



CITY OF SACRAMENTO

DEPARTMENT OF PARKS AND COMMUNITY SERVICES

(21)

APPROVED
BY THE CITY COUNCIL

JUL 23 1985

OFFICE OF THE
CITY CLERK

July 9, 1985

ROBERT P. THOMAS
Director

G. ERLING LINGGI
Assistant Director

CROCKER ART MUSEUM DIVISION
GOLF DIVISION
METROPOLITAN ARTS DIVISION
MUSEUM AND HISTORY DIVISION
RECREATION DIVISION
PARKS DIVISION
ZOO DIVISION

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Horse-Drawn Vehicle Ordinance

CITY MANAGER'S OFFICE
RECEIVED
JUL 9 1985

SUMMARY

This report provides information relating to the adoption of an ordinance to regulate the operation of Horse-Drawn Vehicles in the City of Sacramento. Enactment of an ordinance, authorization to accept applications, and approval of fees to license vehicles, operators, and drivers is requested.

BACKGROUND INFORMATION

The City of Sacramento, specifically Old Sacramento, has witnessed over the past several months the operating of four to five horse-drawn wagons and vehicles. All have been operating on their own, with a business license, and most of the time simultaneous with each other. Even though this service recaptures an image of 1870 nostalgia to historic Old Sacramento, the question of public safety and animal welfare has risen.

The recommended course of action is to continue providing an intra-city, horse-drawn vehicle service and increase the City's control to insure that horse-drawn vehicles are operating safely and to protect the public health, safety and welfare of its users. Supporters of the plan include the Sacramento Museum and History Commission and the Old Sacramento Citizens and Merchants Association.

Briefly, the application permit selection process would consist of:

1. Completion of an operating permit including references, description of vehicles, animals, and desired areas of operation.
2. Issuance of a driver's permit whereby a proficiency exam will be conducted to determine adequate skill and experience handling horse-drawn vehicles and animals.

- 3. Obtain a vehicle permit for each vehicle to be used to insure its safety, historical authenticity, and maximum number of passengers.
- 4. Certification of all horses, mules, or other animals which are to pull the vehicles be examined by a qualified veterinarian.
- 5. The requirement that vendors obtain a City of Sacramento Business Operations Tax Certificate and fulfills the City's insurance requirements.
- 6. The requirement that vendors completely provide and maintain all equipment used at their own expense and in accordance with City standards regarding the historical authenticity of the vehicles when operating in Old Sacramento.
- 7. All permits and renewals shall be valid for a term of one year from the date of issuance and must be renewed prior to the expiration of the term.

The attached ordinance is requested in order to enable the implementation of this service. An emergency ordinance is requested to take effect August 1, 1985, to insure safety and City control for all intended users.

LAW AND LEGISLATIVE COMMITTEE ACTION

The Law and Legislative Committee reviewed this item at their meeting on July 11, 1985. Committee action will be presented verbally to the Council.

FINANCIAL DATA

The City's Fees and Charges administered by Revenue Division will be \$20 operating permit, \$20 vehicle inspection for historical authenticity, and \$20 annual drivers permit. In addition, each successful applicant will incur the costs of \$18 per animal inspection and \$25 per driver's proficiency exam by contractual agreement with a qualified veterinarian and testor of City's choice.

RECOMMENDATION

It is recommended that the City Council:

- 1. Enact the attached ordinance authorizing the Department of Parks and Community Services to institute a horse-drawn vehicle service in the City of Sacramento and declare said ordinance to be an emergency ordinance to take effect August 1, 1985;

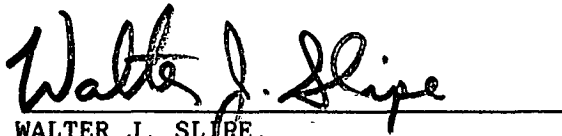
- 2. Approve, by resolution, the application fees for operating a horse-drawn vehicle in the City of Sacramento.

Respectfully submitted,



ROBERT P. THOMAS, Director
Parks and Community Services

Recommendation Approved:



WALTER J. SLUPE,
City Manager

RPT:sl
Attachment

July 23, 1985
All Districts

ORDINANCE NO. 85-072

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

ORDINANCE ADDING ARTICLE XII (SECTIONS 25.250 - 25.262) TO CHAPTER 25 OF THE SACRAMENTO CITY CODE, RELATED TO REGULATION OF HORSE-DRAWN VEHICLES, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT AUGUST 1, 1985

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XII (Sections 25.250 - 25.262) is hereby added to Chapter 25 of the Sacramento City Code, to read as follows:

Article XII. HORSE-DRAWN VEHICLES

Sec. 25.250 Purpose.

The purpose of this ordinance is to regulate the operation of horse-drawn vehicles in the City of Sacramento, in order to insure that horse-drawn vehicles are operated safely, to protect the public health, safety and welfare, and, in Old Sacramento, to help preserve, recapture and maintain the historic ambience of the area.

Sec. 25.251 Definitions.

"Director" shall mean the Director of the Department of Parks and Community Services or his designee.

"For Hire" shall mean any use of a horse-drawn vehicle for which any consideration is paid by any person.

"Horse-drawn Vehicle" shall include any wagon, coach, omnibus, or any vehicle which is powered in whole or in part by a horse, mule, or other animal.

"Old Sacramento" shall mean the area bounded on the south by the center line of Capitol Mall and Tower Bridge, on the north by the I Street Bridge, on the east by the westerly right-of-way line of interstate freeway route 5, and on the west by the centerline of the Sacramento River.

Sec. 25.252 Permits Required.

(a) It shall be unlawful to operate or cause to be operated a horse-drawn vehicle for hire within the City of Sacramento unless the operating permit required by this article shall have first been obtained.

(b) It shall be unlawful to drive a horse-drawn vehicle for hire within the City of Sacramento unless the driver's permit required by this article shall have first been obtained.

(c) It shall be unlawful to operate or drive any horse-drawn vehicle for hire in the City of Sacramento unless the vehicle permit required by this chapter shall have first been obtained.

Sec. 25.253 Exemption From Permit Requirements.

The permit requirements of this article shall not apply to the use of a horse-drawn vehicle for special events, such as a parade, wedding, or funeral, provided that during the special event rides in the vehicle are not being offered to the general public.

Sec. 25.254 Application for Operating Permit.

(a) An application for the operating permit required by this article shall be made to the Director, on forms to be provided by the City. Such application shall include:

- (1) The name and business address of the applicant.
- (2) A description of the vehicles to be operated under the permit.
- (3) Identification of the animals which will pull the vehicles.
- (4) Whether the applicant intends to operate within Old Sacramento.
- (5) Such additional information bearing on the proposed operation as the Director may require.

(b) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

Sec. 25.255 Investigation of Operating Permit Application and Issuance of Permit.

(a) The Director shall conduct such investigation of the application and the applicant as is necessary to determine if issuance of the permit would be consistent with the purposes of this article. A permit shall not be issued unless the Director finds that:

(1) The vehicles which will be used will be properly licensed under this article.

(2) The horses, mules or other animals which are to pull the vehicles have been certified by a qualified veterinarian acceptable to City as healthy, fit, and able to do the work of pulling a fully loaded vehicle.

(3) The animals which will pull the vehicles have been trained adequately to pull safely a fully loaded vehicle of the type to be used.

(4) The persons who will drive the vehicles will be properly licensed under this article, and fully trained and able to operate the vehicles in a manner which will assure the safety of the animals, the passengers, and other users of the streets.

(5) Issuance of the permit is not contrary to the health, safety, or welfare of the public.

(6) The applicant has paid all taxes and charges required by Chapter 23 of this Code.

(b) The actual cost of any examinations or tests by a veterinarian or other professional shall be paid by the applicant in addition to the application fee.

(c) The Director shall impose such conditions upon the permit as may be deemed appropriate to protect the public health, safety and welfare.

(d) A copy of the operating permit shall be prominently displayed in each vehicle operated pursuant to the permit.

Sec. 25.256 Application for Driver's Permit and Issuance of Permit.

(a) An application for the driver's permit required by this article shall be made to the Director, on forms provided by the City. Such application shall include:

(1) The name, address and age of the applicant; and

(2) A description of the applicant's experience and background driving horse-drawn vehicles.

(b) An applicant for the driver's permit shall be at least 18 years of age.

(c) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

(d) The Director shall cause to be given to each applicant for a driver's permit a proficiency test to determine if the applicant has adequate skill and experience handling horse-drawn vehicles and animals to ensure the safety of the animals, the passengers and other users of the streets.

(e) The Director shall issue a driver's permit if he finds that the applicant has passed the proficiency test and that issuance of the permit is not contrary to the public health, safety, or welfare.

(f) A copy of the driver's permit shall be carried upon the person of the driver whenever the driver is driving a vehicle regulated under this article.

Sec. 25.257 Vehicle Permit Application and Issuance.

(a) An application for the vehicle permit required by this article shall be made to the Director on forms provided by the City. Such application shall include:

- (1) A complete description of the vehicle, including its date of manufacture, if available; and
- (2) An accurate sketch or photograph of the vehicle, including color and material designations, as appropriate.

(b) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

(c) A vehicle permit shall be granted only if the Director is satisfied that:

- (1) The vehicle is in safe condition such that its operation will not endanger public safety.
- (2) If the vehicle is to be used in Old Sacramento, the vehicle is of a style and type which is historically authentic and is painted in an historically authentic manner. The Executive Director of the Museum & History Commission shall develop guidelines for vehicles which are permissible in Old Sacramento and shall assist the Director in determining whether particular vehicles are consistent with the guidelines.

(d) Each vehicle permit shall indicate whether the vehicle is authorized for use in Old Sacramento and shall indicate the maximum number of passengers permitted.

(e) The vehicle permit shall be prominently displayed on the vehicle at all times when the vehicle is in use.

Sec. 25.258 Regulations For Operation of Horse-Drawn Vehicles.

(a) No horse-drawn vehicle shall be left unattended on the public right-of-way at any time.

(b) Tickets shall be sold only at designated locations or on the vehicles themselves. There shall be no hawking of tickets or services from the vehicles or from any public right-of-way.

(c) All horses or other animals used to draw vehicles for hire in the City of Sacramento shall be made available for examination by a veterinarian of City's choice upon 24 hours' notice. Failure to allow such examination shall be grounds for summary suspension of the operating permit pursuant to Section 25.262.

(d) Each operator of a horse-drawn vehicle shall ensure that any feces or other waste deposited on the public right-of-way or any private property within the City is cleaned up immediately after such deposit.

(e) In Old Sacramento horse-drawn vehicles shall park only in curbside areas designated for the use of horse-drawn vehicles, for a maximum of 15 minutes, as set forth in Section 25.128 of this code.

Sec. 25.259 Liability Insurance Required.

No operator's permit shall be issued, and no operator's permit shall be valid, unless the permittee has and maintains in full force and effect at the permittee's own cost and expense the following insurance coverage:

(1) Workers' Compensation Insurance coverage as required by California statutes with policy limit of at least \$1 million per occurrence. In the event the operator is self-insured, he shall furnish a Certificate of Permission to Self-Insure by the Department of Industrial Relations Administration of Self-Insurance, Sacramento, and evidence of at least \$1 million per occurrence excess Workers' Compensation limit combined with the Self-Insurance Retention.

(2) Comprehensive Auto and General Liability Insurance, including Products and Completed Operation Liability, Broad Form Property Damage Liability, Contractual Liability, and Personal Injury Liability. The amount of the policy shall be no less than \$1 million

Single Limit per occurrence, issued by an admitted insurer or insurers as defined by the California Insurance Code, providing that the City of Sacramento, its officers, employees and agents are to be named as additional insureds under the policy. The policy shall stipulate that this insurance will operate as Primary insurance and that no other insurance effected by the City or other Named Insured will be called on to contribute to a loss covered thereunder.

Said policies shall provide that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of this contract, without 30 days written notice to the City prior to the effective date of such cancellation or change in coverage. The permittee shall have the City's standard Certificate of Insurance completed and filed with the City's Risk Management and Insurance Division prior to issuance of any permit and prior to engaging in any operation or activity authorized by the permit.

Sec. 25.260 Indemnification.

Any person to whom an operating permit, driver's permit or vehicle permit is issued shall assume the defense of, and indemnify and hold harmless the City of Sacramento, its officers, employees and agents from and against all actions, claims, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the activity authorized by such permit.

Sec. 25.261 Renewal.

All permits issued hereunder shall expire on the October 1 following the date of issuance and shall be renewed annually. A non-refundable renewal application fee for each permit shall be set by resolution of the City Council. Any ground which would be grounds for denying an initial permit shall be grounds for denying a permit renewal.

Sec. 25.262 Suspension or Revocation of Permit.

(a) An operating permit issued hereunder shall be summarily suspended whenever the City receives a written opinion from a duly-licensed veterinarian that any animal used by the operator to draw a horse-drawn vehicle is under excessive physical stress, is malnourished, is not in sound condition, or is otherwise unhealthy such that continued use of the animal to draw a vehicle would pose a threat to the animal, or to the passengers, or to members of the public, or whenever an operator fails to permit examination of an animal used by him by a city-selected veterinarian upon 24 hours' notice. Upon request of the operator, a hearing shall be held before the Director within three working days after the notice of suspension at

which time the Director shall determine whether the grounds for summary suspension existed and whether such suspension should be continued or rescinded. The operator may appeal the decision of the Director to the City Council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the City Council, within 10 days after the date of the Director's decision. The notice of appeal shall state generally the grounds of appeal.

The City Council may appoint a hearing examiner to hear the matter pursuant to Section 2.323 of the City Code.

(b) Any permit issued hereunder may be suspended or revoked when it shall appear to the Director that any activity authorized by the permit is being carried out in such a manner as to constitute a nuisance, or to be injurious to the public health, safety or welfare, or in violation of any conditions imposed upon the permit, or that there exists any of the grounds which would have been grounds for denial of the permit application. Except as provided in subsection (a), no permit shall be revoked or suspended until a hearing shall have been held by the Executive Director.

Written notice of the time and place of such hearing shall be given at least five days prior to the date set for such hearing to the person to whom the permit was granted and to any other person requesting prior notice in writing at least ten days prior to the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery thereof to the persons to be notified, or by depositing the same in the U.S. mail in a sealed envelope, postage prepaid, addressed to such persons to be notified at the address appearing in the application for a permit.

The permittee may appeal the decision of the Director to the City Council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the City Council, within 10 days after the date of the Director's decision. The notice of appeal shall state generally the grounds of appeal.

The City Council may appoint a hearing examiner to hear the matter pursuant to Section 2.323 of the City Code.

SECTION 2.

This is an emergency ordinance, to take effect on August 1, 1985. The facts constituting the emergency are that numerous unregulated horse-drawn vehicles are being operated currently in the City, especially in the densely-occupied Old Sacramento Historical District, and it is necessary to have the regulations in this ordinance take effect as soon as possible in order to protect the public health, safety and welfare.

21

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

21

RESOLUTION NO. 85-552

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR THE INSPECTION AND LICENSING OF ANIMAL DRAWN VEHICLES, THE ANIMALS, OPERATORS, AND DRIVERS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That the City's Fee and Charge Report is hereby amended to incorporate the following fees and charges.

Animal Drawn Vehicle

Old Sacramento historical compliance inspection	\$20.00
City operating permit	\$20.00
Safety inspection	(1)

Animal Inspection (1)

Operator/Driver

Annual permit	\$20.00
Competency test	(1)

(1) City will charge actual costs of inspections and operator competency tests as determined by the contractual agreement with qualified inspectors and testers.

ATTEST:

MAYOR

CITY CLERK

1-1
21

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

PASSED FOR
PUBLICATION
& CONTINUED
TO 7-23-85

ORDINANCE ADDING ARTICLE XII (SECTIONS 25.250 - 25.262) TO CHAPTER 25 OF THE SACRAMENTO CITY CODE, RELATED TO REGULATION OF HORSE-DRAWN VEHICLES, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT AUGUST 1, 1985

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"Horse-drawn Vehicle" shall include any wagon, coach, omnibus, or any vehicle which is powered in whole or in part by a horse, mule, or other animal.

"Old Sacramento" shall mean the area bounded on the south by the center line of Capitol Mall and Tower Bridge, on the north by the I Street Bridge, on the east by the westerly right-of-way line of interstate freeway route 5, and on the west by the centerline of the Sacramento River.

Sec. 25.252 Permits Required.

(a) It shall be unlawful to operate or cause to be operated a horse-drawn vehicle for hire within the City of Sacramento unless the operating permit required by this article shall have first been obtained.

(b) It shall be unlawful to drive a horse-drawn vehicle for hire within the City of Sacramento unless the driver's permit required by this article shall have first been obtained.

(c) It shall be unlawful to operate or drive any horse-drawn vehicle for hire in the City of Sacramento unless the vehicle permit required by this chapter shall have first been obtained.

Sec. 25.253 Exemption From Permit Requirements.

The permit requirements of this article shall not apply to the use of a horse-drawn vehicle for special events, such as a parade, wedding, or funeral, provided that during the special event rides in the vehicle are not being offered to the general public.

Sec. 25.254 Application for Operating Permit.

(a) An application for the operating permit required by this article shall be made to the Director, on forms to be provided by the City. Such application shall include:

- (1) The name and business address of the applicant.
- (2) A description of the vehicles to be operated under the permit.
- (3) Identification of the animals which will pull the vehicles.
- (4) Whether the applicant intends to operate within Old Sacramento.
- (5) Such additional information bearing on the proposed operation as the Director may require.

(b) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

Sec. 25.255 Investigation of Operating Permit Application and Issuance of Permit.

(a) The Director shall conduct such investigation of the application and the applicant as is necessary to determine if issuance of the permit would be consistent with the purposes of this article. A permit shall not be issued unless the Director finds that:

(1) The vehicles which will be used will be properly licensed under this article.

(2) The horses, mules or other animals which are to pull the vehicles have been certified by a qualified veterinarian acceptable to City as healthy, fit, and able to do the work of pulling a fully loaded vehicle.

(3) The animals which will pull the vehicles have been trained adequately to pull safely a fully loaded vehicle of the type to be used.

(4) The persons who will drive the vehicles will be properly licensed under this article, and fully trained and able to operate the vehicles in a manner which will assure the safety of the animals, the passengers, and other users of the streets.

(5) Issuance of the permit is not contrary to the health, safety, or welfare of the public.

(6) The applicant has paid all taxes and charges required by Chapter 23 of this Code.

(b) The actual cost of any examinations or tests by a veterinarian or other professional shall be paid by the applicant in addition to the application fee.

(c) The Director shall impose such conditions upon the permit as may be deemed appropriate to protect the public health, safety and welfare.

(d) A copy of the operating permit shall be prominently displayed in each vehicle operated pursuant to the permit.

Sec. 25.256 Application for Driver's Permit and Issuance of Permit.

(a) An application for the driver's permit required by this article shall be made to the Director, on forms provided by the City. Such application shall include:

(1) The name, address and age of the applicant; and

(2) A description of the applicant's experience and background driving horse-drawn vehicles.

(b) An applicant for the driver's permit shall be at least 18 years of age.

(c) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

(d) The Director shall cause to be given to each applicant for a driver's permit a proficiency test to determine if the applicant has adequate skill and experience handling horse-drawn vehicles and animals to ensure the safety of the animals, the passengers and other users of the streets.

(e) The Director shall issue a driver's permit if he finds that the applicant has passed the proficiency test and that issuance of the permit is not contrary to the public health, safety, or welfare.

(f) A copy of the driver's permit shall be carried upon the person of the driver whenever the driver is driving a vehicle regulated under this article.

Sec. 25.257 Vehicle Permit Application and Issuance.

(a) An application for the vehicle permit required by this article shall be made to the Director on forms provided by the City. Such application shall include:

- (1) A complete description of the vehicle, including its date of manufacture, if available; and
- (2) An accurate sketch or photograph of the vehicle, including color and material designations, as appropriate.

(b) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

(c) A vehicle permit shall be granted only if the Director is satisfied that:

- (1) The vehicle is in safe condition such that its operation will not endanger public safety.
- (2) If the vehicle is to be used in Old Sacramento, the vehicle is of a style and type which is historically authentic and is painted in an historically authentic manner. The Executive Director of the Museum & History Commission shall develop guidelines for vehicles which are permissible in Old Sacramento and shall assist the Director in determining whether particular vehicles are consistent with the guidelines.

(d) Each vehicle permit shall indicate whether the vehicle is authorized for use in Old Sacramento and shall indicate the maximum number of passengers permitted.

(e) The vehicle permit shall be prominently displayed on the vehicle at all times when the vehicle is in use.

Sec. 25.258 Regulations For Operation of Horse-Drawn Vehicles.

(a) No horse-drawn vehicle shall be left unattended on the public right-of-way at any time.

(b) Tickets shall be sold only at designated locations or on the vehicles themselves. There shall be no hawking of tickets or services from the vehicles or from any public right-of-way.

(c) All horses or other animals used to draw vehicles for hire in the City of Sacramento shall be made available for examination by a veterinarian of City's choice upon 24 hours' notice. Failure to allow such examination shall be grounds for summary suspension of the operating permit pursuant to Section 25.262.

(d) Each operator of a horse-drawn vehicle shall ensure that any feces or other waste deposited on the public right-of-way or any private property within the City is cleaned up immediately after such deposit.

(e) In Old Sacramento horse-drawn vehicles shall park only in curbside areas designated for the use of horse-drawn vehicles, for a maximum of 15 minutes, as set forth in Section 25.128 of this code.

Sec. 25.259 Liability Insurance Required.

No operator's permit shall be issued, and no operator's permit shall be valid, unless the permittee has and maintains in full force and effect at the permittee's own cost and expense the following insurance coverage:

(1) Workers' Compensation Insurance coverage as required by California statutes with policy limit of at least \$1 million per occurrence. In the event the operator is self-insured, he shall furnish a Certificate of Permission to Self-Insure by the Department of Industrial Relations Administration of Self-Insurance, Sacramento, and evidence of at least \$1 million per occurrence excess Workers' Compensation limit combined with the Self-Insurance Retention.

(2) Comprehensive Auto and General Liability Insurance, including Products and Completed Operation Liability, Broad Form Property Damage Liability, Contractual Liability, and Personal Injury Liability. The amount of the policy shall be no less than \$1 million

Single Limit per occurrence, issued by an admitted insurer or insurers as defined by the California Insurance Code, providing that the City of Sacramento, its officers, employees and agents are to be named as additional insureds under the policy. The policy shall stipulate that this insurance will operate as Primary insurance and that no other insurance effected by the City or other Named Insured will be called on to contribute to a loss covered thereunder.

Said policies shall provide that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of this contract, without 30 days written notice to the City prior to the effective date of such cancellation or change in coverage. The permittee shall have the City's standard Certificate of Insurance completed and filed with the City's Risk Management and Insurance Division prior to issuance of any permit and prior to engaging in any operation or activity authorized by the permit.

Sec. 25.260 Indemnification.

Any person to whom an operating permit, driver's permit or vehicle permit is issued shall assume the defense of, and indemnify and hold harmless the City of Sacramento, its officers, employees and agents from and against all actions, claims, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the activity authorized by such permit.

Sec. 25.261 Renewal.

All permits issued hereunder shall expire on the October 1 following the date of issuance and shall be renewed annually. A non-refundable renewal application fee for each permit shall be set by resolution of the City Council. Any ground which would be grounds for denying an initial permit shall be grounds for denying a permit renewal.

Sec. 25.262 Suspension or Revocation of Permit.

(a) An operating permit issued hereunder shall be summarily suspended whenever the City receives a written opinion from a duly-licensed veterinarian that any animal used by the operator to draw a horse-drawn vehicle is under excessive physical stress, is malnourished, is not in sound condition, or is otherwise unhealthy such that continued use of the animal to draw a vehicle would pose a threat to the animal, or to the passengers, or to members of the public, or whenever an operator fails to permit examination of an animal used by him by a city-selected veterinarian upon 24 hours' notice. Upon request of the operator, a hearing shall be held before the Director within three working days after the notice of suspension at

which time the Director shall determine whether the grounds for summary suspension existed and whether such suspension should be continued or rescinded. The operator may appeal the decision of the Director to the City Council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the City Council, within 10 days after the date of the Director's decision. The notice of appeal shall state generally the grounds of appeal.

The City Council may appoint a hearing examiner to hear the matter pursuant to Section 2.323 of the City Code.

(b) Any permit issued hereunder may be suspended or revoked when it shall appear to the Director that any activity authorized by the permit is being carried out in such a manner as to constitute a nuisance, or to be injurious to the public health, safety or welfare, or in violation of any conditions imposed upon the permit, or that there exists any of the grounds which would have been grounds for denial of the permit application. Except as provided in subsection (a), no permit shall be revoked or suspended until a hearing shall have been held by the Executive Director.

Written notice of the time and place of such hearing shall be given at least five days prior to the date set for such hearing to the person to whom the permit was granted and to any other person requesting prior notice in writing at least ten days prior to the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery thereof to the persons to be notified, or by depositing the same in the U.S. mail in a sealed envelope, postage prepaid, addressed to such persons to be notified at the address appearing in the application for a permit.

The permittee may appeal the decision of the Director to the City Council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the City Council, within 10 days after the date of the Director's decision. The notice of appeal shall state generally the grounds of appeal.

The City Council may appoint a hearing examiner to hear the matter pursuant to Section 2.323 of the City Code.

SECTION 2.

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MAYOR

ATTEST:

CITY CLERK

DRAFT

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ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

ORDINANCE ADDING ARTICLE XII (SECTIONS 25.250 - 25.262) TO CHAPTER 25 OF THE SACRAMENTO CITY CODE, RELATED TO REGULATION OF HORSE-DRAWN VEHICLES, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT AUGUST 1, 1985

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article XII (Sections 25.250 - 25.262) is hereby added to Chapter 25 of the Sacramento City Code, to read as follows:

Article XII. HORSE-DRAWN VEHICLES

Sec. 25.250 Purpose.

The purpose of this ordinance is to regulate the operation of horse-drawn vehicles in the City of Sacramento, in order to insure that horse-drawn vehicles are operated safely, to protect the public health, safety and welfare, and, in Old Sacramento, to help preserve, recapture and maintain the historic ambience of the area.

Sec. 25.251 Definitions.

"Director" shall mean the Director of the Department of Parks and Community Services or his designee.

"For Hire" shall mean any use of a horse-drawn vehicle for which any consideration is paid by any person.

"Horse-drawn Vehicle" shall include any wagon, coach, omnibus, or any vehicle which is powered in whole or in part by a horse, mule, or other animal.

"Old Sacramento" shall mean the area bounded on the south by the center line of Capitol Mall and Tower Bridge, on the north by the I Street Bridge, on the east by the westerly right-of-way line of interstate freeway route 5, and on the west by the centerline of the Sacramento River.

Sec. 25.252 Permits Required.

(a) It shall be unlawful to operate or cause to be operated a horse-drawn vehicle for hire within the City of Sacramento unless the operating permit required by this article shall have first been obtained.

(b) It shall be unlawful to drive a horse-drawn vehicle for hire within the City of Sacramento unless the driver's permit required by this article shall have first been obtained.

(c) It shall be unlawful to operate or drive any horse-drawn vehicle for hire in the City of Sacramento unless the vehicle permit required by this chapter shall have first been obtained.

Sec. 25.253 Exemption From Permit Requirements.

The permit requirements of this article shall not apply to the use of a horse-drawn vehicle for special events, such as a parade, wedding, or funeral, provided that during the special event rides in the vehicle are not being offered to the general public.

Sec. 25.254 Application for Operating Permit.

(a) An application for the operating permit required by this article shall be made to the Director, on forms to be provided by the City. Such application shall include:

- (1) The name and business address of the applicant.
- (2) A description of the vehicles to be operated under the permit.
- (3) Identification of the animals which will pull the vehicles.
- (4) Whether the applicant intends to operate within Old Sacramento.
- (5) Such additional information bearing on the proposed operation as the Director may require.

(b) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

Sec. 25.255 Investigation of Operating Permit Application and Issuance of Permit.

(a) The Director shall conduct such investigation of the application and the applicant as is necessary to determine if issuance of the permit would be consistent with the purposes of this article. A permit shall not be issued unless the Director finds that:

(1) The vehicles which will be used will be properly licensed under this article.

(2) The horses, mules or other animals which are to pull the vehicles have been certified by a qualified veterinarian acceptable to City as healthy, fit, and able to do the work of pulling a fully loaded vehicle.

(3) The animals which will pull the vehicles have been trained adequately to pull safely a fully loaded vehicle of the type to be used.

(4) The persons who will drive the vehicles will be properly licensed under this article, and fully trained and able to operate the vehicles in a manner which will assure the safety of the animals, the passengers, and other users of the streets.

(5) Issuance of the permit is not contrary to the health, safety, or welfare of the public.

(6) The applicant has paid all taxes and charges required by Chapter 23 of this Code.

(b) The actual cost of any examinations or tests by a veterinarian or other professional shall be paid by the applicant in addition to the application fee.

(c) The Director shall impose such conditions upon the permit as may be deemed appropriate to protect the public health, safety and welfare.

(d) A copy of the operating permit shall be prominently displayed in each vehicle operated pursuant to the permit.

Sec. 25.256 Application for Driver's Permit and Issuance of Permit.

(a) An application for the driver's permit required by this article shall be made to the Director, on forms provided by the City. Such application shall include:

(1) The name, address and age of the applicant; and

(2) A description of the applicant's experience and background driving horse-drawn vehicles.

(b) An applicant for the driver's permit shall be at least 18 years of age.

(c) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

(d) The Director shall cause to be given to each applicant for a driver's permit a proficiency test to determine if the applicant has adequate skill and experience handling horse-drawn vehicles and animals to ensure the safety of the animals, the passengers and other users of the streets.

(e) The Director shall issue a driver's permit if he finds that the applicant has passed the proficiency test and that issuance of the permit is not contrary to the public health, safety, or welfare.

(f) A copy of the driver's permit shall be carried upon the person of the driver whenever the driver is driving a vehicle regulated under this article.

Sec. 25.257 Vehicle Permit Application and Issuance.

(a) An application for the vehicle permit required by this article shall be made to the Director on forms provided by the City. Such application shall include:

- (1) A complete description of the vehicle, including its date of manufacture, if available; and
- (2) An accurate sketch of the vehicle, including color and material designations, as appropriate.

(b) The application shall be accompanied by a non-refundable application fee in an amount to be established by resolution of the City Council.

(c) A vehicle permit shall be granted only if the Director is satisfied that:

- (1) The vehicle is in safe condition such that its operation will not endanger public safety.
- (2) If the vehicle is to be used in Old Sacramento, the vehicle is of a style and type which is historically authentic and is painted in an historically authentic manner. The Executive Director of the Museum & History Commission shall develop guidelines for vehicles which are permissible in Old Sacramento and shall assist the Director in determining whether particular vehicles are consistent with the guidelines.

(d) Each vehicle permit shall indicate whether the vehicle is authorized for use in Old Sacramento and shall indicate the maximum number of passengers permitted.

(e) The vehicle permit shall be prominently displayed on the vehicle at all times when the vehicle is in use.

Sec. 25.258 Regulations For Operation of Horse-Drawn Vehicles.

(a) No horse-drawn vehicle shall be left unattended on the public right-of-way at any time.

(b) Tickets shall be sold only at designated locations or on the vehicles themselves. There shall be no hawking of tickets or services from the vehicles or from any public right-of-way.

(c) All horses or other animals used to draw vehicles for hire in the City of Sacramento shall be made available for examination by a veterinarian of City's choice upon 24 hours' notice. Failure to allow such examination shall be grounds for summary suspension of the operating permit pursuant to Section 25.262.

(d) Each operator of a horse-drawn vehicle shall ensure that any feces or other waste deposited on the public right-of-way or any private property within the City is cleaned up immediately after such deposit.

(e) In Old Sacramento horse-drawn vehicles shall park only in curbside areas designated for the use of horse-drawn vehicles, for a maximum of 15 minutes, as set forth in Section 25.128 of this code.

Sec. 25.259 Liability Insurance Required.

No operator's permit shall be issued, and no operator's permit shall be valid, unless the permittee has and maintains in full force and effect at the permittee's own cost and expense the following insurance coverage:

(1) Full Workers' Compensation Insurance and Employer's Liability policy, or provide evidence of ability to undertake self-insurance. Workers' Compensation in compliance with California statutes and Employer's Liability coverage of at least \$1 million per occurrence. In the event the operator is self-insured, he shall furnish a Certificate of Permission to Self-Insure by the Department of Industrial Relations Administration of Self-Insurance, Sacramento, and evidence of at least \$1 million per occurrence excess Workers' Compensation limit combined with the Self-Insurance Retention.

(2) Comprehensive Auto and General Liability Insurance, including Products and Completed Operation Liability, Broad Form Property Damage Liability, Contractual Liability, and Personal Injury Liability. The amount of the policy shall be no less than \$1 million

Single Limit per occurrence, issued by an admitted insurer or insurers as defined by the California Insurance Code, providing that the City of Sacramento, its officers, employees and agents are to be named as additional insureds under the policy. The policy shall stipulate that this insurance will operate as Primary insurance and that no other insurance effected by the City or other Named Insured will be called on to contribute to a loss covered thereunder.

Said policies shall provide that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of this contract, without 30 days written notice to the City prior to the effective date of such cancellation or change in coverage. The permittee shall have the City's standard Certificate of Insurance completed and filed with the City's Risk Management and Insurance Division prior to issuance of any permit and prior to engaging in any operation or activity authorized by the permit.

Sec. 25.260 Indemnification.

Any person to whom an operating permit, driver's permit or vehicle permit is issued shall assume the defense of, and indemnify and hold harmless the City of Sacramento, its officers, employees and agents from and against all actions, claims, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the activity authorized by such permit.

Sec. 25.261 Renewal.

All permits issued hereunder shall expire on the October 1 following the date of issuance and shall be renewed annually. A non-refundable renewal application fee for each permit shall be set by resolution of the City Council. Any ground which would be grounds for denying an initial permit shall be grounds for denying a permit renewal.

Sec. 25.263 Suspension or Revocation of Permit.

(a) An operating permit issued hereunder shall be summarily suspended whenever the City receives a written opinion from a duly-licensed veterinarian that any animal used by the operator to draw a horse-drawn vehicle is under excessive physical stress, is malnourished, is not in sound condition, or is otherwise unhealthy such that continued use of the animal to draw a vehicle would pose a threat to the animal, or to the passengers, or to members of the public, or whenever an operator fails to permit examination of an animal used by him by a city-selected veterinarian upon 24 hours' notice. Upon request of the operator, a hearing shall be held before the Director within three working days after the notice of suspension at

which time the Director shall determine whether the grounds for summary suspension existed and whether such suspension should be continued or rescinded. The operator may appeal the decision of the Director to the City Council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the City Council, within 10 days after the date of the Director's decision. The notice of appeal shall state generally the grounds of appeal.

The City Council may appoint a hearing examiner to hear the matter pursuant to Section 2.323 of the City Code.

(b) Any permit issued hereunder may be suspended or revoked when it shall appear to the Director that any activity authorized by the permit is being carried out in such a manner as to constitute a nuisance, or to be injurious to the public health, safety or welfare, or in violation of any conditions imposed upon the permit, or that there exists any of the grounds which would have been grounds for denial of the permit application. Except as provided in subsection (a), no permit shall be revoked or suspended until a hearing shall have been held by the Executive Director.

Written notice of the time and place of such hearing shall be given at least five days prior to the date set for such hearing to the person to whom the permit was granted and to any other person requesting prior notice in writing at least ten days prior to the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery thereof to the persons to be notified, or by depositing the same in the U.S. mail in a sealed envelope, postage prepaid, addressed to such persons to be notified at the address appearing in the application for a permit.

The permittee may appeal the decision of the Director to the City Council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the City Council, within 10 days after the date of the Director's decision. The notice of appeal shall state generally the grounds of appeal.

The City Council may appoint a hearing examiner to hear the matter pursuant to Section 2.323 of the City Code.

SECTION 2.

This is an emergency ordinance, to take effect on August 1, 1985. The facts constituting the emergency are that numerous unregulated horse-drawn vehicles are being operated currently in the City, especially in the densely-occupied Old Sacramento Historical District, and it is necessary to have the regulations in this ordinance take effect as soon as possible in order to protect the public health, safety and welfare.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK