



Town of Beaufort NC
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RESOLUTION AMENDING CHAPTER 116: VEHICLES FOR HIRE OF THE TOWN OF BEAUFORT CODE OF ORDINANCES

WHEREAS, The Board of Commissioners of the Town of Beaufort previously established a Code of Ordinances to insure the health, safety and welfare of its citizens; and

WHEREAS, CHAPTER 116: VEHICLES FOR HIRE contains a section currently detailing how to obtain a permit for Non-Motorized Vehicles, including horse drawn carriages; and

WHEREAS, The Town of Beaufort Town Manager has recommended the prohibition of horse drawn carriages due to unfavorable previous experiences in the Town, unavoidable, unpleasant odors, traffic congestion and safety concerns, public concerns regarding the treatment of horses under these circumstances ; and

WHEREAS, the Board of Commissioners of the Town of Beaufort finds it necessary to amend portions of **CHAPTER 116: VEHICLES FOR HIRE** to reflect the current needs of the Town and recommendation of the Town Manager.

NOW, THEREFORE BE IT RESOLVED THAT,

CHAPTER 116: VEHICLES FOR HIRE is hereby amended by changing the following paragraphs:

§ 116.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HORSE. A horse and related horse family.

HORSE DRAWN CARRIAGE. A vehicle transported or drawn by horse.

NON-MOTORIZED VEHICLE. A vehicle which utilizes a primary means of propulsion which is non-motorized, but utilizes a secondary or back-up means of propulsion that may or may not be motorized. Non-motorized vehicles may include, but are not limited, to the following:

PEDICABS. cycle with three or more wheels operated by one person for the purpose of, or capable of, transporting passengers for hire in seats or on a platform made part of the pedicab.

RICKSHAW. A two-wheeled vehicle pulled by one person for the purpose of, or capable of, transporting not more than two passengers for hire.

§ 116.03 PERMIT REQUIRED.

No person shall engage in the transportation of passengers and/or property for hire by non- motorized vehicle within the corporate limits of the town unless the person shall have first applied to and obtained from the Board of Commissioners a certificate or permit authorizing such operation, and it shall be unlawful for any person knowingly or willfully to operate a non-motorized vehicle business in any manner contrary to the provisions of this subchapter.

The operation of horse drawn carriages, or any other vehicle for hire that is drawn or transported by any animal, is prohibited.

(1992 Code, § 19-41) (Ord. passed 5-12-1986; Ord. passed 3-14-2011; Am. Ord. passed 4-10-2014) Penalty, see § 116.99

§ 116.04 PERMIT APPLICATION.

(B) A description of the vehicle to be used by the applicant in the business to include the arrangements for ~~the housing and care~~ vehicle storage;

(E) A certification of liability insurance coverage ~~on the horse drawn carriages~~ in the minimum amount of \$20,000 for property damage, \$50,000 for each claimant, and \$100,000 per occurrence. Additionally, the liability insurance coverage shall be increased to the same minimum limits as required of motor vehicles by G.S. Chapter 20, if the minimum coverage for motor vehicles should be increased hereafter; and

§ 116.06 PERMIT HEARING; APPROVAL.

(4) The proposed services will be carried out in a reasonably safe manner and so as not to interfere with the health, safety and welfare of pedestrians, motor vehicles and the general public, and the proposed ~~horse carriage~~ service will not unreasonably interfere with the use of streets within the town.

§ 116.09 ~~RESERVED CERTIFICATE OF HEALTH OF ANIMALS REQUIRED:~~

~~—The holder of each permit to operate a horse drawn carriage business issued in accordance with this subchapter shall present to the town no later than the first day of March and the first day of September of each year a certificate by a doctor of veterinary medicine, duly licensed in the State of North Carolina for each horse owned and used by permit holder certifying that the doctor of veterinary medicine has examined such horse and that the same is in good health and able to draw the horse drawn carriage or carriages as allowed by the permit without endangering the health of such horse. In the event of failure to present such certificate for each horse, the owner shall not be able to use in the horse drawn carriage business any horse for which a certificate is not presented.~~

~~{Ord. passed 3-14-2011}~~

§ 116.10

§ 116.10 ~~RESERVED~~ OTHER REQUIREMENTS RELATED TO THE SAFETY OF THE ANIMALS.

~~—(A) The Chief of Police, or his or her designee, may from time to time, inspect each horse used in a horse drawn carriage business in order to determine compliance with the following:~~

~~—(1) Owners, operators and drivers shall ensure that appropriate and sufficient food and fresh potable drinking water are available for each horse, and, while working, each animal is permitted to eat at reasonable intervals and have access to drinking water as necessary. Animal owners, operators and drivers shall further ensure that the horses be given a minimum 10 minute rest period between routes.~~

~~—(2) Occupancy of the carriages shall not exceed the rating capacity of the carriage. Exceeding the rated seating capacity by lap sitting or any other means is prohibited.~~

~~—(3) Animals used in the horse drawn carriage business shall not be used in the following conditions:~~

~~—(a) During periods of time when the temperature is predicted to exceed 95 degrees Fahrenheit or predicted to be below 26 degrees Fahrenheit.~~

~~—(b) During periods when the weather is deemed dangerous or unsuitable for the operation of horse drawn carriages.~~

~~—(4) Animals shall not engage in work more than 6 days in a 7 day period.~~

~~—(5) Animals shall not be subject to any cruel or harassing treatment or equipment.~~

~~—(6) Animals shall not have open sores or wounds, nor shall such animal be lame or have any other ailments unless the operator has in his or her possession of a current written statement by a licensed veterinarian that the animal is fit for such work, notwithstanding its condition.~~

~~—(7) Each horse shall have its hooves properly trimmed and shod for appropriate surfaces.~~

~~—(8) Harnesses and other equipment shall be properly fitted, maintained and oiled so that no irritating material will come in direct contact with the horse.~~

~~—(B) During the inspection process, the Chief of Police may seek advice from an appropriate licensed veterinarian or animal welfare group to determine compliance of any of the above.~~

~~{Ord. passed 3-14-2011}~~

§ 116.11 ~~RESERVED~~ PROHIBITED ACTS.

~~—It shall be unlawful and a violation of this subchapter for a permit holder to:~~

~~—(A) Fail to provide each horse with a bag, sack or similar device fastened upon the horse for the discharge of excrement;~~

~~—(B) Fail to promptly pick up and remove any excrement which may fall upon the streets and sidewalks of the town through the horse drawn carriage operation; and/or~~

~~—(C) Pick up or discharge passengers at any points except those authorized in the permit, or by the Police Department if the permit does not specify pick up and discharge points.
(1992 Code, § 19-47) (Ord. passed 5-12-1986; Ord. passed 3-14-2011) Penalty, see § 116.99~~

Adopted this 13th day of March 2017.

Mayor Richard Stanley

Jennifer Allen, Town Clerk