

ORDINANCE NO. 2603 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 5, ARTICLES I AND II RELATING TO THE REGULATION OF CARRIAGES FOR HIRE; AND SETTING FORTH AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Glendale City Code, Chapter 5, Article I, is hereby amended to read as follows:

Sec. 5-1. Definitions.

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

...

~~*Animal drawn carriage:* Any carriage, buggy, rickshaw or similar device drawn by one (1) or more persons or animals in which the public, for a fee, is allowed to ride for purposes of transportation, entertainment or amusement.~~

...

Carriage for hire: Any non-motorized device in, upon or by which any person is or may be transported or drawn upon a public roadway for a fee.

...

Sec. 5-2. Compliance with administrative regulations.

The chief of police or ~~and~~ the tax and license manager may adopt such rules and regulations as they deem necessary to implement and enforce the provisions of articles I and II of this chapter; provided, that such rules and regulations are consistent with articles I and II. All such administrative rules and regulations are subject to the approval of the city manager. All persons who are required to be licensed under article II or who are required to obtain amusement device tags under article II shall comply with all rules and regulations so adopted.

...

Additions are indicated by underline; deletions by ~~strikeout~~

Sec. 5-12. Animal-drawn carriages carriage for hire.

~~(a) Each application for a license to operate an animal-drawn carriage shall include a written description and a diagram of all public roadways, rights-of-way and property within the city on which the animal-drawn carriage will be operated. A licensee may at any time submit an application to the tax and license manager, on forms provided by the city, to modify the public roadways, rights-of-way and property on which such licensee's business operates, but such modified route shall be used only after the city's approval of the same. It shall be unlawful for any person to operate an animal-drawn carriage on any public roadway, right-of-way or property which is not expressly described in such person's application and which has not been approved by the city.~~

(a) Notwithstanding the license requirements set forth elsewhere in this chapter, each application for a license to operate a carriage for hire shall include: (1) the name, address and telephone number of the owner and operator of the carriage for hire; and (2) a written description and diagram of all public roadways, rights-of-way and property within the city on which the carriage for hire will be operated.

~~(b) No person shall be issued a license to operate an animal-drawn carriage~~ a carriage for hire until such person has filed with the city's risk management division an approved certificate of insurance properly endorsed certifying that the applicant carries or is a named additional insured on a policy for public liability and property damage insurance, issued by an insurance carrier acceptable to the city, insuring the applicant against claims arising out of the operation of the ~~animal-drawn carriage~~ carriage for hire in amounts not less than five hundred thousand dollars (\$500,000) per person and one million dollars (\$1,000,000) per occurrence for personal injuries or death and not less than one hundred thousand dollars (\$100,000) for property damage. Each licensee shall maintain such liability insurance or proof of the licensee's insured status at all times during which he or she operates ~~an animal-drawn carriage~~ a carriage for hire within the city. Prior to the expiration date of any insurance policy required by this subsection, the licensee shall file with the city's risk management division a new certificate of insurance certifying that the licensee has renewed his or her liability insurance coverage or that the licensee has obtained comparable insurance coverage with a different insurance carrier acceptable to the city.

~~(c) No animal-drawn carriage~~ carriage for hire shall be operated between 1:00 a.m. and 7:30 a.m. No ~~animal-drawn carriage~~ carriage for hire shall be operated on any ~~arterial~~ street within the city which has a posted speed limit of more than 35 miles per hour, except for the purpose of crossing such street, ~~on any Monday through Friday, excluding legal holidays, between the hours of 7:30 a.m. and 9:00 a.m., 11:00 a.m. and 1:00 p.m., and 4:00 p.m. and 6:00 p.m.~~ No ~~animal-drawn carriage~~ carriage for hire, except as expressly provided in writing by the city, shall stop on any ~~arterial~~ street which has a posted speed limit of more than 35 miles per hour at any time to pick up or drop off passengers. Carriages for hire shall be subject to all applicable laws, rules and regulations pertaining to signals for the stopping and turning of

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vehicles under Arizona Revised Statutes § 28-755 and for the operation of bicycles under Arizona Revised Statutes, Title 28, Chapter 3, Article 11.

~~(d) At all times during which a person is operating an animal drawn carriage, a slow-moving vehicle sign shall be attached to and clearly visible from the back of the carriage or buggy. Such signs shall be reflective and conform in all respects to the form required by the city traffic engineer.~~

(d) Every carriage for hire shall have the following safety features: (1) a reflective "slow-moving vehicle" sign attached and clearly visible from the back of the carriage in the configuration as shown and in letters of at least four inches in height; (2) battery or generator operated lights on the front and rear of the carriage and visible from at least 100 feet after sunset; (3) spoke reflectors placed on each wheel; (4) reflectors on both the right and left sides, front and back, showing the width of the carriage for hire; and (5) equipment, parts or components in a safe mechanical and structural condition that do not endanger the operator, passengers or any persons or property in the immediate vicinity of the carriage.

~~(e) At all times during which an animal drawn carriage animal is operated used to draw a carriage for hire on any public property, the operator shall equip the carriage or dress the animals drawing the carriage in such a manner as to prevent fecal matter from being deposited on such property. If fecal matter is inadvertently deposited on any public property, the operator shall clean up and remove the fecal matter from such property within two (2) hours from the time the fecal matter was deposited on the property.~~

(f) Pursuant to Sec. 5-2 of this same article, the city may designate or limit public areas or streets available for carriages for hire as well as the number of carriages that may safely operate in such areas, all in accordance with city traffic or safety plans issued in connection with special events. All licensees under this article shall be required to operate in accordance with such plans.

~~(f)(g)~~ Any violation of subsections (b) through ~~(e)(f)~~ shall be a class 1 misdemeanor. Each day that any such violation continues shall constitute a separate offense.

Sec. 5-13. Exempt facilities and activities.

Facilities and activities exempt under chapter 21, section 21-28 that would normally be licensed under this chapter are exempt from the requirements of this chapter except for those set forth in chapter 5, article I, sections 5-8, 5-10 and 5-11; article II, division 3 and article III. Activities under article I, section 5-12 are exempt only as to fees.

SECTION 2. That Glendale City Code, Chapter 5, Article II, is hereby amended to read as follows:

Sec. 5-26. License required.

It shall be unlawful for any person to: a) operate any ~~animal-drawn carriage~~ carriage for hire, arcade, carnival, circus, entertainment facility, exhibition, haunted house, kiddie ride, race track, ride, shooting gallery or wagering establishment within the corporate limits of the city without first having obtained a license pursuant to this article; or b) operate a carriage for hire on any public roadway, right-of-way or property which is not expressly described in such person's application and which has not been approved by the city.

...

Sec. 5-29. Inspection of premises.

Except for applications for carriages for hire, ~~The~~ application for an amusement license shall contain a statement by the applicant of at least three (3) different times during each business day when the applicant will be available at the premises for which an application is made. Such statement shall be for the purpose of allowing such premises to be inspected and to provide for the applicant to meet with the proper city officials making such inspection. Failure of an applicant to be at such premises at the times stated in the application may be considered by the city in determining whether the applicant has met the qualifications for an amusement license.

...

Sec. 5-32. Display of licenses and device tags.

Every amusement license shall be displayed in a conspicuous place on the licensed premises or be readily visible at all times upon the carriage or the person of the operator of a carriage for hire. Every amusement device tag shall at all times be affixed to and displayed in a conspicuous place on the amusement device for which such tag is issued.

...

SECTION 3. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 27th day of November, 2007.


MAYOR

ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager

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