

**ORDINANCE NO. 2022-2258**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF ARTICLE VII OF CHAPTER 23, OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO HORSE DRAWN VEHICLES; PROVIDING DEFINITIONS OF TERMS; PROVIDING DESIGNATION AS ANIMAL-DRAWN VEHICLES; PROVIDING FOR A FRANCHISE FEE OF 1% OF GROSS RECEIPTS FOR OPERATORS; PROVIDING FOR AREAS OF LEGAL OPERATION; PROVIDING FOR TREATMENT OF ANIMALS AND CAPACITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, horse-drawn vehicles are provided for in the City’s Code of Ordinances; and

WHEREAS, state law provides for animal-drawn vehicles and subjects them to the motor vehicle code; and

WHEREAS, the City Council wishes to encourage the use of animal-drawn vehicles in the City; and

WHEREAS, an appropriate franchise fee should be collected from the operators of animal-drawn vehicles in the City; and

WHEREAS, the City Council has found that there are certain streets within the City where the operation of such vehicles should be prohibited in the interest of public safety, because such streets are not conducive to the safe operation of animal-drawn vehicles due to excessive traffic and the use of emergency vehicles; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City’s police powers.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:**

**SECTION 1. Chapter 23, Article VII of the Code of Ordinances, pertaining to horse-drawn vehicles and providing as follows, is hereby amended as follows (strikeout text is deleted and underlined text is added):**

## **ARTICLE VII. ANIMALHORSE-DRAWN VEHICLES**

### **Sec. 23-160. Title.**

This article shall be known and cited as the “New Port Richey Animal-Drawn Vehicle Ordinance” ~~city's horse-drawn vehicle ordinance.~~

### **Sec. 23-161. Definitions.**

As used in this article, the following words, terms and phrases shall have the meanings respectively ascribed to them herein unless the context clearly indicates otherwise:

*City manager* shall mean the City Manager of the City of New Port Richey, or his/her designee.

Animal-Drawn Vehicle ~~Horse-drawn vehicle~~ shall mean any vehicle which is operated, pulled or propelled by a horse, pony, mule, or donkey which may be used for the transportation of passengers and which is operated within the corporate limits of the city for hire ~~provided that hay rides, and horse-drawn vehicles operated in connection with special events without charge are excluded.~~

*Operate or operation* shall include 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* shall include any person, individual, firm, partnership, corporation, company, or other business entity or any combination or association thereof.

*Permit* shall mean the grant of authority by the city to operate one (1) Animal-Drawn Vehicle ~~horse-drawn vehicle~~ in the public streets within the limited area of the city designated in the permit.

### **Sec. 23-162. Compliance with article and Florida Statutes required.**

No Animal-Drawn Vehicle ~~horse-drawn vehicle~~ of any kind ~~operated, pulled or propelled by any animal may~~ shall be operated within the corporate limits of the city except for Animal-Drawn Vehicles ~~horse-drawn vehicles~~ operated and permitted in accordance with this article and with F.S. Chapter 316, Florida Statutes. The operation of Animal-Drawn Vehicles ~~horse-drawn vehicles~~ within and upon the public streets and property of the city shall be subject to the conditions, regulations, and restrictions set forth in this article and with F.S. Chapter 316, Florida Statutes. It shall be unlawful for any person to engage in the business of operating an Animal-Drawn Vehicle ~~horse-drawn vehicle~~ in the city except in compliance with ~~unless~~ the provisions of this article and the aforesaid Florida law chapter 316 have been complied with.

### **Sec. 23-163. Permit required; transfer; franchise fees.**

(a) It shall be unlawful to operate or cause to be operated any Animal-Drawn Vehicle ~~horse-drawn vehicle~~ upon the public streets and property of the city except where that vehicle has ~~not been~~ authorized by ~~issued~~ a permit issued by the city and ~~or upon which said permit has not been~~ affixed thereto as provided for in this article. Said permit shall be issued ~~provided~~ by the city manager pursuant to this article, ~~shall be~~ affixed to the Animal-Drawn Vehicle ~~horse-drawn vehicle~~ in a manner prescribed by this article, ~~and shall be~~ nontransferable. No permit shall be required for an Animal-Drawn Vehicle authorized in accordance with a special event

authorized by the City, so long as the same is operated in accordance with the approval for the special event.

- (b) The operation of each Animal-Drawn Vehicle permitted under this article shall be subject to the imposition of a franchise fee for the use of the public streets and property of the City in the operation thereof. The franchise fee shall be equal to one percent (1%) of the gross receipts from the operation of each Animal-Drawn Vehicle within the City, payable monthly to the City. Each Animal-Drawn Vehicle permit holder shall submit documentation of the gross receipts for each Animal-Drawn Vehicle operated within the City on a form provided by the City on a monthly basis, along with such additional documentation required by the city manager. Each permit holder shall maintain all records of revenue generated from each Animal-Drawn Vehicle operated in the City for a period of three (3) years, and all operations of the operator may be audited or subject to any review deemed necessary by the city manager from time to time to establish whether sufficient franchise fees have been paid to the City. Any required franchise fees not paid to the City within thirty (30) days of the last day of the month in which the revenue therefor was earned shall be subject to interest at the highest rate allowed by law. In any action to collect unpaid franchise fees due hereunder, the City shall be entitled to the collection of reasonable attorneys' fees incurred in the collection thereof.

**Sec. 23-164. Application for permit; approval, denial of application; appeal; permit fee; lost, destroyed permits; renewal of permit.**

- (a) Any person desiring to obtain a permit to operate an Animal-Drawn Vehicle ~~horse-drawn vehicle~~ in the city shall submit to the city manager, on a form provided by the city, a written application which 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 (i) the names, addresses, and occupations of its officers, directors, and major stockholders, (ii) the names and addresses of any parent or subsidiary companies, (iii) the date and place of incorporation, and (iv) if incorporated outside the state, whether or not it has qualified to do business within the state. If the applicant is a corporation controlled by another corporation, the names, addresses, and occupations of the officers, directors, and major stockholders of the controlling corporation shall also be stated. If the applicant is a partnership or other unincorporated association, (i) the names and addresses of each member, whether active or inactive, shall be set forth, (ii) and if one (1) or more partners or members are corporations, the names, addresses, and occupations of such corporations' officers, directors, and major stockholders shall also be stated.
  - (2) The trade name, if any, under which the applicant proposes to do business.
  - (3) A thorough description, including photographs of the proposed Animal-Drawn Vehicle ~~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; 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 Animal-Drawn Vehicles ~~horse-drawn vehicles~~ to be operated under the proposed business; the type of animal to be used to draw any vehicle; the identification

number, make, and model of vehicles to be used in the business, together with the safety and sanitation devices and methods to be employed.

- (4) A list of the persons who shall be driving the Animal-Drawn Vehicles ~~horse-drawn vehicles~~, as well as a copy of the automobile driver's license for each owner and proposed driver of the vehicle.
  - (5) A thorough description of the proposed manner and location in which the applicant proposes to feed, 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.
  - (6) A schedule of proposed rates and charges to all classes of passengers.
  - (7) 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 vehicle service under this article. Each animal shall thereafter be re-inspected ~~reinspected~~ at intervals of no more than six (6) 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. No animal shall be used to pull or propel an Animal-Drawn Vehicle ~~horse-drawn vehicle~~ without such certificate of soundness certified and dated within any preceding six-month period.
  - (8) An insurance certificate proving that the applicant has met the insurance requirements of this article.
  - (9) A sworn statement acknowledging the applicant's familiarity with and eligibility under the provisions of this section and any rules and regulations promulgated hereunder, and the applicant's intention to abide by the same.
  - (10) Any such supplementary information the city shall at any time request in order to reasonably determine whether the request for a permit should be granted.
  - (11) An application fee as provided by city council.
  - (12) A fully executed indemnity agreement in the form provided by the city manager providing for indemnification of the City for the operation of the Animal-Drawn Vehicle.
- (b) Upon receipt and acceptance of a complete application for a permit, the city manager shall forward copies of said application to the chief of police. The chief of police shall evaluate the ~~this~~ application for public health, safety, and welfare concerns as it pertains to his/her department, as well as to ensure that the proposed Animal-Drawn Vehicle ~~horse-drawn vehicle~~ shall be constructed and operated in accordance with Chapter F.S. ch. 316, Florida Statutes. If the applicant's plan for service meets with the chief's approval, he or she shall report said approval in writing to the city manager. If said plan or application does not meet the approval of the chief of police, he or she shall report disapproval to the city manager with reasons for disapproval listed in writing. Should the application be disapproved by either the chief of police or the city manager, the application for permit shall be denied, and no permit to operate Animal-Drawn Vehicles ~~horse-drawn vehicles~~ shall be issued to the applicant.
- (c) Any applicant whose application for a permit has been denied may, within thirty (30) days after said denial, appeal to the city council by providing written notice of appeal to the city

manager. In the event of the submittal of a timely written notice of appeal by the applicant ~~permittee~~, the city manager shall schedule the appeal to be heard by the city council within sixty (60) days from receipt the notice of appeal by the city manager or as soon thereafter as possible. In the event an appeal is denied by the city council, or if the applicant fails to timely file an appeal, the applicant may not apply for an Animal-Drawn Vehicle ~~horse drawn vehicle~~ permit for one (1) year from the time of original denial.

- (d) Once the application is approved by the chief of police and the city manager, the city manager shall issue a permit to the applicant upon payment of an amount for each permit which is to be set by resolution of the city council. Said permit shall be valid for one (1) year from the date of issuance.
- (e) In the event an owner desires to obtain more than one (1) permit at any given time, said owner ~~shall must~~ pay a separate fee for each permit. Each Animal-Drawn Vehicle ~~horse drawn vehicle~~ ~~vehiele~~ shall ~~must~~ have its own permit. Permits may not be transferred from one (1) Animal-Drawn Vehicle ~~horse drawn vehicle~~ to another.
- (f) If a permit issued under this section is lost or destroyed, the permit holder may obtain a duplicate upon payment of a service charge as set by ~~R~~resolution of the city council.
- (g) ~~All persons holding city Animal-Drawn Vehicle horse drawn vehicle permits shall must maintain in active operation the vehicle for which the permit was issued. Any permit issued for an Animal-Drawn Vehicle or business which remains dormant for more than ninety (90) days shall be declared void by the by the city manager.~~
- (h) Any person to whom a permit has been issued, under the provisions of this article, shall be entitled to renew such permit from year to year; provided, however, that such person 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. A permit holder shall apply for said renewal no later than fifteen (15) days prior to the expiration of the permit for which renewal is sought; provided further, renewal of said permit shall be issued by the city manager upon payment of the annual permit fee.

**Sec. 23-165. Area of legal operation~~Adherence to plan submitted in application.~~**

Permittees ~~shall must~~ adhere to the routes, rates, vehicle number, animals used, and design as specified in their application for permits. Any deviance from said application without the approval of the chief of police and the city manager shall be in violation of this article.

- (a) Animal-Drawn Vehicles may be operated on the public streets of the city, except U.S. Highway 19 and on the prohibited streets set forth in this section.
- (b) Animal-Drawn Vehicles shall not be operated upon the following streets:
  - (1) Congress Street;
  - (2) Madison Street;
  - (3) Massachusetts Avenue;
  - (4) Marine Parkway from U.S. Highway 19 to Grand Boulevard;
  - (5) Grand Boulevard from Gulf Drive to Ridgewood Drive; and
  - (6) Trouble Creek Road.

(c) Notwithstanding the prohibition of Animal-Drawn Vehicle operation on the streets designated in subsection (b) hereof, the operation of such vehicles to cross the prohibited streets set forth in subsection (b) is allowed at intersections of two streets where operation is not prohibited, so long as the two streets are directly aligned on each side of the prohibited street and the crossing is completed in the most expedient and direct manner, and such vehicles are permitted to use prohibited streets to access properties accessible only from a prohibited street, only to the extent necessary to access the nearest street where operation is not prohibited.

**Sec. 23-166. Liability and indemnification.**

- (a) A permittee shall pay, and by its acceptance of a permit specifically agrees to pay, any and all damages or penalties which the city may be legally required to pay as a result of the permittee's operation or maintenance of an Animal-Drawn Vehicle ~~horse-drawn vehicle~~ under this article, whether or not 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.
- (c) The permittee shall maintain, throughout the term of the permit, liability insurance insuring the city and the permittee with regard to all damages mentioned in subsection (a) above caused by the permittee or its agents, in the following minimum types and amounts:
  - (1) Workers' and unemployment compensation insurance as provided by the laws of this state; and
  - (2) One million dollars (\$1,000,000.00) combined single limit policy.
- (d) The insurance policies obtained by a permittee in compliance with this section shall be insured by a company or companies acceptable to the city and a current certificate or certificates of insurance, along with written evidence of payment of all required premiums, shall be filed and maintained with the city during the term of the permit. The policies shall name the city as an additional insured and shall contain a provision that written notice of cancellation or reduction in coverage of the policy shall be delivered by registered mail to the city at least thirty (30) days in advance of the effective date thereof.

**Sec. 23-167. Compliance with traffic regulations; city manager rules.**

- (a) A driver of an Animal-Drawn Vehicle ~~horse-drawn vehicle~~ and/or any permittee, having been issued a permit or permits under this article to engage in the business of operating Animal-Drawn Vehicles ~~horse-drawn vehicles~~, shall be subject to all traffic provisions of this code and all other ordinances, rules, and regulations now in effect in the city or the State of Florida and all traffic ordinances and rules and regulations which may pertain to the operation of Animal-Drawn Vehicles ~~horse-drawn vehicles~~, hereafter enacted or adopted by the city or the State of Florida, and such rules and regulations formulated and promulgated under authority of this article.

- (b) The city manager is hereby empowered to designate the location and extent of space for stands to be known as "Animal-Drawn Vehicle ~~horse-drawn vehicle~~ stands." No automobiles or other means of conveyance other than such vehicles for hire as defined in this article shall be permitted to use such "Animal-Drawn Vehicle ~~horse-drawn vehicle~~ stands" within the time as provided by the rules and regulations promulgated by the city manager.
- (c) The city manager is hereby authorized and directed to formulate and promulgate reasonable rules and regulation for the use of such "Animal-Drawn Vehicle ~~horse-drawn vehicle~~ stands" so as to ensure equality of opportunity between operators, and to prevent discrimination between "Animal-Drawn Vehicle ~~horse-drawn vehicle~~ stands" and to prevent unfair practices between the owners, operators, and drivers of such Animal-Drawn Vehicles ~~horse-drawn vehicles for hire~~.
- (d) The city manager is hereby authorized and directed to formulate and promulgate reasonable rules and regulations in an attempt to prevent the following related to Animal-Drawn Vehicles ~~horse-drawn vehicles~~: (i) accidents with pedestrians and automobiles, (ii) hindrances of right-of-ways and traffic, (iii) inhumane treatment of animals used to pull the vehicle, and (iv) other rules and regulations related to public safety and welfare.
- (e) Notwithstanding the above, the following rules shall apply:
- (1) The driver of each Animal-Drawn Vehicle ~~horse-drawn vehicle~~ shall make water available to every horse, pony, mule, donkey, or other animal being used to pull or propel a vehicle at intervals not to exceed one (1) hour;
  - (2) No Animal-Drawn Vehicle ~~horse-drawn vehicle~~ shall be permitted at any time to carry more persons than the rated seating capacity of the vehicle, and no single animal shall pull a vehicle having more than ten (10) people, including four (4) passengers and two drivers and excluding small children held in the arms of an adult passenger, at any time;
  - (3) No Animal-Drawn Vehicle ~~horse-drawn vehicle~~ shall be permitted to operate in the city when the ambient air temperature is below thirty-two (32) degrees Fahrenheit or above ninety (90) degrees Fahrenheit, as determined by the city manager chief of police.
  - (4) It is unlawful for any owner or driver of a Animal-Drawn Vehicle ~~horse-drawn vehicle~~ to subject any animal used for the same to any cruel or harassing treatment or equipment of any kind use whips, bits or any other equipment which may cause injury to the animal pulling or propelling the vehicle;
  - (5) If any Animal-Drawn Vehicle ~~horse-drawn vehicle~~ business or operation, including any driver thereof, is cited with three (3) or more traffic violations or violations of this chapter within one (1) year, all permits issued to the business or operation shall be automatically revoked until the owner can show good cause as to why the permit should be reinstated. Any owner or permittee whose permit has been revoked under this subsection may, within thirty (30) days after the revocation, appeal in writing to the city manager, who shall schedule said appeal to be heard by the city council within sixty (60) days from the date of receipt thereof or as soon thereafter as possible; ~~and~~
  - (6) Nothing in this article, including the issuance of a permit for Animal-Drawn Vehicles ~~horse-drawn vehicles~~, shall be interpreted as authorizing or allowing the stabling or keeping of horses, ponies, donkeys, mules, or other animals within the jurisdictional limits of the city:-

- (7) During each one (1) hour period in which an animal horse is used in the operation of an Animal-Drawn Vehicle horse drawn vehicle, said animal horse shall be given at least ~~ten (10) consecutive minutes of~~ reasonable rest time consistent with the animal's workload; and per hour. The requisite ten (10) minute rest period may not be accumulated and may not be given back to back in consecutive hours. Said rest period shall not be given to a horse during the first or last twenty (20) minutes of each calendar day in which it operates;
- (8) Animal-Drawn Vehicles Horse drawn vehicles are only permitted to operate in the city during the hours of ten (10) o'clock a.m. to ten (10) o'clock p.m., seven (7) days per week; ~~provided compliance with all other rules and regulations stated herein occurs.~~
- ~~(9) Each permitted horse drawn vehicle shall be equipped with:~~
  - a. ~~At least one (1) lamp or lighting device displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle; and~~
  - b. ~~Two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle;~~
- ~~(10) Each permitted horse drawn vehicle shall have a triangular slow moving vehicle emblem (SMV) displayed on, and clearly visible from, the rear of the vehicle.~~

**Sec. 23-168. Rates, charges and permit to be displayed; property left in vehicles.**

- (a) Each permittee shall prominently display in each permittee's Animal-Drawn Vehicle 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 Animal-Drawn Vehicle horse drawn vehicle and the name and address of both the permittee and the driver of such vehicle; and the actual permit issued for said vehicle. Such card or sign shall be posted in a conspicuous place in such vehicle while it is in use as an Animal-Drawn Vehicle horse drawn vehicle for hire, so that it is clearly visible to all passengers in such vehicle. The permit for a vehicle shall be posted in a conspicuous place on or in the rear or side of the outside of the vehicle so that it is clearly visible as well. It shall be unlawful for any permittee, operator, agent, lessee, or driver of any Animal-Drawn Vehicle horse drawn vehicle to charge more than the rate so posted.
- (b) Any permittee or driver of an Animal-Drawn Vehicle horse drawn vehicle who discovers any personal property which was lost or left therein by a passenger shall report the loss and deliver all of the property to the office of the permittee within the same day as discovery of the property. The driver's report shall include brief particulars to assist the company in identifying the owner of the property and the company shall make a conscientious effort to contact the owner of the property. A copy of the report shall also be submitted to the chief of police, no later than the next business day after discovery of the lost property. The company shall retain the property on behalf of the owner for at least six (6) months after the finding thereof.

**Sec. 23-169. 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 upon the streets of the city. Any excrement which should fall upon the streets of the city shall be removed immediately by, and at

the expense of, the permittee. A permittee is prohibited from allowing manure or excrement to enter the city's storm sewer collection system.

- (2) All animal waste for disposal shall be promptly transported to sites or facilities legally empowered to accept it for treatment or disposal. The city reserves the right to approve or disapprove sites, taking into account routes within the city, and the rules and regulations of the governmental body having jurisdiction over said sites or facilities.
- (3) A permittee shall further comply with all applicable health and sanitation provisions of the Sanitary Code of Florida and all rules and regulations promulgated thereunder.

**Sec. 23-170. Condition and inspection of Animal-Drawn Vehicles ~~horse-drawn vehicles~~.**

- (a) Each Animal-Drawn Vehicle ~~horse-drawn vehicle~~ shall be kept in a safe and sanitary condition at all times. The city shall have the right to inspect or cause to be inspected any Animal-Drawn Vehicle ~~horse-drawn vehicle~~ as often as may be necessary for the purpose of ascertaining and causing to be corrected any unsafe or unsanitary conditions or any violations of this article or any other rule, regulation, ordinance, or law relating to the operation of such Animal-Drawn Vehicles ~~horse-drawn vehicles~~.
- (b) The city manager is hereby authorized to establish a fee, not to exceed fifty dollars (\$50.00), 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 Animal-Drawn Vehicle ~~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 Animal-Drawn Vehicles ~~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 commercial signs other than those required by this article shall be allowed on any Animal-Drawn Vehicle ~~horse-drawn vehicle~~.

**~~Sec. 23-171. Use of vehicle in perpetration of crimes prohibited.~~**

~~It shall be unlawful for any permittee or agent or employee of same, to willfully permit any horse-drawn vehicle horse-drawn vehicle to be used in the perpetration of a crime.~~

**Sec. 23-1712. Revocation of permits.**

- (a) Whenever there is reasonable cause to believe that a person holding a permit to operate an Animal-Drawn Vehicle ~~horse-drawn vehicle~~ has violated or is violating any provision of this article, the city manager may, upon written, certified notice of said violation to the permittee, suspend the permit or permits issued to such person until such time as the city manager determines that the violations are corrected. If said violation is not corrected within thirty (30) days the permits will be deemed to be automatically revoked. ~~Any owner or permittee whose permit has been revoked under this subsection may, within thirty (30) days after the revocation, appeal in writing to the city manager, who shall schedule said appeal to be heard by the city council within sixty (60) days from the date of receipt thereof or as soon thereafter as possible,~~

- (b) If the violation is of such grievous nature as to endanger the public health, safety, or welfare, the city manager shall issue an ~~bring the matter before the city council at a public hearing to request~~ immediate revocation of the permits.

**Sec. 23-173. Revocation of permit by chief of police.**

- (c) If, upon investigation, the chief of police finds that the holder of a permit has ~~violated any provision of this article, or has~~ been convicted of the following: animal cruelty, murder, kidnapping, aggravated battery, burglary, robbery, sexual battery, prostitution, exposure of sexual organs, lewd, lascivious, or indecent assault or act upon or in the presence of a child, any crime involving the sale of controlled substances as defined by ~~F.S., s~~Section 893.03, Florida Statutes, manslaughter or negligent homicide resulting from the use of a motor vehicle or any crime involving moral turpitude, then the chief of police shall advise the city manager of such conviction and the city manager shall revoke the permit.
- (d) Any owner or permittee whose permit has been revoked under this ~~sub~~section may, within thirty (30) days after the revocation, appeal in writing to the city manager, who shall schedule said appeal to be heard by the city council within sixty (60) days from the date of receipt thereof or as soon thereafter as possible.

**Sec. 23-172~~174~~. Attending vehicle.**

The owner or operator of the Animal-Drawn Vehicle ~~horse drawn vehicle~~ shall attend the vehicle and the associated horse, or other animal, at all times when the vehicle is on or near public city streets or property. The owner or operator shall be located within fifteen (15) feet ~~of from~~ such Animal-Drawn Vehicle ~~horse drawn vehicle~~, at all times.

**Sec. 23-1753. Driving under the influence while intoxicated, etc.**

Driving an Animal-Drawn Vehicle ~~horse drawn vehicle~~ while under the influence of intoxicating liquor or drugs is unlawful. If any driver of any Animal-Drawn Vehicle ~~vehicle mentioned herein~~ is convicted of driving same while under the influence of intoxicating liquor or drugs, the holder of the permit for ~~of~~ said ~~horse drawn vehicle~~ shall automatically have his/her permit revoked for a period of one (1) year.

**Sec. 23-176. Suspension of license.**

~~The chief of police is given full power to suspend any permit provided herein if he determines that the operation of the permitted Animal Drawn Vehicle ~~horse drawn vehicle~~ ~~horse drawn vehicle~~ would cause imminent danger to the public safety. The suspension shall be effective immediately upon notification of the owner or operator of the vehicle. Any owner or permittee whose permit has been suspended under this subsection may, within thirty (30) days after the suspension, appeal in writing to the city manager, who shall schedule said appeal to be heard by the city council within sixty (60) days from the date of receipt thereof or as soon thereafter as possible,~~

**Sec. 23-177. Enforcement Penalties.**

Violation of any provision of this chapter shall be deemed a civil infraction. Enforcement of this article ~~chapter~~ shall be the responsibility of the city's code enforcement officers and the members of the city police department. Enforcement of this article ~~chapter~~ shall be ~~pursuant to~~

~~Paseo County Administrative Order Number 00-05, and all subsequent amendments thereto, in accordance with Chapter 2, Article VIII of the City Code, or by any other method permitted by the City Code for enforcement of violations of the City Code, including without limitation through the use of the city's code enforcement board or an injunctive or other action in circuit court.~~

**SECTION 2. Enforcement.** The provisions of this Ordinance shall be enforced as otherwise provided in the Code of Ordinances.

**SECTION 3. Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

**SECTION 4. Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 5. Effective Date.** This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 5<sup>th</sup> day of April, 2022, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 19<sup>th</sup> day of April, 2022.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, CMC, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE  
SOLE USE AND RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney CA Approved 4-7-22