

STAFF REPORT

City of Lancaster

CPH 1
05/24/11
MVB

Date: May 24, 2011

To: Mayor Parris and Council Members

From: Barbara Boswell, Finance Director and Kelvin Tainatongo, Assistant to the City Manager

Subject: **Introduction of Horse-Drawn Vehicles Ordinance**

Recommendation:

Introduce **Ordinance No. 965**, establishing Chapter 5.54 of the Lancaster Municipal Code regarding horse-drawn vehicles.

Adopt **Resolution No. 11-23**, establishing horse-drawn vehicles permit fees.

Fiscal Impact:

Unknown at this time.

Background:

This introduction was continued from the May 10, 2011 meeting of the City Council. At that meeting, the City Council reviewed the staff report, heard the introduction of the proposed ordinance from city staff, and heard public comment from a proposed horse-drawn vehicle business operator. The Council requested that the introduction of the ordinance be continued to the next meeting and directed staff to conduct additional research to determine the appropriate work temperature for a horse, recommend an acceptable passenger or weight limit for a horse to pull, identify the right-of-way of a horse-drawn vehicle versus a motor vehicle as established in the California Vehicle Code, and to address the requirement to immediately clean up the urine and feces of horses on public streets or at rest areas.

Research conducted to determine the appropriate work temperature for a horse including receiving input from local Veterinarians as well as from County of Los Angeles Animal Care and Control staff. While Animal Care & Control recommends 90 degrees as the maximum temperature to work a horse, two local veterinarians recommended restricting horses from pulling a carriage on asphalt when the ambient temperature is 95 degrees or higher. A third local veterinarian recommended restricting horses from any work conditions when the heat index exceeds 130. The local veterinarians' recommendation for a higher maximum temperature is based on local horses are accustomed to working in more extreme temperatures in the Antelope Valley. To preserve the health and safety of the animal and passengers, staff recommends restricting horses from working in temperatures greater than 95 degrees or a heat index above 120. The animal must also receive proper rest and water.

In determining an acceptable passenger or weight limit for a horse to pull, horse veterinarians and County of Los Angeles Animal Care and Control were contacted and both agreed that it is safe

for a horse to pull up to 2 ½ times its weight. To assist with the enforcement of this requirement in the field, staff recommends that a single horse-drawn vehicle be allowed to pull a carriage carrying up to but no more than 6 passengers and 2 drivers.

The driver of a horse-drawn vehicle is subject to the same rules of the road as any motor vehicle driver per the California Vehicle Code. Neither has the right of way unless there is a specific designation for a horse trail or horse crossing, in such instance, the horse has the right of way. As the horse-drawn vehicle driver is subject to the vehicle code, must not impede traffic, and must safely pull over to allow traffic to pass, the language that requires the horse-drawn vehicle driver to pull over when two or more vehicles are behind it has been removed. Instead, a statement will be added to the permit application which states that the driver is subject to all the rules of the vehicle code.

The horse-drawn carriage operator raised an additional concern regarding the requirement of the immediate clean up of urine. After contacting other municipalities, staff learned that other local ordinances only address the cleaning of horse feces, not urine. This issue is handled in the same manner as owners of other types of pets who are not required to clean up after its pet if it urinates but must clean up after it defecates. Therefore, staff recommends the removal of the language that requires the immediate clean up of urine on the public right of way, however, the requirement to equip a device to immediately catch the horse feces remains.

The City of Lancaster has determined that it is in the public interest to establish Section 5.54 of the Lancaster Municipal Code regarding horse-drawn vehicles within the City of Lancaster. The purpose of this chapter is to regulate the commercial operation of horse-drawn vehicles in the city, in order to ensure that horse-drawn vehicles are operated safely and to protect the public health, safety and welfare.

BB:me

Attachments:

Ordinance No. 965

Resolution No. 11-23