



MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY

NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA

April 5, 2022

7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 p.m. Those in attendance were Deputy Mayor Chopper Davis, Councilman Peter Altman, Councilman Matt Murphy and Councilman Mike Peters.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Police Chief Kim Bogart, Finance Director Crystal Feast, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Community and Development Director Dale Hall, Library Director Andi Figart, Parks and Recreation Director Kevin Adams, Human Resources & Organizational Development Director Karl Fuchs and Technology Solutions Director Bryan Weed.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of March 15, 2022 Regular Meeting and March 23, 2022 Special Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

5. Proclamation - National Library Week

Library Director Andi Figart accepted the parchment from Mayor Marlowe.

6. Proclamation - Alcohol Awareness and PowerTalk21 Month

Bonnie Snyder accepted the parchment from Mayor Marlowe.

7. Proclamation - Windsong Charters and Boat Rentals 20th Anniversary

Wendy Longman accepted the parchment from Mayor Marlowe.

8 Proclamation - Tampa Bay Regional Planning Council 60th Anniversary (By Title Only)

Mayor Marlowe read the proclamation by title only.

9 Proclamation - A Day of Sharing Hope and Love (By Title Only)

Mayor Marlowe read the proclamation by title only.

10 Proclamation - Donate Life Month (By Title Only)

Mayor Marlowe read the proclamation by title only.

11 Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. Jeff Starkey, 3751 Wiregrass Road, NPR came forward to congratulate and thank Deputy Mayor Davis for his nine years of service. Reyna Gilner, 5500 Main Street, NPR came forward to speak regarding the Chasco Fiesta. Judith Allen, 5940 Grand Blvd., NPR came forward to speak regarding the drainage problem on Illinois. Ronald Howarth, 6953 Edgewater Drive, NPR came forward to speak regarding inflation and demolition within the city. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

12 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

a Purchases/Payments for City Council Approval

13 Public Reading of Ordinances

a First Reading, Ordinance No. 2022-2258: Animal-Drawn Vehicle Ordinance

City Attorney Driscoll read the proposed ordinance by title only. Upon opening the floor to public comment, David Wallis, 12641 Valimar Rd., NPR, came forward to speak regarding his comments previously submitted along with an Attorney General Opinion. Rick Sommer, 5500 Main Street, NPR came forward to express his support of the ordinance and requested to have the route be over the bridge. With no one else coming forward Mayor Marlowe returned the floor to Council. City Attorney Driscoll stated he reviewed Mr. Wallis' comments and then proceeded to address each of them. City Attorney Driscoll stated that City Council has the authority to regulate traffic within the city and the streets where the operation would be allowed. Mayor Marlowe asked about mirroring the prohibition of streets for the horse carriage as the same as golf carts and City Attorney Driscoll stated that would be a good idea.

Motion was made by Councilman Altman to approve the ordinance on first reading with all of the recommended changes approved by City Attorney and to incorporate the prohibition of the same streets as golf carts. Motion seconded by Councilman Murphy.

Chief Bogart stated every emergency vehicle operates down Main Street and the carriages would not be easy to get out of the way. Deputy Mayor Davis suggested adding language to say to avoid Main Street as possible. He also spoke regarding lost items and the 2.5% franchise fee. City Manager Manns stated franchise fees are a common practice by cities for the use of the ROW's. Councilman Altman stated that we do not look at the gross revenue of food trucks and no sales tax collected. Councilman Murphy stated Main Street will have to be addressed. He stated at least from River Road to Beef O'Bradys. He stated we have to find a happy medium. Councilman Peters stated he agrees that the bridge is an issue. Mayor Marlowe stated that having a horse show up at his house would be cool. He stated he does recognize the concerns regarding Main Street. He stated that some of the signage is important to have. Deputy Mayor Davis asked Councilman Altman to amend the motion to make the

franchise fee to 1%. Councilman Altman stated he agreed to the amendment.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

b First Reading, Ordinance No. 2022-2259: Amendments to Chronic Nuisance Ordinance

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an ordinance to amend the City's existing Chronic Nuisance Ordinance to include drug overdoses as an activity constituting grounds for abatement. This ordinance was enacted as a tool for code enforcement and police officers to use to address properties where criminal activities reoccur affecting public health, safety and welfare issues in the City. When the initial list of "qualifying" nuisance/criminal activities was initially created, drug overdoses were overlooked. These type incidents do occur and require police and fire department services. This amendment will provide the City with a means to require proactive preventive actions to be taken by the property owner/manager. Upon opening the floor to public comment, Jeff Starkey, 3751 Wiregrass Rd., NPR came forward to voice his support of the amendment. With no one else coming forward Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

14 Business Items

a Board Re-Appointment: Peter Segall, Library Advisory Board

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the re-appointment of Peter Segall to the Library Advisory Board. Mr. Segall has been a member of the Library Advisory Board since December 18, 2018. His current term expired on December 18, 2021 therefore he has submitted his application seeking re-appointment to the board. If approved, Mr. Segall's term will be for three years and will be up for renewal on April 5, 2025. Upon opening the floor to public comment, Mr. Segall came forward to thank Council for his reappointment. With no one else coming forward Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

b New Port Richey Rotaract's Craft Beer and Wine Festival Alcohol Beverage Special Event

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve an ABSEP for the Rotaract's Craft Beer and Wine Festival on June 4, 2022 from 5pm - 8pm in Sims Park. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

c Ratification of Memorandum of Agreement between the City of New Port Richey and the International Association of Firefighters, Local 1158

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to ratify the proposed Memorandum of Agreement between the City of New Port Richey and the International Association of Firefighters (IAFF), Local 1158 related to the career ladder step plan. As Council is aware, three (3) new Captain Positions were approved in conjunction with the ratification of the Collective Bargaining Agreement between the City and IAFF on April 6, 2021. Since that time

a matter related to the career ladder step plan has been come to light. Specifically, when a higher level FF/Paramedic is promoted to the position of Captain and the salary is adjusted in accordance with the current pay plan the result is a reduction in salary. In order to address this disproportion a revised Captain/Paramedic Career Ladder Step Plan is being proposed which adjusts the hourly rates. A copy of the revised career ladder plan is attached for your review. Additionally, as part of the agreement the parties have settled on the following point as it relates to the administration of the ladder plan. In the event that an employee is promoted to the position of Captain/Paramedic and said promotion results in a reduction in their hourly rate then the employee shall remain at the higher pay rate until such time as a subsequent career step is achieved. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

d Rejection of Bids for ITB 22-003 Activity Pool Resurfacing Project

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve staff's request to reject the bids submitted for the Activity Pool Resurfacing Project at The Recreation and Aquatics Center Project ITB 22-003. The two bids received were over the amount budgeted for the project. The bid package will be revised to include two pools. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve staff's request to reject the bids.

Motion made by Chopper Davis and seconded by Pete Altman. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

e ITB22-006 Bid Award – WWTP Biosolids Hauling and Disposal Services

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to approve staff's request to award the bid for ITB22-006 WWTP Biosolids Hauling and Disposal Services to Merrell Bros. Inc. in the amount not to exceed \$69.44 per ton. The amount will be an \$11.53 increase from the existing cost of \$57.91 or an increase of \$95,000 annually. Pasco County will share with 40% of the cost. Merrell Bros. Inc. has provided this service to the City for the past 15 years. Merrell Bros. Inc. have been dependable and no complaints have been filed against the contractor by staff or the public. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Mike Peters and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

f Request to Purchase Frontier Dedicated ELAN Network

City Manager Manns introduced Technology Solutions Director Bryan Weed who then presented the item to Council. He stated that the purpose of this agenda item was to approve a proposal from Frontier Communications in the amount not to exceed \$253,800.00 (to be paid in five annual installments of \$50,760.00) for the purchase of a dedicated ELAN network connecting all of the City's facilities with a private network. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Peters

15 Communications

Mayor Marlowe stated that he and Councilman Altman were attending the TBRPC Resiliency Summit. Mayor Marlowe referenced an article from the Tampa Bay Partnership regarding the

recovery from climate change. He stated there is a direct correlation between the manmade CO2 and the rise in temperature. Mayor Marlowe stated this year's Chasco Fiesta was wonderful. The line for Night Ranger stretched back to Grand and Bank. He encouraged people to consider volunteering for Chasco next year. Councilman Murphy commended Deputy Mayor Davis for all of his hard work over the years. Councilman Altman stated that when the ARPA funds were distributed the County chose to dedicate \$30m to the sports facility in Wesley Chapel. Councilman Altman stated we are the only city with a downtown on the westside of the county. He stated the County is using the funds to pay down debt. He spoke regarding the new collision center on Lemon Street and the proposed music shop. Councilman Peters stated regarding Mr. Howarth's comments our Code Enforcement staff work with the property owners and he thanked staff for the hard calls they have to make. He recognized by name each of the members of the Chasco Steering Committee. Councilman Peters thanked Deputy Mayor Davis for his many years of service. Deputy Mayor Davis stated that the Chasco committee works year round and they should be commended. City Attorney Driscoll stated it was a pleasure to work with Deputy Mayor Davis. City Manager Manns stated that Deputy Mayor Davis has served the community well for the last nine years. She appreciated the way he handles adversity. He always makes sure we leave laughing.

16 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:41 p.m.

(signed) _____
Judy Meyers, CMC, City Clerk

Approved: _____ (date)

Initialed: _____

Florida Attorney General Advisory Legal Opinion

Number: AGO 93-22

Date: March 11, 1993

Subject: Commercial horse-drawn carriages/Uniform Traffic Law

Mr. Michael S. Davis
City Attorney
City of St. Petersburg
Post Office Box 2842
St. Petersburg, Florida 33731

RE: MUNICIPALITIES--TRAFFIC CONTROL--ANIMALS--commercial horse-drawn carriages subject to Uniform Traffic Control Law; municipality precluded from prohibiting or regulating use of such carriages on streets except as authorized by state law. ss. 316.008, F.S.

Dear Mr. Davis:

You ask the following questions:

- 1) Are commercial horse-drawn carriages subject to the State Uniform Traffic Control Law, Ch. 316, F.S.?
- 2) If the previous question is answered in the affirmative, may commercial horse-drawn carriage operations be banned from operation on streets within the city for reasons other than those set forth in s. 316.008, F.S.?
- 3) If commercial horse-drawn carriages are not subject to Ch. 316, F.S., may the city ban such operations on its streets?

In sum, I am of the opinion:

1) Commercial horse-drawn carriages are subject to the State Uniform Traffic Control Law, Ch. 316, F.S.

2) Commercial horse-drawn carriage operations may not be banned from operation on streets within the city except as provided in s. 316.008, F.S., or other provision of state law.

3) In light of the response to Question One, it is unnecessary to respond to your third question.

Question One

The Florida Uniform Traffic Control Law, Ch. 316, F.S., was enacted "to make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities." [1] In order to ensure that the provisions of Ch. 316, F.S., are given uniform application throughout the state, s. 316.002, F.S., provides that "[i]t is unlawful for any local authority to pass or to attempt to enforce any ordinance in conflict with the provisions of this chapter." [2]

In AGO 80-80 this office concluded that the use of public streets by horses, either ridden or driven, was covered by the Uniform Traffic Control Law. Such a conclusion was based upon an examination of various provisions of Ch. 316, F.S. For example, "traffic" is defined for purposes of Ch. 316, F.S., to mean "[p]edestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any street or highway for purposes of travel." [3] Section 316.073, F.S., expressly states that every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be subject to the provisions of Ch. 316, F.S., applicable to the driver of a vehicle, except those provisions which by their very nature can have no application. [4]

Sections 316.2225(7) and 316.231, F.S., specify the type of equipment required on animal-drawn vehicles. Thus,

this office concluded that the use of public streets of a municipality by horses, ridden or driven, at least upon that portion of the street used for vehicular traffic, is uniformly regulated and preempted to the state by Ch. 316, F.S. I am not aware of any provision which distinguishes between commercial horse-drawn carriages and other animal-drawn conveyances. Accordingly, the conclusion reached in Attorney General Opinion 80-80 would appear to be equally applicable to the instant inquiry. I am, therefore, of the opinion that commercial horse-drawn carriages are subject to the State Uniform Traffic Control Law, Ch. 316, F.S.

Question Two

In AGO 80-80 this office concluded that as the use of public streets of a municipality by horses, ridden or driven, is regulated and preempted by Ch. 316, F.S., a municipality may not regulate or prohibit such traffic on the streets within its jurisdiction unless expressly authorized to do so.[5] The Legislature, however, has recognized:

[T]here are conditions which require municipalities to pass certain other traffic ordinances in regulation of municipal traffic that are not required to regulate the movement of traffic outside of such municipalities. Section 316.008 enumerates the area within which municipalities may control certain traffic movements or parking in their respective jurisdictions.[6]

Chapter 316, F.S., therefore, does not prevent local authorities,[7] within the reasonable exercise of their police powers, from regulating those areas enumerated in s. 316.008, F.S., on the streets and highways within their jurisdiction.[8] Sections 316.008, F.S., authorizes a municipality, among other things, to regulate or prohibit stopping, standing, or parking, or to prohibit or regulate the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.[9]

In light of the authority granted under s. 316.008, F.S., this office has stated that under certain conditions and in the reasonable and nondiscriminatory exercise of its police power, a municipality may regulate or prohibit the use of certain streets within the municipality by any class or kind of traffic. Such limited authority, however, does not empower a municipality to absolutely bar or prohibit the riding or driving of horses or horse-drawn vehicles on all streets of the municipality or to unreasonably discriminate against such use of the public streets within the municipality.[10] Thus, there may be certain heavily traveled streets within a municipality where the use of horse-drawn carriages may be incompatible with the normal and safe movement of traffic; however, a municipality would appear to be precluded from prohibiting such carriages on all streets under its jurisdiction.

I am, therefore, of the opinion that commercial horse-drawn carriage operations may not be banned from operation on streets within the city except as provided in s. 316.008, F.S., or other provision of state law.

Question Three

In light of the response to Question One, it is unnecessary to respond to your third question.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tjw

[1] See s. 316.002, F.S. And see the preamble to Ch. 71-135, Laws of Florida, creating Ch. 316, F.S., in which the Legislature recognized that the movement of traffic had theretofore been controlled by "a hodgepodge of

ordinances" which varied as to language and penalty and which caused an inconvenience and hazard to travelers.

[2] And see s. 316.007, F.S., providing that "no local authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized." See also s. 166.021, F.S., which grants municipalities broad home rule powers except on matters expressly prohibited by law or when the subject matter is expressly preempted to the state by general law.

[3] Section 316.003(57), F.S.

[4] See s. 316.003(42) and (53), F.S., respectively defining "[r]oadway" and "[s]treet or highway." And see s. 316.003(75), F.S., defining "vehicle" as "[e]very device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks."

[5] See also AGO 77-84 (municipality prohibited regulating mopeds or moped drivers except as authorized by Ch. 316, F.S.); AGO 74-361 (municipality may not regulate hitchhiking unless expressly authorized to do so by the Legislature).

[6] Section 316.002, F.S.

[7] See s. 316.003(20), F.S., defining "[l]ocal authorities" to include all officers and public officials of the several counties and municipalities of this state.

[8] See s. 316.006(2)(a), F.S., providing that chartered municipalities have original jurisdiction over all streets and highways located within their boundaries, except state roads.

[9] See s. 316.008(1)(a) and (n), F.S. See also s. 316.008(g), (m), and (p), F.S., authorizing municipalities to respectively restrict the use of streets, prohibit or regulate the use of controlled access roadways by any

class or kind of traffic, designate or regulate traffic on play streets.

[10] Attorney General Opinion 80-80.

And see a 316.007(1) authority shall enact or enforce any ordinance on a matter covered by this chapter unless expressly authorized. See also a 316.021, F.S., which grants municipalities broad some rule powers except on matters expressly prohibited by law or when the subject matter is expressly preempted by the state by general law.

[11] Section 316.001(2), F.S.

[12] See a 316.003(1) and (2), F.S., respectively defining "roadway" and "street or highway." And see a 316.003(3), F.S., defining "vehicle" as "every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks."

[13] See also AGO 77-84 (municipality prohibited regulating speeds of motor drivers except as authorized by Ch. 316, F.S.); AGO 74-361 (municipality may not regulate bicyclists unless expressly authorized to do so by the legislature).

[14] Section 316.002, F.S.

[15] See a 316.001(2), F.S., defining "local authorities" to include all officers and public officials of the several counties and municipalities of this state.

[16] See a 316.006(2)(a), F.S., providing that chartered municipalities have original jurisdiction over all streets and highways located within their boundaries except state roads.

[17] See a 316.008(1)(a) and (b), F.S. See also a 316.008(1)(c), (d), and (e), F.S., authorizing municipalities to respectively restrict the use of streets, prohibit or regulate the use of controlled access roadways by any

David Wallis
Cornerstone Carriage Company, LLC
12641 Valimar Road
New Port Richey, Fl. 34654
620-205-7718
wallisdw@hotmail.com

March 29, 2022

PROPOSED ANIMAL DRAWN VEHICLE ORDINANCE

These are my responses, concerns, and professional input for your consideration as you review your options on this ordinance proposal.

(1) To address the WHEREAS portion of the ordinance:

State law allows for equine travel on roadways by its citizens as they are subject to the rules and laws of the motor vehicle code: YET NPR DESIRES TO BAN SUCH INDIVIDUAL LIBERTIES WITHIN THE CITY LIMITS OUTRIGHT UNLESS GIVEN A PERMIT REGARDLESS OF WETHER IT IS PRIVATE TRAVEL OR COMERICIAL TRAVEL. I object to restricting private travel choices of taxpayers.

SECTION 23-162 & 23-163 paragraph (a) "whether for hire or not".

The previous ordinance only regulated commercial travel and I believe it should remain so.

(2) To address the WHEREAS portion of the ordinance:

"Appropriate franchise fee"

SECTION 23-163 paragraph (b) "...2.5% of the gross receipts..."

This franchise fee is not in alignment with other business fees and thus appears to be punitive in nature.

(3) To address the WHEREAS portion of the ordinance:

"...public policy... prohibitions herein are necessary in the public interest;"

SECTION 23-171 paragraph (c) The entirety of this paragraph restricts me, the owner of hiring a convicted felon who has paid their dues to society. I have no intention of hiring a pedophile, but I have successfully worked side by side other felons who have repented and become active and successful citizens. I take offense to the City making such a restriction on my choice of employees.

(4) SECTION 23-163 paragraph (a) "...affixed to the Animal Drawn Vehicle"

This "affixed" signage and all the information required on that signage is problematic as this vehicle would lose elegance if it were pasted with such signage on the vehicle. I request that this be amended to "BE PRESENTED UPON REQUEST" so it can be professionally stored on the vehicle but not detract or damage the vehicle. I can also have it posted at the pick-up and drop off location signage, so the public is aware of all the information before they partake in our services.

(5) SECTION 23-164 paragraph (a) (4) "...copy of driver's license...proposed driver of the vehicle."

I would like to clarify age requirement or license type as I may have young drivers employed.

(6) SECTION 23-164 paragraph (a) (11) An application fee as provided by city council.

I would like to clarify this fee amount.

(7) SECTION 23-164 paragraph (g) "...which remains dormant for more than ninety days..."

My business is seasonal from November through April. This restriction is not logical nor needed for yearly permits. I request it be stricken.

(8) SECTION 23-168 paragraph (a) "signage again"

Again, this pertains to signage affixed to carriage. I request the wording be changed to reflect "present upon request by proper authority"

(9) SECTION 23-167 paragraph (e) (7) 10-minute break for every hour worked

I request this be stricken outright. We are picking up and dropping off every half hour. The horse is being rested during this time and allowed access to water (which they never drink when working) as required by other paragraphs. Adding this restriction is a duplication of effort and does not function as intended; This may look good on paper, but it does not aid in the horses health.

(10) SECTION 23-168 paragraph (9) (a) &(b) (1,000) feet

I request this be changed to 300' as it more realistically reflects almost 15 car lengths and addresses the concern of visibility with a realistic goal.

(11) SECTION 23-169 paragraph (2) Animal waste disposal regulation.

All my animal waste will be disposed of outside of NPR City Limits and those sites are not under the regulatory oversight of the city. Attempting to regulate those sites unnecessarily exposes the City to liability it need not be exposed to. I request this paragraph be stricken.

(12) SECTION 23-170 paragraph (b) "...establish and promulgate rules and regulations and minimum standards for the inspection and condition of Animal Drawn Vehicles."

I would like to review these standards in advance of my permit submitting so I can ensure I comply, and this does not turn into a moving target or evolving standard.

(13) SECTION 23-170 paragraph (d) signage again

I request this paragraph be stricken as it is redundant and unnecessary for public safety.

(14) SECTION 23-173 Driving under the influence

I request this paragraph be stricken as it is covered under State Statute and the motor vehicle code.

In closing, I want to thank each of you for your public service and to the City Manager and her staff for creating this proposal. However, as a taxpayer, business owner I feel collectively this ordinance is burdensome to the city to enforce and to my business profession to comply with. Simple regulations inspire business owners to invest. Complicated ordinances such as this become more of an obstacle rather than what it is intended to provide and that's public safety of commerce. Simpler would be better. I offer the Statutes of Tampa which are a total of 3 pages as an alternative.

David Wallis

TAMPA ORDINANCES:

- **Sec. 25-187. - Nonmotorized vehicles—Compliance with traffic regulations; hours of operation; passenger loading and unloading; safety regulations.**

(a) An owner, having been issued a permit under this article to engage in the business of operating nonmotorized vehicles, shall be subject to all traffic provisions of this Code and all other ordinances, rules and regulations now in effect in the city, state or nation and all ordinances and rules and regulations which may pertain to the operation of nonmotorized vehicles hereafter enacted or adopted by the city or the state or federal government and such rules and regulations formulated and promulgated under authority of this chapter.

(b) Nonmotorized vehicles and carriages shall be prohibited from stopping, standing, or parking on public rights-of-way for the purpose of loading or unloading passengers or for any other purpose except obedience of a traffic signal, sign or device or lawful order or direction of a police officer or fire department official or upon written permission granted by the governmental entity, agency or committee having jurisdiction and control over such rights-of-way.

(c) In the interest of protecting the safety of passengers, passersby and other vehicles, the following safety regulations are imposed:

(1) It is unlawful for the driver of a nonmotorized vehicle or carriage to leave the vehicle or animal unattended at any time.

(2) It is unlawful for the driver of a nonmotorized vehicle or carriage to collect fares, make change or take on, discharge, or solicit passengers while the nonmotorized vehicle is in motion.

(Ord. No. 89-258, § 2(57-229), 10-5-89)

- **Sec. 25-188. - Same—Sanitation.**

All owners of nonmotorized vehicles 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 that should fall upon the streets of the city shall be immediately removed by the owner, operator, or driver. Any urine must be immediately treated with a chemical deodorizing solution.

(2) All animal waste for disposal shall be promptly transported to sites or facilities legally empowered to accept it for treatment of 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 the sites or facilities.

(3) A permittee shall further comply with all applicable health and sanitation provisions of the state sanitary code and all rules and regulations promulgated thereunder.

(Ord. No. 89-258, § 2(57-230), 10-5-89)

Cross reference— Removal of animal excrement, [§ 19-78](#).

- **Sec. 25-189. - Same—Condition.**

(a) Each nonmotorized 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 nonmotorized 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 nonmotorized vehicles. If the owner refuses to correct any unsafe or unsanitary conditions, the city may remove the vehicle or carriage from operation.

(b) Each nonmotorized vehicle shall be equipped with electrically powered lights or lanterns and reflectors when operating during the hours of darkness. The lights and reflectors shall be mounted so that they are visible from any direction.

(Ord. No. 89-258, § 2(57-231), 10-5-89)

- **Sec. 25-190. - Same—Watering of horses or beasts of burden; load limitations, temperature restrictions.**

(a) The driver of each nonmotorized vehicle shall make water available to every horse or beast of burden being used to pull a vehicle at intervals not to exceed two (2) hours.

(b) No vehicle or carriage being drawn by horse or other beast of burden shall be permitted to carry more than six (6) passengers per each horse or beast of burden, exclusive of the driver of the vehicle.

(c) No vehicle or carriage being drawn by horse or other beast of burden shall be permitted to operate upon the public streets of the city when the temperature is below thirty-two (32) degrees Fahrenheit or above ninety (90) degrees Fahrenheit as reported by the U. S. Weather Bureau.

(d) It is unlawful for any owner or driver to use whips, bits or any other equipment which may cause injury to the horse or beast of burden being used to pull the vehicle or carriage.

(Ord. No. 89-258, § 2(57-232), 10-5-89)

- **Sec. 25-191. - Same—Stabling or keeping of horses or beasts of burden within the city.**

Nothing in this article, including the issuance of a permit for nonmotorized vehicles, shall be interpreted as authorizing or allowing the stabling or keeping of horses or other beasts of burden within the jurisdictional limits of the city where otherwise prohibited by this chapter.

(Ord. No. 89-258, § 2(57-233), 10-5-89)

Cross reference— Keeping of farm animals within city, [§ 19-75](#).

- **Sec. 25-192. - Same—Rates and charges to be displayed, property left in vehicles.**

(a) Each owner shall prominently display in each owner's nonmotorized vehicle a card or sign which shall show the schedule of the rates and charges for the transportation services furnished by the owner. Such card or sign shall be posted in a conspicuous place in such vehicle while it is in use as a nonmotorized vehicle for hire, so that it is clearly visible to all passengers in such vehicle. It shall be unlawful for any owner, operator, agent, lessee or driver of any nonmotorized vehicle to charge more than the rate so posted.

(b) Any nonmotorized vehicle or carriage driver or operator discovering, in any nonmotorized vehicle or carriage under his control, personal property which was lost or left therein by a passenger shall report the loss and deliver all the property to the office of the nonmotorized vehicle or carriage company 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. The company shall retain the property on behalf of the owner for at least six (6) months after the finding thereof.

(Ord. No. 89-258, § 2(57-234), 10-5-89)

- **Sec. 25-193. - Same—Revocation of permits; penalty for article violation.**

(a) Whenever there is reasonable cause to believe that a person holding a permit to operate a nonmotorized vehicle is violating any provision of this article, the city transportation manager may, upon written, certified notice of the violation to the owner, suspend the permit issued to such person until such time as the violations are corrected to the satisfaction of the city transportation manager. If the violation is not corrected within thirty (30) days, the permit will be automatically revoked. Any owner whose permit has been revoked under this subsection may, within thirty (30) days after the revocation, appeal, in writing, to the city council which shall schedule a hearing thereon within two (2) weeks of receipt of the appeal.

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

(c) If any nonmotorized vehicle business or operation, including any driver thereof, is cited with five (5) or more violations of this article 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 whose permit has been revoked under this subsection may, within thirty (30) days after the revocation, appeal in writing to the city council which shall schedule a hearing thereon within two (2) weeks of receipt of the appeal.

(Ord. No. 89-258, § 2(57-235), 10-5-89)