

**AGENDA ITEM EXECUTIVE SUMMARY**



Title:	Recommendation to Approve Ordinance Amending Title 5 “Business Licenses and Regulations” – Adding a new Chapter 5.52 “Horse-drawn Carriages”
Presenter:	Chief Lamkin

*Please check appropriate box:*

Government Operations	X	Government Services 11.26.12
Planning & Development		City Council
Public Hearing		

Estimated Cost:	\$0	Budgeted:	YES		NO	X
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If NO, please explain how item will be funded:

**Executive Summary:**

The Police Department was contacted by a horse-drawn carriage operator expressing their interest in providing this unique business opportunity for the City of St. Charles. The proposed ordinance has been reviewed by Robin Jones of Gorski & Good, LLP.

The intent for these proposed routes is to provide for a scenic tour of the downtown area while also minimizing the effect on the motoring public. A similar route was used during this year’s Scarecrow Fest by the stage coach attraction and is also intended to be used by a horse and sleigh/carriage during this year’s Downtown Partnership Holiday Homecoming event.

**Attachments:** *(please list)*

Revised Ordinance for Title 5, addition of Chapter 5.52 “Horse-drawn Carriages”

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve Ordinance Amending Title 5 “Business Licenses and Regulations” – Adding a new Chapter 5.52 “Horse-drawn Carriages”.

For office use only:	Agenda Item Number: 4.a
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**City of St. Charles, Illinois**  
**Ordinance No. 2012-\_\_\_\_\_**

**An Ordinance Amending Title 5 “Business Licenses and Regulations” -  
Adding a New Chapter 5.52, “Horse-drawn Carriages” of the St. Charles  
Municipal Code**

WHEREAS, the City of St. Charles has received a request from a horse-drawn carriage operator to provide horse-drawn carriage services in the downtown St. Charles area; and

WHEREAS, the City Council concurs that horse-drawn carriages would be a nice service for downtown St. Charles; and

WHEREAS, in allowing such service, it is necessary to protect the health and safety of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1. That Title 5, “Business Licenses and Regulations”, of the St. Charles Municipal Code, be and is hereby amended by adding a new Chapter 5.52, “Horse-drawn Carriages”, as follows:

“Chapter 5.52

**HORSE-DRAWN CARRIAGES**

Sections:

- |          |  |
|----------|--|
| 5.52.010 | Definitions.   |
| 5.52.020 | Horse-drawn carriage company requirements.                   |
| 5.52.030 | Horse-drawn carriage requirements and operating regulations. |
| 5.52.040 | Horse-drawn carriage traffic regulations.                    |
| 5.52.050 | City right to revoke license.                                |

**5.52.010 Definitions.**

For the purpose of this chapter:

- A. "Carriage" means any device in, upon or by which any person is or may be transported or drawn upon a public way, designed to be or capable of being driven by a horse and carrying no more than six (6) passengers.
- B. "Carriage stand" means that portion of a curb lane designated by the city for loading and unloading of passengers for horse-drawn vehicles.
- C. "City" means the City of St. Charles, Illinois.
- D. "Horse" means an animal of the genus equus and shall be a draft or draft-cross horse.

More than fifty percent (50%) of the horse's blood line must be from a draft horse breed.

- E. "Person" means a natural person, partnership, firm, corporation or other legal entity.
- F. "Administrator" means city administrator or his/her designee for the city.

**5.52.020 Horse-drawn carriage company requirements.**

- A. Permit Required: No person or entity may conduct business as a horse-drawn carriage company on city streets without a valid, current horse-drawn carriage company permit issued by the city under section 5.52.030. Permits will be issued annually for the period May 1 through April 30 of each year. Horse-drawn carriage company permit fees are one hundred fifty dollars (\$150.00) for a year and must be renewed annually.
- B. Number of Permits Issued: Only two (2) horse-drawn carriage company permits shall be issued annually so the city can maintain safety and efficacy of a horse drawn carriage operation in downtown St. Charles.
- C. Background Check: Each applicant(s) must submit to a background check by the police department and be found to be of good moral character in the eyes of the law.
- D. Rates: Each horse-drawn carriage must prominently display the rate or other charge to be made for its service. This may be done by placing placard on the inside of the carriage or handing out a document with the rates attached.
- E. Insurance Requirements: Company permit holders must secure and maintain a commercial general liability policy reflecting limits of no less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate for covered claims arising out of, but not limited to, bodily injury, property damage, personal and advertising injury, and contractual liability in the course of the permit holder's work under a for-hire horse-drawn carriage company permit. The insurance policy must allow for written notice to the administrator thirty (30) days before a policy is cancelled, will expire or be reduced in coverage.

**5.52.030 Horse-drawn carriage requirements and operating regulations.**

- A. Carriage Safety Sticker: Each horse-drawn carriage company must display a city safety sticker for each horse-drawn carriage being used in the operation. A safety sticker will be issued by the city police department upon a successful inspection of a carriage regarding the requirements put forth in subsections 5.52.030B and C. No horse-drawn carriage may carry more than seven (7) passengers at one time, including the driver or the maximum recommended weight for the carriage, whichever is less. The fee for the first carriage safety sticker is included in the cost of the horse-drawn carriage company permit, which must be renewed annually. However, each additional carriage safety sticker shall be fifty dollars (\$50.00) a year and must be obtained annually. The total number of carriage safety stickers issued to any horse-drawn carriage company each fiscal year shall be two (2).

- B. Mechanically Sound: Each horse-drawn carriage shall be mechanically sound, and not in a state of disrepair, with all equipment functional in the manner for which it was constructed.
- C. Safety Equipment: All horse-drawn carriages shall be equipped with two (2) electrified white lights visible for one thousand (1,000) feet to the front of the vehicle, and two (2) electrified red lights visible for one thousand (1,000) feet to the rear of the vehicle. All lights must be operational from sunset to sunrise and during the times of lessened visibility. Electrified directional signals are required at all times. Each horse-drawn carriage shall be equipped with working brakes that are capable of stopping the loaded vehicle on at least a ten-degree incline.
- D. Driver Requirements: Each horse-drawn carriage company shall ensure that the driver(s) of their carriage(s) has in his or her possession a current and valid Illinois driver's license, completed a background check by the city police department, and is at least twenty-one (21) years of age. The background check shall confirm that the driver has not been convicted of any felony, or any misdemeanor relating to decency, morality or traffic offenses.
- E. Passenger Conduct: All passengers must remain seated during the ride. No open alcohol shall be allowed in the carriage.
- F. Hours of Operation: The commercial horse-drawn carriages shall not be operated for hire between the hours of ten o'clock (10:00) p.m. and nine o'clock (9:00) a.m.
- G. Signage: Each horse-drawn carriage shall display a sign of no more than four (4) square feet on its exterior which identifies the horse drawn carriage permit holder and a contact phone number or a single sponsor and the contact phone number.
- H. Horses: The horses used to pull the horse-drawn carriages must meet the definition of horse in section 5.52.010D, be in good health and wear horse shoes that are in good condition.
- I. Sanitation Requirements: Each horse-drawn carriage shall be equipped with a container placed to catch all horse droppings. Such containers shall be large enough to hold and retain all droppings during a drive until return to the starting point of each trip. All containers shall be emptied and sanitized daily. Waste catchers must be in place and functioning properly at all times. It shall be the responsibility of the horse-drawn carriage operator to clean up any spillage and to dilute and eliminate accumulated agents and odors upon the urination of any horse with a solution to be approved by the city.
- J. No Unattended Carriages: Carriage drivers shall not leave the horse-drawn carriage unattended while it is parked at a carriage stand while waiting to be hired.

**5.52.040 Horse-drawn carriage traffic regulations.**

- A. Traffic Laws: Carriage drivers shall obey all traffic-control devices and rules of the road.

- B. **Location On Street:** All vehicles shall be driven in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Each driver operating a horse-drawn carriage shall maintain the horse at a speed no faster than a walk or slow trot. Passenger loading and unloading will not be allowed on Main Street. Double parking should be avoided to the greatest extent feasible.
- C. **Approved Locations:** Horse-drawn carriages may only operate on approved local streets that have a posted speed limit of twenty-five (25) mph or less, unless crossing over an unauthorized street in accordance with the rules of the road and at a signalized intersection or with the specific assistance of an on-duty city police officer. The city will designate the approved streets or areas that horse drawn carriages may operate in by developing an approved map. The police department will also designate appropriate carriage stand locations where carriages can park as they load and unload passengers.

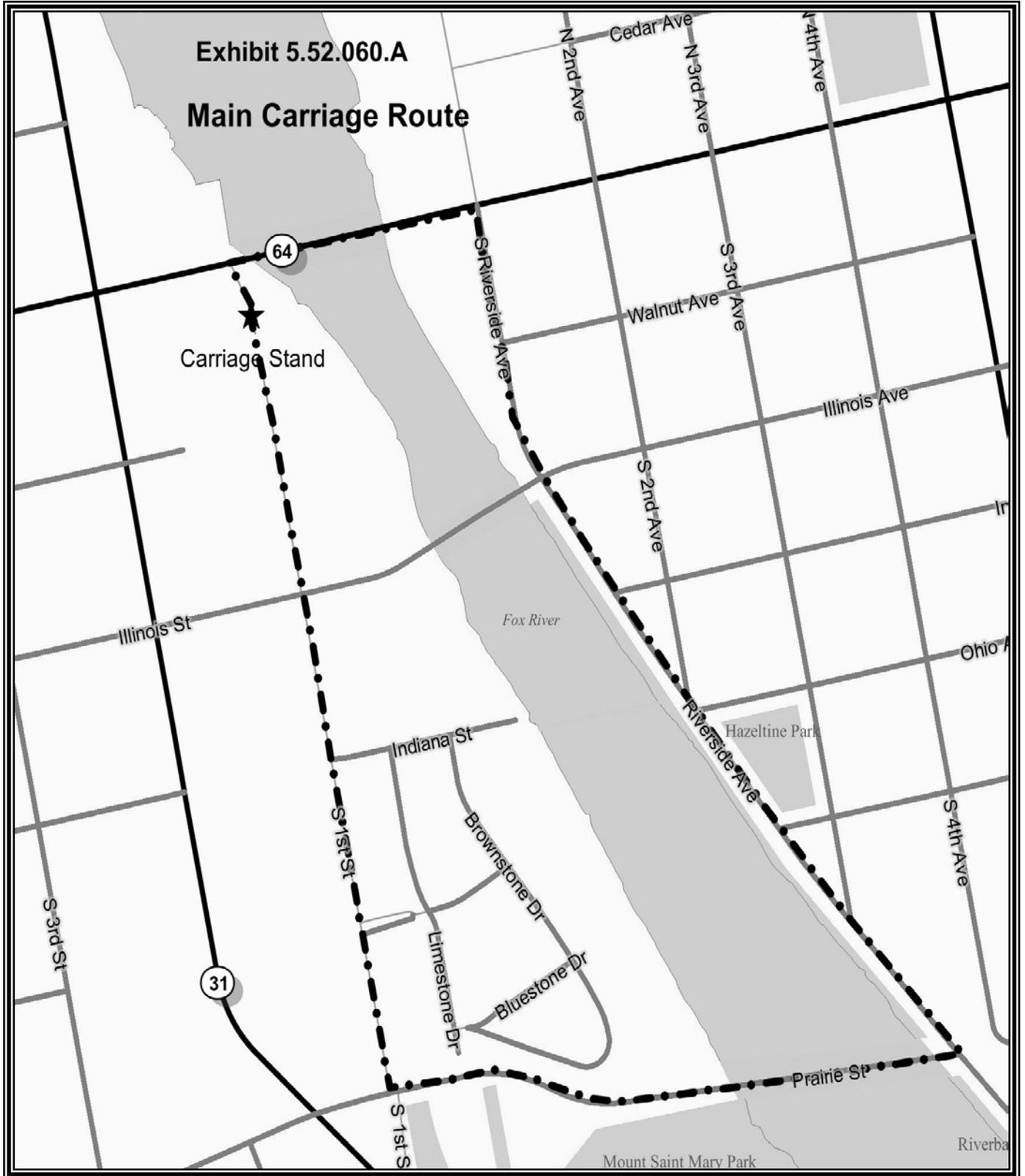
**5.52.050 City right to revoke license.**

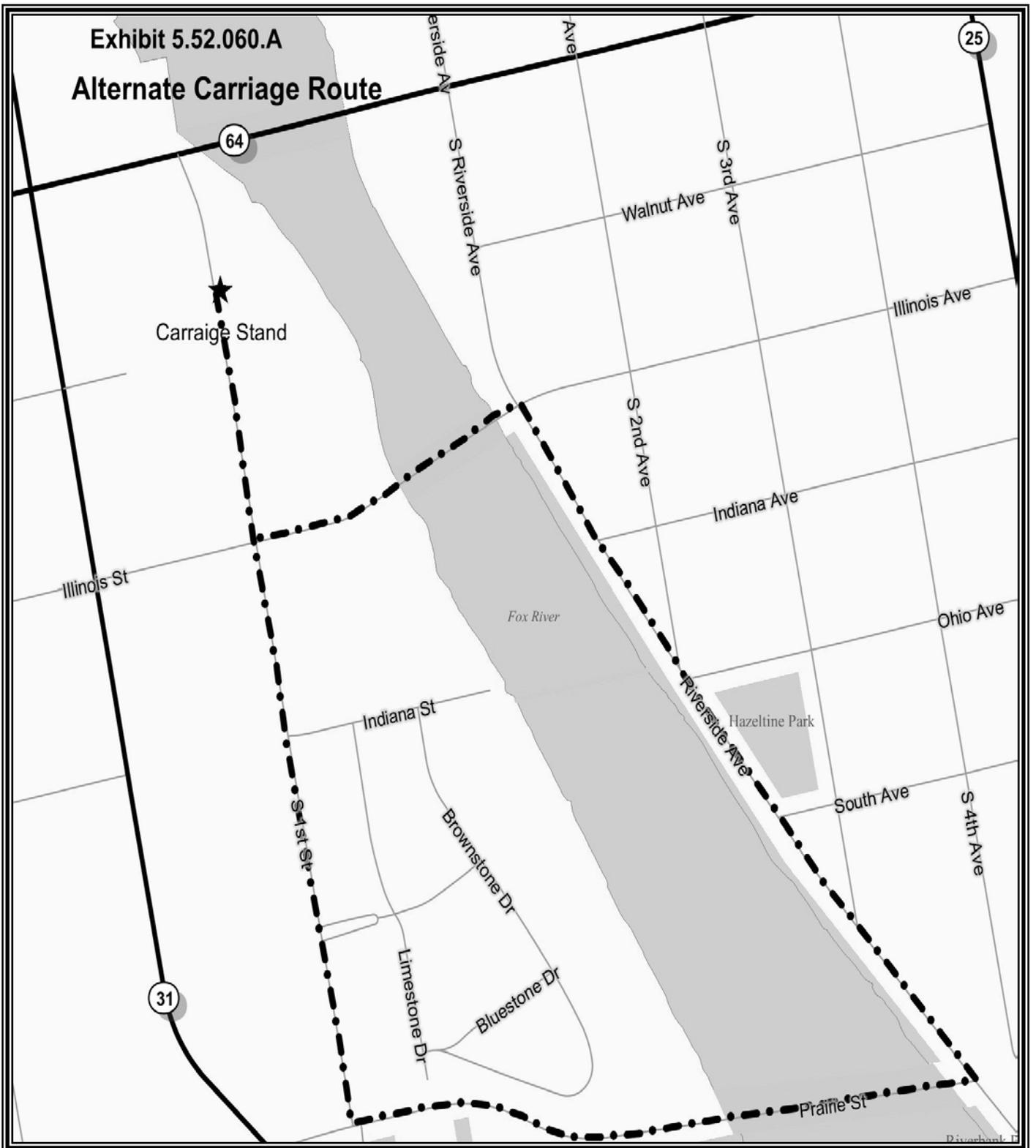
In the event that the administrator or his/her designee determines that the continued operation of a horse-drawn carriage company constitutes an unreasonable safety hazard or is otherwise contrary to the interest of the city, or for good cause shown, the city reserves the right to revoke any permits issued and, in that event, will issue a pro rata refund of the permit fee paid.

**5.52.060 Horse-drawn Carriage Route**

A carriage stand, located in the loading zone near the 1<sup>st</sup> Street Plaza, will be the starting point for both authorized carriage routes.

- A. Beginning at the carriage stand, the carriage will travel north on 1<sup>st</sup> Street to Main Street; then east on Main Street to Riverside Avenue; Riverside Avenue south to Prairie Street; west across the Prairie Street Bridge to 1<sup>st</sup> Street; north on 1<sup>st</sup> Street returning back to the carriage stand.
- B. An alternate route to the main route to be utilized in the event Main Street is not accessible is as follows: beginning at the carriage stand, the carriage will travel south on 1<sup>st</sup> Street to Prairie Street; east on Prairie Street over the Prairie Street Bridge to Riverside Avenue; north on Riverside Avenue to the Illinois Street Bridge; west on Illinois Street over the bridge to 1<sup>st</sup> Street; north on 1<sup>st</sup> Street returning back to the carriage stand.
- C. Maps of these routes are depicted in Exhibit 5.52.060.A:





Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 3. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

PASSED by the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
Donald P. DeWitte, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_