whether as a shirt logo, name tag, photo identification badge, or otherwise, as shall be approved by the city.
- K. Any driver who desires that an exception be made to any requirement under this section on any grounds may notify the city law department of the same in writing and request a review of the same by such mayoral hearing examiners as the mayor deems appropriate to consider such matters with the assistance of the city law department. Such exception shall be granted if such driver can demonstrate that the requirement from which an exception is requested is unduly restrictive of any religious, political or personal right of the driver, as provided under the United States or Utah constitution or laws, or Salt Lake City ordinances.

5.37.205: HOURS:

Neither a carriage business nor any driver shall operate or allow to be operated its carriages on the streets of the city during the hours of seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M. and four o'clock (4:00) P.M. to six o'clock (6:00) P.M.

5.37.210: ROUTES:

- A. 1. The carriage businesses and drivers shall operate horsedrawn carriages only upon certain streets within specified routes and/or quadrants and according to restrictions authorized by the city's horsedrawn carriage committee. In determining said routes, restrictions, and/or quadrants, the horsedrawn carriage committee shall seek to ensure safe and efficient movement of transportation within the city, and shall take into consideration the location of the streets therein, the expected traffic flow upon such streets, the history of traffic accidents upon such streets, the width of such streets, and any natural or manmade physical features of such streets which may be pertinent to the safe and efficient movement of transportation thereon.

2. With regard to the determination as to which holders may operate carriages and as to the number of carriages to be operated by such holders along a particular route or within a particular quadrant within the city, the city horsedrawn carriage committee shall, no later than February 15, 1990, develop a process for allocating in an equitable manner such routes and/or quadrants among holders. Said process shall not unreasonably withhold entry into the market from holders which have not previously operated along a particular route or within a particular quadrant. Said allocation shall be made on an annual basis, no earlier than February 15 of each calendar year.

3. As of the effective date hereof, subject to amendment by the city horsedrawn carriage committee as provided in this section, there shall be established a quadrant for the operation of horsedrawn carriages which shall be bounded by the following streets: North Temple, 200 East, 400 South, and 200 West. The maximum number of carriages, which shall be allowed to operate within said quadrant, unless amended by the city horsedrawn carriage committee, shall be nineteen (19).

B. Carriage businesses are barred from using streets which:

1. Have a speed limit exceeding thirty five (35) miles per hour, unless prior approval is obtained;

2. Do not have traffic signals at major intersections;

3. Involve major arterials during the hours of seven o'clock (7:00) A.M. to six o'clock (6:00) P.M., including, but not limited to, State Street, 700 East, 500 South and 600 South from 700 East west to I-15.

C. The authorized routes and termini shall be subject to amendment from time to time by the city horsedrawn carriage committee in order to ensure safe and efficient movement of transportation within the city, according to the guidelines set forth in this section. Advance charter carriage rides may deviate from the authorized routes provided that the carriage business obtains a written permit from the city horsedrawn carriage committee authorizing such deviation.

5.37.215: TERMINI:

Approved on street route termini include those areas designated by the city horsedrawn carriage committee. Drivers shall not stop on street longer than the maximum three (3) minutes available in any designated freight or passenger loading zone unless it is at a termini location approved by the city horsedrawn carriage committee or in a legal parking space. Each holder shall obtain permission from the property owner of all off street staging areas before using such areas. Upon request by the city horsedrawn carriage committee, a holder shall verify such permission to use such off street staging area by submitting to the engineer evidence of

such written permission from the property owner. Drivers shall not stop at designated bus stops, bus lanes, or any other restricted parking areas.

5.37.220: RATES:

All drivers must make available to any person upon request, the rates for all tours and trips offered by the service. Once a vehicle has been hired for a designated route or termini, the driver may not accept additional passengers without the original contracting passengers' consent.

Article VI. Violations

5.37.225: Revocation Or Suspension

5.37.230: Misdemeanor

5.37.225: REVOCATION OR SUSPENSION:

- A. If any person to whom a business license or a carriage driver license has been issued pursuant to this chapter commits a violation of this chapter, such license may be revoked or suspended according to the procedure provided for revocation or suspension of a business license issued by the city.
- B. Upon a serious violation, or upon any third violation of this chapter by either a driver or a business license licensee within any twelve (12) month period, a referral shall be made by animal services to the city's business licensing office for possible suspension or revocation of a business license issued by the city. A "serious violation" means a violation resulting in injury to human being or animal or property damage of one hundred dollars (\$100.00) or more.

5.37.230: MISDEMEANOR:

Violation of any provision of this chapter shall be a class B misdemeanor.

Article VII. Suitability Of Horses

5.37.235: Businesses Governed

5.37.240: Identification

5.37.245: Examination Required

5.27.250: Certificate Required

5.37.255: Certificate By Veterinarian; Term

5.37.260: Criteria For Determining Health

5.37.265: Cancellation And Suspension Of Certificate

5.37.270: Police Or Animal Services Orders

5.37.275: Disqualification

5.37.280: Accidents

5.37.285: Examination By The Office Of Animal Services

5.37.235: BUSINESSES GOVERNED:

In addition to the requirements of title 5, chapters 5.02, 5.04, and 5.05, of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.

5.37.240: IDENTIFICATION:

Each horse used to pull a carriage in the city shall be identified through identification documents that contain a photograph and a description of said horse that states the age, breed, sex, color and describes any identifying markings. Such identification documents shall be filed by the carriage business with animal services. A copy of the identification documents filed with animal services shall also be kept in the carriage itself while the horse and carriage are providing services within the City.

5.37.245: EXAMINATION REQUIRED:

Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.

5.37.250: CERTIFICATE REQUIRED:

No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date. Another copy of the certificate shall be kept in the carriage to which the horse is tethered while the horse is providing services within the City.

5.37.255: CERTIFICATE BY VETERINARIAN; TERM:

After performing the physical examination required by section 5.37.245 of this chapter, or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and

identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.

5.37.260: CRITERIA FOR DETERMINING HEALTH:

For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:

- A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;
- B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;
- C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;
- D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.

5.37.265: CANCELLATION AND SUSPENSION OF CERTIFICATE:

A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in non-erasable ink on the original of the certificate.

5.37.270: POLICE OR ANIMAL SERVICES ORDERS:

A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective

only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.

5.37.275: DISQUALIFICATION:

The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.

5.37.280: ACCIDENTS:

In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 5.37.275 of this chapter, or its successor.

5.37.285: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:

The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.

Article VIII. Care Of Horses

5.37.290: Physical Condition For Work

5.37.295: Other Regulations Governing Carriage Horses

5.37.300: Stables And Stalls

5.37.305: Cruelty And Neglect Prohibited

5.37.290: PHYSICAL CONDITION FOR WORK:

No person shall cause a horse to draw or to be harnessed to a carriage if:

- A. **Certifiable:** The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;
- B. **Acute Ailment:** The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;
- C. **Hoofs:** The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;
- D. **Coat:** The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.
- E. **Age:** The horse is less than three (3) years old.

5.37.295: OTHER REGULATIONS GOVERNING CARRIAGE HORSES

- A. A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.
- B. No carriage horse shall be at work for more than eight (8) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least ten (10) minutes at the end of each one (1) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.
- C. No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one (1) day before the resumption of work.
- D. No carriage horse shall be at work:
 - 1. whenever weather conditions such as icy roads, snow covered roads, heavy precipitation, thunderstorms and other inclement weather conditions are sufficiently unsafe that operation of a carriage results in physical injuries (whether equine or human) or property damage where the unsafe conditions caused or contributed to such injuries or damage.
 - 2. whenever the ambient temperature as measured at the Salt Lake City Airport drops below ten (10) degrees Fahrenheit; or

3. whenever the ambient heat index as calculated by the National Weather Service and measured at the Salt Lake City Airport exceeds one hundred four (104) degrees Fahrenheit.

- E. An operator of a carriage drawn by a horse already at work at the time the weather, temperature, or heat index reaches the conditions described in subsection D shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the weather, temperature, or heat index once again reaches acceptable limits under this section. Carriage businesses shall be responsible for monitoring the pertinent weather conditions, temperature measurements, and heat index measurements, and for insuring their carriages are operated in accordance with the requirements described in this section.
- F. Every horse at work shall have a blanket provided by its operator when:
 - 1. the horse is standing idle at its staging point;
 - 2. the horse has been working and is visibly sweating, and
 - 3. the ambient temperature is less than thirty-two degrees Fahrenheit (32°F).

5.37.300: STABLES AND STALLS:

All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of [chapter 8.08](#) of the Salt Lake City Code, or its successor, as well as any and all other applicable laws and ordinances, including the following:

- A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.
- B. Ceilings shall be at least ten feet (10') high from bedding flooring.
- C. Stalls shall be constructed and maintained:
 - 1. In good repair to protect the animals from injury and to contain them;
 - 2. So as to enable the animals to remain dry and clean;
 - 3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;
 - 4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.

- D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:
1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,
 2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,
 3. Not of a type that will harm or in any way be a discomfort to the animal.
- E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- F. Each stall shall house one horse only.
- G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.
- H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working. Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.

5.37.305: CRUELTY AND NEGLECT PROHIBITED:

No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.

SECTION 3. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2013.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2013.

Published: _____.



COUNCIL STAFF Memo

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Jan Aramaki and Ben Luedtke
Policy Analysts

DATE November 25, 2014

RE: Proposal to prohibit horse-drawn carriage businesses on City streets except when connected with a special event (such as parades) or a free expression activity

Council Sponsor: **Council Member Charlie Luke**

[VIEW ADMINISTRATION'S PROPOSAL](#)

PROJECT TIMELINE:

Briefing: November 4, 2014
Set Date: November 18, 2014
Public Hearing: November 25, 2014
Potential Action:

ISSUE AT-A-GLANCE

At the Council's November, 4, 2014 work session discussion, the City Council took a straw poll to hold a public hearing on a proposed ordinance that would repeal Chapter 2.15 regarding a horse-drawn carriage committee while amending Chapter 5.37 in a manner that eliminates the existing horse-drawn carriage regulations. Six of seven Council Members were present, and there was unanimous support from the Council Members to hold a public hearing on this proposal.

This ordinance amendment would make it unlawful for horse-drawn carriage businesses to operate on City streets except when connected with a special event (such as parades) or free expression activities.

Definitions of a "Special Event" and a "Free Expression Activity:"

Current Salt Lake City Code defines Special Event as follows:

A COMMERCIALY RELATED SPECIAL EVENT is defined under Section 3.50.020 of *Salt Lake City Code*:



A. Any organized formation, parade, procession, assemblage of people, animals, vehicles or any combination thereof, which assembles or travels in unison with common purpose upon any public street, highway, alley, sidewalk or other public way and which does not comply with normal or usual traffic regulations or controls; or

B. Any organized assemblage at any public park or other city owned public forum which gathers for a common purpose or event under the discretion and control of a responsible person or entity and which requires more services, facilities or equipment than normally provided to groups which reserve park facilities; and

C. In either circumstance:

1. Which charges a fee of any kind for participation in the event or for viewing any or all of the event, or
2. Which is organized by an individual or entity for the purpose of making a financial return on the event.

D. Commercially related special event shall not include any event or activity of a type specified above which claims to be a "free expression activity" as defined below.

A FREE EXPRESSIONACTIVITY is defined under Section 3.50.020 of *Salt Lake City Code*: Any formation, procession or assembly upon any public street, park or other public way or other traditional public forum in a manner which does not comply with normal or usual regulations or controls and which claims that it has the purpose of engaging in constitutionally protected speech or assembly.

Free expression activity includes:

A. "Advanced planned free expression activities" where the activity is scheduled sufficiently in advance of its occurrence, such that the city may lawfully require compliance with certain of the permitting requirements as specified below; and

B. "Short notice free expression activities" which arise out of or are related to events or other public issues which cannot be reasonably anticipated far enough in advance of their occurrence to reasonably allow compliance with the requirements for advanced planned free expression activities. (Ord. 41-14, 2014)

Note: The Administration transmitted to the Council Office a rewrite of Chapter 3.50, Special Events for the Council's future discussion and consideration. The rewrite proposes to redefine Special Events as follows:

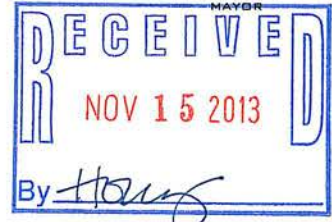
SPECIAL EVENT: Any athletic event, entertainment event, filming event, demonstration, or other organized event, whether held for profit, nonprofit, or charitable purposes, (1) involving 50 or more human participants or (2) if involving fewer than 50 human participants, that (a) involves use of streets, sidewalks, parks, or other city property in a way that does not comply with normal or usual traffic, pedestrian, park, or similar regulations or controls or (b) whose organizer desires to subject the event to the permit and other provisions of this chapter.

Return to Staff Memo

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF PUBLIC SERVICES
DIRECTORS OFFICE

RALPH BECKER
MAYOR



CITY COUNCIL TRANSMITTAL




David Everitt, Chief of Staff

Date Received: 11/15/2013

Date Sent to City Council: 11/18/2013

TO: Kyle LaMalfa, Chair
Salt Lake City Council

DATE: November 10, 2013

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Regulating Horsedrawn Carriage Businesses

STAFF CONTACTS: Rick Graham, Director (801) 535-7774
Public Services Department


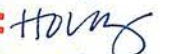
Jaysen R. Oldroyd, Senior City Attorney (801) 535-7630

RECOMMENDATION: The Administration recommends that the City Council either (1) approve the ordinance amendments accompanying this transmittal or (2) consider adopting an ordinance that adopts many of the amendments in the attached ordinance and also replaces the current regulatory framework (using certificates of public convenience and necessity) with a contract-based regulatory framework.

COUNCIL SPONSOR: Councilmember Charlie Luke

DOCUMENT TYPE: Amended Ordinance

BUDGET IMPACT: No Significant Impact.

SCANNED TO: 
SCANNED BY: 
DATE: 11/15/2013

DISCUSSION: Salt Lake City Corporation (the "City") passed an ordinance (Ordinance 52-89) in 1989 for the purpose of regulating horsedrawn carriages within the City. Portions of the City's ordinances regulating horsedrawn carriages have been amended from time to time. The ordinances that expressly govern carriage businesses are presently found in Chapters 5.37 and 8.16 of the Salt Lake City Code ("SLCC" or the "Code").

During this past summer the collapse of a horse while pulling a carriage downtown Salt Lake City served as the catalyst for the City's review of its carriage business ordinances. Although the review generally indicated such carriage business ordinances were consistent with the best practices utilized in cities across country, the review did identify certain aspects of carriage businesses that were not fully addressed under the existing ordinances. Consequently, the Administration has proposed an amended ordinance that keeps the majority of the City's existing ordinance intact while addressing the following aspects of carriage businesses:

Consolidating Chapter 5.37 and 8.16: The ordinances governing carriage businesses are currently located in two different tiles of the Salt Lake City Code (Chapters 5.37 and 8.16 respectively). In order to avoid any potential confusion as to where the pertinent provisions are located in City ordinance, the proposed ordinance amendments consolidate all the carriage business provisions by repealing Chapter 8.16 and moving all those sections of the Code into Chapter 5.37.

Eliminating References to Specific Companies in Ordinance: When Ordinance 62-89 was passed, it specifically identified the carriage businesses existing at that time by name and assigned certificates of public convenience to each identified business. These references are outdated in that many of the carriage businesses specifically identified in the city ordinance are no longer in business. The proposed ordinance amendments eliminate all references to specific carriage businesses.

Definition of "Veterinarian": The proposed ordinance amendments specify that a veterinarian may not provide the services described in Chapter 5.37 unless at least 15% of that veterinarian's practice must involve providing care for equine animals.

Carriage Driver Licenses: The proposed ordinance amendments provide significantly more detailed provisions regarding the processes and criteria governing the licensing of carriage drivers.

Carriage Equipment: The proposed ordinance amendments require that carriages operating on the City streets utilize certain equipment to insure the carriage operates in a safe, sanitary, and humane manner that benefits the horses pulling such carriages and the public as a whole.

Operating Conditions: The proposed ordinance amendments specify that horses used to pull carriages must be at least three (3) years old. The ordinance amendments also impose stricter standards with respect to the environmental conditions in which carriage business are allowed to operate, and require that horses work fewer hours while enjoying more frequent opportunities to rest.

Regulatory Framework: The City is currently regulating carriage business through certificates of public convenience and necessity ("CPCs") that are issued to those carriage businesses authorized to operate in the City. At present the City only uses the CPC regulatory framework to regulate two types of business – (1) carriage businesses, and (2) businesses that specializes in the

transportation of disabled individuals.¹ See Salt Lake City Code Chapters 5.05, § 5.37, and § 5.76.

Under the current CPC regulatory framework, a limited number of CPCs are available to carriage businesses operating in the City. In fact, Carriage For Hire is presently the only carriage business that holds a CPC permitting it to operate in Salt Lake City. A holder of an existing CPC generally renews the CPC automatically when the holder pays the business license renewal fees. See SLCC § 5.05.135. Existing CPCs cannot be transferred from a current CPC holder to another party without obtaining the City's consent to the transfer after a public hearing has been conducted. See SLCC § 5.05.145. Likewise applicants for new CPCs must demonstrate at a public hearing that (1) additional CPCs are needed to serve the existing demand, and (2) the applicant would be an appropriate holder of such additional CPCs.

As an alternative to using a regulatory system based on certificates of public convenience and necessity, the City could, as it did with on-demand taxicab services, determine that a contract-based regulatory system would better serve the needs of the City with respect to the regulation of carriage businesses. A contract-based approach would provide the City with significantly higher degree of control regarding the operation of carriage businesses within the City. For instance, the City can only revoke a CPC under a limited set of circumstances as described in ordinance.² In contrast, under a contract-based approach, the City could craft language in the contract that would contemplate the termination of the contract, or the imposition of other sanctions, in connection with a variety of circumstances. Some potential drawbacks of moving to a contract-based regulatory system could include (1) the existing certificate holder may object to the City's implementation of a contract-based regulatory system, and (2) the fact that the procurement processes required to enter into a contract one or more carriage businesses take time to perform and may be subject to legal challenges.

PUBLIC PROCESS: The public has recently been very engaged with respect to the operation of carriage businesses. The City has received petitions with thousands of signatures and public comment on the issue has been robust. The City Council has also held a number of public meetings regarding this issue, and veterinary experts have been consulted regarding some of the amendments contained in the proposed ordinance.

¹ The City previously required a CPC for the on-demand (not prearranged) transportation of individuals by taxicab companies. However, in 2010 the City moved away from the CPC regulatory system in favor of a contract-based regulatory system. The three taxicab companies who possessed CPCs under the prior regulatory framework were not awarded on-demand taxicab contracts under the new contract-based system. Two of those three taxicab companies have now sued the City and are claiming the procurement process used to award the taxicab contracts was improper. That litigation is ongoing, and the three taxicab companies that previously possessed CPC's are currently still providing the on-demand taxicab services within the City.

² Under SLCC § 5.05.150, a CPC may be suspended or revoked for (1) violation of any provision of Chapter 5.05; (2) abandoning operations for more than sixty days; (3) violation of any ordinance or statute where such violation reflects unfavorably on the CPC holder's fitness to offer public transportation; or (4) the holder becomes financially irresponsible to a degree that reflects unfavorably on the holder's fitness to offer public transportation.

SALT LAKE CITY ORDINANCE
No. _____ of 2013
(Updating the City's Ordinances Regarding Carriage Businesses)

An ordinance repealing Chapter 8.16 of the Salt Lake City Code in its entirety and renumbering and amending Chapter 5.37 of the Salt Lake City Code, regarding the operation of carriage businesses.

WHEREAS, Salt Lake City Corporation (the "City") has previously enacted ordinances pertaining to the regulation of carriage businesses within the City; and

WHEREAS, ordinances specifically governing carriage businesses can currently be found in Chapters 5.37 and 8.16 of the Salt Lake City Code; and

WHEREAS, on rare occasions incidents within the City involving carriage horses have occurred in which carriage horses needed medical care or attention; and

WHEREAS, the City Council desires to consolidate the ordinances governing carriage businesses into a single chapter of the Code in order to facilitate understanding and awareness of all pertinent City ordinances; and

WHEREAS, the City Council also desires to amend the ordinances governing carriage businesses to further provide for the welfare of the carriage horses and to make other changes regarding carriage businesses;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 8.16 of the Salt Lake City Code is hereby repealed in its entirety as follows:

Article I. Suitability Of Horses

8.16.010: Businesses Governed

8.16.015: Identification Number

8.16.020: Examination Required

8.16.025: Certificate Required

8.16.030: Certificate By Veterinarian; Term

8.16.035: Criteria For Determining Health

8.16.040: Cancellation And Suspension Of Certificate

8.16.045: Police Or Animal Services Orders

8.16.050: Disqualification

8.16.055: Accidents

8.16.060: Examination By The Office Of Animal Services

~~8.16.010: BUSINESSES GOVERNED:~~

~~In addition to the requirements of title 5, chapters 5.05, 5.37 of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.~~

~~8.16.015: IDENTIFICATION NUMBER:~~

~~Each horse used to pull a carriage in the city shall be identified by a brand or mark in accordance with chapter 4-24, Utah Code Annotated, or its successor, which brand or mark uniquely identifies the horse thus marked. The identification brand or mark and description of each of said horses, including age, breed, sex, color and other identifying markings, shall be filed by the carriage horse business with animal services.~~

~~8.16.020: EXAMINATION REQUIRED:~~

~~Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian and at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.~~

~~8.16.025: CERTIFICATE REQUIRED:~~

~~No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date.~~

~~8.16.030: CERTIFICATE BY VETERINARIAN; TERM:~~

~~After performing the physical examination required by section 8.16.020 of this chapter, or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.~~

~~8.16.035: CRITERIA FOR DETERMINING HEALTH:~~

~~For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:~~

- ~~A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;~~
- ~~B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;~~
- ~~C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;~~
- ~~D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.~~

~~**8.16.040: CANCELLATION AND SUSPENSION OF CERTIFICATE:**~~

~~A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in nonerasable ink on the original of the certificate.~~

~~**8.16.045: POLICE OR ANIMAL SERVICES ORDERS:**~~

~~A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.~~

~~**8.16.050: DISQUALIFICATION:**~~

~~The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a~~

~~carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.~~

~~8.16.055: ACCIDENTS:~~

~~In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 8.16.050 of this chapter, or its successor.~~

~~8.16.060: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:~~

~~The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.~~

~~Article II. Care Of Horses~~

~~8.16.065: Physical Condition For Work~~

~~8.16.067: Other Regulations Governing Carriage Horses~~

~~8.16.070: Stables And Stalls~~

~~8.16.075: Cruelty And Neglect Prohibited~~

~~8.16.065: PHYSICAL CONDITION FOR WORK:~~

~~No person shall cause a horse to draw or to be harnessed to a carriage if:~~

- ~~A.—Certifiable: The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;~~
- ~~B.—Acute Ailment: The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;~~
- ~~C.—Hoofs: The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;~~
- ~~D. Coat: The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.~~

~~8.16.067: OTHER REGULATIONS GOVERNING CARRIAGE HORSES~~

- ~~A.—A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.~~
- ~~B.—No carriage horse shall be at work for more than nine (9) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least fifteen (15) minutes at the end of each two (2) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.~~
- ~~C.—No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one day before the resumption of work.~~
- ~~D.—No carriage horse shall be at work: 1) whenever the ambient temperature, with the wind chill factor, drops below ten degrees Fahrenheit below zero (- 10°F), or 2) whenever the combination of the ambient temperature and the relative humidity exceeds one hundred fifty degrees Fahrenheit (150°F). For purposes of this subsection, temperatures shall be those measured in the downtown area of the city and broadcast by the local radio stations or as measured and announced by the national weather service. An operator of a carriage drawn by a horse already at work at the time the temperature reaches the above described conditions shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the temperature once again reaches acceptable limits under this section. Every horse at work shall have a blanket provided by its operator when standing idle at its staging point, the horse has been working and is visibly sweating, and the ambient temperature is less than twenty degrees Fahrenheit (20°F).~~

~~8.16.070: STABLES AND STALLS:~~

~~All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of chapter 8.08 of this title, or its successor, as well as any and all other applicable laws and ordinances, including the following:~~

~~A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.~~

~~B. Ceilings shall be at least ten feet (10') high from bedding flooring.~~

~~C. Stalls shall be constructed and maintained:~~

~~1. In good repair to protect the animals from injury and to contain them;~~

~~2. So as to enable the animals to remain dry and clean;~~

~~3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;~~

~~4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.~~

~~D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:~~

~~1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,~~

~~2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,~~

~~3. Not of a type that will harm or in any way be a discomfort to the animal.~~

~~E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.~~

~~F. Each stall shall house one horse only.~~

~~G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall~~

~~be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.~~

~~H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working. Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.~~

8.16.075: CRUELTY AND NEGLECT PROHIBITED:

~~No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.~~

SECTION 2. Chapter 5.37 of the Salt Lake City Code is hereby renumbered and amended to read as follows:

Article I. Definitions

- 5.37.005: Definitions And Interpretation Of Language**
- 5.37.008: Animal Services Or Office Of Animal Services**
- 5.37.010: Applicant**
- 5.37.015: Carriage Or Horsedrawn Carriage**
- 5.37.020: Carriage Business**
- 5.37.025: Carriage Day**
- 5.37.030: Carriage Stand**
- 5.37.035: Driver**
- 5.37.040: Holder**
- 5.37.045: Horse**
- 5.37.047: Horsedrawn Carriage Committee**
- 5.37.050: Person (Rep. by Ord. 37-99 § 1, 1999)**
- 5.37.055: Stable**
- 5.37.060: Veterinarian**

5.37.065: Work

5.37.005: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

The words and phrases, when used in this chapter, shall have the meanings defined and set forth in this article.

5.37.008: ANIMAL SERVICES OR OFFICE OF ANIMAL SERVICES:

"Animal services" or "office of animal services" means that division or office of the city or that person or entity with which the city has contracted to perform animal control and inspection services on behalf of the city.

5.37.010: APPLICANT:

"Applicant" means the person signing an application either for a carriage business license or for a driver's license under this chapter.

5.37.015: CARRIAGE OR HORSEDRAWN CARRIAGE:

"Carriage" or "horsedrawn carriage" means any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

5.37.020: CARRIAGE BUSINESS:

"Carriage business" means any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage.

5.37.025: CARRIAGE DAY:

"Carriage day" means the operating of a horsedrawn carriage for business on the streets of Salt Lake City for at least one hour during any calendar day.

5.37.030: CARRIAGE STAND:

"Carriage stand" means that portion of a curb lane designated by the city's division of transportation for loading and unloading of passengers for horsedrawn carriages.

5.37.035: DRIVER:

"Driver" means any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

5.37.040: HOLDER:

"Holder" means any person to whom a certificate of convenience and necessity has been issued and which certificate is unexpired.

5.37.045: HORSE:

"Horse" means an animal purely of the genus *Equus caballus*, specifically excluding crosses with other genera.

5.37.047: HORSEDRAWN CARRIAGE COMMITTEE:

"Horsedrawn carriage committee" means a committee appointed by the mayor to consider issues pertaining to the operation of horsedrawn carriages in the city, which shall include the city transportation engineer.

5.37.050: PERSON:

(Rep. by Ord. 37-99 § 1, 1999)

5.37.055: STABLE:

"Stable" means any place or facility where one or more horses are housed or maintained.

5.37.060: VETERINARIAN:

"Veterinarian" means any person legally licensed to practice veterinary medicine who devotes at least fifteen percent (15%) of his or her practice to providing care for equine animals.

5.37.065: WORK:

"Work", with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage.

Article II. Certificate Of Public Convenience And Necessity

5.37.070: Certificate; Required

5.37.075: Certificate; Additional Application Information

5.37.080: Fees; Annual Operation

5.37.085: ~~Carriages~~Existing Holders' Certificates

5.37.090: Licensing For All Certificated Vehicles

5.37.095: Minimum Use Of Carriages Required

5.37.100: Compliance Responsibility

5.37.070: CERTIFICATE; REQUIRED:

No person shall operate, or permit a horsedrawn carriage owned or controlled by him or her to be operated, as a carriage for hire upon the streets of the city, without first having obtained a certificate of public convenience and necessity from the city in accordance with [chapter 5.05](#) of this title, or its successor.

5.37.075: CERTIFICATE; ADDITIONAL APPLICATION INFORMATION:

In addition to the application information required under [chapter 5.05](#) of this title, or its successor, the application, verified under oath, shall show the experience of applicant in the transportation of passengers by horsedrawn carriage and shall show the specific route or routes within the city along which applicant proposes to operate one or more horsedrawn carriages.

5.37.080: FEES; ANNUAL OPERATION:

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual business regulatory fee as shown on the Salt Lake City consolidated fee schedule, for each horsedrawn carriage authorized under a certificate of public convenience and necessity.

5.37.085: ~~CARRIAGE EXISTING HOLDERS' CERTIFICATES:~~

- A. ~~The three (3) horsedrawn carriage companies operating horsedrawn carriages pursuant to a valid certificate of public convenience and necessity shall use carriages of types customarily known in the carriage industry as "vis-à-vis", "landau", "brougham", "victoria" and/or "rockaway", and shall meet all of the equipment, registration, and other requirements of this chapter before being used to transport customers. Said horsedrawn carriages shall operate only within specified routes and/or quadrants as set forth in section 5.37.210 of this chapter, or its successor. under revocable permit and licensing agreements with the city as of the effective date hereof shall, upon application as provided in chapter 5.05 of this title and section 5.37.075 of this chapter, or their successors, have a certificate of public convenience and necessity issued to them, allowing them to operate the following number of carriages, plus one training cart as set forth in this section, or its successor, without the hearing provided in this article, the public convenience and necessity having heretofore been demonstrated:~~

Carriage Horse Livery Ltd.	15 carriages
Carriage For Hire	10 carriages
The Carriage Connection	6 carriages

~~Said carriages shall be of types customarily known in the carriage industry as "vis-à-vis", "landau", "brougham", "victoria" and/or "rockaway", and shall meet all of the equipment, registration, and other requirements of this chapter before being used to transport customers. Said horsedrawn carriages shall operate only within specified routes and/or quadrants as set forth in section 5.37.170 of this chapter, or its successor.~~

- B. Each holder may operate one training cart, that is, a two (2) wheel, horsedrawn vehicle with extra long shafts, designed for training purposes. Said training cart shall not be used for the transport of customers for hire and shall meet all of the equipment, registration and other requirements of this chapter and shall operate only within routes specifically authorized by the city's transportation engineer as set forth in section 5.37.2170 of this chapter, or its successor.

5.37.090: LICENSING FOR ALL CERTIFICATED VEHICLES:

- A. A holder is required to have the total number of carriages authorized under such holder's certificate of convenience and necessity and to obtain the license plate required by section 5.05.155 of this title, or its successor, for each and every carriage.
- B. In the event the holder does not license the total number of carriages authorized by the certificate before February 15 of any year, such holder shall forfeit the right to operate any carriage not so licensed, unless such carriage is licensed within five (5) days of written notice being given by the city; that authority shall automatically revert to the city, and the certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year.

Such forfeited right to operate any carriage may be reissued to any person; provided, however, it shall not be reissued except upon application required by section 5.05.105 of this title, or its successor, and by a showing of public convenience and necessity as required by section 5.05.140 of this title, or its successor.

- C. Nothing contained herein shall prohibit a holder from having carriages in excess of the number authorized under such holder's certificate for the purpose of replacement or substitution of an authorized carriage under repair, maintenance or breakdown; provided, however, any such carriage shall not be used as a carriage other than as a replacement or substitution as herein provided. The type or style, color, seating capacity, year of manufacture, and serial number or identification number of any substitute carriage shall be filed with the licensing office.

5.37.095: MINIMUM USE OF CARRIAGES REQUIRED:

- A. No certificate issued in accordance with section 5.37.070 of this chapter, or its successor, shall be construed to be either a franchise or irrevocable. It is the intent of the city that all

carriages authorized be actually used for the transportation of passengers for hire. In order to implement that intent, the city hereby imposes the following requirements:

1. Each certificate holder shall have in service at least one carriage authorized under its certificate for a minimum of one hundred twenty (120) carriage days during any calendar six (6) months.
2. Within thirty (30) days following each June 30 and December 31, a holder of a certificate shall file a report with the city license supervisor's office. Such report shall be in writing, signed by the holder or by some person authorized to sign the same on behalf of the holder, and shall be properly verified. The report shall contain the following information:
 - a. A list of all carriages licensed under a certificate during the preceding calendar six (6) months, showing the serial number and the city business license plate number for each carriage. Such list shall include any carriage which has been salvaged or otherwise removed from the fleet, as well as the replacement thereof;
 - b. The number of carriage days each such carriage was in service during the preceding calendar six (6) months;
 - c. The holder may also file with such report a written statement of the circumstances that caused the authorized carriages to be in service for less than the required number of carriage days;
 - d. A statement that the information contained in the report was obtained from the company records, and that all statements contained in the report are true and accurate.
- B. In the event the carriages licensed under the provisions of this chapter are not actually in service for the minimum required carriage days during any calendar six (6) months as set forth in this section, or its successor, the right to operate one or more carriage may, upon at least ten (10) days' notice to the holder, and upon the hearing had therefor, be revoked by the city. The holder may appear in person or be represented by counsel at such hearing to show cause, if any he or she has, why the right to operate such carriage or carriages should not be revoked. If, at the conclusion of the hearing, the city shall find that the holder has shown extenuating circumstances, the city may grant continuance of authority.
- C. Upon revocation by the city of such authority, the certificate shall be modified to reflect the number of carriages actually in service for the required minimum number of carriage days during such calendar six (6) months. No refund shall be made for any unused portion of the license fee. Such forfeited right to operate any carriage may be reissued only upon application required by section [5.05.105](#) of this title, or its successor, and by a showing of

public convenience and necessity as required by section [5.05.140](#) of this title, or its successor.

- D. Each holder shall maintain and keep current at the place of business a daily log showing all trips made by every operator during such operator's hours of work showing time(s) and place(s) or origin and destination of trips, and the specific carriage(s) and horse(s) operated. Such logs shall be made available to the city for inspection upon reasonable notice.

5.37.100: COMPLIANCE RESPONSIBILITY:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers.

Article III. Driver Licensing

5.37.105: Licenses Required For Carriage Operators

5.37.110: Carriage Driver License Application:

5.37.115: Application; Verification:

5.37.120: Application; Fee Required:

5.37.125: Fingerprints Required:

5.37.130: Investigation of Applicant:

5.37.135: Driver's Qualifications:

5.37.140: Hearing Upon Rejection:

5.37.145: Term of Carriage Driver License:

5.37.150: License; Display:

5.37.105: LICENSES REQUIRED FOR CARRIAGE OPERATORS:

It is unlawful for any person to operate or for a holder to permit any person to ~~drive~~operate a carriage for hire or a training cart upon the streets of the city without such ~~person~~operator:

A. ~~a)~~ being at least twenty one (21) years of age; ~~and~~

B. ~~b)~~ having first obtained and having then in force a current Utah motor vehicle operator's license valid in the state of Utah; and

A-C. having first obtained and having then in force a current carriage driver license from the City expressly permitting that person to operate a horsedrawn carriage.

5.37.110: CARRIAGE DRIVER LICENSE APPLICATION:

A. A prospective applicant for a carriage driver license shall provide to the Salt Lake City business licensing supervisor a completed written application using the form provided therefore by the business licensing department. The application form shall include, but is not necessarily limited to, the following information regarding the applicant:

1. The correct legal name of the applicant;

2. Any other names or aliases used by the applicant;

3. Age, birth date, and place of birth;

4. Height;

5. Weight;

6. Color of hair;

7. Color of eyes;

8. Present business address and telephone number;

9. Present residence and telephone number;

10. Utah driver's license number;

11. Social security number;

12. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;

13. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant while previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;

14. A statement detailing all criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant for five (5) years prior to the date of the application. This disclosure shall include identification of any circumstances involving animal cruelty and shall include all

ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony, a class A misdemeanor, or an alcohol-related offense shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a carriage operator's license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the carriage horse operator's license;

15. A written certification from the carriage business employing the applicant driver stating that the applicant driver has received training from the said carriage business as to the requirements governing the operation of carriages as set forth in this chapter.

5.37.115: APPLICATION; VERIFICATION:

The application for a carriage driver license shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application.

5.37.120: APPLICATION; FEE REQUIRED:

At the time the carriage driver license application is filed, the applicant shall pay to the business license office the fee shown on the Salt Lake City consolidated fee schedule.

5.37.125: FINGERPRINTS REQUIRED:

The prospective applicant for a carriage driver license shall be required to file with the police department two (2) sets of fingerprint impressions, which shall be taken under the supervision of the chief of police.

5.37.130: INVESTIGATION OF APPLICANT:

A. The police department shall conduct an investigation of each applicant for each carriage driver license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the police department shall recommend approval or disapproval of the proposed application to the business license administrator on the operator application form.

B. It shall be the duty of the police department to report in writing to the business license administrator any misrepresentation or falsification by the applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the business license

administrator to refuse to issue a carriage driver license, or to suspend or revoke the same if it has been issued.

C. The police department's recommendation required by subsection A of this section shall be based upon:

1. Findings of the criteria specified in section 5.37.135 of this chapter, or its successor;
2. The police department's recommendation may take into account the length of time between any criminal conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any.

5.37.135: DRIVER'S QUALIFICATIONS:

A. Except as hereinafter set forth, no permit or renewal of a carriage driver license shall be issued to any of the following persons:

1. Any person under the age of twenty one (21) years;
2. Any person who is currently required to register with the Sex and Kidnap Offender Registry pursuant to title 77, chapter 41 of the Utah Code Annotated, or its successor;;
3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;
5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;
6. Any person who has been convicted of two (2) or more felonies;
7. Any person who has been convicted of offenses involving animal cruelty.

B. Notwithstanding the provisions of subsection A3 or A6 of this section, if the hearing examiner receives letters or testimony at a hearing, as provided in chapter 5.02 of this title, which proves by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. Part of the letters or testimony used to establish the preponderance shall come

from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request.

5.37.140: HEARING UPON REJECTION:

If the application for a carriage driver license is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in chapter 5.02 of this title, or its successor.

5.37.145: TERM OF CARRIAGE DRIVER LICENSE:

All carriage driver licenses issued pursuant to this Chapter are valid for one year, unless suspended or revoked, and shall be both nonassignable and nontransferable. A carriage driver license may be renewed by submitting the application and renewal fees to the city prior to the expiration of the current license.

5.37.150~~140~~: LICENSE; DISPLAY:

Every driver operating a carriage under this chapter shall keep his or her current, valid, carriage driver license and Utah motor vehicle operator's license on his or her person while such driver is operating a carriage, and shall exhibit the license upon demand of any police officer, animal services officer, license inspector, or any authorized agent of the license office of the city.

Article IV. Carriage Equipment And Maintenance

5.37.15~~15~~: Carriage Inspection Prior To Licensing

5.37.160~~20~~: Satisfactory Inspection; Sticker Issued

5.37.165~~25~~: Periodic Inspections

5.37.1~~5~~5: CARRIAGE INSPECTION PRIOR TO LICENSING:

Prior to the use and operation of any carriage under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by the office of animal services and found to comply with the specifications of section 5.37.1~~6~~25 of this chapter, or its successor.

5.37.1~~6~~020: SATISFACTORY INSPECTION; STICKER ISSUED:

When the office of animal services finds that a carriage has met the specifications established

by section [5.37.1265](#) of this chapter, or its successor, the office of animal services shall issue a sticker to that effect.

5.37.1625: PERIODIC INSPECTIONS:

A. Specifications: Every carriage operating under this chapter shall be inspected by the office of animal services at least once each year in order to make certain each carriage is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

1. Each carriage shall be equipped with two (2) electrified white lights visible for one thousand feet (1,000') to the front of the carriage, and two (2) electrified red lights visible for one thousand feet (1,000') to the rear of the carriage. All lights shall be operational from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise and during times of lessened visibility. Electrified directional signals are required at all times;

2. Each carriage shall be equipped with hydraulic or factory equipped mechanical brakes appropriate for the design of the particular carriage;

3. Each carriage shall be equipped with a slow moving vehicle emblem (red triangle) attached to the rear of the carriage;

4. Each carriage shall permanently and prominently display the name and telephone number of the carriage business operating it on the rear portion of such carriage;

5. Each carriage shall be equipped with a device to catch horse manure falling to the pavement.

6. Each carriage shall be equipped with a deodorizing non-toxic liquid that will not harm people, animals, or property, that will be used to dilute and deodorize any horse urine deposited in the right of way. The carriage business shall be responsible for providing the diluting liquid and shall maintain documentation in the carriage as to the composition of such liquid.;

67. Each carriage shall be maintained in a clean and sanitary condition.;

8. The harness and any other components used to tether the carriage to a horse shall include, but not be limited to, a padded saddle, soft pads, and where appropriate a properly oiled bit. Such harness and other components must be clean, well-maintained, and of high quality;

9. Each carriage shall be equipped with a fire extinguisher, a first aid kit, a blindfold, a cutting implement, a halter with lead, and any other emergency tools the carriage

business deems useful for the protection of the horse, driver and passengers in the event of an emergency;

- B. Training Cart: This article shall be fully applicable to training carts, as described in subsection 5.37.085B of this chapter, or its successor, with the exception of subsection A2 of this section regarding brakes. In addition, all training carts shall be clearly marked, on the rear portion of such cart, with the words: "CAUTION: HORSE IN TRAINING". (~~Ord. 17-02 § 7, 2002; Ord. 88-97 § 1, 1997; Ord. 52-89 § 1, 1989~~)

Article V. Conduct Of Drivers And Operation Of Carriages

5.37.1730: Traffic Laws

5.37.1735: Lights

5.37.1840: Speed

5.37.1845: Presence And Control

5.37.1950: Number Of Passengers

5.37.1595: Passengers Restricted To Passenger Area

5.37.20160: Manner And Appearance

5.37.205165: Hours

5.37.21170: Routes

5.37.21175: Termini

5.37.22180: Rates

5.37.1730: TRAFFIC LAWS:

A driver operating a horsedrawn carriage shall be subject to all laws of the city pertaining to the driver of any vehicle. Moreover, a driver shall also be responsible for removing any horse manure and diluting any horse urine deposited in the public right of way.

5.37.1735: LIGHTS:

The driver of each carriage in operation from one-half ($1/2$) hour after sunset until one-half ($1/2$) hour before sunrise, and in conditions of poor visibility, shall turn on the front and tail lights of the carriage and take any action necessary to make them operational, such as by replacing a light bulb.

5.37.1840: SPEED:

The driver shall not permit the speed at which any horsedrawn carriage is driven to exceed a slow trot.

5.37.1845: PRESENCE AND CONTROL:

No driver shall leave the carriage unattended in a public place.

5.37.1950: NUMBER OF PASSENGERS:

No driver shall permit more than six (6) passengers, five (5) years of age or older to ride in the carriage at one time, plus no more than two (2) children under five (5) years of age, if seated on the laps of adult passengers, unless the carriage was designed to carry fewer, in which event the carriage shall not carry more passengers than it was designed to carry. With regard to a training cart, no more than two (2) passengers shall be permitted, neither of which shall be a customer for hire.

5.37.1955: PASSENGERS RESTRICTED TO PASSENGER AREA:

No driver shall permit a customer to ride on any part of the carriage while in motion, unless the passenger is seated inside the carriage. No customer shall be allowed to ride while sitting on the same seat as the carriage driver at any time while the carriage is in motion.

5.37.200160: MANNER AND APPEARANCE:

Drivers shall be courteous in manner and shall adhere to the following standards of appearance, in order to meet the interests of Salt Lake City in such transportation:

- A. Wear enclosed shoes or boots.
- B. Maintain their hair, and beards or mustaches, if any, in a clean and groomed condition.
- C. Maintain their clothes in a clean and repaired condition.
- D. Be free from offensive odor.
- E. Not at any time expose the following body regions: the stomach, back, shoulders, chest, hips, buttocks, abdomen, genitals, or thighs higher than four inches (4") above the knee.
- F. Not wear as outer garments any clothing manufactured and commonly worn as underwear.
- G. Not wear T-shirts as outer garments unless as a part of a company uniform.
- H. Wear shirttails and shirt hems tucked into pants, and shall use a belt or suspenders when pants are designed for their use.
- I. Not wear sweatpants or sweatshirts designed for athletic use.
- J. At all times bear an identification of the company with which they are associated on their shirts, whether as a shirt logo, name tag, photo identification badge, or otherwise, as shall be approved by the city.

- K. Any driver who desires that an exception be made to any requirement under this section on any grounds may notify the city law department of the same in writing and request a review of the same by such mayoral hearing examiners as the mayor deems appropriate to consider such matters with the assistance of the city law department. Such exception shall be granted if such driver can demonstrate that the requirement from which an exception is requested is unduly restrictive of any religious, political or personal right of the driver, as provided under the United States or Utah constitution or laws, or Salt Lake City ordinances.

5.37.20165: HOURS:

Neither a ~~carriage business~~licensee nor any driver shall operate or allow to be operated its carriages on the streets of the city during the hours of seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M. and four o'clock (4:00) P.M. to six o'clock (6:00) P.M.

5.37.2170: ROUTES:

- A. 1. The ~~carriage businesses~~ licensees and drivers shall operate horsedrawn carriages only upon certain streets within specified routes and/or quadrants and according to restrictions authorized by the city's horsedrawn carriage committee. In determining said routes, restrictions, and/or quadrants, the horsedrawn carriage committee shall seek to ensure safe and efficient movement of transportation within the city, and shall take into consideration the location of the streets therein, the expected traffic flow upon such streets, the history of traffic accidents upon such streets, the width of such streets, and any natural or manmade physical features of such streets which may be pertinent to the safe and efficient movement of transportation thereon.
2. With regard to the determination as to which holders may operate carriages and as to the number of carriages to be operated by such holders along a particular route or within a particular quadrant within the city, the city horsedrawn carriage committee shall, no later than February 15, 1990, develop a process for allocating in an equitable manner such routes and/or quadrants among holders. Said process shall not unreasonably withhold entry into the market from holders which have not previously operated along a particular route or within a particular quadrant. Said allocation shall be made on an annual basis, no earlier than February 15 of each calendar year.
3. As of the effective date hereof, subject to amendment by the city horsedrawn carriage committee as provided in this section, there shall be established a quadrant for the operation of horsedrawn carriages which shall be bounded by the following streets: North Temple, 200 East, 400 South, and 200 West. The maximum number of carriages, which shall be allowed to operate within said quadrant, unless amended by the city horsedrawn carriage committee, shall be nineteen (19). ~~Subject to reallocation by the city horsedrawn carriage committee as provided in this section, the three (3) carriage companies in operation as of the effective date hereof shall be allowed to operate the following number of carriages within the aforementioned quadrant:~~

Carriage Horse Livery Ltd.	10 carriages
Carriage For Hire	5 carriages
The Carriage Connection	4 carriages

B. Carriage businesses~~Licensees~~ are barred from using streets which:

1. Have a speed limit exceeding thirty five (35) miles per hour, unless prior approval is obtained;
2. Do not have traffic signals at major intersections;
3. Involve major arterials during the hours of seven o'clock (7:00) A.M. to six o'clock (6:00) P.M., including, but not limited to, State Street, 700 East, 500 South and 600 South from 700 East west to I-15.

C. The authorized routes and termini shall be subject to amendment from time to time by the city horsedrawn carriage committee in order to ensure safe and efficient movement of transportation within the city, according to the guidelines set forth in this section. Advance charter ~~tours~~carriage rides may deviate from the authorized routes provided that the carriage business obtains a written permit from the city horsedrawn carriage committee authorizing such deviation.

~~driver stays on streets already approved for routes. A driver must receive prior permission of the city horsedrawn carriage committee to deviate from streets which have not been approved for routes or destinations which require use or crossing of streets designated as arterial or collector streets on the city's major street plan and official map.~~

5.37.~~2175~~: TERMINI:

Approved on street route termini include those areas designated by the city horsedrawn carriage committee. Drivers shall not stop on street longer than the maximum three (3) minutes available in any designated freight or passenger loading zone unless it is at a termini location approved by the city horsedrawn carriage committee or in a legal parking space. Each holder shall obtain permission from the property owner of all off street staging areas before using such areas. Upon request by the city horsedrawn carriage committee, a holder shall verify such permission to use such off street staging area by submitting to the engineer evidence of such written permission from the property owner. Drivers shall not stop at designated bus stops, bus lanes, or any other restricted parking areas.

5.37.~~220180~~: RATES:

All drivers must make available to any person upon request, the rates for all tours and trips

offered by the service. Once a vehicle has been hired for a designated route or termini, the driver may not accept additional passengers without the original contracting passengers' consent.

Article VI. Violations

5.37.22185: Revocation Or Suspension

5.37.23190: Misdemeanor

5.37.225185: REVOCATION OR SUSPENSION:

A. If any person to whom a business license or a carriage driver license has been issued pursuant to this chapter commits a violation of this chapter, such license may be revoked or suspended according to the procedure provided for revocation or suspension of a business license issued by the city.

B. Upon a serious violation, or upon any third violation of this chapter by either a driver or a business license licensee within any twelve (12) month period, a referral shall be made by animal services to the city's business licensing office for possible suspension or revocation of a business license issued by the city. A "serious violation" means a violation resulting in injury to human being or animal or property damage of one hundred dollars (\$100.00) or more.

5.37.23190: MISDEMEANOR:

Violation of any provision of this chapter shall be a class B misdemeanor.

Article VII. Suitability Of Horses

5.37.235: Businesses Governed

5.37.240: Identification

5.37.245: Examination Required

5.27.250: Certificate Required

5.37.255: Certificate By Veterinarian; Term

5.37.260: Criteria For Determining Health

5.37.265: Cancellation And Suspension Of Certificate

5.37.270: Police Or Animal Services Orders

5.37.275: Disqualification

5.37.280: Accidents

5.37.285: Examination By The Office Of Animal Services

5.37.2358-16.010: BUSINESSES GOVERNED:

In addition to the requirements of title 5, chapters 5.02, 5.04, and 5.05, 5.37 of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.

5.37.2408-16.015: IDENTIFICATION NUMBER:

Each horse used to pull a carriage in the city shall be identified through by identification documents a brand or mark in accordance with chapter 4-24, Utah Code Annotated, or its successor, which brand or that contain a photograph and a description of mark uniquely identifies the horse thus marked. The identification brand or mark and description of each of said said horse s, including that states the -age, breed, sex, color and describes any other identifying markings. Such identification documents, shall be filed by the carriage ~~horse~~ business with animal services. A copy of the identification documents filed with animal services shall also be kept in the carriage itself while the horse and carriage are providing services within the City.

5.37.2458-16.020: EXAMINATION REQUIRED:

Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian ~~and~~ at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.

5.37.2508-16.025: CERTIFICATE REQUIRED:

No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date. Another copy of the certificate shall be kept in the carriage to which the horse is tethered while the horse is providing services within the City.

5.37.2558-16.030: CERTIFICATE BY VETERINARIAN; TERM:

After performing the physical examination required by section 5.37.2458-16.020 of this chapter,

or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.

5.37.2608-16.035: CRITERIA FOR DETERMINING HEALTH:

For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:

- A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;
- B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;
- C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;
- D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.

5.37.2658-16.040: CANCELLATION AND SUSPENSION OF CERTIFICATE:

A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in non-erasable ink on the original of the certificate.

5.37.2708-16.045: POLICE OR ANIMAL SERVICES ORDERS:

A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the

officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.

5.37.2758-16.050: DISQUALIFICATION:

The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.

5.37.2808-16.055: ACCIDENTS:

In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 5.37.2758-16.050 of this chapter, or its successor.

5.37.2858-16.060: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:

The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.

Article VIII. Care Of Horses

5.37.290: Physical Condition For Work

5.37.295305: Other Regulations Governing Carriage Horses

5.37.300: Stables And Stalls

5.37.305: Cruelty And Neglect Prohibited

5.37.2908-16.065: PHYSICAL CONDITION FOR WORK:

No person shall cause a horse to draw or to be harnessed to a carriage if:

- A. Certifiable: The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;
- B. Acute Ailment: The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;
- C. Hoofs: The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;
- D. Coat: The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.

E. Age: The horse is less than three (3) years old.

5.37.2958-16.067: OTHER REGULATIONS GOVERNING CARRIAGE HORSES

- A. A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.
- B. No carriage horse shall be at work for more than eightnine (98) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least ten fifteen (105) minutes at the end of each two (2) one (1) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.
- C. No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one (1) day before the resumption of work.
- D. No carriage horse shall be at work:

1.1) whenever weather conditions such as icy roads, snow covered roads, heavy precipitation, thunderstorms and other inclement weather conditions are sufficiently unsafe that operation of a carriage results in physical injuries (whether equine or human) or property damage where the unsafe conditions caused or contributed to such injuries or damage.

2. whenever the ambient temperature as measured at the Salt Lake City Airport, with the wind chill factor, drops below ten (10) ten degrees Fahrenheit; ~~below zero (-10°F)~~, or

3.2) whenever the ~~combination of the~~ ambient heat index as calculated by the National Weather Service and measured at the Salt Lake City Airport ~~temperature and the relative humidity~~ exceeds one hundred four (104) one hundred fifty degrees Fahrenheit ~~(150°F)~~.

E. For purposes of this subsection, temperatures shall be those measured in the downtown area of the city and broadcast by the local radio stations or as measured and announced by the national weather service. An operator of a carriage drawn by a horse already at work at the time the weather, temperature, or heat index reaches the conditions described in above described conditions, subsection D shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the weather, temperature, or heat index once again reaches acceptable limits under this section. Carriage businesses shall be responsible for monitoring the pertinent weather conditions, temperature measurements, and heat index measurements, and for insuring their carriages are operated in accordance with the requirements described in this section.

F. Every horse at work shall have a blanket provided by its operator when:

1. the horse is standing idle at its staging point; ~~;~~

2. the horse has been working and is visibly sweating, and

3. the ambient temperature is less than thirty-two twenty degrees Fahrenheit (3220°F).

5.37.3008.16.070: STABLES AND STALLS:

All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of chapter 8.08 of the Salt Lake City Code is title, or its successor, as well as any and all other applicable laws and ordinances, including the following:

- A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.
- B. Ceilings shall be at least ten feet (10') high from bedding flooring.
- C. Stalls shall be constructed and maintained:

1. In good repair to protect the animals from injury and to contain them;
 2. So as to enable the animals to remain dry and clean;
 3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;
 4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.
- D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:
1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,
 2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,
 3. Not of a type that will harm or in any way be a discomfort to the animal.
- E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- F. Each stall shall house one horse only.
- G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.
- H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working.

Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.

5.37.3058-16.075: CRUELTY AND NEGLECT PROHIBITED:

No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.

SECTION 3. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2013.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2013.

Published: _____.

|

HB_ATTU-#34000-v1-Carriage_Horse_Ordinance_11-15.DOCX

SALT LAKE CITY ORDINANCE
No. _____ of 2013
(Updating the City's Ordinances Regarding Carriage Businesses)

An ordinance repealing Chapter 8.16 of the Salt Lake City Code in its entirety and renumbering and amending Chapter 5.37 of the Salt Lake City Code, regarding the operation of carriage businesses.

WHEREAS, Salt Lake City Corporation (the "City") has previously enacted ordinances pertaining to the regulation of carriage businesses within the City; and

WHEREAS, ordinances specifically governing carriage businesses can currently be found in Chapters 5.37 and 8.16 of the Salt Lake City Code; and

WHEREAS, on rare occasions incidents within the City involving carriage horses have occurred in which carriage horses needed medical care or attention; and

WHEREAS, the City Council desires to consolidate the ordinances governing carriage businesses into a single chapter of the Code in order to facilitate understanding and awareness of all pertinent City ordinances; and

WHEREAS, the City Council also desires to amend the ordinances governing carriage businesses to further provide for the welfare of the carriage horses and to make other changes regarding carriage businesses;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Chapter 8.16 of the Salt Lake City Code is hereby repealed in its entirety as follows:

Article I. Suitability Of Horses

8.16.010: Businesses Governed

8.16.015: Identification Number

8.16.020: Examination Required

8.16.025: Certificate Required

8.16.030: Certificate By Veterinarian; Term

8.16.035: Criteria For Determining Health

8.16.040: Cancellation And Suspension Of Certificate

8.16.045: Police Or Animal Services Orders

8.16.050: Disqualification

8.16.055: Accidents

8.16.060: Examination By The Office Of Animal Services

~~8.16.010: BUSINESSES GOVERNED:~~

~~In addition to the requirements of title 5, chapters 5.05, 5.37 of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.~~

~~8.16.015: IDENTIFICATION NUMBER:~~

~~Each horse used to pull a carriage in the city shall be identified by a brand or mark in accordance with chapter 4-24, Utah Code Annotated, or its successor, which brand or mark uniquely identifies the horse thus marked. The identification brand or mark and description of each of said horses, including age, breed, sex, color and other identifying markings, shall be filed by the carriage horse business with animal services.~~

~~8.16.020: EXAMINATION REQUIRED:~~

~~Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian and at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.~~

~~8.16.025: CERTIFICATE REQUIRED:~~

~~No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date.~~

~~8.16.030: CERTIFICATE BY VETERINARIAN; TERM:~~

~~After performing the physical examination required by section 8.16.020 of this chapter, or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.~~

~~8.16.035: CRITERIA FOR DETERMINING HEALTH:~~

~~For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:~~

- ~~A.—Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;~~
- ~~B.—Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;~~
- ~~C.—Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;~~
- ~~D.—In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.~~

~~**8.16.040: CANCELLATION AND SUSPENSION OF CERTIFICATE:**~~

~~A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in nonerasable ink on the original of the certificate.~~

~~**8.16.045: POLICE OR ANIMAL SERVICES ORDERS:**~~

~~A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.~~

~~**8.16.050: DISQUALIFICATION:**~~

~~The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a~~

~~carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.~~

~~8.16.055: ACCIDENTS:~~

~~In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 8.16.050 of this chapter, or its successor.~~

~~8.16.060: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:~~

~~The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.~~

~~Article II. Care Of Horses~~

~~8.16.065: Physical Condition For Work~~

~~8.16.067: Other Regulations Governing Carriage Horses~~

~~8.16.070: Stables And Stalls~~

~~8.16.075: Cruelty And Neglect Prohibited~~

~~8.16.065: PHYSICAL CONDITION FOR WORK:~~

~~No person shall cause a horse to draw or to be harnessed to a carriage if:~~

- ~~A.—Certifiable: The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;~~
- ~~B.—Acute Ailment: The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;~~
- ~~C.—Hoofs: The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;~~
- ~~D. Coat: The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.~~

~~8.16.067: OTHER REGULATIONS GOVERNING CARRIAGE HORSES~~

- ~~A.—A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.~~
- ~~B.—No carriage horse shall be at work for more than nine (9) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least fifteen (15) minutes at the end of each two (2) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.~~
- ~~C.—No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one day before the resumption of work.~~
- ~~D.—No carriage horse shall be at work: 1) whenever the ambient temperature, with the wind chill factor, drops below ten degrees Fahrenheit below zero (- 10°F), or 2) whenever the combination of the ambient temperature and the relative humidity exceeds one hundred fifty degrees Fahrenheit (150°F). For purposes of this subsection, temperatures shall be those measured in the downtown area of the city and broadcast by the local radio stations or as measured and announced by the national weather service. An operator of a carriage drawn by a horse already at work at the time the temperature reaches the above described conditions shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the temperature once again reaches acceptable limits under this section. Every horse at work shall have a blanket provided by its operator when standing idle at its staging point, the horse has been working and is visibly sweating, and the ambient temperature is less than twenty degrees Fahrenheit (20°F).~~

~~8.16.070: STABLES AND STALLS:~~

~~All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of chapter 8.08 of this title, or its successor, as well as any and all other applicable laws and ordinances, including the following:~~

~~A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.~~

~~B. Ceilings shall be at least ten feet (10') high from bedding flooring.~~

~~C. Stalls shall be constructed and maintained:~~

~~1. In good repair to protect the animals from injury and to contain them;~~

~~2. So as to enable the animals to remain dry and clean;~~

~~3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;~~

~~4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.~~

~~D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:~~

~~1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,~~

~~2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,~~

~~3. Not of a type that will harm or in any way be a discomfort to the animal.~~

~~E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.~~

~~F. Each stall shall house one horse only.~~

~~G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall~~

~~be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.~~

~~H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working. Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.~~

8.16.075: CRUELTY AND NEGLECT PROHIBITED:

~~No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.~~

SECTION 2. Chapter 5.37 of the Salt Lake City Code is hereby renumbered and amended to read as follows:

Article I. Definitions

- 5.37.005: Definitions And Interpretation Of Language**
- 5.37.008: Animal Services Or Office Of Animal Services**
- 5.37.010: Applicant**
- 5.37.015: Carriage Or Horsedrawn Carriage**
- 5.37.020: Carriage Business**
- 5.37.025: Carriage Day**
- 5.37.030: Carriage Stand**
- 5.37.035: Driver**
- 5.37.040: Holder**
- 5.37.045: Horse**
- 5.37.047: Horsedrawn Carriage Committee**
- 5.37.050: Person (Rep. by Ord. 37-99 § 1, 1999)**
- 5.37.055: Stable**
- 5.37.060: Veterinarian**

5.37.065: Work

5.37.005: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

The words and phrases, when used in this chapter, shall have the meanings defined and set forth in this article.

5.37.008: ANIMAL SERVICES OR OFFICE OF ANIMAL SERVICES:

"Animal services" or "office of animal services" means that division or office of the city or that person or entity with which the city has contracted to perform animal control and inspection services on behalf of the city.

5.37.010: APPLICANT:

"Applicant" means the person signing an application either for a carriage business license or for a driver's license under this chapter.

5.37.015: CARRIAGE OR HORSEDRAWN CARRIAGE:

"Carriage" or "horsedrawn carriage" means any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

5.37.020: CARRIAGE BUSINESS:

"Carriage business" means any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage.

5.37.025: CARRIAGE DAY:

"Carriage day" means the operating of a horsedrawn carriage for business on the streets of Salt Lake City for at least one hour during any calendar day.

5.37.030: CARRIAGE STAND:

"Carriage stand" means that portion of a curb lane designated by the city's division of transportation for loading and unloading of passengers for horsedrawn carriages.

5.37.035: DRIVER:

"Driver" means any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

5.37.040: HOLDER:

"Holder" means any person to whom a certificate of convenience and necessity has been issued and which certificate is unexpired.

5.37.045: HORSE:

"Horse" means an animal purely of the genus Equus caballus, specifically excluding crosses with other genera.

5.37.047: HORSEDRAWN CARRIAGE COMMITTEE:

"Horsedrawn carriage committee" means a committee appointed by the mayor to consider issues pertaining to the operation of horsedrawn carriages in the city, which shall include the city transportation engineer.

5.37.050: PERSON:

(Rep. by Ord. 37-99 § 1, 1999)

5.37.055: STABLE:

"Stable" means any place or facility where one or more horses are housed or maintained.

5.37.060: VETERINARIAN:

"Veterinarian" means any person legally licensed to practice veterinary medicine who devotes at least fifteen percent (15%) of his or her practice to providing care for equine animals.

5.37.065: WORK:

"Work", with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage.

Article II. Certificate Of Public Convenience And Necessity

5.37.070: Certificate; Required

5.37.075: Certificate; Additional Application Information

5.37.080: Fees; Annual Operation

5.37.085: Carriages

5.37.090: Licensing For All Certificated Vehicles

5.37.095: Minimum Use Of Carriages Required

5.37.100: Compliance Responsibility

5.37.070: CERTIFICATE; REQUIRED:

No person shall operate, or permit a horsedrawn carriage owned or controlled by him or her to be operated, as a carriage for hire upon the streets of the city, without first having obtained a certificate of public convenience and necessity from the city in accordance with [chapter 5.05](#) of this title, or its successor.

5.37.075: CERTIFICATE; ADDITIONAL APPLICATION INFORMATION:

In addition to the application information required under [chapter 5.05](#) of this title, or its successor, the application, verified under oath, shall show the experience of applicant in the transportation of passengers by horsedrawn carriage and shall show the specific route or routes within the city along which applicant proposes to operate one or more horsedrawn carriages.

5.37.080: FEES; ANNUAL OPERATION:

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual business regulatory fee as shown on the Salt Lake City consolidated fee schedule, for each horsedrawn carriage authorized under a certificate of public convenience and necessity.

5.37.085: CARRIAGES:

- A. Horsedrawn carriage companies operating horsedrawn carriages pursuant to a valid certificate of public convenience and necessity shall use carriages of types customarily known in the carriage industry as "vis-à-vis", "landau", "brougham", "victoria" and/or "rockaway", and shall meet all of the equipment, registration, and other requirements of this chapter before being used to transport customers. Said horsedrawn carriages shall operate only within specified routes and/or quadrants as set forth in section [5.37.210](#) of this chapter, or its successor.
- B. Each holder may operate one training cart, that is, a two (2) wheel, horsedrawn vehicle with extra long shafts, designed for training purposes. Said training cart shall not be used for the transport of customers for hire and shall meet all of the equipment, registration and other requirements of this chapter and shall operate only within routes specifically authorized by the city's transportation engineer as set forth in section [5.37.210](#) of this chapter, or its successor.

5.37.090: LICENSING FOR ALL CERTIFICATED VEHICLES:

- A. A holder is required to have the total number of carriages authorized under such holder's certificate of convenience and necessity and to obtain the license plate required by section [5.05.155](#) of this title, or its successor, for each and every carriage.
- B. In the event the holder does not license the total number of carriages authorized by the certificate before February 15 of any year, such holder shall forfeit the right to operate any carriage not so licensed, unless such carriage is licensed within five (5) days of written notice being given by the city; that authority shall automatically revert to the city, and the

certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year.

Such forfeited right to operate any carriage may be reissued to any person; provided, however, it shall not be reissued except upon application required by section [5.05.105](#) of this title, or its successor, and by a showing of public convenience and necessity as required by section [5.05.140](#) of this title, or its successor.

- C. Nothing contained herein shall prohibit a holder from having carriages in excess of the number authorized under such holder's certificate for the purpose of replacement or substitution of an authorized carriage under repair, maintenance or breakdown; provided, however, any such carriage shall not be used as a carriage other than as a replacement or substitution as herein provided. The type or style, color, seating capacity, year of manufacture, and serial number or identification number of any substitute carriage shall be filed with the licensing office.

5.37.095: MINIMUM USE OF CARRIAGES REQUIRED:

- A. No certificate issued in accordance with section [5.37.070](#) of this chapter, or its successor, shall be construed to be either a franchise or irrevocable. It is the intent of the city that all carriages authorized be actually used for the transportation of passengers for hire. In order to implement that intent, the city hereby imposes the following requirements:

- 1. Each certificate holder shall have in service at least one carriage authorized under its certificate for a minimum of one hundred twenty (120) carriage days during any calendar six (6) months.

- 2. Within thirty (30) days following each June 30 and December 31, a holder of a certificate shall file a report with the city license supervisor's office. Such report shall be in writing, signed by the holder or by some person authorized to sign the same on behalf of the holder, and shall be properly verified. The report shall contain the following information:

- a. A list of all carriages licensed under a certificate during the preceding calendar six (6) months, showing the serial number and the city business license plate number for each carriage. Such list shall include any carriage which has been salvaged or otherwise removed from the fleet, as well as the replacement thereof;

- b. The number of carriage days each such carriage was in service during the preceding calendar six (6) months;

c. The holder may also file with such report a written statement of the circumstances that caused the authorized carriages to be in service for less than the required number of carriage days;

d. A statement that the information contained in the report was obtained from the company records, and that all statements contained in the report are true and accurate.

- B. In the event the carriages licensed under the provisions of this chapter are not actually in service for the minimum required carriage days during any calendar six (6) months as set forth in this section, or its successor, the right to operate one or more carriage may, upon at least ten (10) days' notice to the holder, and upon the hearing had therefor, be revoked by the city. The holder may appear in person or be represented by counsel at such hearing to show cause, if any he or she has, why the right to operate such carriage or carriages should not be revoked. If, at the conclusion of the hearing, the city shall find that the holder has shown extenuating circumstances, the city may grant continuance of authority.
- C. Upon revocation by the city of such authority, the certificate shall be modified to reflect the number of carriages actually in service for the required minimum number of carriage days during such calendar six (6) months. No refund shall be made for any unused portion of the license fee. Such forfeited right to operate any carriage may be reissued only upon application required by section [5.05.105](#) of this title, or its successor, and by a showing of public convenience and necessity as required by section [5.05.140](#) of this title, or its successor.
- D. Each holder shall maintain and keep current at the place of business a daily log showing all trips made by every operator during such operator's hours of work showing time(s) and place(s) or origin and destination of trips, and the specific carriage(s) and horse(s) operated. Such logs shall be made available to the city for inspection upon reasonable notice.

5.37.100: COMPLIANCE RESPONSIBILITY:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers.

Article III. Driver Licensing

5.37.105: Licenses Required For Carriage Operators

5.37.110: Carriage Driver License Application:

5.37.115: Application; Verification:

5.37.120: Application; Fee Required:

- 5.37.125: Fingerprints Required:**
- 5.37.130: Investigation of Applicant:**
- 5.37.135: Driver's Qualifications:**
- 5.37.140: Hearing Upon Rejection:**
- 5.37.145: Term of Carriage Driver License:**
- 5.37.150: License; Display:**

5.37.105: LICENSES REQUIRED FOR CARRIAGE OPERATORS:

It is unlawful for any person to operate or for a holder to permit any person to drive a carriage for hire or a training cart upon the streets of the city without such person:

- A. being at least twenty one (21) years of age;
- B. having first obtained and having then in force a current Utah motor vehicle operator's license valid in the state of Utah; and
- C. having first obtained and having then in force a current carriage driver license from the City expressly permitting that person to operate a horsedrawn carriage.

5.37.110: CARRIAGE DRIVER LICENSE APPLICATION:

- A. A prospective applicant for a carriage driver license shall provide to the Salt Lake City business licensing supervisor a completed written application using the form provided therefore by the business licensing department. The application form shall include, but is not necessarily limited to, the following information regarding the applicant:
 - 1. The correct legal name of the applicant;
 - 2. Any other names or aliases used by the applicant;
 - 3. Age, birth date, and place of birth;
 - 4. Height;
 - 5. Weight;
 - 6. Color of hair;
 - 7. Color of eyes;
 - 8. Present business address and telephone number;
 - 9. Present residence and telephone number;

10. Utah driver's license number;

11. Social security number;

12. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;

13. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant while previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;

14. A statement detailing all criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant for five (5) years prior to the date of the application. This disclosure shall include identification of any circumstances involving animal cruelty and shall include all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony, a class A misdemeanor, or an alcohol-related offense shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a carriage operator's license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the carriage horse operator's license;

15. A written certification from the carriage business employing the applicant driver stating that the applicant driver has received training from the said carriage business as to the requirements governing the operation of carriages as set forth in this chapter.

5.37.115: APPLICATION; VERIFICATION:

The application for a carriage driver license shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application.

5.37.120: APPLICATION; FEE REQUIRED:

At the time the carriage driver license application is filed, the applicant shall pay to the business license office the fee shown on the Salt Lake City consolidated fee schedule.

5.37.125: FINGERPRINTS REQUIRED:

The prospective applicant for a carriage driver license shall be required to file with the police department two (2) sets of fingerprint impressions, which shall be taken under the supervision of the chief of police.

5.37.130: INVESTIGATION OF APPLICANT:

- A. The police department shall conduct an investigation of each applicant for each carriage driver license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the police department shall recommend approval or disapproval of the proposed application to the business license administrator on the operator application form.
- B. It shall be the duty of the police department to report in writing to the business license administrator any misrepresentation or falsification by the applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the business license administrator to refuse to issue a carriage driver license, or to suspend or revoke the same if it has been issued.
- C. The police department's recommendation required by subsection A of this section shall be based upon:
 - 1. Findings of the criteria specified in section [5.37.135](#) of this chapter, or its successor;
 - 2. The police department's recommendation may take into account the length of time between any criminal conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any.

5.37.135: DRIVER'S QUALIFICATIONS:

- A. Except as hereinafter set forth, no permit or renewal of a carriage driver license shall be issued to any of the following persons:
 - 1. Any person under the age of twenty one (21) years;
 - 2. Any person who is currently required to register with the Sex and Kidnap Offender Registry pursuant to title 77, Chapter 41 of the Utah Code Annotated, or its successor;

3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;

4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;

5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;

6. Any person who has been convicted of two (2) or more felonies;

7. Any person who has been convicted of offenses involving animal cruelty.

B. Notwithstanding the provisions of subsection A3 or A6 of this section, if the hearing examiner receives letters or testimony at a hearing, as provided in [chapter 5.02](#) of this title, which proves by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. Part of the letters or testimony used to establish the preponderance shall come from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request.

5.37.140: HEARING UPON REJECTION:

If the application for a carriage driver license is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in [chapter 5.02](#) of this title, or its successor.

5.37.145: TERM OF CARRIAGE DRIVER LICENSE:

All carriage driver licenses issued pursuant to this Chapter are valid for one year, unless suspended or revoked, and shall be both nonassignable and nontransferable. A carriage driver license may be renewed by submitting the application and renewal fees to the city prior to the expiration of the current license.

5.37.150: LICENSE; DISPLAY:

Every driver operating a carriage under this chapter shall keep his or her current, valid, carriage driver license and Utah motor vehicle operator's license on his or her person while such driver

is operating a carriage, and shall exhibit the license upon demand of any police officer, animal services officer, license inspector, or any authorized agent of the license office of the city.

Article IV. Carriage Equipment And Maintenance

5.37.155: Carriage Inspection Prior To Licensing

5.37.160: Satisfactory Inspection; Sticker Issued

5.37.165: Periodic Inspections

5.37.155: CARRIAGE INSPECTION PRIOR TO LICENSING:

Prior to the use and operation of any carriage under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by the office of animal services and found to comply with the specifications of section [5.37.165](#) of this chapter, or its successor.

5.37.160: SATISFACTORY INSPECTION; STICKER ISSUED:

When the office of animal services finds that a carriage has met the specifications established by section [5.37.165](#) of this chapter, or its successor, the office of animal services shall issue a sticker to that effect.

5.37.165: PERIODIC INSPECTIONS:

A. Specifications: Every carriage operating under this chapter shall be inspected by the office of animal services at least once each year in order to make certain each carriage is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

1. Each carriage shall be equipped with two (2) electrified white lights visible for one thousand feet (1,000') to the front of the carriage, and two (2) electrified red lights visible for one thousand feet (1,000') to the rear of the carriage. All lights shall be operational from one-half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise and during times of lessened visibility. Electrified directional signals are required at all times;
2. Each carriage shall be equipped with hydraulic or factory equipped mechanical brakes appropriate for the design of the particular carriage;
3. Each carriage shall be equipped with a slow moving vehicle emblem (red triangle) attached to the rear of the carriage;
4. Each carriage shall permanently and prominently display the name and telephone number of the carriage business operating it on the rear portion of such carriage;

5. Each carriage shall be equipped with a device to catch horse manure falling to the pavement.
 6. Each carriage shall be equipped with a deodorizing non-toxic liquid that will not harm people, animals, or property, that will be used to dilute and deodorize any horse urine deposited in the right of way. The carriage business shall be responsible for providing the diluting liquid and shall maintain documentation in the carriage as to the composition of such liquid.
 7. Each carriage shall be maintained in a clean and sanitary condition;
 8. The harness and any other components used to tether the carriage to a horse shall include, but not be limited to, a padded saddle, soft pads, and where appropriate a properly oiled bit. Such harness and other components must be clean, well-maintained, and of high quality;
 9. Each carriage shall be equipped with a fire extinguisher, a first aid kit, a blindfold, a cutting implement, a halter with lead, and any other emergency tools the carriage business deems useful for the protection of the horse, driver and passengers in the event of an emergency;
- B. Training Cart: This article shall be fully applicable to training carts, as described in subsection [5.37.085B](#) of this chapter, or its successor, with the exception of subsection A2 of this section regarding brakes. In addition, all training carts shall be clearly marked, on the rear portion of such cart, with the words: "CAUTION: HORSE IN TRAINING".

Article V. Conduct Of Drivers And Operation Of Carriages

5.37.170: Traffic Laws

5.37.175: Lights

5.37.180: Speed

5.37.185: Presence And Control

5.37.190: Number Of Passengers

5.37.195: Passengers Restricted To Passenger Area

5.37.200: Manner And Appearance

5.37.205: Hours

5.37.210: Routes

5.37.215: Termini

5.37.220: Rates

5.37.170: TRAFFIC LAWS:

A driver operating a horsedrawn carriage shall be subject to all laws of the city pertaining to the driver of any vehicle. Moreover, a driver shall also be responsible for removing any horse manure and diluting any horse urine deposited in the public right of way.

5.37.175: LIGHTS:

The driver of each carriage in operation from one-half ($\frac{1}{2}$) hour after sunset until one-half ($\frac{1}{2}$) hour before sunrise, and in conditions of poor visibility, shall turn on the front and tail lights of the carriage and take any action necessary to make them operational, such as by replacing a light bulb.

5.37.180: SPEED:

The driver shall not permit the speed at which any horsedrawn carriage is driven to exceed a slow trot.

5.37.185: PRESENCE AND CONTROL:

No driver shall leave the carriage unattended in a public place.

5.37.190: NUMBER OF PASSENGERS:

No driver shall permit more than six (6) passengers, five (5) years of age or older to ride in the carriage at one time, plus no more than two (2) children under five (5) years of age, if seated on the laps of adult passengers, unless the carriage was designed to carry fewer, in which event the carriage shall not carry more passengers than it was designed to carry. With regard to a training cart, no more than two (2) passengers shall be permitted, neither of which shall be a customer for hire.

5.37.195: PASSENGERS RESTRICTED TO PASSENGER AREA:

No driver shall permit a customer to ride on any part of the carriage while in motion, unless the passenger is seated inside the carriage. No customer shall be allowed to ride while sitting on the same seat as the carriage driver at any time while the carriage is in motion.

5.37.200: MANNER AND APPEARANCE:

Drivers shall be courteous in manner and shall adhere to the following standards of appearance, in order to meet the interests of Salt Lake City in such transportation:

- A. Wear enclosed shoes or boots.
- B. Maintain their hair, and beards or mustaches, if any, in a clean and groomed condition.
- C. Maintain their clothes in a clean and repaired condition.

- D. Be free from offensive odor.
- E. Not at any time expose the following body regions: the stomach, back, shoulders, chest, hips, buttocks, abdomen, genitals, or thighs higher than four inches (4") above the knee.
- F. Not wear as outer garments any clothing manufactured and commonly worn as underwear.
- G. Not wear T-shirts as outer garments unless as a part of a company uniform.
- H. Wear shirttails and shirt hems tucked into pants, and shall use a belt or suspenders when pants are designed for their use.
- I. Not wear sweatpants or sweatshirts designed for athletic use.
- J. At all times bear an identification of the company with which they are associated on their shirts, whether as a shirt logo, name tag, photo identification badge, or otherwise, as shall be approved by the city.
- K. Any driver who desires that an exception be made to any requirement under this section on any grounds may notify the city law department of the same in writing and request a review of the same by such mayoral hearing examiners as the mayor deems appropriate to consider such matters with the assistance of the city law department. Such exception shall be granted if such driver can demonstrate that the requirement from which an exception is requested is unduly restrictive of any religious, political or personal right of the driver, as provided under the United States or Utah constitution or laws, or Salt Lake City ordinances.

5.37.205: HOURS:

Neither a carriage business nor any driver shall operate or allow to be operated its carriages on the streets of the city during the hours of seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M. and four o'clock (4:00) P.M. to six o'clock (6:00) P.M.

5.37.210: ROUTES:

- A. 1. The carriage businesses and drivers shall operate horsedrawn carriages only upon certain streets within specified routes and/or quadrants and according to restrictions authorized by the city's horsedrawn carriage committee. In determining said routes, restrictions, and/or quadrants, the horsedrawn carriage committee shall seek to ensure safe and efficient movement of transportation within the city, and shall take into consideration the location of the streets therein, the expected traffic flow upon such streets, the history of traffic accidents upon such streets, the width of such streets, and any natural or manmade physical features of such streets which may be pertinent to the safe and efficient movement of transportation thereon.

2. With regard to the determination as to which holders may operate carriages and as to the number of carriages to be operated by such holders along a particular route or within a particular quadrant within the city, the city horsedrawn carriage committee shall, no later than February 15, 1990, develop a process for allocating in an equitable manner such routes and/or quadrants among holders. Said process shall not unreasonably withhold entry into the market from holders which have not previously operated along a particular route or within a particular quadrant. Said allocation shall be made on an annual basis, no earlier than February 15 of each calendar year.

3. As of the effective date hereof, subject to amendment by the city horsedrawn carriage committee as provided in this section, there shall be established a quadrant for the operation of horsedrawn carriages which shall be bounded by the following streets: North Temple, 200 East, 400 South, and 200 West. The maximum number of carriages, which shall be allowed to operate within said quadrant, unless amended by the city horsedrawn carriage committee, shall be nineteen (19).

B. Carriage businesses are barred from using streets which:

1. Have a speed limit exceeding thirty five (35) miles per hour, unless prior approval is obtained;

2. Do not have traffic signals at major intersections;

3. Involve major arterials during the hours of seven o'clock (7:00) A.M. to six o'clock (6:00) P.M., including, but not limited to, State Street, 700 East, 500 South and 600 South from 700 East west to I-15.

C. The authorized routes and termini shall be subject to amendment from time to time by the city horsedrawn carriage committee in order to ensure safe and efficient movement of transportation within the city, according to the guidelines set forth in this section. Advance charter carriage rides may deviate from the authorized routes provided that the carriage business obtains a written permit from the city horsedrawn carriage committee authorizing such deviation.

5.37.215: TERMINI:

Approved on street route termini include those areas designated by the city horsedrawn carriage committee. Drivers shall not stop on street longer than the maximum three (3) minutes available in any designated freight or passenger loading zone unless it is at a termini location approved by the city horsedrawn carriage committee or in a legal parking space. Each holder shall obtain permission from the property owner of all off street staging areas before using such areas. Upon request by the city horsedrawn carriage committee, a holder shall verify such permission to use such off street staging area by submitting to the engineer evidence of

such written permission from the property owner. Drivers shall not stop at designated bus stops, bus lanes, or any other restricted parking areas.

5.37.220: RATES:

All drivers must make available to any person upon request, the rates for all tours and trips offered by the service. Once a vehicle has been hired for a designated route or termini, the driver may not accept additional passengers without the original contracting passengers' consent.

Article VI. Violations

5.37.225: Revocation Or Suspension

5.37.230: Misdemeanor

5.37.225: REVOCATION OR SUSPENSION:

- A. If any person to whom a business license or a carriage driver license has been issued pursuant to this chapter commits a violation of this chapter, such license may be revoked or suspended according to the procedure provided for revocation or suspension of a business license issued by the city.
- B. Upon a serious violation, or upon any third violation of this chapter by either a driver or a business license licensee within any twelve (12) month period, a referral shall be made by animal services to the city's business licensing office for possible suspension or revocation of a business license issued by the city. A "serious violation" means a violation resulting in injury to human being or animal or property damage of one hundred dollars (\$100.00) or more.

5.37.230: MISDEMEANOR:

Violation of any provision of this chapter shall be a class B misdemeanor.

Article VII. Suitability Of Horses

5.37.235: Businesses Governed

5.37.240: Identification

5.37.245: Examination Required

5.27.250: Certificate Required

5.37.255: Certificate By Veterinarian; Term

5.37.260: Criteria For Determining Health

5.37.265: Cancellation And Suspension Of Certificate

5.37.270: Police Or Animal Services Orders

5.37.275: Disqualification

5.37.280: Accidents

5.37.285: Examination By The Office Of Animal Services

5.37.235: BUSINESSES GOVERNED:

In addition to the requirements of title 5, chapters 5.02, 5.04, and 5.05, of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter.

5.37.240: IDENTIFICATION:

Each horse used to pull a carriage in the city shall be identified through identification documents that contain a photograph and a description of said horse that states the age, breed, sex, color and describes any identifying markings. Such identification documents shall be filed by the carriage business with animal services. A copy of the identification documents filed with animal services shall also be kept in the carriage itself while the horse and carriage are providing services within the City.

5.37.245: EXAMINATION REQUIRED:

Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it.

5.37.250: CERTIFICATE REQUIRED:

No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date. Another copy of the certificate shall be kept in the carriage to which the horse is tethered while the horse is providing services within the City.

5.37.255: CERTIFICATE BY VETERINARIAN; TERM:

After performing the physical examination required by section 5.37.245 of this chapter, or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and

identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature.

5.37.260: CRITERIA FOR DETERMINING HEALTH:

For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:

- A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;
- B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;
- C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;
- D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages.

5.37.265: CANCELLATION AND SUSPENSION OF CERTIFICATE:

A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in non-erasable ink on the original of the certificate.

5.37.270: POLICE OR ANIMAL SERVICES ORDERS:

A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective

only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter.

5.37.275: DISQUALIFICATION:

The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city.

5.37.280: ACCIDENTS:

In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 5.37.275 of this chapter, or its successor.

5.37.285: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:

The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse.

Article VIII. Care Of Horses

5.37.290: Physical Condition For Work

5.37.295: Other Regulations Governing Carriage Horses

5.37.300: Stables And Stalls

5.37.305: Cruelty And Neglect Prohibited

5.37.290: PHYSICAL CONDITION FOR WORK:

No person shall cause a horse to draw or to be harnessed to a carriage if:

- A. **Certifiable:** The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;
- B. **Acute Ailment:** The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;
- C. **Hoofs:** The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;
- D. **Coat:** The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat.
- E. **Age:** The horse is less than three (3) years old.

5.37.295: OTHER REGULATIONS GOVERNING CARRIAGE HORSES

- A. A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.
- B. No carriage horse shall be at work for more than eight (8) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least ten (10) minutes at the end of each one (1) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.
- C. No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one (1) day before the resumption of work.
- D. No carriage horse shall be at work:
 - 1. whenever weather conditions such as icy roads, snow covered roads, heavy precipitation, thunderstorms and other inclement weather conditions are sufficiently unsafe that operation of a carriage results in physical injuries (whether equine or human) or property damage where the unsafe conditions caused or contributed to such injuries or damage.
 - 2. whenever the ambient temperature as measured at the Salt Lake City Airport drops below ten (10) degrees Fahrenheit; or

3. whenever the ambient heat index as calculated by the National Weather Service and measured at the Salt Lake City Airport exceeds one hundred four (104) degrees Fahrenheit.

- E. An operator of a carriage drawn by a horse already at work at the time the weather, temperature, or heat index reaches the conditions described in subsection D shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the weather, temperature, or heat index once again reaches acceptable limits under this section. Carriage businesses shall be responsible for monitoring the pertinent weather conditions, temperature measurements, and heat index measurements, and for insuring their carriages are operated in accordance with the requirements described in this section.
- F. Every horse at work shall have a blanket provided by its operator when:
 - 1. the horse is standing idle at its staging point;
 - 2. the horse has been working and is visibly sweating, and
 - 3. the ambient temperature is less than thirty-two degrees Fahrenheit (32°F).

5.37.300: STABLES AND STALLS:

All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of [chapter 8.08](#) of the Salt Lake City Code, or its successor, as well as any and all other applicable laws and ordinances, including the following:

- A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.
- B. Ceilings shall be at least ten feet (10') high from bedding flooring.
- C. Stalls shall be constructed and maintained:
 - 1. In good repair to protect the animals from injury and to contain them;
 - 2. So as to enable the animals to remain dry and clean;
 - 3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;
 - 4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.

- D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:
1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,
 2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,
 3. Not of a type that will harm or in any way be a discomfort to the animal.
- E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- F. Each stall shall house one horse only.
- G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.
- H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working. Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents.

5.37.305: CRUELTY AND NEGLECT PROHIBITED:

No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control.

SECTION 3. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2013.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2013.

Published: _____.