

APPLICATION FOR HORSE DRAWN CARRIAGE
City of Lubbock Code of Ordinances
Art. VII, Sec. 27-210 to 27-228

1. Name of Business: _____

Address: _____

Telephone No.: _____

2. Name of Owner: _____

Address: _____

Telephone No.: _____

3. Name of Applicant: _____

(If different from Owner)

Address: _____

Telephone No.: _____

4. Number of vehicles: _____. List all vehicles below. If more space is needed for listing additional vehicles, please list on a separate sheet of paper and include with application.

a. Type of Vehicle: _____

b. Seating Capacity: _____ c. License Number: _____

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b. Seating Capacity: _____ c. License Number: _____

a. Type of Vehicle: _____

b. Seating Capacity: _____ c. License Number: _____

Note: If State license plates are exchanged, this information must be filed with the City Secretary.

5. Animal Identification Numbers:

a. Description: _____

b. Number: _____

a. Description: _____

b. Number: _____

a. Description: _____

b. Number: _____

6. Attach copies of the policy for Public Liability and Property Damage Insurance coverage (Sec. 27-226, Sec. 27-227, Sec. 27-228).

7. If applying for renewal, a verified annual report of the previous year must be filed with the City Secretary not later than the twentieth (20th) day following the date of expiration of his annual permit (Sec. 27-212).

8. A schedule of rates setting forth all fares and rates to be charged to passengers is to be filed with the City Secretary (Sec. 27-217[a]).

9. Attach a signed statement of health certification and fitness by a Texas licensed doctor of veterinary medicine for each horse to be used in the service by Animal Identification Number (see #5 above) (Sec. 27-218).

10. Applicant understands that any permit issued pursuant to this application is conditional upon the following:

a. That applicant will comply with all applicable terms of Section 27 of the Code of Ordinances of the City of Lubbock during the time said permit is in force.

b. That the Permit, if issued, will be subject to forfeiture and cancellation upon the conviction for any violation of any of the applicable provisions of Chapter 27 of the Code of Ordinances of the City of Lubbock or upon a showing that the applicant has substantially breached the terms of any Permit issued pursuant to this application.

c. That any Permit issued pursuant to the application shall be subject to forfeiture and cancellation upon the Permit Holder becoming delinquent in the payment of any and all ad valorem taxes assessed against any and all types of property owned and operated by Permit Holder.

d. That the Permit Holder will keep and maintain complete records of all physical property, daily records of revenues (segregated by drivers and vehicles), daily manifests of all drivers, and a complete record of all expenses incurred in connection with the actual operation of the business and maintenance of equipment and of all revenues derived from such business.

11. The applicant further certifies that he owns, leases, contracts, or otherwise has legal control over all vehicles set forth in this application.
12. That any Permit issued pursuant to this application shall never be assigned or transferred without prior written application to and approval of the City Council of the City of Lubbock.

APPROVALS:

Director of Planning

Garage Superintendent

Police Chief

City Secretary

City Manager

OWNER AFFIDAVIT

I, _____, do affirm that the above information is true and correct to the best of my knowledge.

Signature of Owner

SWORN AND SUBSCRIBED TO BEFORE ME this the ____ day of _____, 19__.

Notary Public, State of Texas

APPLICANT AFFIDAVIT
(If different from owner)

I, _____, do affirm that the above information is true and correct to the best of my knowledge.

Signature of Owner

SWORN AND SUBSCRIBED TO BEFORE ME this the ____ day of _____, 19__.

Notary Public, State of Texas

**CERTIFICATE OF COMPETENCY
HORSE-DRAWN CARRIAGE**

THE STATE OF TEXAS §

COUNTY OF LUBBOCK §

In accordance with Ordinance No. 9287 of the City of Lubbock, I

_____ acknowledge that the driver,
(owner of business)

_____, Texas Driver's License No.
(driver's name)

_____, of the Horse and Carriage Business, _____

_____ is experienced and competent to handle
(name of business)

their vehicle and horses in city traffic; and that the driver can read, write, and speak English.

(signature of owner)

SWORN TO and Subscribed before me by _____

on this _____ day of _____, _____.

Notary Public Signature

(seal)

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No person whose permit has been revoked shall be eligible to apply for a new permit for at least six (6) months from the date the revocation became effective. Prior suspensions may be considered by the chief of police in determining whether to suspend or revoke a permit. (Ord. No. 9858, § 1, 11-16-95)

Sec. 27-191. Penalties.

Any person who violates any of the provisions of this article shall, in addition to such administrative penalties that may be imposed by the chief of police of the city, the Texas Department of Transportation, or other state or federal agency, be guilty of a misdemeanor and, upon conviction, be subject to a fine not to exceed the amount provided by 1-4 of the Code of Ordinances of the city. (Ord. No. 9858, § 1, 11-16-95)

Sec. 27-192. Complaints.

All citizen complaints involving tow truck businesses shall be submitted to the city secretary in writing and shall be signed by the complainant. The city secretary shall then notify the chief of police and the named tow truck business of the complaint. (Ord. No. 9858, § 1, 11-16-95)

Secs. 27-193--27-209. Reserved.

ARTICLE VII.

HORSE-DRAWN VEHICLES*

Sec. 27-210. Applicability of and compliance with this article.

It shall be unlawful for any person to rent, hire or operate for hire upon the streets of the city a horse-drawn vehicle, unless the provisions of this article have first been complied with and said person has obtained a valid horse-drawn vehicle service permit and has complied with all requirements of the State of Texas regarding the use of such vehicles. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-211. Definitions.

As used in this article, the following words and terms shall have the meaning ascribed to them in this section:

Horse-drawn vehicle shall mean any device for hire in, upon, or by which any person is or may be transported upon a public way which is drawn by a horse.

Horse means an animal of the genus equus.

* Cross References: Animals and fowl, Ch. 4; motor vehicles and traffic, Ch. 16; streets and sidewalks, Ch. 24.

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Operate shall mean the transportation of a passenger or passengers for compensation by means of a horse-drawn vehicle. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-212. Records.

Every holder of a permit to operate a horse-drawn vehicle service in the city under provisions of this article shall establish, keep and maintain a uniform system of records of such business and its operations. Every permit holder shall file a verified annual report with the city secretary not later than the twentieth (20th) day following the date of expiration of his annual permit. The report shall contain the following information:

- (1) All income the permit holder has received from the permitted business during the permit year.
- (2) All business expenses of the permit holder incurred in the permitted business during the permit year.
- (3) All capital equipment purchased by the permit holder and used in connection with the permitted business during the permit year.
- (4) The total number of trips on hire made during the permit year.

Said report shall be reviewed by the city manager or his designated representative and the city manager or his designated representative may request such other information pertaining to the permitted service as may be necessary to determine the quality and sufficiency of the services rendered by the permit holder. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-213. Report.

The city manager or his designated representative shall report to the City Council on the permit holder's operation after the review of the permit holder's annual report has been completed. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-214. Equipment.

Horse-drawn vehicles shall meet all requirements of the State of Texas applicable to such vehicles, including required lighting, reflectors, tires or wheels and slow moving vehicle emblems. In addition thereto, all horse-drawn vehicles shall meet the following requirements:

- (1) All horse-drawn vehicles shall be equipped with a pressurized container of water and a suitable disinfectant for washing down urine deposited on city roadways.
- (2) All horse-drawn vehicles shall carry a container with a tightfitting lid to contain droppings, along with a suitable shovel or scoop, or, in the alternative, the harness of each horse shall be fitted with a great basket or other container at the rear of each horse to catch droppings. (Ord. No. 9287, § 1, 6-22-89)

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Sec. 27-215. Inspections.

Horse-drawn vehicles shall be inspected annually by city garage personnel for compliance with state laws pertaining to horse-drawn vehicles and for cleanliness and sanitary condition. In particular such vehicles shall conform to the requirements of the Texas traffic regulations, Vernon's Annotated Civil Statutes, Article 6701d, Section 122(e) as to lighting and reflectors, Section 135 as to tires, and Section 139B as to slow moving vehicle emblems and to such other regulations as may be placed on such vehicles by the state. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-216. Additional equipment.

It is further recommended that horse-drawn vehicles be equipped with such other lighting or safety equipment as may make the operation of such vehicles as safe as possible, including additional lighting, emergency stop flashers, additional reflectors; emergency or parking brakes to resist runaways; and a first aid kit. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-217. Rates.

- (a) Every holder of a permit to operate a horse-drawn vehicle under the provisions of this article shall file with the city secretary a schedule of rates setting forth all rates to be charged to passengers.
- (b) Thirty (30) days prior to the implementation of any rate increase, the permit holder shall file the proposed schedule of rates with the city secretary along with sufficient financial information to justify said increase.
- (c) The City Council may, within thirty (30) days of the initial rate filing or of any subsequent rate increase filing, review the propriety of such rates and determine if such rates are reasonable and in the public interest. Such review shall be conducted as a public hearing and the permit holder may show cause why such rates are not unreasonable. At the conclusion of the hearing, the City Council shall determine if such rates are reasonable. If such rates are found to be reasonable, they shall be allowed. If such rates are found to be unreasonable, then the City Council shall establish reasonable rates which shall be effective until such rate may be increased in accordance with the provisions of this article. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-218. Horses.

Each horse shall be inspected and certified as to its good health every six (6) months by a licensed veterinarian. This certification will be submitted to the city secretary and is a prerequisite for issuance or renewal of a permit issued pursuant to this article. No horse shall be worked longer than six (6) continuous hours without water, feeding and rest. Horses shall not be whipped unless necessary for the safety of the animal or passengers. Horses shall not be overworked. Each animal shall have its own custom fitted harness. No horse with an open sore or wound, or which is lame or has any other ailment shall be worked. Each horse shall be groomed daily. No horse shall be allowed to pull more than seven (7) passengers, including the driver. No horse shall be worked during times when the combined temperature and humidity index exceeds a numeric value of one hundred fifty (150). Each horse shall have an identification number tattooed upon it to ensure compliance with this article. The city secretary shall maintain a record of identification numbers of horses proposed to be used by any person obtaining a permit pursuant to this article. If any horse is replaced, the permit holder shall provide the identification number and veterinarian's

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certificate to the city secretary prior to placing such horse in service. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-219. Time of operation.

No horse-drawn vehicle shall operate before 7:00 a.m. nor after 12:00 midnight. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-220. Drivers.

Drivers must be at least eighteen (18) years of age and shall be able to read, write and speak the English language. In addition, they shall hold a valid Texas driver's license and the business owner shall be required to file a notarized statement for each driver employed that the driver is experienced and competent to handle their vehicle and horses in city traffic. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-221. Permit required; application; fee; contents; transfer.

Every person desiring to engage in the business of operating horse-drawn vehicles shall make application in writing to the city secretary on a form provided for that purpose. Such application shall contain the name, address and telephone number of the true owner of the business; the type and number of vehicles to be operated; the identification number and veterinarian's certificate of the horses to be used; the name, driver's license number and certificate of competency of the drivers to be used; and such other information as may be deemed necessary by the city manager. This application shall be sworn to as correct by the applicant and shall be accompanied by an annual permit fee of ~~sixty dollars (\$60.00)~~ seventy-five dollars (\$75.00) for each vehicle to be permitted. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-222. Permit contents.

- (a) Every permit granted for operation of horse-drawn vehicles shall contain the following provisions:
 - (1) That the permit is granted for one (1) year from its effective date with renewal annually thereafter upon compliance with this article and payment of the ~~sixty dollars (\$60.00)~~ seventy-five dollars (\$75.00) annual permit fee per vehicle, unless upon review by the city manager it is found that the permit has become subject to cancellation or forfeiture for good cause.
 - (2) That the permit holder shall be required to comply with all applicable terms and provisions of this article and Article I of this chapter and all amendments hereafter made during the term of the permit.
 - (3) That the permit will be subject to cancellation or forfeiture upon conviction of any violations of this article or upon a showing that the permit holder has substantially breached the terms of his permit.
 - (4) That the permit will become subject to cancellation or forfeiture upon the holder becoming delinquent in the payment of any ad valorem taxes upon any equipment or property of the holder used directly or indirectly in connection with the permitted business.

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- (5) That the permit holder will keep and maintain complete records of all physical property, daily records of revenue (segregated by drivers and vehicles), daily manifests of all drivers and a complete record of all expenses incurred in connection with the actual operation of the permitted business, maintenance of equipment and all revenues derived from such business.
- (6) That the permit holder will own, lease, contract for or otherwise legally control every vehicle and horse authorized by the permit.
- (7) No grant, right or privilege, whether by permit or otherwise, afforded any person under this article shall be transferable to any other person without written application to the city manager and approval of such transfer by the city manager.
- (8) Nothing in the permit shall be construed as granting to the permit holder a franchise to use city streets.
- (b) There may be incorporated into permits issued under this article such other provisions as are deemed appropriate by the city manager. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-223. Prerequisites to permit issuance, hearing.

No permit to operate horse-drawn vehicles shall be issued pursuant to this article until after the City Council shall hold a public hearing on the application to consider whether public convenience and necessity will be served by the issuance of such permit. In such determination, the City Council shall consider the following factors:

- (1) The financial responsibility of the applicant.
- (2) The number, kind, age and type of equipment to be used by the applicant.
- (3) The probable effect of the service on local traffic conditions.
- (4) Whether the safe use of the streets of the city by the public, both vehicular and pedestrian, will be endangered by the granting of this permit.
- (5) The character, experience and responsibility of the applicant.
- (6) Whether the applicant is fit, able and willing to perform the service on a regular and continuous basis. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-224. Additional vehicles or services.

Additional vehicles may be placed in service by the permit holder upon compliance with the provisions of this article with regard to equipment, inspection and insurance with the approval of the city manager unless the number of such vehicles shall exceed double the number approved initially. In such an event, a public hearing on the convenience and necessity for such increased service shall be conducted by the City Council as set forth hereinabove. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-225. Replacement of vehicles in service.

A permitted vehicle may be removed from service and replaced with another vehicle meeting the requirements of this article. (Ord. No. 9287, § 1, 6-22-89)

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Sec. 27-226. Insurance required.

Before any permit to operate a horse-drawn vehicle service in the city shall be effective, the holder shall procure and furnish to the city secretary, and thereafter keep in full force and effect a policy of public liability and property damage insurance issued in the amounts required by this article. Every such policy shall insure all of the vehicles owned, leased or contracted for by the permit holder and shall inure to the benefit of any person who shall be injured or who shall sustain damage to property as a result of the operations of the permit holder, his servants or agents. The insurer shall be obligated to pay all final judgments which may be rendered for loss or damage to persons or property by reason of the permit holders operations. Every such policy of insurance shall be issued by an insurance company organized and existing under the laws of the State of Texas or having a valid permit to do business in the State of Texas and having an agent for service in the City of Lubbock. (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-227. Insurance amounts.

The minimum public liability and property damage insurance required under this article shall be as follows:

- (1) For damages arising out of bodily injury to or death of one (1) person in any one (1) accident \$20,000.00
- (2) For damages arising out of bodily injury to or death of two (2) or more persons in any one (1) accident 40,000.00
- (3) For property damage in any one (1) accident 20,000.00 (Ord. No. 9287, § 1, 6-22-89)

Sec. 27-228. Termination or impairment of insurance.

Every insurance policy required by this article shall contain an endorsement that cancellation of such insurance policy shall not become effective before fifteen (15) days after notice, in writing, to the city secretary of such cancellation. All policies of insurance shall contain a provision for continuing liability thereon up to the full amount of the policy notwithstanding any recovery thereon. Loss of insurance coverage shall be grounds for cancellation or forfeiture of the horse-drawn vehicle permit. (Ord. No. 9287, § 1, 6-22-89)