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DATE AMENDED _____

ADOPTION INTRODUCTION

CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2015-12

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 106 VEHICLES FOR HIRE, TO ADD ARTICLE I. IN GENERAL AND ARTICLE II. HORSE-DRAWN CARRIAGES FOR HIRE

WHEREAS, certain amendments have been suggested to the sections of the Code addressing vehicles for hire; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 106 Vehicles for Hire, shall be amended to read as follows:

Article I. In General

Sec. 106-1. Insurance for certain vehicles.

(a) No person shall operate a taxicab, ambulance or wrecker if such vehicle does not have a valid liability insurance policy in force for it in the amounts of $100,000.00 for personal injury, $300,000.00 for personal injury per occurrence and $50,000.00 for property damage.

(b) No person shall conduct a taxicab, ambulance or wrecker business unless he has the insurance required by this section in force on his business vehicles.

(c) No person shall be issued an occupational license for conducting the business of taxicab, ambulance or wrecker unless he shall present to the city evidence of compliance with the provisions of this section.

Secs. 106-2.—106-30. Reserved.

Article II. Horse-Drawn Carriages for Hire.

Sec. 106-31. Short title and definitions.

(a) *Short title.* This section shall be known and recited as "The Horse-Drawn Carriages for Hire Ordinance."

(b) *Definitions.*

(1) *City.* The word "city" shall mean the City of Covington, Louisiana.

(2) *Horse drawn carriage.* Any hack or carriage which is operated by being drawn by a horse, mule or other beast of burden, for the transportation for hire of passengers.

(3) *License.* The right and privilege granted by the city for the operation of a business incorporating the use of a single horse drawn carriage within the corporate limits of the city. Also, the document evidencing same.

(4) *Company.* The holder of a license to operate a horse drawn carriage business under the provisions of this chapter whether a person, firm, partnership or corporation.

(5) *Driver.* Any person who drives or operates a horse drawn carriage on the streets of the city for a licensed company.

(6) *Driver's permit.* The written document issued by the city identifying an individual driving or operating a horse drawn carriage for a designated licensed company within the city.

(7) *Street.* The word "street" shall mean and include any street, alley, lane, avenue, court or public place in the city.

(8) *Inspector (code enforcement officer or his designee).* The individual employee or organizational unit of the city charged with the responsibility for enforcing this chapter, except for specific responsibilities otherwise provided herein.

(9) *Stand.* A public or private place alongside the curb of a street or elsewhere which has been designated or approved by the city for the use (exclusively or nonexclusively) of a horse drawn carriage. Adequate water shall be provided in the stand area at all times.

(10) *Draft animal.* A horse, mule or other beast of burden, used for the drawing of horse drawn carriage.

(11) *Draft animal's permit.* The written document issued by the city identifying a draft animal drawing a horse drawn carriage for a designated licensed company within the city.

Sec. 106-32. Licensing of horse-drawn carriage companies; headquarters.

(a) *License required.*

(1) No person, firm, corporation, or entity shall operate a business involving the use of a horse-drawn carriage on the streets of the city unless the current year's occupational tax has been paid in accordance with chapter 22 of the City Code, and a license for such business has first been granted by the city pursuant to the provisions contained here in chapter 106. The license shall be effective for only a single carriage, and only for the calendar year stated in the license, unless suspended or revoked sooner as provided by ordinance.

(2) Any person, firm, corporation, or legal entity desiring a license required by this section shall submit an application in writing to the city on a form to be furnished by the city. The application shall be made under oath and shall contain, at a minimum, the following information:

a. The legal name of the applicant;

b. The trade name, if applicable, under which the applicant is to operate;

c. All persons having an beneficial interest in the applicant greater than five percent;

d. Mailing and physical address of applicant;

e. The name and address of a contact person for all purposes under this chapter;

f. The number required to be affixed to the carriage pursuant to this chapter;

g. The passenger capacity of the vehicle; and

h. A photograph of the carriage for which license is applied.

(b) *License fee.* Before any license is granted under this section, an impact, enforcement, and administrative fee for the licensed activity in the amount of $100.00 shall be paid by the applicant.

(c) *License to be displayed in horse-drawn carriage.* The license issued under the provisions of this section shall be placed on display in the horse-drawn carriage, where the license will be in clear view of the passengers at all times when the horse-drawn carriage is for hire.

(d) *Alteration of license prohibited.* It shall be unlawful for any person willfully to alter, deface, obliterate or destroy a horse-drawn carriage license, or cause or allow the same.

(e) *Multiple licenses allowable.* It shall be permissible for any applicant to hold multiple licenses, and they shall be required to obtain multiple licenses to operate separate carriages.

(f) *License not transferable.* Any horse-drawn carriage license issued under this section is not transferable, either from entity to entity, or from carriage to carriage, and is to be used solely by the applicant to whom issued, and solely for the carriage identified upon the license.

(g) *Duration of permit.* Any horse-drawn carriage license shall be valid for that calendar year. License may be renewed, upon application and payment of the required fee. License may be revoked at any time with cause.

(h) *Operating regulations.* In addition to the license requirements imposed herein, each license holder shall be responsible for the following operating regulations:

(1) Compliance with all state and federal laws and regulations governing equines and humane treatment of animals.

(2) No one animal may be worked more than eight hours per day. Each horse is required to rest for 16 consecutive hours after working a shift of any length.

(3) No draft animal shall be permitted to pull a horse-drawn carriage when the outside temperature exceeds 90 degrees Fahrenheit or is lower than 25 degrees Fahrenheit. Draft animals should be blanketed if the temperature is lower than 55 degrees Fahrenheit. The temperature reading shall be conclusively presumed to be that obtained at the communications desk of the city police department as adjunct to the National Weather Service.

(4) At the time of permitting of any draft animal, and at any time, upon demand by the city inspector, a valid Louisiana Equine Infectious Anemia (EIA) certification for the draft animal then in service must be produced (Louisiana Administrative Code, Title 7, Agriculture and Animals, Part XVII. Commercial Feeds, Chapter 5, Equine). A veterinary health check is required every 6 months for registered animals and the animals are subject to unannounced visits by Parish Animal Control.

(5) Each license holder shall require, and each driver must maintain, a log of the starting and ending times for each driver and each draft animal. Said log should be kept in a bound book form and continuously available upon the carriage being pulled for inspection by the city inspector.

(i) The city inspector shall be empowered to inspect all operating practices of any carriage company to ensure continuous compliance with this chapter.

Sec. 106-33. Insurance.

(a) *Indemnity for benefit of city.* Any horse-drawn carriage company operating under this chapter shall hold the city, its officers, agents, 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 the company in connection with the rights granted to such company hereunder. Nothing in this chapter shall be considered to make the city, its officers, agents, 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) *Insurance for benefit of passengers.* Any horse-drawn carriage company holding a license to do business shall give and maintain a policy of indemnity from an insurance company authorized to do business in the state and approved by the city for each vehicle in use as a horse-drawn carriage. The minimum coverage shall be $1,000,000 combined single limit per 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 of a horse-drawn carriage company, its servants or agents.

(c) *Blanket policy.* Any company or person operating a horse-drawn carriage in the city shall give a separate policy of indemnity insurance for each separate horse-drawn carriage for hire, except where such company or person actually owns or operates more than one horse-drawn carriage, in which event such company or person may give one policy of indemnity insurance covering all the horse-drawn carriages actually owned or operated.

(d) *Comprehensive general liability insurance.* Any carriage company entering into a lease agreement for use of a designated carriage stand shall maintain from a licensed insurance company and approved by the city comprehensive general liability insurance in the amount of $1,000,000 for its undertakings associated with designated horse-drawn carriage stands within the city.

(e) *Notice when voided.* Before any policy of insurance required by this chapter is voided for any cause, nonpayment of premium or otherwise, notice thereof shall be given, by the licensee in writing, to the city at least ten days before the same shall take effect.

Sec. 106-34. Horse-drawn carriage driver permit required for identification.

(a) *Permits required.*

(1) No person shall operate a horse-drawn carriage for hire upon the streets of the city and no person who holds a horse-drawn carriage license pursuant to this chapter 106 shall permit a horse-drawn carriage to be driven, at any time for hire, unless the driver of the horse-drawn carriage shall:

a. Have a current motor vehicle operator's license issued or approved by the state, and that the license is not under suspension or revocation; and

b. Have obtained and shall have then in force a horse-drawn carriage driver's permit issued under the provisions of this section.

(2) Any person desiring a permit required by this section shall submit an application in writing to the city on a form to be furnished by the city. The application shall be made under oath and shall contain, at a minimum, the following information:

a. The age of the applicant;

b. Date of birth;

c. Address;

d. The name and license number of the horse-drawn carriage company for whom the applicant shall operate; and

e. A photograph of the applicant.

(b) *Driver's permit fee.* Before any permit is granted under this section, an administrative fee for the driver's permit in the amount of $10 shall be paid by the applicant.

(c) *Permit to be displayed in horse-drawn carriage.* The permit issued under the provisions of this section shall be placed on display in the horse-drawn carriage then being operated by the holder of the permit, where the permit will be in clear view of the passengers at all times when the horse-drawn carriage is for hire.

(d) *Alteration of permits prohibited.* It shall be unlawful for any person willfully to alter, deface, obliterate or destroy a horse-drawn carriage driver's permit, or cause or allow the same.

(e) *Multiple permits allowable.* It shall be permissible for any person to hold multiple driver permits, and they shall be required to obtain multiple permits to operate separate carriages.

(f) *Permit not transferable.* Any horse-drawn carriage driver's permit issued under this section is not transferable, either from person to person, or from carriage to carriage, and is to be used solely by the person to whom it is issued, and solely for the carriage identified upon the permit.

(g) *Duration of permit.* Any horse-drawn carriage driver's permit shall be valid for that calendar year. Permits may be renewed, upon application and payment of the required fee.

(h) *Qualifications of applicant.*

(1) An applicant for a driver's permit under this article must not be less than 18 years of age, with no physical infirmities which might make the applicant an unsafe or unsatisfactory horse-drawn carriage driver. No permit shall be issued to any person who has been convicted of operating a motor vehicle while under the influence of intoxicating beverages or drugs within one year prior to the date of the application for such permit or who has been convicted of that offense three or more times within five years prior to the date of the application for the permit.

Applicant shall never have been convicted anywhere under the laws of this state or any other state or of the United States of the offense or offenses or attempted offense or offenses equivalent thereto of any homicide, aggravated rape, aggravated battery, simple rape, aggravated kidnapping, aggravated burglary, armed robbery, attempted aggravated battery, attempted aggravated rape, attempted aggravated robbery, aggravated assault, and/or the sale, distribution, or possession with intent to distribute a controlled dangerous substance as set forth in R.S. 40:961, et seq., or any other felony convictions.

Applicant shall never have been convicted of multiple felony offenses.

If an applicant for a new or renewal of a permit has been arrested or charged with any offense enumerated in this section, consideration of the application shall be suspended until a conviction, reduced charge or dismissal is

rendered. If after being charged, there is a judicial determination of no probable cause for the arrest, the suspension shall immediately cease. Upon conviction of an enumerated offense, the permit shall be revoked.

An arrest for any of the offenses listed in this section shall be grounds for an immediate interim suspension of an existing permit. If after being charged, there is a judicial determination of no probable cause for the arrest, the suspension shall immediately cease. Upon conviction of an enumerated offense, the permit shall be revoked.

Any holder of a permit or any person applying for a new or renewed permit must notify the city in writing of any arrest, charge, or conviction of a crime within 15 days of receiving any such arrest, charge, or conviction. If the applicant or permit holder is incarcerated during this period, he/she shall notify the city immediately upon release. Subsequently, he/she shall deliver to the city a certified copy of any order, judgment, or certificate of disposition issued by the clerk of the court within 15 days of disposition or sentencing.

(2) Applicant shall be a citizen or permanent resident of the United States.

(3) Applicant shall have passed a complete background check.

Sec. 106-35. Horse-drawn carriage draft animals permit required for identification.

(a) *Permits required.*

(1) No draft animal shall be allowed to draw a horse-drawn carriage for hire upon the streets of the city, and no person who holds a horse-drawn carriage license pursuant to this chapter shall permit any draft animal to draw a horse-drawn carriage at any time for hire, unless the license holder of the horse-drawn carriage shall have obtained and shall have then in force a horse-drawn carriage draft animal permit issued under the provisions of this section.

(2) Any person desiring a permit required by this section shall submit an application in writing to the city on a form to be furnished by the city. The application shall be made under oath and shall contain, at a minimum, the following information:

a. The name and description of the draft animal;

b. Date of birth of the draft animal;

c. Name and address of the owner of the draft animal;

d. The name and license number of the horse-carriage company for whom the draft animal shall labor and the name, address and telephone number of the establishment where the draft animal is stabled; and

e. A photograph of the draft animal, which is to be attached to the permit.

(b) *Draft animal's permit fee.* Before any permit is granted under this section, and administrative fee for the draft animal permit in the amount of $10.00 shall be paid by the applicant.

(c) *Permit to be displayed in horse-drawn carriage.* The permit issued under the provisions of this section shall be placed on display in the horse-drawn carriage then being drawn by the permitted draft animal, where the permit will be in clear view of the passengers at all times when the horse-drawn carriage is for hire.

(d) *Alteration of permits prohibited.* It shall be unlawful for any person willfully to alter, deface, obliterate or destroy a horse-drawn carriage draft animal, or cause or allow the same.

(e) *Multiple permits allowable.* It shall be permissible for any draft animal to be permitted multiple times, and they shall be required to obtain multiple permits to draw separate carriages.

(f) *Permit not transferable.* Any horse-drawn carriage draft animal's permit issued under this section is not transferable, either from draft animal to draft animal, or from carriage to carriage, and is to be used solely by the draft animal for which it is issued, and solely for the carriage identified upon the permit.

(g) *Duration of permit.* Any horse-drawn carriage draft animal's permit shall be valid for that calendar year. Permits may be renewed, upon application and payment of the required fee.

Sec. 106-36. Identification and marking generally.

Every horse-drawn carriage shall have a sign, clearly visible and readable, painted or affixed upon the rear of each vehicle. The sign shall contain the full name of the horse-drawn carriage company operating the vehicle. Additionally, the sign shall conform to all sign standards for the city and be permitted by the city in the same manner as all other signs. Variations due to carriage design may be permitted with approval of the city inspector.

Sec. 106-37. Numbers generally.

There shall be painted or affixed on each side and on the rear of each horse-drawn carriage a number of such uniform size and color as is, in the sole discretion of the city, appropriate for identification, and applied to the carriage by the city designee. The number shall be a separate and distinct number from that on any other public vehicle in the city. The number shall be assigned to such horse-drawn carriage by the city at the time of application for license, and shall not be altered or changed without consent of the city. Variations due to carriage design may be permitted with approval of the city inspector.

Sec. 106-38. Design standards and equipment.

Horse-drawn carriages must be maintained in a safe mechanical condition, with all safety equipment remaining intact and operative at all times when the horse-drawn carriage is in service. Carriages must be equipped with at least two (2) lamps displaying white light to the front of the carriage and at least two (2) rear lamps displaying red light visible from a distance of not less than five hundred (500) feet. Sufficient reflective material must be placed along the shafts of the carriage, or other parts thereof, which normally parallel the body, head or legs of the horse pulling the carriage. Carriages shall not exceed twelve (12) feet in length or six (6) feet in width. Carriages will be measured from end to end, excluding the steps and shafts; and from axle tip to axle tip. No part of the carriage may be over six (6) feet in width.

Any owner or operator of a horse-drawn carriage shall provide that all horses are equipped with diapering apparatus that prevents the droppings of such animal from being deposited or otherwise left on city streets. It shall be the responsibility of the owner or operator utilizing such animal for the purpose of pulling a carriage to maintain the diapering apparatus in good working condition. The owner or operator shall provide and utilize the necessary cleaning agent needed to breakdown and eliminate accumulated odors from horse urine. The handling of

such agents shall be in a safe and sanitary manner. Disposal of any diapering apparatus is prohibited in any city receptacle.

Sec. 106-39. Cleanliness of horse-drawn carriage and city required.

Each vehicle operating under this chapter shall be kept neatly painted, and in clean and sanitary condition, free of litter and debris, and at all times suitable for public transportation of passengers.

Cleanliness of the city must be maintained at all times and no objects are to be thrown from the carriage.

Sec. 106-40. Vehicle inspections required.

Each horse-drawn carriage may be inspected by the inspector for compliance with the provisions of the chapter and shall pass the inspection before the vehicle may be used as a horse-drawn carriage in the city. Each horse-drawn carriage involved in an accident, regardless of location, shall be inspected by the inspector before it may be returned to service transporting passengers for hire. Inspections of the horse-drawn carriage may be done at any time by the inspector.

Sec. 106-41. Rates of fare; rate card required.

No license holder, driver, or any other person associated with a horse-drawn carriage shall charge a greater sum for the use of the horse-drawn carriage than that published and advertised as the rates for such vehicle, which shall be displayed in each vehicle. Rates shall be displayed conspicuously at each entrance to the carriage, so as to be in clear view of all passengers. The specific location and size of the rate posting must be approved by the inspector.

Sec. 106-42. No horse-drawn carriage to be left unattended.

It is unlawful for any driver of any horse-drawn carriage to, or for the license holder thereof to permit, the vehicle to be left unattended at any time.

Sec. 106-43. Soliciting passengers prohibited.

It shall be unlawful for any person to solicit passengers verbally or by gesture, directly or indirectly, at any horse-drawn carriage stand or upon the streets of the city. This does not include the distribution of written or prepared advertisements for the business.

Sec. 106-44. Restriction on number of passengers.

No horse-drawn carriage shall transport more persons at a single time than the seating capacity of his horse-drawn carriage, as identified in the license.

Sec. 106-45. Refusal to carry orderly passengers prohibited.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. Disorderly behavior is subject to prohibition.

Sec. 106-46. Property left in horse-drawn carriage by passenger.

Any horse-drawn carriage driver or operator, discovering in any horse-drawn carriage under his control, personal property which was lost or left therein by a passenger of such horse-drawn carriage, shall be responsible for returning that lost property to its rightful owner.

Sec. 106-47. Safety equipment required.

(a) In addition to requirements specified in section 106-38, a DOTD-approved slow-moving vehicle sign shall be attached upon the rear of the vehicle so as to be clearly visible from a rear approach. Each horse-drawn carriage shall be equipped with a functional and operative friction braking.

(b) No passenger shall be allowed to stand while the carriage is in motion.

Sec. 106-48. Area and hours of operation.

At any time the city shall set or amend a repetitive route or routes for horse-drawn carriages, however, such election shall not prohibit pick up and transport of prearranged passengers for hire who request transport deviating from established routes as per Special Events Permit. The city shall also designate or approve the location of stands and the number of carriages which may be located at each stand at any one time.

Horse-drawn carriages shall be authorized to operate only during the hours specified in the application and approved by the mayor, fire chief and police chief.

Should the mayor, fire chief or police chief determine that special circumstances exist which would jeopardize the safety of operation of such carriages or threaten the safety of the general public, the temporary suspension of the operation of such horse-drawn carriages may be ordered until such time as the special circumstance abates. It shall be the responsibility of the owner or operator to make inquiry with the mayor's office regarding any restriction on hours of operation other than those specified in this section.

Sec. 106-49. Alcohol consumption.

The consumption of alcoholic beverages is permitted on public streets and in public areas in the Entertainment District as defined in section 10-31 of the Covington Code. The consumption of alcoholic beverages is permitted for passenger fares while in the Entertainment District and for passenger fares that embark or disembark in the Entertainment District.

Sec. 106-50. Sanitation requirements.

Draft animal manure must immediately, and without any delay whatsoever, be removed from the street by the license holder or some person immediately available on behalf of the license holder. Draft animal urine must be treated with a chemical deodorizing solution or cleaning agent once passengers are offloaded, at the latest. Each carriage must be equipped with a suitable scoop shovel and airtight container for the temporary storage of removed manure. Horse diapers, designed, affixed, and maintained to prevent excrement from being deposited on the street surface, must be used at all times upon draft animals. All manure must be disposed of properly off site, but not within any city receptacle.

Sec. 106-51. Traffic violations.

(a) Horse-drawn carriages shall be prohibited from stopping in traffic or delaying any on-street traffic for the purposes of loading or unloading passengers or for any other purposes.

(b) All vehicles subject to this chapter shall operate the vehicles in accordance with the traffic laws of the city, as well as the state.

(c) It shall be unlawful for any horse-drawn carriage to willfully impede the normal flow of traffic on any city street, alley or thoroughfare, and are required to travel at the extreme right of the road surface when followed by any other vehicle.

(d) Due to the nature of operating animal-drawn vehicles in areas of congestion and heavy traffic within the city, it shall be unlawful to operate the animal-drawn vehicles except when the animals are under complete control at all times and shall be operated with extra caution and due care for the safety of others.

Sec. 106-52. Violations; penalty.

Any person violating the provision of this chapter shall be guilty of a misdemeanor, punishable as provided in section 1-8 of this Code. In addition, violation of this chapter shall also be grounds for suspension or revocation of the license issued under this chapter. Every transport for hire in violation of this ordinance shall be deemed a separate violation.

Sec. 106-53. Effective date.

This ordinance shall become effective and enforceable at the expiration of seven (7) days after publication in the official journal.

BE IT FURTHER ORDAINED that all other sections of Chapter 106 Vehicles for Hire shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION by ROLLING, seconded by CONER.

YEAS: 7 **ABSENT:** 0

NAYS: 0 **ABSTAIN:** 0

PASSED AND ADOPTED this 5th day of MAY, 2015.

R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT

BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Presented to the Mayor this 7th day of MAY, 2015, at 1:40 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL

Approved ✓ or Vetoed ___ by the Mayor on this 7th day of May, 2015.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on the 7th day of MAY, 2015, at 2:20 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
CLERK TO THE COUNCIL