

1 **BILL NO. 2008-8**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S REGULATIONS PERTAINING TO
4 ANIMAL-DRAWN VEHICLES AND SIMILAR OPERATIONS, AND TO PROVIDE FOR OTHER
RELATED MATTERS.

5 Proposed by: Mark R. Vincent, Director of
6 Finance and Business Services

Summary: Updates the City's regulations
pertaining to animal-drawn vehicles and similar
operations.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
8 AS FOLLOWS:

9 SECTION 1: Title 6, Chapter 44, Section 20, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.44.020:** Applications for a license to operate an animal-drawn vehicle business shall be made
12 to the Department. [of Business Activity.] In addition to the information required by Chapter 6.02,
13 [of this Code,] the applicant shall furnish with the application the following information:

14 (A) The number of animal-drawn vehicles to be operated pursuant to the license,
15 and the seating capacity, manufacturer and a scale drawing or photograph of each vehicle;

16 (B) A schedule of the rates to be charged passengers during the existence of the
17 license;

18 (C) A street map showing the routes of any streets to be used by the animal-drawn
19 vehicles;

20 (D) A schedule of the hours of operation;

21 (E) The location of the site(s) to be used for off-street storage of vehicles and the
22 stabling of animals; and

23 (F) The location of all curb-side areas to be used for the regular pick-up or
24 discharge of passengers. [; and

25 (G) Evidence that the animals which are to be used in the conduct of the business
26 have been acclimated to all street-related noises.]

27 The [application shall be verified under oath and penalty of perjury] applicant shall certify that the
28 information contained [therein is correct and true] in the application is true, correct, complete and

1 current to the best of the applicant's information, knowledge and belief.

2 SECTION 2: Title 6, Chapter 44, Section 30, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.44.030:** Prior to the issuance of any license by the Department, [of Business Activity,] the
5 applicant must:

6 (A) Obtain pursuant to Chapter 11.39 [of this Code:] the following regarding
7 operations that are proposed for City streets and alleys:

8 (1) The approval of the City Council, upon the recommendation of the
9 Traffic and Parking Commission, [of the City] for all proposed operational routes, and

10 (2) The approval of the Traffic and Parking Commission for all proposed
11 time schedules, parking areas and passenger loading and unloading areas;

12 (B) Obtain an Animal Inspection Certificate for each animal to be used in the
13 operation of the business pursuant to Section 6.44.110 of this Chapter;

14 (C) Obtain and maintain a professional animal handler permit pursuant to Chapter
15 7.40; and

16 (D) Obtain the approval of all other State agencies, if any, which may have
17 jurisdiction over the operation of animal-drawn vehicles on public streets, including but not
18 necessarily limited to, the [Public Service Commission.] Transportation Services Authority.

19 SECTION 3: Title 6, Chapter 44, Section 60, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.44.060:** (A) Except as otherwise provided in Subsection (B), and subject to the provisions
22 of Subsection (C), [Animal-drawn] animal-drawn vehicles shall not operate [daily] between the hours
23 of six a.m. and nine-thirty a.m., [and] or between the hours of three p.m. and six-thirty p.m., except
24 on Saturdays, Sundays and holidays.]

25 (B) The limitations contained in Subsection (A) shall not apply on Saturdays,
26 Sundays and holidays.

27 (C) In the case of an operator who is under contract with the City to operate in City
28 parks or other locations described in the contract, any provisions of the contract that pertain to hours

1 of operation shall govern in the event of any conflict or inconsistency with this Section.

2 SECTION 4: Title 6, Chapter 44, Section 70, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.44.070:** (A) During operation, occupancy of the animal-drawn vehicle shall [not] be subject
5 to the size and occupancy limitations contained in this Chapter, and in no event shall exceed the
6 manufacturer's rated seating capacity for the [while.] vehicle.

7 (B) No person shall be allowed to ride on the animal itself or ride anywhere on an
8 animal-drawn vehicle other than seats inside the vehicle.

9 SECTION 5: Title 6, Chapter 44, Section 90, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.44.090:** (A) All animals shall have [rubber-compound-type horseshoes, or other] shoeing
12 approved by the City.

13 (B) Except with respect to animals and vehicles operating upon equestrian trails
14 designated and approved by the City:

15 [(B)] (1) Each animal used to pull any vehicle shall be equipped with a
16 manure-catching device approved by the City to hold the manure until the operator is able to place it
17 in a standard wire-tie plastic bag which he shall carry with him for permanent disposal upon returning
18 to the base of operations.

19 [(C)] (2) Each animal-drawn vehicle shall be equipped with a chemical approved
20 by the City which is to be poured over horse urine by the driver so as to break down and eliminate
21 accumulated agents and odor.

22 [(D)] Each animal used to pull any vehicle must be trained to accept and cope
23 with all known street noises.

24 [(E)] (3) Each animal used to pull any vehicle must be treated with insect
25 repellant.

26 SECTION 6: Title 6, Chapter 44, Section 100, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.44.100:** All animal-drawn vehicles utilized by the licensee in the conduct of his business must

1 comply with the following requirements:

2 (A) While operating on paved public streets:

3 [(A)] (1) Each vehicle will have wheels with spokes that have diameters of no
4 less than one and one-four inches and a rubber covering thick enough to protect the streets from
5 damage and to keep noise to a minimum.

6 [(B)] (2) Each vehicle will be equipped with brakes, taillights, brake lights and
7 turn signals on the rear of the vehicles.

8 [(C)] (3) Each vehicle will be equipped with front lights on both sides that will
9 emit light to the front and side that will be visible from a distance of five hundred feet.

10 [(D)] (4) Each vehicle will be equipped with a slow-moving vehicle sign
11 approved by the State of Nevada and attached to the rear of the vehicle.

12 [(E)] (5) No vehicle shall be larger in capacity than to transport five passengers,
13 including the driver[.], unless the Department approves a greater capacity.

14 [(F)] (6) Each vehicle must comply with all applicable State statutes [or] and
15 regulations.

16 [(G)] (7) Each vehicle must be operated by a vehicle driver who has been properly
17 trained in the handling and control of animal-drawn vehicles for a minimum of two weeks.

18 (B) While operating on equestrian trails and other unpaved routes designated and
19 approved by the City:

20 (1) Each vehicle shall be of a size and construction appropriate to the route
21 and the surface, as determined by the City.

22 (2) Each vehicle shall be operated and maintained in a safe condition and
23 manner, and in compliance with all applicable State statutes and regulations.

24 SECTION 7: Title 6, Chapter 44, Section 110, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.44.110:** (A) Prior to the issuance of a license, and every ninety days thereafter, [the City
27 Veterinarian or a veterinarian designated by the Animal Control Unit shall inspect] the applicant shall
28 ensure that a veterinarian licensed to practice in Nevada who is qualified to treat large animals has

1 inspected each animal used in the operation of the licensee's business and [certify] has certified,
2 through the issuance of an Animal Examination Certificate, that the animal meets the following
3 minimum requirements:

4 (1) The animal pulling any vehicle with passengers must weigh at least nine
5 hundred pounds and a minimum of fifteen hands high.

6 (2) The animal must have no open sores or wounds, not be lame nor have
7 any other ailment or disease. No animal found to have an ailment or disease shall be used without the
8 approval of [the City Veterinarian or a veterinarian designated by the Director of Animal Control.] a
9 veterinarian licensed to practice in Nevada who is qualified to treat large animals.

10 (3) The hoofs of the animal must be properly shod and trimmed.

11 (4) The animal must be groomed daily, be in good condition without
12 fungus, dandruff, dirty coat or any evidence of skin disease.

13 (5) The animal must have adequate flesh and muscle tone.

14 (B) [The City Veterinarian or a veterinarian designated by the Animal Control Unit
15 shall issue] For each animal inspected under this Section, a separate Animal Examination Certificate
16 shall be issued for each animal inspected, identifying the animal examined and the date of the
17 examination and certifying that the animal meets the general health requirements of this Section.

18 (C) For purposes of this Chapter, each animal shall be identified by age, color, sex
19 and other obvious markings, and by means of a photograph[.] depicting both sides of the animal in
20 order to show markings.

21 [(D) For each Animal Examination Certificate, a fee of thirty dollars shall be charged
22 by the City Veterinarian or a veterinarian designated by the Director of Animal Control.]

23 SECTION 8: Title 6, Chapter 44, Section 120, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.44.120:** Except as otherwise specifically provided by and pursuant to a contract with the City
26 to operate in City parks or other locations described in the contract, [All] all persons licensed under
27 this Chapter must provide the following working conditions for animals used pursuant to that license:

28 (A) No vehicle pulled by an animal may hold more than five passengers, including

1 the driver[.], unless otherwise approved by the Department.

2 (B) No animal may be required to work more than eight hours in any
3 twenty-four-hour period or more than six days in any seven-day period.

4 (C) Each animal must be provided with a ten-minute rest period each hour and a
5 one-hour rest period every four hours.

6 (D) No animal may be required to pull a vehicle at a speed faster than a slow trot.

7 (E) No animal may be worked with equipment causing an impairment of vision,
8 other than normal blinders.

9 (F) No animal may be subjected to any condition or treatment which will impair
10 the good health and physical condition of the animal.

11 (G) Each animal must be provided with its own custom-fitted harness, properly
12 oiled and cleaned so as to be soft at all times. The harness must be kept free of makeshift wires, sisal
13 ropes and rusty chains.

14 (H) No animal may be whipped, unless the whipping is necessary for the safety of
15 the animal or passengers.

16 (I) Adequate water must be provided to each animal at hourly intervals.

17 (J) No animal may be required to work when the temperature exceeds ninety
18 degrees Fahrenheit as measured along the operational routes for the animal-drawn vehicles.

19 (K) No animal may be equipped with devices intended to alter or impair its natural
20 or normal movement.

21 (L) Each animal must have reached its third birthday.

22 SECTION 9: Title 6, Chapter 44, Section 150, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.44.150:** (A) Before any license required in this Chapter is issued, the applicant shall obtain
25 and maintain, at its own expense during the existence of its license or the operation of its business,
26 a comprehensive general public liability insurance in the amount of one million dollars, combined
27 single limit, with an excess umbrella policy of five million dollars. Coverage under this policy shall
28 include as a minimum the following: premises/operation, independent contractors, bodily injury,

1 property damage, products/completed operation, contractual liability and operation of animal-drawn
2 vehicle.

3 (B) Insurance coverage shall be issued by a carrier [licensed within] authorized to
4 issue such coverage in the State of Nevada and approved by the City Attorney.

5 (C) A certificate of insurance shall be provided to the Department [of Business
6 Activity] prior to the issuance of a business license.

7 (D) Any coverage provided in this section shall also contain a provision that the
8 cancellation, or material change in the coverage, of the insurance provided under this section shall not
9 become effective until the City has been given sixty days' prior written notification.

10 (E) The City shall be named as an additional insured party under this insurance.

11 SECTION 10: Title 6, Chapter 44, Section 160, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.44.160:** [The conditions and requirements set forth in this chapter shall be required of all
14 business licensees of an animal-drawn vehicle business, whether licensed before or subsequent to the
15 effective date of the 1987 ordinance from which this chapter derives.] The provisions of this Chapter
16 shall apply to businesses licensed before or subsequent to the adoption of this Chapter or any
17 amendment thereto. Unless otherwise specified, nothing in this Chapter shall be deemed to limit the
18 applicability of the provisions of Title 7 of this Code.

19 SECTION 11: Title 7, Chapter 40, Section 20, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **7.40.020:** Any person who operates a commercial grooming school, grooming parlor, kennel, pet
22 shop, dog training facility, commercial stables, a business subject to licensing under Chapter 6.44, or
23 any other establishment which sells, grooms, trains, boards or breeds animals, must, in order to operate
24 or carry on the above businesses for profit, obtain a professional animal handler permit.

25 SECTION 12: Title 11, Chapter 39, Section 30, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **11.39.030:** It is unlawful for any person, unless exempted[,] by Section 11.39.040 or by specific
28 action of the City Council, to operate, drive or propel an animal-drawn vehicle, pedicab or rickshaw

1 on public streets in that area of the City bounded by Main Street on the west, Stewart Avenue on the
2 north, Seventh Street on the east, and Bridger Avenue on the south. The area described by this Section
3 shall include those portions of Main Street, Stewart Avenue, Seventh Street and Bridger Avenue that
4 make up the boundaries of the area.

5 SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or
6 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
7 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
8 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
9 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
10 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
11 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
12 invalid or ineffective.

13 SECTION 14: Whenever in this ordinance any act is prohibited or is made or declared
14 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
15 required or the failure to do any act is made or declared to be unlawful or an offense or a
16 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
17 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
18 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
19 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 15: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2008.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-23-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk