

(Summary First Published in the Butler County Times Gazette
on the 22nd day of April, 2017.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2115

AN ORDINANCE ESTABLISHING REGULATIONS AND
LICENSING REQUIREMENTS FOR PROVIDERS OF
HORSE AND CARRIAGE RIDES WITHIN THE CITY OF
AUGUSTA, KANSAS BY ADDING ARTICLE 5 TO CHAPTER
5 OF THE CODE OF THE CITY OF AUGUSTA, KANSAS.

WHEREAS, K.S.A. 8-1504 and the Standard Traffic Ordinance adopted by the City of Augusta provide that every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except those provisions which by their very nature can have no application; and

WHEREAS, business owners desiring to provide horse and carriage rides have requested permission to operate their business within the city limits of Augusta, Kansas; and

WHEREAS, the Governing Body of the City of Augusta, Kansas desires to adopt standards regulating the activity of horse and carriage operators within its city limits;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS:

Section 1. Adding Article 5 to Chapter 5 of the Code of the City of Augusta

New Article 5 is hereby added to Chapter 5 of the Code of the City of Augusta, Kansas, to read as follows:

"ARTICLE 5. HORSE AND CARRIAGE RIDES

5-501. DEFINITIONS. For the purposes of this Article, the following words shall be considered to have the following meanings:

(a) Carriage - means an unmotorized vehicle for transporting an operator and passenger.

(b) Horse-drawn - means propelled by a horse that is controlled by an operator.

(c) Operator - means the person who is in control of the horse.

(d) Owner - means the person to whom a license is issued.

(e) Transport Vehicle - means a trailer towed by a vehicle or a vehicle designed for the transport of a horse or horses and used to transport horses.

5-502. LICENSE REQUIRED. No person, either as owner, agent, driver, or otherwise, shall be engaged in the business or service of transportation by horse-drawn carriage upon the streets, alleys or other public ways or places unless the owner holds a currently valid license for a horse-drawn carriage issued pursuant to this Article. All licenses issued under this article shall expire at midnight on December 31 of the year for which issued.

5-503. DENIAL AND REVOCATION. The City Clerk may deny or revoke a permit or license if the person holding such permit or license refuses or fails to comply with this Article or any law governing the protection and keeping of animals. No person who has been convicted of cruelty to animals shall be issued a horse-drawn carriage license.

5-504. APPLICATION; FEE; RENEWAL. Application for horse-drawn carriage licenses under this Article shall be made upon forms prescribed by the city with the accompanying license fee as set by resolution of the city council. Annual renewal of any license issued under this Article shall require conformance with all the requirements of this Article. Application for renewal of licenses authorized under this Article may be made thirty (30) days before the date of license expiration. Unless otherwise provided in this article, an application for a renewal of a license shall be considered in the same manner as an original application.

5-505. INSURANCE REQUIREMENTS. (a) *Indemnity for benefit of city.* Any horse-drawn carriage owner operating under this article shall hold the City of Augusta, Kansas and its officers, agents, elected officials, servants and employees harmless against any and all liability, loss, damages or expense which may accrue to the City by reason of negligence, default or misconduct of such owner in connection with the rights granted to such owner hereunder. Nothing in this article shall be considered to make the City of Augusta, Kansas or its officers, agents, elected officials, servants or employees liable for damages because of any negligent act or omission or commission by any horse-drawn carriage company, its servants, agents, drivers or other employees, during the operation by the company of a horse-drawn carriage

business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

(b) *Indemnity for benefit of passengers.* Any horse-drawn carriage company desiring a license to operate of a horse-drawn carriage shall give and maintain a policy of indemnity from an insurance company authorized to do business in the state for each vehicle in use as a horse-drawn carriage. The minimum coverage shall be \$100,000.00 for bodily injury to any one person, \$300,000.00 for injury to more than one person which is sustained in the same accident, and \$25,000.00 for property damage resulting from one accident. The indemnity insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence or intentional misconduct of a horse-drawn carriage company, its servants or agents.

(c) *Comprehensive general liability insurance.* Any carriage company desiring a license to do business shall give and maintain a policy of comprehensive general liability insurance from an insurance company authorized to do business in the State of Kansas for each carriage in use as a transportation vehicle, with minimum general liability coverage of \$1,000,000.00. Such insurance shall inure to the benefit of any person who shall be injured or shall sustain damage to property caused by the negligence or intentional misconduct of a carriage company, its servants or agents.

(d) *Certificates and City as Named Insured.* Insurance certificates evidencing all such insurances shall be deposited with the city. Such certificates shall indicate the city as an additional named insured on a non-contributory basis and that each of the insurance contracts described in the certificates contains a clause requiring ten-day notice of cancellation to the city prior to the cancellation of any insurance coverage.

5-506. CARRIAGE STANDARDS. The horse-drawn carriage shall, at all times when in use as such:

(a) Be equipped with lamps or other lighting devices as required under section 8-1718 of Kansas Uniform Act Regulating Traffic.

(b) Display a reflectorized slow-moving-vehicle emblem and other reflectors as required in section 8-1717 of the Kansas Uniform Act Regulating Traffic.

(c) Be equipped with seats for the operator and all passengers.

(d) Seat not more than six adult occupants, or not more than six children under the age of 12 and one adult occupant, or not to exceed manufacturer's recommended safe seating capacity for the vehicle being used, in addition to the operator.

(e) Maintain a rubber surface on the wheel traction surface.

(f) Not be wider than eight feet, including fenders, running boards and safety mirrors and devices.

(g) Display the horse-drawn carriage license in the carriage at all times.

5-507. HORSE CARE STANDARDS. The operator of each horse carriage shall be responsible for seeing that the horse:

(a) Is fitted with a device to catch all manure or solid waste except when inside the transport vehicle.

(b) Is attended at all times, including when loading and discharging passengers.

(c) Has received a valid certificate of health or veterinarian certificate which shall be filed with the city annually.

(d) Is not subject to any cruel or harassing treatment.

(e) Is provided sufficient, wholesome and appropriate food and fresh potable drinking water. While working, each horse shall be permitted to eat at reasonable intervals and have access to drinking water when necessary.

5-508. OPERATOR STANDARDS. The operator of the horse-drawn carriage shall:

(a) Be subject to all state and city traffic laws applicable to motor vehicles.

(b) Possess a valid state driver's license.

(c) Provide humane care and treatment of the equine under their direct supervision and control.

(d) Require all passengers to be seated except when boarding or discharging.

(e) Not operate during those days and times of day nor operate upon those streets, and public places prohibited by the City Manager or his designee.

(f) Equip the horse and/or carriage with a sanitation device to insure no fecal matter of the animal falls to the street. Should any fecal matter or urine fall to the street, the driver shall take immediate steps to remove the same as soon as practicable. Flush all liquid waste from the horse with water and spray with the appropriate chemical to eliminate all noxious odors and bacteria.

(g) Not be required to give a person a ride in the carriage on demand of such person.

(h) Not operate a vehicle when a passenger is in possession of alcoholic liquor in a container which is open or uncapped or which has a broken seal.

(i) Be in control of the horse at all times.

(j) Have in their possession, and produce upon request, their horse-

drawn carriage and state driver's licenses.

- 5-509. **USE OF SIDEWALKS.** Except as permitted in an authorized parade or pursuant to a special event permit, no person shall ride, lead or drive a horse along, over or upon any sidewalk, except in necessarily crossing the same.

Section 2. Effective Date

This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.


Passed by the City Council this 17th day of April, 2017.

Approved by the Mayor this 17th day of April, 2017.


MAYOR, MATT CHILDERS

SEAL

ATTEST:


CITY CLERK, ERICA JONES

