

**AN ORDINANCE AMENDING  
CHAPTER 54 VEHICLES FOR HIRE, ARTICLE III. - OPERATION OF HORSE-DRAWN CARRIAGES  
OF THE CITY OF HENDERSONVILLE CODE OR ORDINANCES**

Be it hereby ordained by the City Council of the City of Hendersonville:

Section 1. The following Sections of Chapter 54, Article III of the Hendersonville Code of Ordinances respecting horse-drawn carriages is hereby amended as follows:

Sec. 54-103. - Permit required; information on application to be shown.

(a) Any person desiring to operate one or more horse-drawn carriages within the city shall first make written application for a permit and shall file the application with the clerk. The application shall contain the full name and address of the applicant, and the names of the officers if the applicant is a corporation; the principal location from which the business is to be operated; the number of horse-drawn carriages to be operated under the permit, if granted; the hours of operation for the carriages; the planned routes for the carriages; and such other information as may be required by the city.

(b) The city council hereby authorizes the clerk to issue permits to any applicant or applicants, upon compliance with the provisions of this article.

(c) The permit shall be conspicuously displayed at all times ~~at the fixed place of business described in section 54-104 hereinafter~~ on the carriage.

(Ord. No. 10-0938, § 3, 9-2-10)

~~Sec. 54-104. - Fixed place of business required.~~

~~Each horse-drawn carriage company shall establish and maintain a fixed headquarters on private property for the operation of the company's business. The headquarters shall conform to the ordinances of the city and shall provide adequate off-street parking for all horse-drawn carriages not in service on the streets. The company headquarters shall not be moved except by the approved transfer of the company's permit to another location.~~

(Ord. No. 10-0938, § 4, 9-2-10)

Sec. 54-105. - Permits not transferable; replacements and substitution.

Permits to operate horse-drawn carriages shall not be transferred; ~~provided, however, that the holders of permits may make replacements and substitutions of such carriages if the total number of carriages does not exceed the total number provided for in the permit.~~ In the event a horse-drawn carriage business is ~~transferred~~ sold, the new owner shall apply to the clerk for the permits required hereunder.

(Ord. No. 10-0938, § 5, 9-2-10)

Sec. 54-106. - Renewal of permit; revocation.

Any company to whom a permit has been issued shall be entitled to renew such permit on an annual basis, so long as such company shall fully comply with the provisions of this article and such other ordinances, rules and regulations as shall be enacted or adopted from time to time by the city and shall pay the annual permit fee required hereunder ~~and pay the annual privilege license tax as set forth by the fee schedule.~~ Annual permit fees shall be due on or before July 1 of each year. The clerk, for good cause shown, may at any time revoke such permit.

(Ord. No. 10-0938, § 6, 9-2-10)

~~Sec. 54-107. - Privilege license tax; display of privilege license.~~

~~Any company to whom a permit is issued shall pay a privilege license tax as required by the city's revenue ordinance. The privilege license shall be conspicuously displayed at the fixed place of business for the horse-drawn carriage company.~~

(Ord. No. 10-0938, § 7, 9-2-10)

Sec. 54-108. – Operation at special permits events. The City reserves the right to prohibit horse-drawn carriages at special events.

- ~~(a) In addition to the permits issued under and pursuant to section 54-103 of this article, special permits for the operation of horse-drawn carriages during special events may be issued pursuant to this section, subject to approval of the special events committee. Applications may be made for special permits upon forms issued by the clerk, upon a showing by the applicant therefor of the following:~~
- ~~(1) That a specific need or convenience will be served by the issuance of such additional permit, based upon the uniqueness of the type of carriage, the routes to be served, or other special amenities different in kind from those currently available to the general public in Hendersonville;~~
  - ~~(2) That the applicant has obtained a certificate of insurance pursuant to section 54-109 of this article;~~
  - ~~(3) That the proposed carriage has passed inspection for safety;~~
  - ~~(4) That the applicant present a certificate from a veterinarian licensed in the state of any U.S. state or the District of Columbia stating that the horses or other beasts of burden proposed for use with such carriage are in good health and suitable for the proposed use;~~
  - ~~(5) That there be presented with such application a proposed schedule of operation, including proposed rates and fees to be charged therefor, which schedule of fees shall be posted prominently within each carriage.~~
- ~~(b) Each application shall be accompanied by a nonrefundable application fee as set forth in the city fees and charges manual.~~
- ~~(c) A special permit shall expire automatically at the close of the special event for which it was issued.~~
- (Ord. No. 10-0938, § 8, 9-2-10)

Sec. 54-110. - Horse-drawn carriage driver's permit.

- ...
- ~~(g) A driver's permit shall remain in effect for 12 months from the date of issue. Permits may be renewed, upon application, for additional 12-month periods upon satisfaction of the requirements of this section and payment of the annual permit fee the current fiscal year (July 1 through June 30) and must be renewed annually.~~
- ...
- (Ord. No. 10-0938, § 10, 9-2-10)

Sec. 54-114. - Inspection of carriage required.

- (a) Each carriage shall be inspected by the chief of police or the chief's designee for compliance with the provisions of this article regarding safety and overall appearance and shall pass the inspection before being used to carry passengers for hire. Each carriage shall be inspected by the chief of police or the chief's designee ~~at least once in each six-month period~~ annually by July 1 to ensure continued compliance with this article. The company shall supply a copy of the inspection report to the clerk within seven days of the issuance thereof. When a carriage is involved in an accident, the horse-drawn carriage business owner shall file a report of the accident with the clerk. The chief of police or the chief's designee shall inspect each such carriage before it is returned to service. A certificate is required by a doctor of veterinary medicine, as required in Section 54-116, for each animal involved in the carriage accident, stating that the animal is not injured, in good health and able to return to drawing the carriage or carriages without endangering the health of the animal or animals.
- (b) The carriage inspection shall include the following:
- (1) Body condition;
  - (2) Reflectors;
  - (3) Grab handles;
  - (4) Traces;

- (5) Harness;
  - (6) Seats;
  - (7) Wheels. Subject to the provisions of subsection 54-117(a)(3) with respect to the composition of horseshoes, no metal from or constituting any part of the carriage, including horseshoes, wheels and tires, shall come into contact with any street upon which the carriage is operated;
  - (8) Top;
  - (9) Shafts;
  - (10) Steps;
  - (11) Brakes;
  - (12) Lights or lanterns, on any vehicle to be operated at night;
  - (13) Turn signals.
  - (14) A photograph of the carriage.
- (Ord. No. 10-0938, § 14, 9-2-10)

Sec. 54-116. - Certificate of health of animals required.

The holder of each permit to operate a horse-drawn carriage company shall, as a condition to such permit remaining in force, present to the clerk no later than the first day of ~~January of each year, first day of May of each year and the first day of September~~ July of each year, a certificate by a doctor of veterinary medicine, duly licensed in the state of any U.S. state or the District of Columbia, for each horse or other beast of burden owned by such company for its horse-drawn carriage business, with identifying information, certifying that such doctor of veterinary medicine has examined such horse or other animal, which examination shall include an annual Coggins Test, and certification of rabies vaccination, and that the animal is in good health and able to draw the horse-drawn carriage or carriages to which the horse is assigned without endangering the health of such horse or other animal. In the event of failure to present a certificate for each such horse, the owner shall not be able to use in the horse-drawn carriage business any horse for which a certificate is not presented.

(Ord. No. 10-0938, § 16, 9-2-10)

Sec. 54-120. - Restriction on number of passengers.

No driver shall permit more persons to be carried in his carriage as passengers than the rated seating capacity of said carriage. ~~The chief of police or the chief's designee shall determine the rated seating capacity of each carriage. A child in arms shall not be counted as a passenger, so long as the child is five years of age or less.~~

(Ord. No. 10-0938, § 20, 9-2-10)

Sec. 54-121. - Refusal to carry disorderly passengers ~~prohibited~~.

~~No drivers shall~~ may refuse or neglect to convey any disorderly person or persons, ~~upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.~~

(Ord. No. 10-0938, § 21, 9-2-10)

Sec. 54-123. - Areas of operation.

Horse-drawn carriages carrying passengers for hire shall be allowed on city streets along only those routes as approved in writing, in advance of their use, by the director of public works in consultation with the chief of police, or his designee, with a copy of the approved route filed with the clerk.

(Ord. No. 10-0938, § 23, 9-2-10)

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance

SECTION 3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fourth day of February 2016.

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Barbara G. Volk, Mayor

Attest:

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Tammie K. Drake, MMC, City Clerk

Approved as to form:

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Samuel H. Fritschner, City Attorney

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