

# **HORSEDRAWN AND RICKSHAW VEHICLE BYLAW**

AMENDED JULY 14, 2004

*Summary of Bylaw Amendments at end of Bylaw*

## **SECTION A: HORSEDRAWN VEHICLES**

### *Interpretation*

1. In this Bylaw:
  - (a) “Operator” shall designate anyone who operates a business involving the conveyance of passengers in Horsedrawn Vehicles other than the driver of such a Vehicle;
  - (b) “Station” shall designate a space reserved for the parking of Horsedrawn Vehicles;
  - (c) “Horsedrawn Vehicles” or “Vehicle” shall designate a Vehicle drawn by one or several horses and used commercially for the conveyance of passengers, such Vehicle being commonly referred to as a calash, a hackney, carriage, a victoria, a sleigh, or a cariole.

### *Permits*

2. The Operator shall not operate his business without holding permits for horse and for a Horsedrawn Vehicle as provided for under this Bylaw.
3. The permits referred to in Section 2 above shall be issued subject to the following conditions:
  - (a) In order to ensure the safety of passengers, the Vehicle:
    - (i) shall be clean and in good condition and specifically meet the following requirements:
      - (1) all woodwork must be sound and the shafts must be made of hardwood;
      - (2) metal parts must not be corroded;
      - (3) a hub must fit on the axle;
      - (4) the wheels must be made of wood and be fitted with rubber tires without inner tube;
      - (5) no part may have any sharp or cutting element which could injure a passenger and/or a horse; and
      - (6) in the case of a sleigh or cariole, the bodywork must not be painted white.
    - (ii) shall be equipped with the following accessories:

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- (1) a tight-closing box for horse droppings, a plastic water-proof garbage bag placed in the said box and a shovel to pick up the droppings; and
      - (2) an orange coloured, florescent triangular-shaped plate meeting the Canadian Standards Association, firmly affixed to the rear;
    - (iii) except in the case of a sleigh or a cariole, and in addition to the accessories referred to in sub-paragraph (ii) above, shall be equipped with the following accessories:
      - (1) two lanterns, the light of which shall be visible from 60 meters away;
      - (2) a safety brake;
      - (3) four mudguards; and
      - (4) a footboard solidly attached to the carriage frame and mudguards;
    - (iv) in the case of a sleigh or a cariole and in addition to the accessories referred to in sub-paragraph (ii) above shall be equipped with the following accessories:
      - (1) sleigh bells; and
      - (2) six red reflectors, each with a minimum diameter of 8 centimeters, visible from 60 meters away, positioned as follows: two in front, two at the rear and one on each side of the Vehicle.
  - (b) The horse shall be:
    - (i) free from any disease or sores, as certified by a veterinarian;
    - (ii) clean;
    - (iii) shod on all four hooves and identified in accordance with a common practice identifying horses.
  - (c) The Operator shall hold a public liability insurance policy for a minimum amount of \$1,000,000 per Horsedrawn Vehicle, for third party damages resulting from the use of that Vehicle, shall provide a copy of that policy together with an undertaking from the insurance company which issued the policy to give a five (5) day notice to the Chief of Police in the case of the cancellation or expiration of the policy or of any change in character of a policy for the material risk, the amount of the coverage provided for or the risk covered by it.
4. The Operator shall register each Vehicle according to the Highway Traffic Act, R.S.P.E.I. 1974, Cap. H-6.
  5. The Operator shall not allow the Vehicle to be driven by anyone who does not hold a driver's permit provided for in this Bylaw and also according to the requirements of the Highway Traffic Act, R.S.P.E.I. 1974, Cap. H-6. Should the Operator drive the Vehicle himself, he shall also hold such a permit.
  6. It shall be prohibited to drive a Horsedrawn Vehicle without the driver's permit provided for in this Bylaw also in accordance with the Highway Traffic Act, R.S.P.E.I. 1974, Cap. H-6.

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7. The permit referred to at Section 6 above shall be issued to an applicant meeting the following requirements:
  - (a) Be of age to drive a Vehicle as defined by the Highway Traffic Act, R.S.P.E.I. 1974, Cap. H-6 and be of good character;
  - (b) Be able to show that he can harness and unharness a horse properly;
  - (c) Be able to show that he can drive a Horsedrawn Vehicle reasonably well;
  - (d) Has successfully passed a written and/or verbal questionnaire prepared by the Chief of Police of the City of Charlottetown on the Bylaw to Regulate the Traffic in the City of Charlottetown and the Highway Traffic Act; and
  - (e) Has successfully passed a written and/or oral questionnaire prepared by the Chief of Police having to do with tourist information in the City of Charlottetown.
8. Any driver who violates the provisions of this Bylaw twice in one year and who was found guilty of such offence shall lose the right to have this permit renewed for one year following the year in which such violation occurred.  
Should any one of the two violations contravene 9(c) hereof, the loss of the right to have the permit renewed shall extend for a period of two (2) consecutive years following the year in which the violations occurred.

### *Driving the Vehicle*

9. The driver of the Horsedrawn Vehicle shall:
  - (a) Have with him his driver's permit and the liability insurance certificate and produce such documents at the request of a Police Officer of the City of Charlottetown;
  - (b) Be cleanly and properly dressed;
  - (c) Refrain from driving his Vehicle when under the influence of alcohol or drugs.
10. Any Police Officer may order the driver of a Horsedrawn Vehicle who does not meet the requirements above mentioned to withdraw from service.
11. The Vehicle and the horse shall be kept in the conditions set for the obtention of the relevant permits and the insurance policy required for the obtention of the permit shall be kept in force for as long as the Vehicle is used commercially for the conveyance of passengers.

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12. Any Police Officer may order the driver of a Horsedrawn Vehicle to withdraw that Vehicle from service until repaired as ordered and allowed to be put in service again by that Police Officer.
13. Any horse hitched to a Horsedrawn Vehicle:
  - (a) Shall be properly fed and enjoy an adequate rest period each day;
  - (b) Shall be harnessed correctly, specifically in such a way as to be able to breathe freely;
  - (c) Shall have a harness made of leather or similar material free from cracks and from any sharp element which could injure it;
  - (d) Shall not be harnessed for more than nine consecutive hours; and
  - (e) If used in what is classified as a winter month in the Province of Prince Edward Island, shall be covered with a blanket from November 1<sup>st</sup> to April 30<sup>th</sup> when standing at its Station.
14. Any Police Officer may order the driver of a Horsedrawn Vehicle whose horse does not seem to meet the requirements of this Bylaw:
  - (a) To withdraw the animal from service immediately;
  - (b) To have the animal examined by a veterinarian to the effect that the animal has recovered its health.
15. Shall commit a violation and be liable to the penalty provided for in this Bylaw whoever refused to comply with an order pursuant to Sections 10, 12 and 14 thereof.
16. It shall be forbidden for the driver of a Horsedrawn Vehicle:
  - (a) To whip his horse;
  - (b) To drive his Vehicle outside of the streets, routes, circuits and limits set out in Schedule "A" annexed hereto;
  - (c) To park his Vehicle elsewhere than at a Station as set out in Schedule "B" annexed hereto;
  - (d) To leave his Vehicle unattended;
  - (e) To pick up passengers elsewhere than at a Station;
  - (f) To carry more passengers than there is seating accommodation in the Vehicle.

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17. After sunset, the lanterns of the Vehicles shall be lit.
18. The driver shall:
  - (a) When at its Station pick up horse droppings, put them in the box of the Vehicle and clean up all traces of urine with a disinfectant so as to leave the street free of excrements and foul odours;
  - (b) Attach the leg of the animal by means of a hobble strap.
  - (c) Pick up all droppings whether the Vehicle is moving or not.
19. The driver of a Horsedrawn Vehicle shall return to the City Police Station within one (1) hour any object lost in his Vehicle.
20. The driver of a Horsedrawn Vehicle whose services are retained for a wedding may:
  - (a) Agree for that occasion on a price other than that referred to in this Bylaw;
  - (b) Travel outside of the streets, routes, circuits and limits set out in this Bylaw when written permission is received from the Chief of Police.

### *Administration*

21. The City Council of the City of Charlottetown shall:
  - (a) Limit the number of operators to two per year and shall be determined on or before the 1<sup>st</sup> day of April for the succeeding year;
  - (b) Limit for a given period the number of Horsedrawn Vehicles to seven to operate in the City in any given year;
  - (c) Set the streets, routes, circuits or limits within which Horsedrawn Vehicles may operate;
  - (d) Establish Stations and prescribe how to park there;
  - (e) Set the days, hours and periods of the year during which Horsedrawn Vehicles may operate;
  - (f) Require that the carriage or the horse be equipped with certain accessories designed to ensure the safety of passengers;
  - (g) Provide a form of identification for the horses harnessed to the Vehicles;

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- (h) Designate the department in charge of the application of this Bylaw;
  - (i) Prescribe that the applicant for a Horsedrawn Vehicle permit pass successfully a questionnaire designed to demonstrate that:
    - (i) he is able to harness and unharness a horse;
    - (ii) he is able to drive a Horsedrawn Vehicle;
    - (iii) he is qualified to give information of a tourist nature to passengers and he is conversant with appropriate Bylaw regulations more specifically dealing with traffic.
22. Whoever shall contravene this Bylaw shall be liable to a fine of not less than \$100 and not more than \$500, with or without costs, or 90 days in jail.

### **SECTION B: RICKSHAW VEHICLES**

#### *Interpretation*

1. In this Bylaw:
  - (a) “Operator” shall designate anyone who operates a business involving the conveyance of passengers in Rickshaw Vehicles other than the driver of such a Vehicle;
  - (b) “Station” shall designate a space reserved for the parking of Rickshaw Vehicles;
  - (c) “Rickshaw Vehicles” or “Vehicle” shall designate a Vehicle drawn by one or more persons and used commercially for the conveyance of passengers, such Vehicle being commonly referred to as a Rickshaw.

#### *Permits*

2. The Operator shall not operate his business without holding permits for Rickshaws as provided for under this Bylaw.
3. The permits referred to in Section 2 above shall be issued subject to the following conditions:
  - (a) In order to ensure the safety of passengers, the Vehicle,
    - (i) shall be clean and in good condition and, specifically meet the following requirements:
      - (1) all woodwork must be sound and the shafts must be made of hardwood;
      - (2) metal parts must not be corroded;
      - (3) a hub must fit on the axle;

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- (4) the wheels must be made of wood and be fitted with rubber tires without inner tube;
- (5) no part may have any sharp or cutting element which could injure a passenger or a person;
- (ii) shall be equipped with the following accessories:
  - (1) an orange coloured, florescent triangular-shaped plate meeting the Canadian Standards Association, firmly affixed to the rear;
  - (2) red reflectors each with a minimum diameter of 8 centimeters visible from 60 meters away positioned as follows:
    - (a) in front;
    - (b) at the rear; and
    - (c) on each side of the Vehicle.
- (b) The Operator shall hold a public liability insurance policy for a minimum amount of \$500,000 per Vehicle, for third party damages resulting from the use of that Vehicle, shall provide a copy of that policy together with an undertaking from the insurance company which issued the policy to give a five (5) day notice to the Chief of Police in the case of the cancellation or expiration of the policy or of any change in character of a policy for the material risk, the amount of the coverage provided for or the risk covered by it.

### *Driving of the Vehicle*

- 4. The driver of the Rickshaw shall:
  - (a) Have with him his liability insurance certificate and produce such documents at the request of a Police Officer of the City of Charlottetown;
  - (b) Be cleanly and properly dressed;
  - (c) Refrain from pulling his Vehicle when under the influence of alcohol or drugs.
- 5. Any Police Officer may order the driver of a Rickshaw who does not meet the requirements of any of the above sections to withdraw from service.
- 6. The Rickshaw Vehicle shall be kept in the conditions set for the obtention of the relevant permits and the insurance policy required for the obtention of the permit shall be kept in force for as long as the Vehicle is used commercially for the conveyance of passengers.
- 7. Any police Officer may order the driver of a Rickshaw Vehicle to withdraw that Vehicle from service if it is not in accordance with this Bylaw, and to keep it out of service until repaired as ordered and allowed to be put in service again by that Police Officer.
- 8. It shall be forbidden for the driver of a Rickshaw Vehicle:

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- (a) To pull his Vehicle outside of the streets, routes, circuits and limits set out in Schedule “A” annexed hereto;
  - (b) To park his Vehicle elsewhere than at a Station as set out in Schedule “B” annexed hereto;
  - (c) To carry more passengers than there is seating accommodation in that Vehicle.
9. The driver of a Rickshaw Vehicle shall return to the City Police Station within one (1) hour any object lost in his Vehicle.

### *Administration*

10. The City Council of the City of Charlottetown shall:
- (a) Limit the number of operators to one (1) per year and this shall be determined on or before the 1<sup>st</sup> day of April for the succeeding year;
  - (b) Limit for a given period the number of Rickshaw Vehicles to seven (7) to operate in the City in any given year;
  - (c) Set the streets, routes, circuits and limits within which Rickshaw Vehicles may operate;
  - (d) Establish Stations and prescribe how to park there;
  - (e) Set the days, hours and periods of the year during which Rickshaw Vehicles may operate;
  - (f) Require that the Vehicle or Rickshaw be equipped with certain accessories designed to ensure the safety of passengers;
  - (g) Designate the department in charge of the application of this Bylaw;
  - (h) Prescribe that the applicant for a Vehicle permit pass successfully a questionnaire designed to demonstrate that:
    - (1) he is physically able to pull the Rickshaw Vehicle;
    - (2) he is qualified to give information of a tourist nature to passengers and he is conversant with appropriate Bylaw regulations more specifically dealing with traffic as set out in the Highway Traffic Act and the Bylaw to Regulate Traffic in the City of Charlottetown.
11. Whoever shall contravene this Bylaw shall be liable to a fine of not less than \$100 and not more than \$500, with or without costs, or 90 days in jail.

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
To redefine fine structure to be reflective of similar penalties in other provincial and municipal legislation	<p>Section A Horsesdrawn Vehicles  22. Whoever shall contravene this Bylaw shall be liable to a maximum fine of \$500, with or without costs or 90 days in jail.</p> <p>Section B Rickshaw Vehicles  11. Whoever shall contravene this Bylaw shall be liable to a maximum fine of \$500, with or without costs or 90 days in jail.</p>	<p>Section A Horsesdrawn Vehicles  22. Whoever shall contravene this Bylaw shall be liable to a <b>fine of not less than \$100 and not more than \$500</b>, with or without costs, or 90 days in jail.</p> <p>Section B Rickshaw Vehicles  11. Whoever shall contravene this Bylaw shall be liable to a <b>fine of not less than \$100 and not more than \$500</b>, with or without costs, or 90 days in jail.</p>	12-Jul-04	12-Jul-04	14-Jul-04