

197457

ORDINANCE NO. 3-94

AN ORDINANCE REGULATING HORSE DRAWN VEHICLE
BUSINESSES IN THE VILLAGE OF ARTHUR, ILLINOIS

Be it ordained by the President and the Board of Trustees of
the Village of Arthur, Illinois;

WHEREAS, the President and Board of Trustees have determined
after due consideration and investigation that for the convenience
and safety of the residents of the Village of Arthur, it is necessary
to have an ordinance regulating horse drawn vehicle businesses within
the Village of Arthur, Illinois;

NOW, therefore, let it be ordained by the President and the
Board of Trustees of the Village of Arthur, Illinois, that the
ordinance regulating horse drawn vehicle businesses within the
Village of Arthur, Illinois, shall read as follows:

SECTION ONE: HORSE DRAWN VEHICLE OPERATOR'S LICENSE AND
REGISTRATION REQUIRED.

(A) No person shall operate a horse drawn vehicle business
for the purpose of transporting persons for hire, for donations or
as a contractual service without first having obtained a horse drawn
vehicle operator's license from the office of the Village Clerk.

(B) Any person licensed as an operator shall register each
horse drawn vehicle used to conduct the horse drawn vehicle business.

(C) The Approving Authority shall be the Chief of Police
or in his absence, the Village President.

(D) Any business licensed under this ordinance shall be considered to be engaged in business in the Village of Arthur, Illinois for purposes of any Federal, State or local taxes.

SECTION TWO: LICENSE AND REGISTRATION FEE.

(A) The horse drawn vehicle operator's license fee shall be One Hundred Fifty Dollars (\$150.00) per calendar year.

(B) The horse drawn vehicle registration fee shall be Twenty-five Dollars (\$25.00) per horse drawn vehicle per calendar year.

SECTION THREE: EMBLEMS FOR REGISTERED HORSE DRAWN VEHICLES.

(A) The Village Clerk shall issue to each licensees horse drawn vehicle operator an emblem for each registered horse drawn vehicle. This emblem shall indicate the horse drawn vehicle registration number and the year of issue.

(B) The emblem shall be securely fastened to the registered horse drawn vehicle in a manner as to be readily discernible.

SECTION FOUR: APPLICATION FOR HORSE DRAWN VEHICLE OPERATOR'S LICENSE.

In addition to information required in the general licensing provisions, the application for a horse drawn vehicle operator's license shall contain the following:

(A) The number of carriages to be operated pursuant to the horse drawn vehicle operator's license.

(B) The seating capacity of each carriage.

(C) The applicant's name, date of birth, address, Social Security number, and State tax number.

(D) Proof of a health exam for each horse to be used in the horse drawn vehicle operation by a veterinarian of equine medicine who is licensed by the State of Illinois. This proof of health exam shall be required annually or at renewal of the license or at the discretion of the licensing authority in the event that any horse appears to be in poor health, malnourished, or neglected.

(E) Proof of age for each horse to be used in the horse drawn vehicle operation, the minimum age being three (3) years.

(F) A route and operations schedule which shall contain the following and be subject to approval of the Approving Authority:

(1) A map of the proposed primary route or routes on which the vehicles will normally operate.

(2) The location of the proposed site or sites to be used for off-street storage, stabling and loading of carriages and horses.

(3) The location of proposed area to be designated as stands for regular pickup and discharge of passengers.

(G) An insurance policy issued by a company currently authorized to do business in the State of Illinois, insuring the applicant against liability. This policy shall give a description of each horse drawn vehicle, the manufacturer's name and model number and the registration number. The public liability insurance policy may cover one or more horse drawn vehicles, but each horse drawn vehicle shall be insured for at least \$500,000.00 for property damage and for injuries to or death of any one person, and each horse drawn

vehicle having seating capacity for not more than seven (7) adult passengers shall be insured for the sum of at least \$1,000,000.00 for injuries to or death of more than one person at any one accident. The Village of Arthur shall be named as an additional insured on said policy.

SECTION FIVE: OFFICE AND TELEPHONE SERVICE.

This Paragraph reserved.

SECTION SIX: VEHICLES.

No horse drawn vehicle shall be operated unless it is equipped with the following:

(A) All equipment required by Illinois Revised Statutes Chapter 95 1/2, Paragraph 12-100 et seq (1991).

(B) An approved first aid kit.

SECTION SEVEN: VALID ILLINOIS MOTOR VEHICLE DRIVER'S LICENSE REQUIRED.

No person shall drive a horse drawn vehicle carrying persons for hire or by contract, unless such person is the holder of a valid Illinois motor vehicle driver's license.

SECTION EIGHT: APPLICATION FOR HORSE DRAWN VEHICLE DRIVER'S LICENSE.

In addition to information required in the general licensing provision, an application for a horse drawn vehicle driver's license shall include the following:

(A) The applicant's license number from his or her valid Illinois Motor Vehicle Driver's License.

(B) Written evidence that the applicant has experience in driving a horse drawn vehicle or successful completion of a course in such driving and shall upon request by the Approving Authority, demonstrate the ability to drive a horse drawn vehicle to the satisfaction of the licensing authority.

(C) A verification by the applicant that he or she has good eyesight and is not subject to any infirmity of body or mind which might render him or her unfit for the safe operation of a horse drawn vehicle.

(D) Age, height, weight, color of eyes, color of hair.

(E) Any prior felony convictions.

(F) Any prior licenses as a driver or chauffeur whether any licenses have ever been revoked, and if so, the reasons therefor.

(G) Whether the applicant has ever been convicted of a moving violation within the five (5) years prior to applying and, if so, the details thereof.

(H) Whether the applicant has ever been convicted of driving while intoxicated and if so, the details thereof.

(I) The annual horse drawn vehicle driver's license fee shall be Five Dollars (\$5.00), plus a one-time non-refundable fee of Five Dollars (\$5.00) to cover expenses in connection with the investigation to verify the application, for a total of Ten Dollars (\$10.00).

(J) The Approving Authority shall be the Chief of Police or in his absence, the Village President.

SECTION NINE: ISSUANCE AND DISPLAY OF HORSE DRAWN VEHICLE
DRIVER'S LICENSE.

(A) On certification of the qualifications of the applicant and the payment of the license fee, the horse drawn vehicle driver's license shall be issued in a form so as to contain the year for which the license is valid, the name of the driver, the number of the license and the name of the horse drawn vehicle company.

(B) The Chief of Police shall deliver to each driver a plastic-coated identification card. The identification card shall display a driver's license number. The identification card, under penalty of revocation of license, shall be constantly and conspicuously displayed on the outside of the driver's coat or outer garment while he or she is engaged in his or her employment, or otherwise affixed on the vehicle's interior in plain view of the passenger area. No driver shall loan or permit the use of this card by any other person. On termination of employment, the driver must return his or her identification card to the Police Department.

SECTION TEN: DENIAL OF APPLICATION, REVOCATION OF LICENSE,
HEARING FOR DENIAL OR REVOCATION.

The following procedures on a denial or revocation and hearings thereon as set forth shall apply:

(A) Application for a horse drawn vehicle driver's or operator's license shall be denied or may be revoked if, after due consideration, the Approving Authority determines that the provisions of this code have not been satisfied. The Approving Authority shall

notify the applicant and the Village Clerk, in writing, that the application has not been approved and the reasons therefor.

(B) Within ten (10) days from service of the Approving Authority's notice of denial or revocation, the horse drawn vehicle driver applicant may request, in writing, to the Approving Authority, a hearing before the Village Board, at which time the applicant may explain why the application should be approved.

(C) If a horse drawn vehicle driver is convicted of reckless or drunken driving or is convicted of a felony, while holding said license, said license shall be revoked.

SECTION ELEVEN: FARES POSTED IN PUBLIC VIEW.

(A) A schedule of fares shall be affixed to the horse drawn vehicle in a prominent location so as to advise all customers of the charges for services rendered.

(B) It shall be the duty of the horse drawn vehicle driver to inform any person hiring the horse drawn vehicle of all charges before any service is rendered.

(C) Fares shall also be posted on any temporary or permanent sign advertising the service.

SECTION TWELVE: OPERATION OF HORSE DRAWN VEHICLES.

(A) Horse drawn vehicle drivers or operators shall not solicit patronage in a loud tone of voice or in any manner to annoy or obstruct the peace or movement of persons, or follow any person for the purpose of soliciting patronage.

(B) Horse drawn vehicle drivers or operators are prohibited from smoking while carrying passengers.

(C) Horse drawn vehicle drivers or operators shall not allow the occupancy of the vehicle to exceed the rated seating capacity.

(D) Horse drawn vehicle drivers or operators shall not stop, stand or park at any location, other than those designated by the Approving Authority of the Village of Arthur, for the purpose of picking up or discharging passengers; however, nothing shall prohibit a person from requesting said Approving Authority to consider certain locations as horse drawn vehicle parking stands.

(E) It shall be the responsibility of the horse drawn vehicle drivers or operators to keep the stand area clean.

(F) Horse drawn vehicle drivers shall comply with all provisions of the State of Illinois Motor Vehicle Code, as well as all applicable local traffic laws, ordinances and regulations.

(G) No animal shall be left unattended for any length of time without being secured, anchored or tethered.

SECTION THIRTEEN: PASSENGERS.

(A) No passenger shall be allowed to ride on any part of the vehicle while in motion, except while seated inside the vehicle.

(B) Passengers shall not be allowed to drink alcoholic beverages, be intoxicated or demonstrate disorderly conduct.

SECTION FOURTEEN: ROUTES AND SCHEDULES.

(A) Vehicles regulated under these provisions shall operate only upon designated routes and schedules approved by the Traffic Engineer of the Village of Arthur.

(B) A special designated route different from Paragraph (A) above may be granted by the Approving Authority of the Village of Arthur, provided that such request is received in writing not less than five (5) days prior to the use of the special designated route.

SECTION FIFTEEN: ANIMAL CARE AND CONTROL.

(A) Horse drawn vehicle drivers or operators shall have control of the vehicle and carriage animals at all times.

(B) Horse drawn vehicle operators shall maintain their horses in good health abiding by the rules of good animal husbandry. This shall include an annual health examination of each animal by a veterinarian of equine medicine licensed by the State of Illinois. A copy of said examination shall be submitted to the Village Clerk with a new and each renewal application. Proof of age for each horse to be used must also be provided with a minimum age of three (3) years.

(C) No animal shall be permitted to pull any vehicle for hire if the animal has open sores or wounds, is lame, it is found to have any ailment.

(D) All animals used to pull a vehicle for hire must be groomed daily and not have fungus, a dirty coat, or show symptoms of illness or irritations.

SECTION SIXTEEN: ADVERTISING.

Within the designated stand area, a portable folding sign not to exceed two feet (2') wide by four feet (4') tall per side and two feet (2') in depth may be stationed indicating the name of the business and the rate of fares during business hours only.

SECTION SEVENTEEN: PENALTY.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor as defined by Illinois Statutes, and upon conviction thereof, shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00). Each such violation shall constitute a separate offense and shall be punished as such hereunder.

This Ordinance shall be in full force and effect ten (10) days after its passage and approval and publication as required by law.

PASSED by the President and Village Board of the Village of Arthur, Illinois on the 22 day of May, 1994.

AYES

NAYS

ABSENT

Shirley Stone
Village Clerk of the Village
of Arthur, Illinois

APPROVED by the President of the Village of Arthur, Illinois this 2nd day of May, 1994.

Philip L. Tutcher
President of the Village of
Arthur, Illinois

ATTESTED:

Shirley Stone
Village Clerk of the Village
of Arthur, Illinois

CERTIFICATION OF PUBLICATION

I, SHIRLEY STONE, Village Clerk, Village of Arthur, Counties of Moultrie and Douglas, State of Illinois, do hereby certify that I caused the above Ordinance to be duly published in pamphlet form on the 6th day of May, 1994, and a Certificate of Publication is attached hereto.

Shirley Stone

Village Clerk of the Village of Arthur, Counties of Moultrie and Douglas, State of Illinois

CERTIFICATE

I, SHIRLEY STONE, Village Clerk of the Village of Arthur, Counties of Moultrie and Douglas, in the State of Illinois, DO HEREBY CERTIFY that the attached Ordinance No. 3-94 is a true and correct copy of the original Ordinance passed by the President and Board of Trustees of the Village of Arthur, Illinois on the 22 day of May, 1994.

I further certify that the original Ordinance of a part of the official records of the said Village of Arthur, Illinois.

Given under my hand and seal this 6th day of May, 1994.

Shirley Stone
Village Clerk of the Village of Arthur, Counties of Moultrie and Douglas, State of Illinois



BOOK **323** PAGE **75**

DOUGLAS COUNTY
Filed for Record
Date May 11, 1994
Hour of 8:30 O'clock AM
Recorded in book 323 of
Records page 64

James A. Ingram
RECORDER