

**Amend Section 16.40.030 Definitions as follows:**

A through E remains unchanged:

**F.** “Carriage” means any vehicle or conveyance that is drawn, pulled or propelled by a horse or other animal(s).

Re-letter F-H to G-I

**J.** “Conduct Business” means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising the same.

Re-letter J- P to K-R

**S.** “Fareless Square” means “Free Rail Zone,” the area as defined by TriMet and located in the City of Portland wherein no paid fare is required to ride the Portland Streetcar or the MAX train. It is generally defined to include most of downtown Portland (within the boundaries of the Willamette River, NW Irving Street, and the I-405 freeway), as well as MAX stations from the Rose Quarter to Lloyd Center and bus stops along NE Multnomah to 13th Avenue.

**T.** “Horse-Drawn Carriage” is a vehicle or conveyance operating for hire that is drawn, pulled, propelled or powered, in whole or in part, by a horse, mule or other animal(s).

**U.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.

Re-letter Q-R to S-V

**W.** “Limited Passenger Transportation” means providing for-hire transportation services with ~~non-motorized vehicles or motorized vehicles~~ other than taxicabs. LPTs include, but are not limited to, horse-drawn carriages, Ppedicabs, Eexecutive Ssedans, Llimousines, Sshuttles and SATs.

Re-letter S-AA to W-EE

**FF.** “Plate” means the numbered identification plate issued by the City and affixed to a horse-drawn carriage or pedicab.

Re-letter BB-CC to GG-HH

**GG.** “Private for-hire transportation” means providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity, or transportation that is regulated entirely by the state of Oregon or the federal government, ~~or transportation that is incidental to the underlying service provided.~~

**HH.** “Private for-hire vehicle” means a vehicle or pedicab motorized or non-motorized vehicle used to transport persons for-hire or other consideration, and which seats 15 or less passengers and which is not exclusively regulated by the State. This includes Limousines, Taxis, Executive Sedans, Shuttles, SATs, and Pedicabs, and horse-drawn carriages; but does not include school buses, charter buses or ambulances.

Re-letter CC-OO to GG-TT

**VV.** “Week” means the 7-day period from Monday through Sunday.

Re-letter PP to VV

**Add Sections 16.40.620 through 16.40.700 to add Regulation of Horse Drawn Carriages as follows:**

**16.40.620 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.**

- A.** Permit Required. No person may operate a horse-drawn carriage without a valid, current horse-drawn carriage driver’s permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a horse-drawn carriage as an entry in a parade or otherwise permitted special event, where the horse-drawn carriage entry is specifically noted and approved in said special event permit, and where the horse-drawn carriage rides are not being offered on-demand or by reservation to members of the general public.
- B.** Application Documents Required. The failure to submit any required application documents as listed below is grounds for denial of the permit. It is the applicant’s responsibility to make certain that the information and forms required have been completed in full, and that there are no errors or omissions. Applicants for a horse-drawn carriage driver’s permit must submit to the Administrator the items listed below:
  - 1. A completed application on a form provided by the Administrator;
  - 2. Proof of current residence address;
  - 3. Legal proof that the applicant is at least 18 years of age;
  - 4. A copy of the applicant’s current motor vehicle driver’s license, if any;
  - 5. A copy of the applicant’s non-Oregon driving record, if any, for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction;

6. Disclosure of all applicable criminal history and driving and motor vehicle record history, as listed on the application form;
  7. Certification of a horse-drawn driver training program approved by the Administrator;
  8. Confirmation that the driver will be employed for a horse-drawn carriage company with current and valid horse-drawn carriage company and vehicle permits.
  9. If necessary, any information requested by the Administrator that reasonably relates to the application or is a clarification of information provided.
- C. Photographs. The applicant will be photographed by the Bureau after submission of the driver permit application. The photograph then becomes a part of the applicant's submittal package.
- D. Fees Required. The applicant for a horse-drawn carriage driver's permit must submit an initial permit fee of \$25, and \$25 per year renewal fee.
- E. Disqualifying Factors. The following disqualifying factors are grounds for denial of a horse-drawn carriage driver's permit:
1. The applicant has a felony conviction of any kind within the 10 years preceding the application and permit processing;
  2. The applicant has a felony charge pending;
  3. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
  4. The applicant has a felony charge pending involving physical harm or attempted physical harm to a person;
  5. The applicant has been convicted of any criminal offense involving animal cruelty or neglect, regardless of when the conviction occurred;
  6. During the 5-year period preceding the application and permit processing, the applicant has been convicted of a criminal offense involving:
    - a. any misdemeanor involving theft, identity theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
    - b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
  7. During the 5-year period preceding the application and permit processing, the applicant had 10 or more traffic infractions as defined in ORS 801.557; or three or more serious traffic violations as defined in ORS

801.477; or three or more motor vehicle accidents required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, three or more of any combination of serious traffic violations or motor vehicle accidents as provided above;

8. During the 10-year period preceding the application and permit processing, the applicant had five or more serious traffic violations as defined in ORS 801.477; or the applicant's driving privileges were limited, suspended, or revoked by any governing jurisdiction as a result of a driving-related incident;
  9. The applicant has more than two traffic infractions or violations of any kind within the previous 12 months from the date of the application;
  10. The applicant has a current Oregon Department of Motor Vehicles license restriction, suspension or revocation;
  11. The applicant is less than 18 years old;
  12. Upon review of the applicants criminal and motor vehicle background check, and other information deemed pertinent to the application, the administrator determines that information contained in the application is false or incomplete; or
  13. Review of the applicant's traffic and criminal record, and other information the supervisor deems pertinent, is reasonable grounds for the determination that the public safety would not be served by the issuance of a driver's permit to the applicant.
- F. Driver Safety and Customer Service Training Requirements. The applicant must provide documentation of successful completion of Bureau-approved horse-drawn carriage driver training prior to issuance of a horse-drawn driver's permit.
- G. Driver Knowledge and Skills Testing Requirements. The applicant must successfully complete each of the following tests as administered by the Bureau or its designee before a permit can be issued:
1. Basic carriage horse care;
  2. Demonstrate ability to operate and control a horse-drawn carriage;
  3. Relevant City Code provisions and Administrative Rules.

**16.40.630 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.**

- A. Permit Required. No person or entity may operate a for-hire horse-drawn carriage company without a valid, current horse-drawn carriage company permit issued by the City under Chapter 16.40.

- B. Each horse-drawn carriage company permit application must satisfy the requirements of Section 16.40.130 LPT Company Permits Required.
- C. Applicants must provide the physical location (address) of each stable or other facility used to house the carriage horses. Each facility must be available for inspection during normal hours of operation by the Administrator or designee.
- D. Applicants for a horse-drawn carriage company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:
  - 1. A description of the horse's name, age, breed, gender;
  - 2. A photograph and physical description of the horse, to include color, markings or other identifying marks, such as brands or tattoos, or any other identifiers, such as microchips;
  - 3. Certification of examination (Health Certificate) by an equine veterinarian within thirty day days prior to the application for a permit that the horse is able to perform the work described (in the horse-drawn carriage company application) without undue stress or effort.
  - 4. Additional veterinary certification requirements are provided in Administrative Rule
- E. Insurance Certificate. All horse-drawn carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured endorsement indicating that the requirements of Section 16.40.650 have been satisfied.
- F. Applicants must provide to the Administrator a description of the types, dates and time range, length and location of horse-drawn carriage rides offered; and
- G. Applicants must provide to the Administrator a schedule of rates and charges. An updated schedule must be provided to the Administrator when the rates are changed during the course of the permit.
- H. Horse-drawn carriage company permit fees are: \$100 nonrefundable application fee, to be paid at the time of permit application; \$125 for initial one year permit, and \$125 per year annual permit renewal.

**16.40.640 Horse-Drawn Carriage Permit and Plate Required – Application Process and Requirements.**

- A. Permit and Decal or Plate Required for Horse-Drawn Carriages. No horse-drawn carriage may be used as a for-hire transportation vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner of the carriage. Carriage permits will only be issued to an owner who has obtained a horse-drawn carriage company permit.

- B. Application Form. The applicant for a horse-drawn carriage permit must complete a "Horse-Drawn Carriage Application" in the form required by the Administrator, which includes, but is not limited to, the following required information:
  - 1. Carriage make, model and manufacturer;
  - 2. Seating capacity and weight limits;
  - 3. A photograph of each carriage to be registered;
  - 4. If necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.
- C. Safety Inspection. The Board has the authority, by Administrative Rule, to require that a horse-drawn carriage operator demonstrate by inspection that all safety standards are met prior to a permit plate or decal being issued.
- D. Horse-Drawn Carriage Condition. No horse-drawn carriage will be issued a plate or decal if the Administrator determines that the carriage is not clean and in good repair, with all required equipment in sound operating condition.
- E. Horse-Drawn Carriage Equipment: Specific equipment requirements are provided by Administrative Rule.
- F. Each horse-drawn carriage shall be made available for inspection at the request of the Administrator or his designee.
- G. Fees. Horse-drawn carriage companies must pay a \$25 initial and annual renewal fee for each horse-drawn carriage vehicle permit and plate.

**16.40.650 Horse-Drawn Carriage Insurance Requirements.**

- A. Coverage and Limits: All horse-drawn carriage company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:
  - 1. Commercial Business Insurance. Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1,000,000 per Occurrence and \$2,000,000 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.
  - 2. Worker's Compensation and Employers Liability Insurance. The company permit holder must secure and maintain a Workers Compensation and

Employers Liability policy where required by state law.

- B.** Additional Policy Conditions. Additional insurance policy requirements are provided in Administrative Rule.
- C.** Permit Holder's Insurance Obligations. All horse-drawn carriage company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:
  - 1.** The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
  - 2.** The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
  - 3.** The permit holder must file with the Administrator a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.
- D.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.650 A through C, and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

**16.40.660 Horse-Drawn Carriage Temperature, Time and Place Restrictions.**

- A.** No horse-drawn carriage may operate between the hours of 6:00 a.m. and 10:00 a.m. or between the hours of 3:00 p.m. and 6:00 p.m. except on Saturdays, Sundays and City holidays, unless an exemption from this restriction is granted by the Administrator.
- B.** No horse-drawn carriage may operate when the outdoor temperature is greater than 90 degrees Fahrenheit.
- C.** No horse-drawn carriage may operate when the outdoor temperature/humidity exceeds the Carriage Operators of North America (CONA) standards.
- D.** No horse-drawn carriage may operate in the presence of weather conditions that make horse-drawn carriage travel unsafe.
- E.** Should any condition or combination of conditions in Subsections 16.40.660 B through D occur, the horse-drawn carriage driver will remove the horse from the street to a safe location, provide appropriate rest and shade or shelter, and will return the horse to its stable or usual boarding facility, by the least-strenuous and shortest safe route possible.

- F. No horse-drawn carriage may operate on a street that does not have a posted speed limit of 35 mph or less.
- G. No horse-drawn carriage may operate along a street with MAX or street car tracks. Upon written request, permission may be granted by the Administrator, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Administrator may provide a list of excepted circumstances and locations in Administrative Rule.
- H. The Administrator or his designee, who observes a horse-drawn carriage operating in adverse weather or other dangerous conditions creating a threat to the health and safety of the horse, passengers, or to the general public, may order the ride discontinued and the horse returned to its boarding facility by the least-strenuous and shortest safe route possible.

**16.40.670 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.**

- A. The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City horse-drawn carriage driver permit, and that all drivers operate in compliance with the requirements of this Chapter. Penalties may be issued to both company and driver for violations of operating requirements.
- B. Each horse-drawn carriage must maintain unobstructed the City horse-drawn carriage permit plate in the location and manner prescribed in Administrative rule.
- C. Each horse-drawn carriage driver must carry his horse-drawn carriage driver permit when operating a horse-drawn carriage, and present the permit for inspection when requested by the Administrator or his designee.
- D. Each horse-drawn carriage and horse-drawn carriage operator shall comply with all other requirements of State, federal and local law.
- E. No horse-drawn carriage driver shall permit other persons to operate the carriage under his control at any time under any circumstances.
- F. No driver shall operate a horse-drawn carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage;
- G. No driver shall operate a horse-drawn carriage when the combined weight of the carriage and passengers exceeds the weight of the horse;
- H. Horse-drawn carriages and equipment must be available for inspection immediately upon request by the Administrator or his designee.
- I. A copy of the Health Certificate for the working carriage horse, as described in Subsection 16.40.630 D, shall be in the custody of the company owner at all times. The driver will keep a copy of this Certificate in any operating carriage, and make said Certificate immediately available for inspection upon request by



the Administrator or his designee.

- J. No horse-drawn carriage driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.
- K. Each driver operating a horse-drawn carriage shall maintain the horse at a speed no faster than a walk or slow trot.
- L. 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.
- M. The operator of a horse-drawn carriage must comply with the orders of the Administrator or his designee, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is grounds for revocation of the horse-drawn carriage driver's permit and the horse-drawn carriage vehicle and company permits.

**16.40.680 Care of Carriage Horses.**

- A. Horse-drawn carriage rides must not be initiated nor continued when the ambient temperature is greater than 90 degrees Fahrenheit, or when the combination of temperature and humidity exceeds current Carriage Operators of North America (CONA) standards.
- B. When the temperature exceeds 90 degrees Fahrenheit, or the combination of temperature and humidity exceeds current CONA standards, the carriage driver will end the ride and return the horse to the home boarding facility or pasture by the least-strenuous and shortest safe route possible, providing rest and shelter as required.
- C. When the temperature is between 84 and 90 degrees Fahrenheit, no carriage ride will be initiated if the local weather forecast predicts temperatures to rise over 90 degrees Fahrenheit during the time for which the ride is scheduled, or within the time allowed for the trip back to the boarding facility.
- D. When conducting horse-drawn carriage rides when the temperature is between 78 and 90 degrees Fahrenheit, the driver will monitor respiratory rate, heart rate and temperature of the horse every hour. Horses exceeding the following resting parameters should immediately undergo cooling measures, then be brought to the stable for rest, and not worked for the remainder of that day:
  - 1. Respiratory rate > 36 breaths per minute after 1 minute;
  - 2. Temperature > 103 degrees;
  - 3. Heart rate > 52 beats per minute after 1 minute recovery time.
- E. Horses must be provided with a blanket for dryness and warmth when appropriate.

- F. Owners, operators and drivers of a horse-drawn carriage will monitor the condition of each horse and will not allow a horse to work when there are signs of exhaustion, dehydration, sickness, disease, injury or severe stress.
- G. No stallions, no mares with unweaned foals, and no pregnant mares at gestation greater than 9 months shall be used as carriage horses.
- H. The towing weight of the horse-drawn carriage may not exceed the weight of the horse.
- I. Tie ropes used around the neck or attaching to the halter shall be carried on all horse-drawn carriages. No horse shall be tied using the bridle, bit or reins.
- J. No animal shall work pulling a horse-drawn carriage for more than 5 hours in a 24 hour period, nor more than 5 days in any given week.
- K. Each horse will be given at least a 10 minute rest period at the end of each hour of work. The horse must be provided ready access to clean drinking water during each break, and must be allowed at reasonable intervals to consume food and water during the workday.
- L. Stables or other boarding facilities must be sanitary. Stables and stalls must be in good repair, well-ventilated, and free of hazards and debris.
- M. Horses must be turned out for at least one hour per day. Adequate turn-out facilities include dry paddocks, runs, or pastures of dimensions equal to or greater than 12 feet by 24 feet.

**16.40.690 Horse-Drawn Carriage Regulations.**

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.620 through 16.40.700, horse-drawn carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter.

**16.40.700 Horse-Drawn Carriage Penalties.**

- A. For violation of the regulations and requirements in sections 16.40.620 through 16.40.690, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for the third occurrence.
- B. Three or more violations within one year are grounds for permanent revocation of horse-drawn carriage driver, vehicle and company permits.

## ATTACHMENT B

**Horse-Drawn Carriage  
Draft Administrative Rules**

- 16.40.630 D. The veterinary health certification of the carriage horse must include:
1. Certification of the fitness of the horse to perform the work described (in the horse-drawn carriage company application) without undue stress or effort;
  2. Description of the horse's general condition, including musculoskeletal and cardiovascular fitness and inspection of teeth, eyes, legs, hooves and shoes;
  3. The horse's body condition score on the Henneke scale;
  4. Physical description of the horse in conformance with the permit application and photograph;
  5. Signature of examining equine veterinarian.
  6. Documentation that regular farrier work occurs at least once every 8 weeks;
  7. A veterinary log documenting dates of all required dental care, vaccinations, de-wormings and other health care procedures; and
  8. The adequacy of the required health certifications and documentation is subject to approval by the Administrator or his designee.
- 16.40.640 E. Horse-Drawn Carriage Equipment Requirements:
1. Each horse-drawn carriage shall be equipped with the required slow moving vehicle emblem display requirements as required by ORS 815.060, ORS 815.110 and ORS 815.115, and must comply with ORS Chapter 815 Vehicle Equipment Generally and ORS 816 Vehicle Equipment: Lights; and all other requirements of ORS and Oregon Department of Transportation Rules.
  2. Each horse-drawn carriage must comply with rules of the Transportation Safety Division of the Oregon Department of Transportation, including the

modified ASABE recommendations on lighting and marking of animal-drawn carriages.

3. Each horse-drawn carriage shall comply with all other requirements of State, federal and local law.
4. Each horse-drawn carriage shall be equipped with working brakes that are capable of stopping the loaded vehicle.
5. 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, and all mechanisms operating in good working order.
6. Each horse-drawn carriage shall carry a container properly designed to hold waste. Such containers shall be large enough to retain all droppings.

16.40.650 B. Horse-Drawn Carriage Insurance Requirements:

Policies required under Subsections 16.40.650 A must also contain, include, provide for or comply with the following:

1. The Commercial General Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder's work as a for-hire transportation company, covered by such policies;
2. Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess;
3. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.
4. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
5. The insurance policy must allow for written notice to the Administrator 10 days before any policy is canceled;
6. All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VII or better; and
7. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.