

ORDINANCE NO. 2023- 667

**AN ORDINANCE OF THE BOROUGH OF LEHIGHTON
REGULATING HORSE – DRAWN CARRIAGES, PROVIDING
FOR STANDARDS OF OPERATION, PERMITTING AND
VIOLATIONS AND PENALTIES.**

SECTION 1. DEFINITIONS

CARRIAGE:

A horse-drawn vehicle used for transporting an operator and passengers within the Borough on a for-hire basis. A wagon which is used solely for the conveyance of cargo instead of passengers shall be considered a carriage for which a license shall be required under this Part.

CODE ENFORCEMENT OFFICER:

The Code Enforcement Officer of the Borough of Lehigh, Carbon County, Pennsylvania.

FOR - HIRE BASIS:

To offer and to grant the use of a carriage by an owner or operator as a carrier providing transportation of passengers within the Borough of Lehigh for purposes of providing tours and transportation to the public within the Borough of Lehigh. Although it is contemplated that the owner or operator would offer and grant the use of the carriage and provide transportation of passengers for a fee, tips, or other compensation, it is not necessary to receive compensation in order to be considered an owner or operator of a horse-drawn carriage on a for-hire basis.

HORSE-DRAWN:

Propelled by a horse or other equine that is controlled by an operator.

OPERATOR

The person who is in control of the horse and horse-drawn carriage.
Also referred to as carriage driver.

OWNER:

A person, company, corporation or association who owns a horse-drawn carriage and is required to apply for a license issued pursuant to the terms of this Part.

POLICE:

The Police Department of the Borough of Lehighton or any properly authorized member or officer thereof in any other law enforcement agency having jurisdiction within the Borough of Lehighton, who shall have authority to enforce this Ordinance.

TRANSPORT VEHICLE:

A trailer towed by a vehicle or a vehicle designed for the transport of a horse or horses.

SECTION 2. LICENSE REQUIREMENT:

1. No horse-drawn carriage shall be used or operated on a for-hire basis within the Borough by any person without the owner having first obtained a license issued by the Borough for the use or operation of a horse-drawn carriage within the Borough of Lehighton pursuant to the terms and conditions of this Part.

2. A license shall be required for each carriage. The license shall be prominently displayed on the rear of each carriage.

SECTION 3. LICENSE APPLICATION:

The owner shall complete an application for a horse-drawn carriage license, which shall include the following information: the owner's name and address, the name and address of the owner's business, the owner's telephone number or business telephone number, if applicable, the names and addresses of all operators, a valid driver's license number for each operator, proof of insurance as required by this Part, a copy of veterinarian records for each horse, the numbers of any previous

licenses issued by the Borough, and a photograph of each horse and of each carriage used by the owner in the Borough.

SECTION 4. INSURANCE REQUIREMENTS:

The owner shall provide general liability coverage on comprehensive general liability forms and shall provide coverage for premises liability, personal injury liability, products liability, and horse's liability. Certificates of insurance shall also be provided for workers' compensation insurance. Insurance certificates evidencing all mandatory insurance requirements shall be filed with the Borough. Such certificates shall indicate the Borough as an additional named insured on each of the insurance contracts described in the certificates. All such certificates should also contain a clause requiring a ten-day notice of cancellation to the Borough prior to the cancellation of any insurance coverage.

SECTION 5. ANNUAL LICENSE TERM AND FEE.

1. Each license shall have an annual term of April 1 through March 31 on the subsequent year. Any license issued cannot be transferred or assigned to any other owner of a horse-drawn carriage.
2. Upon application for a license and prior to issuance or renewal thereof, each owner shall pay to the Borough an annual license fee in an amount to be established from time to time by resolution of the Borough Council.
3. No license shall be issued or renewed if the owner has not paid any and all fines and costs arising from enforcement of this Part or any of the ordinances of the Borough or if any licensing fees under this Part are due and owing to the Borough.

SECTION 6. STANDARDS OF OPERATION.

1. Traffic Laws: Carriage drivers shall obey all traffic control devices and rules of the road.
2. Location of Street: All carriages 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 any of the Borough streets.
3. Approved Locations: Horse-drawn carriages may only operate on approved local streets that have a posted speed limit of 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 Borough Police Officer.

SECTION 7. CARRIAGE STANDARDS

All horse drawn carriages shall comply with the following standards.

1. Each horse-drawn carriage shall display a reflectorized slow-moving vehicle emblem.
2. Each horse-drawn carriage shall display a light or reflectors on carriage shafts that shall be visible to the side of the carriage during operation after dark.
3. No horse-drawn carriage shall be operated exceeding any manufacturer's recommended safe-seating capacity for the carriage being used.
4. No carriage may be wider than eight feet, which measurement would include fenders, running boards and all mirrors and safety devices.
5. All carriages shall be equipped with working brakes.
6. Each 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.

SECTION 8. HORSE CARE STANDARDS

1. 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 returned to the starting point of each trip. All containers shall be emptied and sanitized daily. Waste catchers must be in a 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 Borough.
2. All waste/horse droppings shall be disposed of by the operator in accordance with all Borough and state laws. No waste shall be left within the Borough limits or in any Borough waste bins or garbage cans or dumpsters.
3. Each horse must be attended at all times by an operator. An operator shall be either in his or her designated seat on the carriage with reins in hand or, if off the carriage, the operator shall stand at the horse's head and shall hold the horse by its head with a lead line.

4. The operator shall be seated in the carriage while holding the reins at all times when passengers are boarding, disembarking or when passengers are seated in the carriage.

5. Each horse shall have received a valid health certificate from a licensed veterinarian and immunization records for the horse shall be filed with the Borough annually. Immunizations shall include but not be limited to tetanus, rabies, influenza, rhino and EW Encephalitis. Each horse shall also have proof of a negative Coggins test, which shall also be filed with the Borough.

6. No owner or operator shall subject any horse to any cruel or harassing treatment, and no horse shall have obvious signs of emaciation, malnutrition or exhaustion.

7. Rubber mats for the horse to stand when the carriage is not in operation shall be used at each designated boarding point station.

SECTION 9. OPERATOR STANDARDS.

1. The operator of a horse-drawn carriage shall:

A. Comply with all state and Borough traffic laws applicable to motor vehicles.

B. Possess a valid driver's license.

C. Provide the Borough with a written certification from the owner of the horse-drawn carriage that the operator is qualified to operate a carriage.

D. Require all passengers to be seated except when boarding or disembarking.

E. Be in control of the horse at all times either by holding the horse by its head or seated in his or her designated place in the carriage with the reins in hand.

F. Provide his or her driver's license upon demand of any police officer of the Borough, its Chief of Police, or the Code Enforcement Officer.

SECTION 10. SUSPENSION OR REVOCATION OF LICENSE

1. The Code Enforcement Officer (CEO) may order that any license issued under this Part be suspended where a licensee fails to comply and maintain compliance with all the laws, ordinances or regulations of the Borough. Further, the CEO can deny the privilege to apply for a license renewal after expiration of the license term.

2. Following a determination that the grounds for nonrenewal, suspension or revocation of a license exist, the CEO shall notify the owner of the action to be taken and the reason for the action taken. Such notification shall be in writing addressed to the owner operator in questions and shall contain the following information:

A. A description of the violation which has been found to exist.

B. A statement that the license for operation shall be either suspended or revoked or will not be renewed for the next license year beginning April 1. In the case of suspension or revocation, the notice shall state the date upon which the suspension or revocation will commence and in the case of suspension shall also state the duration of said suspension.

C. A statement informing the owner that he or she has a right to appeal the decision suspending, revoking or declining to renew the license to the Borough Council by submitting in writing to the Borough Secretary, within 10 days from the date printed on the notice, a detailed statement of the appeal, including the grounds therefor and the reasons alleged as to why the decision of the CEO is in error and should be overturned and a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a form to be prescribed therefor by the Borough to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established from time to time by resolution of the Borough Council.

D. The Borough shall send a notice of the hearing before the Borough Council, which shall be in writing and shall be provided to the appellant a minimum of three days prior to the date that the hearing has been scheduled. Such notice shall state the time and place where the hearing shall be conducted.

SECTION 11. VIOLATIONS AND PENALTIES.

1. It shall be unlawful for any owner to operate or to permit the operation of a horse-drawn carriage without a valid license issued by the Borough authorizing such operation. It shall be unlawful for any owner to allow the operation of a horse-drawn carriage where such operation does not comply with the standards set forth herein.

2. Any person convicted of violating this Part shall, upon conviction thereof, be sentenced to a fine of not more than \$600 plus any costs incurred by the Borough. Whenever, such person shall have been notified by the Borough, through its officials or by service of summons or prosecution, or in any other way, that such violation has been committed, each day that such person shall continue in such violation shall constitute a separate offense.

3. The penalty provisions of this section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures in this Part for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough, whether or not such code or ordinance is referenced in this Part or whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for finding a violation of this Part.

4. If a horse-drawn carriage is owned by a more than one person in any form of joint ownership, such as a partnership or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be subject to prosecution for violation of this Part.

This Ordinance was adopted in lawful session duly assembled on the 1st day of May 2023.

BOROUGH OF LEHIGHTON

Grant R Hunsicker
GRANT HUNSICKER, President

ATTEST:

Brenda Kreitz
BRENDA KREITZ, Secretary

Examined and approved this 1st day of May 2023.

Clark Ritter
CLARK RITTER Mayor