

ORDINANCE 2016-23

AN ORDINANCE REGULATING HORSE DRAWN VEHICLE BUSINESSES
IN THE CITY OF STREATOR, LASALLE AND LIVINGSTON COUNTIES, ILLINOIS

WHEREAS, the City of Streator has received a request to permit horse drawn vehicle services in the City of Streator.

WHEREAS, Section 11-42-6 of the Illinois Municipal Code, 65 ILCS 5/11-42-6, authorizes the City to license, tax and regulate cabmen.

WHEREAS, Title 5 of the City of Streator Municipal Code provides for the licensing and regulation of certain businesses.

WHEREAS, the Mayor and City Council have determined, after due consideration and investigation, that for the convenience and safety of the residents of the City of Streator, it is desirable and necessary to regulate horse drawn vehicle businesses within the City of Streator, Illinois.

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Streator, LaSalle and Livingston Counties, Illinois as follows herein.

Section 1: RECITALS. The City Council hereby finds the recitals contained in the preambles are true and correct and incorporate them into this Ordinance by this reference.

Section 2: ADOPTION OF REGULATIONS CONCERNING HORSE DRAWN VEHICLES. Title 5 of the City of Streator Municipal Code is hereby amended by adding a new Chapter 5.54 as follows herein.

Chapter 5.54

HORSE DRAWN VEHICLES

Sections:

5.54.010	License---Required.
5.54.020	License---Application.
5.54.030	License---Fees.
5.54.040	Required Equipment.
5.54.050	Operation.
5.54.060	Fares.
5.54.070	Denial of Applications; License Revocation.
5.54.080	Duty to Update Information.
5.54.090	Violations.

5.54.10 License---Required.

- A. No Person shall operate a horse drawn vehicle business for the purpose of transporting persons without first having obtained a horse drawn vehicle operator's license from the office of the City Clerk.
- B. A licensee may renew a license at the expiration thereof provided the licensee is then qualified to receive a license and the licensee is not delinquent in its payment of taxes, fines, fees or charges owed to the City. The requirement for and the procedure of obtaining a renewal of a license shall be the same as that provided for in case of an original license application.

5.54.020 License---Application.

Any Person desiring a license authorized by this Chapter shall submit a written application in the form furnished by the City. The City Manager shall have the authority to act on applications. In addition to the information required in the general application provisions set forth in Chapter 5.04 of this Title, each application shall contain the following information:

- A. the number of carriages to be operated, a description of each carriage by manufacturer's name and model number, other available identifying information (*e.g.* vehicle identification number) and a photograph of each carriage;
- B. the seating capacity of each carriage;
- C. the breed of all horse(s) (*i.e.*, quarter horse, draft, *et cetera.*) that will be used to pull the carriage(s);
- D. proof of a health exam for each horse to be used in the carriage(s) operation by a veterinarian of equine medicine who is licensed by the State of Illinois;
- E. proof of age for each horse to be used in the horse drawn carriage(s) operation, the minimum age being four years;
- F. the applicant's desired route(s), including proposed locations for carriage stands to be used for loading and unloading of passengers and a map for each proposed route;
- G. the applicant's proposed hours of operation;
- H. the applicant's proposed schedule of fares;
- I. the location of the proposed site or sites to be used for off-street storage, stabling and loading of carriages and horses;
- J. the identity of individuals who will be operating the carriage(s) and a valid Illinois motor vehicle driver's license number for such individual(s), all operators must be at least twenty-one (21) years of age;
- K. a statement of prior felony convictions or convictions for driving while intoxicated for the individual(s) who will be operating the carriage(s);
- L. a statement of any prior licenses as a driver or a chauffeur and whether any licenses have ever been revoked, and if so, the reasons therefor for the individual(s) who will be operating the carriage(s);
- M. a statement of moving violations within the previous five years prior and, if any, the details thereof for the individual(s) who will be operating the carriage(s);
- N. a photograph of the individual(s) who will be operating the carriage(s) taken at the police department and made in triplicate;
- O. written evidence that the individual(s) who will be operating the carriage(s) has experience driving a horse drawn vehicle or successful completion of a course in such driving and, upon request by the City Manager, the individual(s) shall, demonstrate the ability to drive a horse drawn vehicle;
- P. the name of one or more contact persons who can act on behalf of the operator and a 24-hour telephone number for each such person;
- Q. the applicant's federal Taxpayer Identification Number; and
- R. an insurance policy issued by a company currently authorized to do business in the State of Illinois, insuring the applicant against liability. The policy shall give a description of each horse drawn vehicle,

the manufacturer's name and model number and the registration number. The public liability insurance policy may cover one or more horse drawn vehicles, but each horse drawn vehicle shall be insured for at least \$500,000.00 for property damage and for injuries to or death of any one person, and each horse drawn vehicle having seating capacity for not more than seven 7 adult passengers shall be insured for the sum of at least \$1,000,000.00 for injuries to or death of more than one person in any one accident. The City of Streator shall be named as an additional insured on said policy.

5.54.030 License---Fees.

The fee for a horse drawn carriage operator's license shall be One Hundred Dollars (\$100.00) per calendar year. Fees shall not be prorated and shall be paid to the City before a license is issued.

5.54.040 Required Equipment.

No horse drawn vehicle shall be operated unless it is equipped with the following:

- A. all equipment required by the Illinois Compiled Statutes and any regulations promulgated thereunder;
- B. a hydraulic brake mechanism;
- C. an approved first aid kit; and
- D. a "horse diaper" or other method for collecting animal waste.

5.54.050 Operation.

- A. The operator shall post a copy of the license issued by the City in each carriage operated in accordance with this Chapter.
- B. Horse drawn vehicles shall only be operated upon approved routes and in accordance with approved schedules. A special designated route different from an approved route or operation time may be granted by the City Manager provided the operator submits a written request to the City Clerk not less than five (5) business days prior to the use of the special designated route or operation time and the request is approved in writing by the City Manager.
- C. A horse drawn vehicle shall be in good repair and mechanically sound with all equipment functioning in the manner for which it was constructed.
- D. No person shall operate a horse drawn vehicle unless such person is the holder of a valid Illinois motor vehicle driver's license.
- E. Fares shall be conspicuously posted or affixed to the vehicle.
- F. Smoking in horse drawn vehicles is prohibited.
- G. The occupancy of the vehicle shall not exceed the vehicle's rated seating capacity.
- H. Passengers must remain seated in designated passenger seats while the vehicle is in motion and are prohibited from riding on any other part of the vehicle.
- I. Consumption of alcoholic beverages by the operator of the vehicle or passengers is prohibited.
- J. It shall be the duty of the horse drawn vehicle driver to inform any person hiring the horse drawn vehicle of all charges before any service is rendered.

- K. Horse drawn vehicle operators shall not solicit patrons in an unreasonable manner so as to alarm or disturb another and to provoke a breach of the peace.
- L. Horse drawn vehicle operators shall maintain the horse at a speed no faster than a walk or slow trot.
- M. Horse drawn vehicles shall comply with all provisions of the Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*, as well as all applicable local traffic laws, ordinances and regulations.
- N. Operators shall not leave the horse drawn vehicle unattended while it is parked at a carriage stand while waiting to be hired.
- O. Any horse drawn vehicle permitted in accordance with this Chapter shall be subject to inspection by the Chief of Police, or his designees, to determine that the vehicle continues to meet the requirements set forth in this Chapter.

5.54.060 Fares. (Reserved)

5.54.070 Denial of Applications; License Revocation.

- A. The Approving Authority shall notify the applicant in writing if an application is denied and the reasons therefor.
- B. A license may be revoked if:
 - 1. there is any material misrepresentation made on an application; or
 - 2. the required liability insurance is no longer in full force and effect; or
 - 3. the licensee has failed to comply with the provisions of this Chapter; or
 - 4. the City Manager determines the continued operation of a horse drawn vehicle within the City constitutes an unreasonable safety hazard.

The City Clerk shall issue a written notice of revocation of a license which shall be hand delivered to the operator or sent by certified mail, return receipt requested, to the operator at the address on the application. Revocation of the license shall be effective immediately after personal service or on the third day after the post mark of the certified mail receipt.

- C. The denial of an application or revocation of a license may be appealed in writing to the City Council within ten (10) business days from the notice of denial or the revocation. The City Council shall hold a public hearing at which the affected license applicant or holder may appear, present witnesses and evidence and be represented by an attorney. The City Council shall uphold the denial or revocation if it determines by a preponderance of the evidence that the insufficiency or violation which was the basis for the denial or revocation occurred. During the appeal process, a license revocation shall remain in full force and effect.
- D. In the event a license is revoked due to a failure to maintain the required liability insurance or a failure to maintain the equipment on a vehicle in compliance with this Chapter, the City Manager, in his discretion, may reinstate the license, upon documentation of reinstatement of the required insurance or of the repair or modification of the horse drawn vehicle necessary to cure any deficiencies with respect to required equipment.

5.54.080 Duty to Update Information.

While an application is pending and throughout a license period, any amendments to information contained in a license application shall be submitted by the operator in writing to the City Clerk within five (5) business days after the change necessitating the amendment.

5.54.090 Violations.

Any person violating any provisions of this ordinance is subject to a fine of not less than \$100.00 nor more than \$750.00.

Section 3: SEVERABILITY. Each section, paragraph, sentence, clause and provision of this ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof, other than that part affected by such decision.

Section 4: PROVISIONS IN EFFECT. Except as to the amendments heretofore mentioned, all articles, chapters and sections of the Municipal Code of Ordinances of the City of Streator, Counties of LaSalle and Livingston, Illinois, shall remain in full force and effect.

Section 5: EFFECTIVE DATE AND PUBLICATION. This Ordinance shall in full force and effect from and after is passage and approval and publication as required by law.


Passed by the Mayor and City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof held on the 19th day of October 2016 and approved by me as Mayor on the same day.

APPROVED:



Jimmie D. Lansford, Mayor

ATTEST:



Linda Underwood, City Clerk

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Mayor Jimmie D. Lansford	√			
Councilwoman Bedei	√			
Councilman Ed Brozak	√			
Councilman Brian Crouch	√			
Councilman William Phelan	√			