

1 [REGULATIONS FOR HORSE-DRAWN VEHICLE COMPANIES]
2 AMENDING THE SAN FRANCISCO POLICE CODE BY AMENDING ARTICLE 7.1 BY
3 AMENDING SECTIONS 500.3 TO CHANGE THE EXCEPTIONS TO THE PERMITTING
4 REQUIREMENTS OF THIS ARTICLE; BY AMENDING SECTION 501 TO CHANGE THE
5 DEFINITION OF QUALIFIED VETERINARIAN AND ADD DEFINITIONS FOR MECHANICAL
6 EVALUATOR, QUALIFIED TRAINER AND SPECIAL EVENT; BY AMENDING SECTION 502
7 TO SET FORTH SOME OF THE CRITERIA THE CHIEF OF POLICE WILL CONSIDER IN
8 APPROVING A "STAND"; BY AMENDING SECTION 502.5 TO REFER TO THE PROPER
9 CODE SECTION SETTING FORTH LICENSE AND PERMIT FEES; BY AMENDING
10 SECTION 505 TO ALLOW ANIMAL CONTROL OFFICERS TO REVIEW PERMITS,
11 LICENSES AND OTHER INFORMATION, TO MAKE AN EXCEPTION FOR MINIMUM
12 NUMBER OF DAYS OF OPERATION DUE TO WEATHER CONDITIONS, TO CHANGE THE
13 ADVANCE NOTICE REQUIREMENTS FOR SPECIAL EVENTS, AND TO CHANGE THE
14 LOCATIONS IN WHICH HORSE-DRAWN VEHICLES MAY LOAD AND UNLOAD
15 PASSENGERS; BY AMENDING SECTION 506 TO ALLOW ADVERTISING ON HORSE-
16 DRAWN VEHICLES; AND BY AMENDING SECTION 507 TO PROVIDE FOR ANIMAL CARE
17 AND CONTROL TO RECEIVE ANIMAL FITNESS REPORTS, INSPECT HORSE-DRAWN
18 VEHICLE ANIMALS AND TO APPROVE THE EQUIPMENT USED ON THE ANIMALS, AND
19 TO CHANGE THE STANDARD ON THE USE OF WHIPS.

20 Note: Additions are underlined; deletions are in ((double parentheses)).

21 Be it ordained by the People of the City and County of San Francisco:

22 Section 1. Article 7.1 of the San Francisco Municipal (Police) Code is hereby
23 amended by amending Section 500.3, to read as follows:

24 **SECTION 500.3. PERMITS; EXCEPTIONS.** The permit requirements of this Article
25 shall not apply to the use of horse-drawn vehicles for an activity that requires an event permit

1 from the San Francisco Police Department, such as a parade or itinerant show. ((a special
2 event, provided that during the special event rides are not made available to the public.)) The
3 ((“special event”)) horse –drawn vehicle used for such an event must meet the insurance
4 requirements as described in this Article. If the event occurs on Port property a permit to use
5 said property will also be required.

6 Section 2. Article 7.1 of the San Francisco Police Code is hereby amended by
7 amending Sections 501, to read as follows:

8 **SECTION 501. DEFINITIONS.**

9 1. **Horse-Drawn Vehicle.** Includes any wagon, coach, omnibus or any vehicle
10 powered in whole or in part by a horse, mule, or other animal.

11 2. **For Hire or Business.** Horse-drawn vehicle service or consideration.

12 3. **Employee.** Person who works for or renders services to a horse-drawn vehicle
13 for hire.

14 4. **Driver or Operator.** Person who drives or operates a horse-drawn vehicle.

15 5. **Horse.** A horse with a weight that exceeds 1,100 pounds.

16 6((5)). **Qualified Veterinarian.** A licensed veterinarian who is an expert in the care
17 of horses and is agreed upon by both the operator and the Department of Animal Care and
18 Control.

19 7((6)). **Stand.** The portion of a curb lane, or any private or public property location,
20 used for loading, unloading or waiting for passengers of horse-drawn vehicles. A "stand"
21 must be approved by the Chief of Police and other affected City and County of San Francisco
22 department or agency.

23 8((7)). **Applicant.** If a sole proprietorship, any person. If a partnership, each
24 partner. If a corporation, each director, corporate officer, and stockholder owning ten percent
25 (10%) or more of the corporation's stock.

1 9. **Mechanical Evaluator.** A mechanical evaluator is a person who has expertise,
2 through training and/or on-the-job experience in the evaluation of the structural safety of
3 horse-drawn vehicles.

4 10. **Qualified Trainer.** A qualified trainer is a person who has expertise through
5 training and/or on-the-job experience in horse-drawn vehicle driving and the care of horse-
6 drawn vehicle animals.

7 11. **Special Event.** A special event is an occasion when a person requests the
8 services of a horse-drawn vehicle for a prearranged period of time for a prearranged route
9 that is not on the regular route of the horse-drawn vehicle.

10 Section 3. Article 7.1 of the San Francisco Municipal (Police) Code is hereby amended
11 by amending Section 502, to read as follows:

12 **SECTION 502. HORSE DRAWN VEHICLE BUSINESS PERMIT.** (a) Prior to applying
13 for a horse-drawn vehicle business permit, the applicant shall obtain:

14 (1) A San Francisco horse-drawn vehicle business address;

15 (2) Evidence of a valid permit, license, or contract for use of a stand by the horse-
16 drawn vehicle business at a location acceptable to the Chief of Police. The Chief of Police
17 shall consider, among other things, public safety, public health, animal welfare and traffic
18 issues in determining whether a requested location is acceptable;

19 (3) A mechanical inspection report for each vehicle. (Payment of the cost of
20 inspection is the responsibility of the applicant.) The inspection report shall include the
21 following:

22 (i) The mechanical evaluator's name, employer, business address and phone
23 number,

24 (ii) The mechanical evaluator's relevant training, experience, and professional
25 license numbers (if any), and

1 (iii) Date of inspection and inspection results, including the evaluator's conclusions
2 regarding vehicle condition, safety concerns, and maximum safe speed, weight and seating
3 capacity((;)).

4 (4) A medical inspection report for each animal, made by a qualified veterinarian.
5 (Payment of the cost of inspection is the responsibility of the applicant.) The medical
6 inspector's report shall contain the following:

7 (i) The medical evaluator's name, employer, business address and phone number,

8 (ii) The medical evaluator's relevant training, experience, and professional license
9 numbers; and

10 (iii) Date of inspection and inspection results, including vaccination information, the
11 animal's general medical condition, identification of any specific health issues, and the
12 evaluator's opinion as to whether the animal is fit to power a fully loaded vehicle in City
13 traffic((;)).

14 (5) A training report, authored by the animal training or owner, containing the name
15 of the animal's training, the place and date of training, the content of the training, and
16 certification that the animal is trained to safely power a fully loaded vehicle of the type to be
17 used in City traffic. (Training costs are the responsibility of the applicant.)

18 (b) The application for the horse-drawn vehicle business permit shall be made in
19 writing and filed with the Chief of Police. The applicant shall provide;

20 (1) Applicant's name(s), address(es), and telephone numbers;

21 (2) The physical location of the stand;

22 (3) A description of each vehicle to be operated, including photographs and other
23 identifying information to distinguish each horse-drawn vehicle from any other;

24 (4) The mechanical inspection report for each vehicle;

1 (5) Identification of each animal used to power the vehicle(s) from any other animal
2 that the applicant intends to use;

3 (6) The medical evaluation report for each animal;

4 (7) The training report for each animal;

5 (8) A detailed description of the route to be followed by the horse-drawn vehicles.

6 Section 4. Article 7.1 of the San Francisco Municipal (Police) Code is hereby amended
7 by amending Section 502.5, to read as follows:

8 **SECTION 502.5. DRIVER PERMIT.** It shall be unlawful for any person to act as a
9 driver of any horse-drawn vehicle for hire licensed pursuant to this Article unless that person
10 holds a driver's permit from the Chief of Police issued pursuant to this Section.

11 (1) Application for a permit to drive a horse-drawn vehicle shall be made to the
12 Chief of Police on a form provided by the Police Department. The applicant shall pay to the
13 City and County of San Francisco a public passenger vehicle (non-motorized) driver
14 application and license fee as prescribed in Section 2.26((.1)) and 2.27((.1)) of ((this)) the San
15 Francisco Administrative Code. The application shall include, but is not limited to, the
16 following information:

17 (a) Applicant's name, address, phone number, height, weight, eye color, date of
18 birth, and Social Security Number;

19 (b) Applicant's California driver's license number, license class and driving
20 restrictions. The applicant shall provide a current copy of his or her driving record from the
21 Department of Motor Vehicles;

22 (c) All criminal offenses for which the applicant has been convicted, including the
23 date and disposition of the criminal matter;

24 (d) Three photographs of applicant's face, frontal view, approximately two inches by
25 two inches in size, taken within one month of the application;

1 (e) A complete set of applicant's fingerprints taken by the San Francisco Police
2 Department;

3 (f) A document certifying that the applicant has been trained in equine care and
4 horse driving from a qualified trainer. The document shall contain, but not be limited to, the
5 training received, dates and locations of training, trainer identification, trainer's employer and
6 trainer's address, phone number, professional licenses (if any), training and experience;

7 (g) Such other information as the Chief of Police may deem necessary.

8 Section 5. Article 7.1 of the San Francisco Municipal (Police) Code is hereby amended
9 by amending Section 505, to read as follows:

10 **SECTION 505. RULES OF OPERATION.**

11 1. No horse-drawn vehicle for hire shall operate in the City and County of San
12 Francisco unless the owner(s) and operator(s), as applicable, have valid horse-drawn vehicle
13 business and driver's permits, current tax licenses and stand contracts, licenses or permits.
14 The horse-drawn vehicle business vehicles and animals shall meet all requirements of this
15 Article.

16 2. No horse-drawn vehicle for hire shall operate in the City and County of San
17 Francisco unless the operator has within the vehicle the operator's valid California driver's
18 license and a copy of the permits for the horse-drawn vehicle business and((,)) driver ((and
19 stand)).

20 3. The operator shall, on the demand of any peace officer, animal control officer, or
21 ((his or her)) their agents, present copies of all required licenses and permits.

22 4. The horse-drawn vehicle business permit holder, or his or her agent or employee,
23 shall supply information regarding the condition of the business' vehicles and/or animals
24 within one business day when requested by a peace officer, animal control officer, or ((his or
25 her)) their agents.

1 5. All drivers, agents and employees of a horse-drawn vehicle business shall comply
2 with all traffic and other laws adopted by the State of California and/or the City and County of
3 San Francisco and all horse-drawn vehicle regulations enacted by the Chief of Police.

4 6. No person may sit in the driver's compartment area or position except the permitted
5 driver, and a trainee.

6 7. No horse-drawn vehicle driver, agent or employee shall have any firearm or illegal
7 weapon in any part of the horse-drawn vehicle or in his or her possession while working.

8 8. No horse-drawn vehicle driver, agent or employee shall possess or control any
9 alcoholic beverage or illegal drug while near or responsible for the horse-drawn vehicle, stand
10 or animal.

11 9. No driver shall operate any horse-drawn vehicle, or handle any horse-drawn vehicle
12 animal, after consumption of prescription or non-prescription drugs or medication, if the effect
13 of that drug or medication limits or hinders, in any way, the driver's ability to operate the
14 horse-drawn vehicle or to care for the animal.

15 10. No owner, driver, agent or employee of a horse drawn business shall fail or refuse
16 to comply with a lawful order from any peace officer or animal control officer.

17 11. No person may solicit members of the public for horse-drawn vehicle services
18 except at an authorized stand.

19 12. Horse-drawn vehicles may load passengers at stands, or at marked loading zones
20 on their approved routes if the passengers previously arranged with the horse-drawn vehicle
21 for pick-up at a particular time and location. Passengers may disembark at any location along
22 the horse-drawn vehicle's approved route. ((Horse-drawn vehicles shall park, wait for, and
23 pick up passengers only at authorized stands. Further, while loading or unloading
24 passengers, t)) The driver shall maintain personal and direct control of the horse or animal by
25 holding the reins while passengers are loading or unloading at any location.

1 13. Drivers shall not unnecessarily stop or wait at any location other than an
2 authorized stand, except to load and unload passengers along their approved routes ((for
3 passengers to disembark)).

4 14. Any horse-drawn vehicle business owner, driver, agent or employee, who finds the
5 property of another, shall return the property to its rightful possessor. If the rightful possessor
6 is unknown, the horse-drawn vehicle business shall hold the property for no more than thirty
7 (30 days before delivering the property to a San Francisco police officer.

8 a) The horse-drawn vehicle business shall keep a log of all found property. The
9 log shall include entries for the date and time the property was found, a description of the
10 property, and disposition of the property.

11 b) After the thirty (30) day period, any unclaimed property shall be delivered to a
12 San Francisco police officer for safekeeping.

13 c) Failure to safeguard found property may subject the driver and/or horse-drawn
14 vehicle business to permit revocation proceedings.

15 15. Every horse-drawn vehicle operator shall keep an accurate and legible waybill.
16 Waybills shall be retained for at least one year at the horse-drawn vehicle business address
17 and be available for review by any peace officer or his or her agent during normal business
18 hours. Waybills shall set forth, as a minimum, the following information:

- 19 a) Driver's name
20 b) Vehicle number
21 c) Date of waybill
22 d) Starting time for period covered by waybill
23 e) Origin and destination of each trip
24 f) Time of hire and discharge for each trip
25 g) Charges for each trip

1 h) Number of passengers for each trip

2 i) The identity of the horse used for each trip

3 16. The driver must maintain control of the horse or animal at all times and never leave
4 the horse-drawn vehicle unattended.

5 17. The horse-drawn vehicle shall not block or impede traffic at or near the stand when
6 the stand is occupied with another horse-drawn vehicle.

7 18. The horse-drawn vehicle business shall operate horse-drawn vehicles at least
8 seven (7) days during any given calendar month, unless weather precludes operation.

9 19. The Chief of Police, or the Chief's designee, has the authority to restrict or
10 suspend the operation of horse-drawn vehicles for any situation that reasonably warrants the
11 restriction or suspension.

12 20. For special events, if the horse-drawn vehicle operator has a valid horse-drawn
13 vehicle business permit from the San Francisco Police Department, the horse-drawn vehicle
14 business or driver must provide 24-hour notice to the District Station of the time of the event
15 and the route to be taken. If the horse-drawn vehicle operator does not have such a permit,
16 the horse-drawn vehicle business or driver must submit to the Chief of Police two (2) weeks
17 prior to the event a proposed route for consideration and approval.

18 21. If a horse-drawn vehicle participates in a special event that is not along the horse-
19 drawn vehicle's authorized route, the horse or animal and vehicle must be transported by
20 another, appropriate vehicle(s) to and from the site of the special event.

21 22. The maximum number of passengers, not including the driver or trainee, allowed
22 to ride in the carriage compartment area is six persons.

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1 Section 6. Article 7.1 of the San Francisco Municipal (Police) Code is hereby amended
2 by amending Section 506, to read as follows:

3 **SECTION 506. VEHICLE REGULATIONS.** (1) Each horse-drawn vehicle shall be
4 maintained in good working order and in a clean and attractive manner.

5 (2) Each vehicle shall have the horse-drawn vehicle business name and a number painted or
6 otherwise permanently affixed to the rear of the vehicle in a clear and conspicuous manner.
7 the name and number shall be free of obstruction and clearly visible and legible to the public.

8 (3) Each carriage shall have the relevant hiring rate, and any other charges, posted in
9 clear and legible fashion on the exterior of both sides of the vehicle.

10 (4) The passenger compartment of each vehicle for hire shall have posted, without
11 obstruction, the driver's permit and photograph.

12 (5) All vehicles shall be equipped with a supply of complaint cards, approved by the Chief
13 of Police, and available to any passenger on demand.

14 (6) All vehicles shall be equipped with a device sufficient to catch horse excretion while on
15 public property, and on private property that allows public access.

16 (7) No horse-drawn vehicle shall be used primarily for ((display)) advertising ((on its interior or
17 exterior)). Advertising must be confined to a two feet by three feet area on the back of the
18 horse-drawn carriage.

19 (8) All vehicles shall comply with the equipment standards set forth in Division 12 of the
20 California Vehicle Code.

21 (9) If it is reasonably determined that there is a mechanical failure of the equipment or the
22 vehicle the Chief of Police or the Chief's designee may remove the horse-drawn vehicle from
23 service. The Chief of Police or the Chief's designee may seek the advice of a qualified
24 professional. A statement of findings must be provided from a qualified professional and
25

1 approved by the Chief of Police or the Chief's designee prior to the horse-drawn vehicle
2 returning to service. All expenses incurred are the responsibility of the permit holder.

3 Section 7. Article 7.1 of the San Francisco Municipal (Police) Code is hereby amended
4 by amending Section 507, to read as follows:

5 **SECTION 507. HORSE OR HORSE-DRAWN VEHICLE ANIMAL REGULATIONS.**

6 1. All horse-drawn vehicle animals shall weigh over 1,100 pounds and be fit for the
7 purpose of powering a fully loaded horse-drawn vehicle. To determine fitness, each horse-
8 drawn vehicle animal shall be examined every six months by a qualified veterinarian, who
9 shall issue a report and send the report to both the Chief of Police and the Director of Animal
10 Care and Control. The veterinarian report shall be made on a form approved by the Chief of
11 Police. The report shall include, but is not limited to:

- 12 (i) The information required in Section 502.(4.)(a) of this Article;
- 13 (ii) Status of immunization, deworming and dental work;
- 14 (iii) Farrier status;
- 15 (iv) Drug tests and pregnancy test for mares ((Blood and pap tests));
- 16 e) Results of any other test deemed prudent by the veterinarian.

17 2. The Chief of Police or the Chief's designee may immediately suspend the use of
18 any horse-drawn vehicle animal and order a medical evaluation or specific treatment for the
19 animal by a certified veterinarian. The Chief of Police or the Chief's designee may seek the
20 advice of a qualified professional. A statement of findings must be provided from a certified
21 veterinarian, qualified in horse treatment and care, and approved by the Chief of Police or the
22 Chief's Designee prior to the animal returning to service. If the Department of Animal Care
23 and Control receives a complaint regarding the condition or treatment of a horse-drawn
24 vehicle animal, the Director of Animal Care and Control may have the horse examined by an
25 Animal Care and Control employee and/or a certified veterinarian at any time without notice.

1 All costs associated with medical tests, evaluations and treatments are the responsibility of
2 the permit holder.

3 3. No animal shall be used to power a vehicle in the City and County of San Francisco
4 if the animal has an open sore or wound that would affect the animal's comfort or soundness.

5 4. No animal shall be used to power a vehicle in the City and County of San Francisco
6 unless the animal has hoofs that are properly shod and trimmed. Farrier records shall be kept
7 for each animal.

8 5. No animal shall be used to power a vehicle in the City and County of San Francisco
9 unless the animal is groomed daily((, is free of fungus parasites and dandruff,)) and has a
10 healthy coat.

11 6. No horse-drawn vehicle animal shall work more than five ((six)) consecutive days in
12 a week or more than six (6) hours in any day or twenty-four (24) hour period per the Carriage
13 Operators of North America's Rules of Operator. A horse-drawn vehicle animal shall have
14 water made available during the entire work period.

15 7. No horse-drawn vehicle animal shall work more than eight hours per day without
16 being given water and rest for not less than two cumulative hours during the work period.
17 Each horse-drawn vehicle animal shall be given water and rest for not less than fifteen (15)
18 minutes during each working hour.

19 8. All equipment used on the horse-drawn vehicle animal must be approved by the
20 Director of Animal Care and Control or his or her designee prior to use. The equipment must
21 be kept in good repair at all times. Other than normal blinders, no horse drawn vehicle animal
22 shall work with equipment causing any vision impairment. The harness shall be oiled and
23 cleaned as to be soft at all times. It also shall be fitted, properly maintained, and free of
24 makeshift connections such as wire, cloth or tape, except if emergency repair is necessary.

1 No high port, long shank, or twisted wire bits shall be used on any horse-drawn vehicle
2 animal.

3 9. Whips may be used only in certain cases, and not excessively, to control the animal
4 ((where the horse-drawn vehicle or the animal will cause immediate danger or harm to
5 others)). Whips may not be used to inflict pain or suffering to any horse-drawn vehicle animal.

6 ((10. No horse-drawn vehicle animal shall work with a harness or bit that is not
7 approved by the Chief of Police or his Designee. The harness shall be oiled and cleaned as
8 to be soft at all times. It also shall be fitted, properly maintained, and free of makeshift
9 connections such as wire, cloth or tape.))

10 10((11)). Whenever animals are housed on asphalt, concrete or other hard surfaces
11 the floors must be covered with rubber floor pads.

12 11. Each horse-drawn vehicle animal shall be required to work ninety percent of the
13 time at a walking gait, and no more than ten percent of the time at a trotting gait.

14
15 APPROVED AS TO FORM:

16 LOUISE H. RENNE, City Attorney

17
18
19 By:


20 JOHN I. KENNEDY
21 Deputy City Attorney



City and County of San Francisco

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San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 991587

Date Passed:

Ordinance amending Police Code Article 7.1, Section 500.3 to change the exceptions to the permitting requirements of this article; by amending Section 501 to change the definition of qualified veterinarian and to add definitions for mechanical evaluator, qualified trainer and special event; by amending Section 502 to set forth some of the criteria the Chief of Police will consider in approving a "stand"; by amending Section 502.5 to refer to the proper code section setting forth license and permit fees; by amending Section 505 to allow animal control officers to review permits, licenses and other information, to make exception for minimum number of days of operation due to weather conditions, to change the advance notice requirements for special events, and to change the locations in which horse-drawn vehicles may load and unload passengers; by amending Section 506 to allow advertising on horse-drawn vehicles; and by amending Section 507 to provide for animal care and control to receive animal fitness reports, inspect horse-drawn vehicle animals and to approve the equipment used on the animals, and to change the standard on the use of whips.

October 18, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee
Absent: 2 - Becerril, Newsom

October 25, 1999 Board of Supervisors — FINALLY PASSED

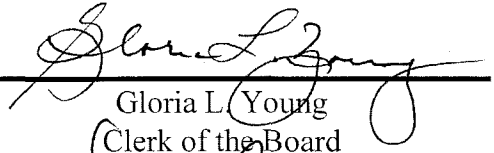
Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 1 - Becerril

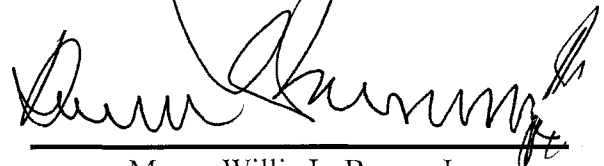
File No. 991587

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on October 25, 1999
by the Board of Supervisors of the City and
County of San Francisco.

NOV - 5 1999

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.