
CHAPTER 76. HORSE DRAWN VEHICLES

7.171. Finding of Fact. The City Council finds and declares that it is in the public interest and public welfare that horse drawn vehicles be regulated under the police power of the City of Frankenmuth in order to promote the safety and welfare of the citizens and residents and visitors to the City of Frankenmuth, to reduce pollution in the City and to reduce interference with the flow of traffic through the City of Frankenmuth. The City Council further finds that these aforementioned conditions may be adversely affected with the unregulated use of horse drawn vehicles permitted on a regular basis on the public streets of the City of Frankenmuth.
(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.172. Definitions. The term "horse drawn vehicle" shall for the purpose of this Chapter be defined as follows: Any vehicle drawn by horses which has a passenger carrying capacity, to carry for hire persons through the City of Frankenmuth.
(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.173. License Required. No person shall operate or drive a horse drawn vehicle upon any street, alley, highway or road within the City of Frankenmuth until a license has been first procured from the City Clerk of the City of Frankenmuth with first approval thereof by the City Council. This license will automatically expire at the end of the calendar year in which it is issued. Requests for renewal shall be subject to the approval of the City Council and payment of the required license fee.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 1991-5, Section 1, 04-09-1991; Ordinance No. 2001-09, 08-07-2001)

7.174. Limitation on Use of Public Streets. Use of the public streets of the City of Frankenmuth by horse drawn vehicles shall be limited as follows:

- (1) No such vehicle shall be allowed to travel north on Main Street from Cass Street to Tuscola Street.
- (2) No such vehicle shall be allowed to cross Main Street except at intersections controlled by traffic signals.
- (3) No such vehicle shall be allowed to stop for the purpose of picking up or discharging passengers at any point on Main Street.
- (4) The route to be taken by such vehicles, together with locations of parking spaces to pick up and discharge passengers, shall be subject to approval of City Council, the City Manager and the Chief of Police.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.175. Insurance Requirements. The owner of every horse drawn vehicle shall procure and file with the City Manager a liability insurance policy, together with a receipt showing the payment of the premium thereof issued by a good and responsible insurance company to be approved by the City Manager, such company being authorized to do business in the State of Michigan and having possession of a certificate issued by the insurance commissioner of the State of Michigan. The amount of such liability insurance for each horse drawn sightseeing vehicle shall be as follows: An amount of not less than five hundred thousand dollars (\$500,000) because of bodily injury to or death of any one (1) person; in any amount of one million dollars (\$1,000,000) because of bodily injury or death of two (2) or more persons in any one (1) accident; in an amount of one million dollars (\$1,000,000) because of injury to or destruction of property of others in any one (1) accident, and in an amount of not less than one thousand dollars

(\$1,000) in medical coverage for each passenger. Such policy of insurance may be in the form of a separate policy for each horse drawn vehicle, or may be in the form of a fleet policy covering all horse drawn vehicles operated by such owners; provided, however, that such a policy shall provide for the same amount of liability for each horse drawn vehicle operated. A stipulation shall be made providing that no such policy as required above may be cancelled until the expiration of thirty (30) days after notice of intent to cancel has been given in writing to the City Manager of the City of Frankenmuth by registered mail or personal delivery of such notice and a provision to that effect to be made a part of such policy.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.176. Termination of Insurance. In the event of cancellation of the policy of insurance required above, it shall be unlawful and illegal for the owner of any horse drawn vehicle to allow said vehicle to be operated or driven upon the streets, roads, alleys or highways of the City of Frankenmuth.

(Ordinance No. 1982-2, 04-07-1982; Ord. No. 2001-09, 08-07-2001)

7.177. Hours of Operation. Horse drawn vehicles shall be allowed to operate on the streets of the City of Frankenmuth during the hours from 8:00 a.m. to 12:00 midnight local time.

(Ordinance No. 1982-2, 04-07-1982; Ord. No. 1991-5, Section 2, 04-09-1991, Ordinance No. 1997-02, 02-04-1997; Ordinance No. 2001-09, 08-07-2001)

7.178. Fares. Fares to be charged for passenger service by horse drawn vehicles shall be established by the operator and shall be reasonable amounts. Said fares shall be posted in a conspicuous place on each vehicle.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 1997-2, 02-04-1997; Ordinance No. 2001-09, 08-07-2001)

7.179. Manure Control.

- (1) All horse drawn vehicles shall not be allowed to operate unless the horses are equipped with an adequate device to prevent manure from falling upon the streets of the City and no licensee or driver of such a vehicle shall cause the same to be operated, or operate the same upon the streets of the City unless the animals are so equipped.
- (2) Any manure that should escape onto the streets of the City shall be promptly removed by the operator.
- (3) Any manure retained within the City of Frankenmuth shall be deposited in a sealed container so as to prevent ventilation for flies and the escaping of odor, except in a district zoned for agriculture.
- (4) Any such manure placed in temporary storage shall be totally removed from the Historic District before sunset.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.180. Maintenance of Equipment.

- (1) All vehicles shall be equipped with such safety devices as are required by the State of Michigan. Particular emphasis shall be given to the adequacy of front and rear lights on each vehicle which is used for night time operation. Prior to any operation, the lighting system and required safety devices shall be subject to the approval of the Police Chief.

- (2) All vehicles and tack shall be maintained in a clean, neat and safe condition at all times.
- (3) Exterior signs shall be prohibited from being placed on horse drawn vehicles except that two signs identifying the operator's company name will be allowed on each vehicle.
- (4) All vehicles shall be equipped with hydraulic or disk foot brakes which shall be maintained in proper working condition at all times.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 1991-5, Section 3, 04-09-1991; Ordinance No. 1991-9, Section 1, 08-06-1991; Ordinance No. 2001-09, 08-07-2001)

7.181. Health Certificate Requirement. The operator of all horse drawn vehicles shall file with the City Manager such Doctor of Veterinary Medicine certificate of health as the City Manager may require for all animals used in the operation of such vehicles.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.182. Teamsters. All teamsters operating horse drawn vehicles shall be at least eighteen (18) years of age, shall be a licensed driver with a valid drivers license issued by any State in the United States of America, and shall have received at least twelve (12) hours of instructions and training in the operation of a horse drawn vehicle.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 1997-02, 02-04-1997; Ordinance No. 2001-09, 08-07-2001)

7.183. License. No person or corporation shall operate any horse drawn vehicle either owned or controlled by him or it, for hire upon the streets of the City of Frankenmuth without first obtaining a license for each such vehicle from the City Manager, which license shall:

- (1) Clearly describe the route to be used by said vehicle as well as loading and unloading zones.
- (2) Designate the maximum number of passengers for each licensed vehicle.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 1997-2, 02-04-1997; Ordinance No. 2001-09, 08-07-2001)

7.184. License Fee. The City Council shall require payment of a license fee upon approval of the license. The amount of the fee shall be determined by the City Council. The City Council retains the right to base this fee on the number of horse drawn vehicles.

(Ordinance No. 1982-2, 04-07-1982)

7.185. Clean-up Reimbursement. The operator of all horse drawn vehicles shall be obligated to reimburse the actual cost incurred by the City for the removal and clean up of any manure and urine.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.186. Temporary License. A temporary license, valid for up to one (1) day, for the use of a different route, may be issued by the Chief of Police. No license fee shall be required for temporary licenses.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.187. Violations; Municipal Civil Infractions; Misdemeanors.

(1) A person who violates any of the following provisions of this Chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each violation: Section 7.173; Sections 7.175 through 7.179; Sections 7.180(2) and (3); Section 7.181; and Sections 7.183 through 7.186. Repeat offenses under these Sections shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The City Manager is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(2) A person who violates any Section of this Chapter other than those designated as municipal civil infractions under Section 7.187(1) shall, upon conviction, be guilty of a misdemeanor punishable as provided by Sections 1.12(1) and (2) of this Code.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2002-05, 08-07-2002)

7.188. Suspension of License. The City Manager or Chief of Police may suspend an operator's license at any time, if, in their opinion, the public health or safety is endangered, or a public nuisance is created.

7.189. Revocation Without Cause. The City Council retains the right to revoke any and all licenses issued under this Chapter at any time without cause upon thirty (30) days notice to operator.

(Ordinance No. 1982-2, 04-07-1982)

7.190. Number of Licensees Permitted. Only two (2) operators may be licensed to operate horse drawn vehicles within the City of Frankenmuth for each five thousand (5,000) of permanent population in the City of Frankenmuth as established by the immediately preceding Federal census.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 2001-09, 08-07-2001)

7.191. Horse Shoes.

(1) During the period from November 1st through April 15th of each year, horses used to pull vehicles may be shod with metallic shoes.

(2) During the period from April 16th through October 31st, said horses shall be shod with non-metallic shoes.

(Ordinance No. 1982-2, 04-07-1982; Ordinance No. 1991-5, Section 4, 04-09-1991; Ordinance No. 1991-9, Section 2, 08-06-1991; Ordinance No. 1997-2, 02-04-1997; Ordinance No. 2001-09, 08-07-2001; Ordinance No. 2002-05, 08-07-2002)