

ORDINANCE #~~201~~ 298

AN ORDINANCE AMENDING CHAPTER VIII OF THE CODE OF THE TOWN OF CREEDE, COLORADO TO REQUIRE A PERMIT TO OPERATE HORSE DRAWN CARRIAGES UPON PUBLIC PROPERTY, PROVIDING FOR THE REVOCATION OF SUCH PERMITS AND PROVIDING FOR PENALTIES FOR VIOLATION

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

Section 1. Purpose and Scope. The purpose of this Ordinance is to amend Chapter VIII of the Code of the City of Creede, Colorado, a Town ("City" herein) by the addition of a new Section 5 requiring a permit to operate horse drawn carriages upon public property, providing for the adoption of regulations by Resolution with respect thereto, for revocation of such permits and penalties for violation.

Section 2. Amendment of Chapter VIII. Chapter VIII is hereby amended by the addition of the following Section 5 and subsections:

8-5-1 Revocable Permit Required. It shall be unlawful for any person to drive or be permitted to drive a horse drawn carriage on the streets of the City; provided, however, the Board of Trustees may issue permits for said activities subject to such reasonable rules and regulations as the Board of Trustees may impose by resolution.

8-5-2 Any person, firm or corporation, or any officer or director thereof, employing any employee shall also be liable for the violation of any provision of these Sections 8-5 by the employee.

8-5-3 The holder of any permit issued under the terms of this Article shall always release and indemnify, defend and save harmless the City, its officers, agents and employees from and against any and all claims, actions, causes of action, demands, judgments, costs, expenses and attorney's fees and all damages of any kind and nature incurred by or inuring to any person whatsoever predicated upon injury to or death of any person or damaged property, public or private, or whatever ownership, or damaged business, provided such injury, death, loss or damage shall arise out of or be connected directly or indirectly with the exercise of any right or privilege granted by such a permit.

8-5-4 The Board of Trustees shall promulgate rules and regulations by resolution, establishing the appropriate hours of operation and the acceptable areas and streets in which horse drawn carriages may be operated. It shall be unlawful for any person to operate a horse drawn carriage at other times or locations than those permitted. A violation of any rule or regulation shall constitute a violation of this Code.

8-5-5 An Application for a Permit hereunder shall include the following information: the name, address and telephone number of Applicant; the number of carriages to be operated; a general description of the area and the streets in which the carriage is to be operated; and such other information as the Board of Trustees may require.

8-5-6 Any permit issued shall be nontransferrable, valid for a period of not more than twelve (12) months after the date of issuance, may be revoked without cause and shall be displayed on the carriage. Any permit holder may apply for a renewal permit in the same manner as an original Application.

8-5-7 No permit shall be issued to any person unless it is found that the applicant has demonstrated knowledge of horses, carriages and the handling of the combination.

8-5-8 A person to whom a permit has been issued hereunder is subject to the following restrictions: (1) the driver or operator of a horse drawn carriage must have a valid operator's license to operate a motor vehicle. (2) The permittee shall maintain the equipment and horses in clean and safe condition. (3) The permittee shall immediately notify the City Clerk of any change of address or substantial change in equipment or circumstances.

8-5-9 The fees for permits under this Section 5 shall be as follows: Nonrefundable application fee: \$50.00; annual permit fee: \$10.00;

8-5-10 Any person driving a horse drawn carriage in a duly authorized parade or special event authorized by the Board of Trustees shall be exempt from the provisions of this article.

8-5-11 No permit shall be issued or remain in effect unless the permittee, at the permittee's expense and without cost to the City, shall procure, maintain in force, and on file with the City Clerk, sufficient evidence of a general liability policy naming the City as an additional insured covering bodily injury, including death, in the amount of \$300,000.00 combined single limit. Such insurance coverage constitutes a minimum requirement and shall in no way be deemed to limit or lessen the liability of the permittee under the terms of such permit. An endorsement shall be included on the required policy, providing for thirty (30) days notice to the City in the event of any material change or cancellation.

Section 3. It shall be unlawful for any person, firm or corporation to violate any provisions of Sections 8-5-1 through 8-5-11 of this Code. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and, each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the

provision of this ordinance is committed, continued or permitted, and upon conviction of any such violation, such person, firm, corporation, or legal entity shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.


Section 4. If any part or parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declare that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

Section 5. This ordinance shall be in full force and effect sixty (60) days from and after its publication.

READ IN FULL, PASSED, ADOPTED AND APPROVED ON FIRST READING, this 2 day of May, 1994, being a regular meeting of the Board.

  
\_\_\_\_\_  
Mayor

SEAL  
ATTEST:

  
\_\_\_\_\_  
Clerk

#### CERTIFICATE OF PUBLICATION

I certify that publication of the above and foregoing ordinance was completed on the 7 day of July, 1994, and that the said ordinance will be and become effective upon the expiration of sixty (60) days from and after such date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town at my office in Creede, Colorado, this 11 day of July, 1994.

SEAL

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

DEPARTMENT OF PUBLIC SAFETY  
RULES AND REGULATIONS GOVERNING THE OPERATION OF  
ORDINANCE #298 HORSE DRAWN CARRIAGES ON THE PUBLIC  
RIGHT-OF-WAY OF THE CITY OF CREEDE

1. PURPOSE

The rules and regulations defined are published for the information and guidance of the operators and owners of permitted carriages. It is therefore incumbent upon operators of these carriages to familiarize themselves with the content of the Rules and Regulations.

2. PERMIT ISSUANCE

- A. The owners of horse drawn carriages and their employees, agents, or subcontractors shall use and occupy the public right-of-way in a safe and careful manner.
- B. The signature of the applicant or an authorized representative on a permit shall indicate that all conditions of the application and permit have been agreed upon and have been met, and the applicant may undertake the activity specifically permitted.

3. POLICIES

- A. The following general policies will be followed regarding the issuance of permits to drive horse drawn carriages on the streets of the City of Creede.
  - 1. Horse drawn carriages are permitted to operate Monday thru Sunday from 7 a.m. to 12 a.m. (midnight).
  - 2. Requirements of horse drawn carriages operating within the city limits of Creede.
    - a. Diapers or immediate clean-up after the horses.
    - b. Side lights or adequate side reflectors, a headlamp and taillights or flashers.

B. Enforcement

1. The owner or operator may be issued a written warning or citation at the discretion of the issuing officer.
2. A file shall be maintained on each owner or operator by the Creede Police Department. Each violation shall be entered into said file.
3. Upon three or more violations, including but not limited to the following, the permit shall be reviewed for possible suspension or revocation:
  - a. no valid drivers license;
  - b. unsafe carriage operation;
  - c. unattended carriage (while hitched or untied);
  - d. unattended carriage with passengers.