

**AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO ELIMINATING A LICENSE REQUIREMENT FOR HORSE DRAWN
VEHICLES**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF PEORIA, ILLINOIS, as follows:**

Section 1. Chapter 30 (Vehicles for Hire) of the Code of the of the City of Peoria is hereby amended by deleting the stricken language and adding the underlined language as follows:

~~Chapter 30~~ ~~ARTICLE III. HORSE-DRAWN VEHICLES~~

~~DIVISION 1. GENERALLY~~

~~Sec. 30-131. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Horse-drawn vehicle means any vehicle which is operated or pulled by a horse which may be hired for the transportation of passengers and which is operated within the corporate limits of the city.~~

~~Horse-drawn vehicle driver's license means written authority given by the police department to drive any horse-drawn vehicle upon the public streets of the city.~~

~~Operate or operation means operation by the owner or any agent of the owner or by any person with the owner's knowledge, consent or permission, expressed or implied.~~

~~Owner means any individual, firm, association, partnership, or corporation.~~

~~Permit means the grant by the city to operate one horse-drawn vehicle upon the public streets of the city.~~

~~Sec. 30-132. Compliance with article required.~~

~~The operation of horse-drawn vehicles within and upon the public streets of the city shall be subject to the conditions, regulations and restrictions set forth in this article. It shall be unlawful for any person to engage in the business of operating a horse-drawn vehicle in the city until the provisions of this article have been complied with.~~

~~Sec. 30-133. Adherence to plan submitted in application.~~

~~Permittees must adhere to routes, rates and vehicle number and design as specified in their application for permits. Any deviation from such application, without the approval of the city manager, shall be a violation of this article.~~

~~Sec. 30-134. Liability and indemnification.~~

~~(a) — A permittee shall pay, and by the acceptance of a permit specifically agrees to pay, any and all damages and penalties which the city may be legally required to pay as a result of the permittee's operation or maintenance of a horse-drawn vehicle under this article, whether the acts or omissions complained of are authorized, allowed or prohibited by the city.~~

~~(b) — A permittee shall also pay all expenses incurred by the city in defending itself with regard to any and all damages and penalties mentioned in subsection (a) above. These expenses shall include all out-of-pocket expenses, including a reasonable attorney's fee and the reasonable value of services rendered by any employee of the city.~~

~~Sec. 30-135. Compliance with traffic regulations.~~

~~(a) — A permittee, having been issued a permit under this article to engage in the business of operating a horse-drawn vehicle, shall be subject to all traffic provisions of this Code, and all other traffic ordinances, rules and regulations of the city and state.~~

~~(b) — The city traffic engineer is hereby empowered to designate the location and extent of space for stands to be known as "horse-drawn vehicle stands." No automobiles or other means of conveyance except such vehicles for hire as defined in this article shall be permitted to use such "horse-drawn vehicle stands" within the time as provided by the rules and regulations promulgated by the traffic engineer, unless the traffic engineer has so authorized.~~

~~(c) — The traffic engineer is hereby authorized and directed to formulate and promulgate reasonable rules and regulations for the use of such "horse-drawn vehicle stands" so as to insure equality of opportunity among operators, and to prevent discrimination among "horse-drawn vehicle stands" and to prevent unfair practices among the owners, operators, and drivers of such horse-drawn vehicles for hire.~~

~~Sec. 30-136. Rates and charges to be displayed.~~

~~Each permittee shall prominently display in each permittee's horse-drawn vehicle a card or sign which shall show the schedule of the rates and charges for the transportation services furnished by the permittee, the city permit number of such horse-drawn vehicle and the name and address of both the permittee of each such vehicle. Such card or sign shall be posted in a conspicuous place in such vehicle while it is in use as a horse-drawn vehicle for hire, so that it is clearly visible to all passengers in such vehicle. It shall be unlawful for any permittee, operator, agent, lessee or driver of any horse-drawn vehicle to charge more than the rate so posted.~~

~~Sec. 30-137. Sanitation.~~

~~All permittees shall comply with the following sanitation requirements:~~

~~(1) — All horses, mules and other animals shall be equipped with adequate devices to prevent manure and other excrement from falling on the streets of the city. Any excrement which should fall upon the streets of the city shall be immediately removed by the driver of such vehicle. If any excrement should fall on the streets of the city and is not immediately removed by the driver, it~~

~~may be removed by the city and the expense of such removal shall be recovered from the permittee.~~

~~(2) — A permittee shall further comply with all applicable health and sanitation provisions of the city and state.~~

~~Sec. 30-138. Condition and inspection of horse-drawn vehicles.~~

~~(a) — Each horse-drawn vehicle shall be kept in a safe and sanitary condition at all times. The city shall have the right, which right shall not be denied, to inspect or cause to be inspected any horse-drawn vehicle as often as may be necessary for the purpose of ascertaining or causing to be corrected any unsafe or unsanitary conditions or any violations of this article or any other rule, regulation or law relating to the operation of horse-drawn vehicles.~~

~~(b) — The comptroller is hereby authorized to establish a fee for each such inspection, and is further authorized to establish and promulgate rules and regulations and minimum standards for the inspection and condition of horse-drawn vehicles.~~

~~(c) — If any horse-drawn vehicle shall fail to pass such inspection, it shall be removed from service on the day of inspection and shall remain out of service until it has passed inspection.~~

~~(d) — All horse-drawn vehicles used by a permittee shall have conspicuously displayed on the exterior of the vehicle the name of the permittee or the trade name under which such permittee operates. No signs other than those required by this article shall be allowed on any horse-drawn vehicle.~~

~~Sec. 30-139. Equipment.~~

~~In addition to the equipment required by the traffic provisions of this Code, and all other traffic ordinances, rules and regulations of the city and state, horse-drawn vehicles shall be required to display a slow-moving vehicle emblem mounted on the rear of the vehicle. In addition, all animals must wear blinders during the time the horse-drawn vehicle is in operation.~~

~~Secs. 30-140 — 30-155. Reserved.~~

~~DIVISION 2. PERMIT~~

~~Sec. 30-156. Required.~~

~~It shall be unlawful for any person, whether acting as owner, principal, agent, employee, lessee or permittee to operate or cause to be operated any horse-drawn vehicle upon the public streets of the city where that vehicle has not been issued a permit or upon which such permit has not been affixed as provided in this division. Such permit shall be of a type provided by the comptroller, shall be affixed to the horse-drawn vehicle in the manner prescribed by this article, and shall be nontransferable from the vehicle for which the same was issued except as may be authorized by this division. Such permit shall be issued on a quarterly basis.~~

~~Sec. 30-157. Application; contents.~~

~~Any person desiring to obtain a permit to operate a horse-drawn vehicle in the city shall submit to the comptroller a written application which shall be made upon blank forms provided by the comptroller. Such application shall contain the following information:~~

(1) — The name, address, telephone number and form of business of the applicant. If the applicant is a corporation, it shall also state the names, principal places of business and addresses of its officers, the date and place of incorporation, and if incorporated outside the state, whether it is qualified to do business in the state. If the applicant is an individual, firm, partnership or other unincorporated association, the name and address of each person or member, whether active or inactive, shall be set forth.

(2) — The trade name, if any, under which the applicant proposes to do business.

(3) — A thorough description of the proposed horse-drawn vehicle business to be operated; the manner in which the applicant proposes to install, maintain, and operate the business; the proposed hours of operation; the proposed location from which the business is to be operated; the proposed route or routes to be served or utilized, together with a map or maps describing the proposed routes; the number of horse-drawn vehicles to be operated under the proposed business; the type of animal or beast of burden to be used to draw any vehicle; the kind, make and model of the vehicles to be used in the business, together with a list of the safety and sanitation devices and methods to be employed.

(4) — A thorough description of the manner and location in which the applicant proposes to feed, water, shelter, quarter and stable and otherwise care for the animals to be used in the business, and the method to be used in transporting the animals within and without the city.

(5) — A schedule of proposed rates and charges to all classes of passengers.

(6) — A certificate of soundness for each animal that will be pulling a permitted vehicle issued by a veterinarian licensed in the state, finding such animal to be free from infectious disease, in good health and fit for horse-drawn vehicle services under this division. Each animal shall thereafter be reinspected at intervals of no more than six months, and a certificate of soundness shall be issued by such veterinarian and filed with the city in order for such animal to remain in service. Such certification shall identify the animal by name and by physical description. No animal shall be used to draw a horse-drawn vehicle without such certificate of soundness, certified and dated within any preceding six-month period.

(7) — An insurance certificate providing that the applicant has met the insurance requirements of this division.

(8) — A sworn statement acknowledging the applicant's familiarity with and eligibility under the provisions of this division and any rules and regulations promulgated hereunder, and the applicant's intention to abide by the same.

(9) — Any such supplementary information the city shall at any time demand in order to reasonably determine whether the request for a permit should be granted.

Sec. 30-158. Issuance.

(a) — Upon receipt and acceptance of a complete original application for permit, the city comptroller shall forward copies of such application to the public vehicle licensing board. The board shall evaluate the application for public health, safety and welfare concerns. If the applicant's plan for service meets with the board's approval, it shall report such approval in writing to the comptroller.

~~(b) — No permit shall be issued until after all the terms, provisions and conditions of this division have been complied with and until after the payment of the permit fee required by section 30-159 is made.~~

~~Sec. 30-159. Fee.~~

~~A quarterly permit fee shall be charged by the city to each person applying for and securing a permit for the operation of a horse-drawn vehicle in the sum of \$15.00 for each such vehicle. The full fee shall be charged if any operation is conducted in any quarter.~~

~~Sec. 30-160. When fee due and payable.~~

~~The permit fee required by section 30-159 shall be due and payable on January 1, April 1, July 1 and October 1 of each year.~~

~~Sec. 30-161. Transfer fee.~~

~~For the transfer of any permit issued by the comptroller and after the issuance of same by the comptroller, a transfer fee of \$0.50 shall be paid to the city treasurer for recording the transfer of such permit from one vehicle to another owned by the same owner.~~

~~Sec. 30-162. Fee for lost or destroyed.~~

~~If a permit issued under this division is lost or destroyed, the permit holder may obtain a duplicate from the comptroller upon payment of a \$5.00 service charge.~~

~~Sec. 30-163. Renewal.~~

~~Any person to whom a permit has been issued under the provisions of this division, and whose permit is not suspended or revoked, shall be entitled to renew such permit from quarter to quarter; provided, however, that such person shall fully comply with the provisions of this division and such other ordinances, rules and regulations as shall be enacted or adopted from time to time by the city and shall apply for such renewal no later than 15 days prior to the expiration of the permit for which renewal is sought; provided further, renewal of such permit shall be issued by the city treasurer upon payment of the quarterly \$15.00 permit fee.~~

~~Sec. 30-164. Restriction on number issued.~~

~~(a) — Not more than six horse-drawn vehicle permits shall be issued and active in the city at any given time unless, after public hearing as provided in section 30-28 and public hearing as provided in sections 30-28 and 30-29, it is determined that the public health and safety will not be adversely affected by additional horse-drawn vehicles.~~

~~(b) — All persons holding city horse-drawn vehicle permits must maintain in active operation the vehicle for which the permit was issued. Any permit which remains dormant for more than six months shall be declared void by the city comptroller.~~

~~Sec. 30-165. Revocation or suspension.~~

~~The city manager is empowered and authorized, upon the recommendation of the superintendent of police, or his designee, to revoke or suspend the permit of any horse-drawn vehicle for good cause shown; or if any horse-drawn vehicle is found not to be safe or in good condition with respect to appearance, cleanliness or mechanical operation. Permits, when so~~

suspended or revoked, shall not be reissued until the cause for such revocation or suspension shall have been removed to the satisfaction of the city manager or superintendent of police, or his designee. In the event of suspension or revocation of a permit under the provisions of this division, no refund shall be made to the owner for any portion of the permit fee.

~~Sec. 30-166. Insurance policy required.~~

~~(a) — Before any permit for a horse-drawn vehicle shall be issued, the owner shall file with the comptroller an insurance policy issued by an insurance company licensed to do business in this state, providing insurance coverage for each and every horse-drawn vehicle owned, operated or leased by the applicant against liability upon the owner to a minimum amount of \$250,000.00 for bodily injury to, or death of, any person, and \$50,000.00 for damage to property, provided that the maximum payment required of such company on all judgments recovered against an owner hereunder shall not exceed the sum of \$300,000.00 for each motor vehicle operated under the provisions of this section, regardless of whether the horse-drawn vehicle was being driven by the owner, his agent, employee, lessee or permittee.~~

~~(b) — Such policy shall further provide that insolvency or bankruptcy of the insured shall not release the insurance company from making any payment due under such policy; and if by reason of such insolvency or bankruptcy, an execution on a judgment against the insured is returned unsatisfied, the judgment creditor shall have a right of action against the insurance company to recover the amount of such judgment to the same extent that the insured would have had to recover against the company, had the insured paid the judgment. The policy shall further provide that it shall not be cancelled until ten days' notice of such cancellation shall have been given to the comptroller.~~

~~(c) — If the owner of any horse-drawn vehicle shall fail to provide within ten days after receipt of notice of cancellation another policy of insurance complying with this section, then the permits issued for such horse-drawn vehicles, shall automatically become void and of no effect.~~

~~(d) — The cancellation or other termination of any insurance policies issued for or in compliance with the provisions of this section, shall automatically terminate any permit issued for the horse-drawn vehicle covered by such insurance policy unless another policy complying with the provisions of this section shall be provided and in full force and effect at the time of such cancellation or termination.~~

~~Sec. 30-167. Operation of horse-drawn vehicles while suspended or revoked.~~

~~Any person owning or operating a horse-drawn vehicle not licensed and equipped in accordance with the provisions of this division, or a horse-drawn vehicle, the permit of which has been suspended or revoked, who operates the same as a horse-drawn vehicle, or attempts so to do, or who solicits passengers for hire in the city, shall, upon conviction thereof, be punished as provided in section 1-5 of this Code.~~

~~Secs. 30-168—30-185. Reserved.~~

DIVISION 3. DRIVER'S LICENSE

~~Sec. 30-186. Required; taxicab drivers' rules incorporated.~~

~~(a) — It shall be unlawful for any person to operate or drive a horse-drawn vehicle in or upon any street in the city unless and until such person has first applied and obtained from the police department a driver's license as set forth in division 3 of article II of this chapter.~~

~~(b) — For the purposes of this division, all provisions of Division 3 of Article II of this chapter regarding the application, issuance, expiration, fees, alterations, and suspension or revocation of taxicab driver licenses are hereby incorporated and made applicable for driver's licenses of horse-drawn vehicles, except that the minimum age shall be 16 years of age, and except that the applicant need not have had a valid driver's license for one year prior to the date of his/her application.~~

~~Sec. 30-187. Identification badge.~~

~~Every licensed horse-drawn vehicle driver shall be provided at his own or the horse-drawn vehicle company's expense with a driver's license identification badge 2½ inches in diameter with space for the insertion of the photograph of the driver and the number of the driver's license. The driver shall have his photograph inserted in the badge at all times. It shall be unlawful for any person to drive a horse-drawn vehicle upon the streets of the city after the identification badges are obtainable without having such driver's badge permanently displayed in a conspicuous place. In the event of the loss or destruction of the badge, he shall immediately provide himself with another driver's badge, at his own or the horse-drawn vehicle company's expense. Every horse-drawn vehicle driver shall provide a photograph of himself not less than 1½ inches by 1¾ inches.~~

~~Sec. 30-188. Records to be kept by police department.~~

~~There shall be kept by the police department a complete record of each driver's license issued under this division and of all renewals, suspensions, and revocations thereof. Such records shall be kept on file with the original application for such license.~~

~~Sec. 30-189. Driving without or with license suspended or revoked.~~

~~Any person not having been duly licensed as a horse-drawn vehicle driver, or a person whose license as such driver has been revoked, or any person whose license has been suspended, or any person who has had his state driver's license suspended or revoked (even if he has a restricted driver permit), and who, during the time of such suspension or revocation drives a horse-drawn vehicle upon the streets, shall, upon conviction thereof, be punished as provided in section 1-5 of this Code.~~

~~Secs. 30-19031—30-205. Reserved.~~

Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel