



*City of Charleston*  
*South Carolina*

John Tecklenberg  
Mayor

Daniel Riccio  
Director

Department of Livability and Tourism

**TOURISM COMMISSION**

A meeting of the Tourism Commission will be held **Wednesday, June 23, 2021, at 5:00 p.m.**, virtually via Zoom Webinar. Use the following link for online access:

<https://us02web.zoom.us/j/83195964056?pwd=dUw1NVI2QnFyYUozS1NKRHARD3RzUT09>.

To access via phone, dial 1 312 626 6799. When prompted, enter meeting 831 9596 4056. When prompted enter the passcode 317157. Call **(843) 579-6424 if you are experiencing technical difficulties**. The meeting will be recorded.

**Public Comment Instructions:**

Please use **one** of the following methods to request to speak at the meeting or provide comments for the Commission. Requests to speak at the meeting and comments must be received by 12:00 p.m., Wednesday, June 23rd:

1. Request to speak or leave a comment via voice mail at 843-579-6424. If requesting to speak or leaving a comment, please provide your name, address, and telephone number;
2. Sign-up to speak or leave comments for the Tourism Commission by completing the form a <http://innovate.charleston-sc.gov/comments/>;
3. Mail comments to: Department of Livability and Tourism, 75 Calhoun Street, Suite 3400, Charleston, SC 29401.

1. Call to order
2. Moment of Silence
3. Approval of minutes
4. Public Input

5. Subcommittee Reports

- a. Tour Guide Subcommittee
- b. Routes, Parking and Tourism Rules Subcommittee
- c. Quality of Life Subcommittee

6. Items for Discussion (Action may or may not be taken on any of the below items):

- a. Review Exhibit 1 of the preliminary carriage proposal

7. Old Business

8. New Business

9. Adjournment- The next Tourism Commission meeting will be held on August 25<sup>th</sup>.

**EXHIBIT 1:  
PRELIMINARY  
ORDINANCE**

## AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE V OF THE CODE OF THE CITY OF CHARLESTON PERTAINING TO THE CARRIAGE OPERATIONS, EMERGENCY PROCEDURES, TRAINING, SAFETY, DESIGN REQUIREMENTS, CARRIAGE DRIVER REQUIREMENTS, AND COMPLIANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Section 29-204 of Chapter 29 of the Code of the City of Charleston is hereby amended by deleting text shown below with a ~~strike through~~ and adding text shown below with a double-underline:

Section 2. Sec. 29-204.- Requirements for Drivers of Animal-Drawn Vehicles.

All drivers of animal-drawn vehicles shall be at least 18 years of age, have a current state of South Carolina automotive vehicle driver's license and shall be required to obtain a city issued animal-drawn carriage driver's license ~~demonstrate competence in handling animal-drawn vehicles. All drivers of animal pass an animal-drawn vehicle competency examination which will satisfy the city that the driver is knowledgeable and capable of handling horses and animal-drawn vehicles in emergency situations.~~

Section 3. Section 29-204 of Chapter 29 of the Code of the City of Charleston is hereby amended by inserting the following:

- (1) No person shall engage in driving an animal-drawn carriage within the corporate limits of the city without first obtaining a carriage driver's permit in compliance with the provisions of this article. Any carriage driver working for a corporation or other legally recognized organization shall individually obtain a carriage driver's permit.

- a. An exception will be given to those who are actively training. All persons training must be accompanied by an individual who holds a valid animal-drawn carriage driver's license.

(2) *Application for a carriage driver's permit.* Applicants for a carriage driver's permit under this article shall file with the chief of police an application in writing on a form to be furnished by the city's department of livability and tourism, which shall give the following information:

- (a) Name and description of the applicant including the full name of the applicant as it appears on the applicant's birth certificate or court order if such court order was issued after the issuance of the applicant's birth certificate and the name of the applicant on the subsequently-issued court order is different from the name on the applicant's birth certificate;
- (b) Permanent home and local address of the applicant;
- (c) If the applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship between the applicant and his employer;
- (d) Certificate of Training Completion in accordance with Carriage Organization of North America ("CONA") standards signed by the applicant and an approved carriage company as set forth in Section 29-212 of Chapter 29;

(3) *Investigation of carriage driver applicant; issuance.* The chief of police, in conjunction with the director of the department of livability and tourism, shall issue a carriage driver's permit within seven business (7) days as provided for hereunder when,

from a consideration of the application and from such other information as may otherwise be obtained, they find that:

- (a) The applicant has not had a permit suspended or revoked within five (5) years immediately preceding the date of the application for a permit.
- (b) There are no material omissions, untrue or misleading information contained in or omitted from the permit application;
- (c) The applicant has not been convicted of a felony or misdemeanor involving a sex offense, animal abuse, or any violent acts against person or property;
- (e) There are no warrants outstanding against the applicant.

If as a result of such investigation, the applicant's application for a permit is denied, the individual denying the permit shall endorse on such application his disapproval and notify the applicant of their reasons for denial.

(4) *Approval of carriage driver permit.* If as a result of such investigation, the application is granted, both the Charleston police department and the department of livability and tourism shall endorse on the application their approval, and the department of livability and tourism shall execute a permit addressed to the applicant. The director of department of livability and tourism shall upon payment of application and permit fees by the applicant deliver the permit to the applicant. Permits shall be valid for ten (10) years from the date of issuance.

(5) *Fees.* The department of livability and tourism shall assess driver license application fees in an amount sufficient but not greater than the costs of processing the application and the driver license application program, including the costs of background checks.

- (6) *Renewal of carriage driver permit.* Prior to the permit's expiration, renew during the month or month prior in which the permit expires. Renewal of permit shall be on a form provided by the city and shall be accompanied by any such proof of qualifications as the city may require. The holder of an animal-drawn carriage permit who fails to renew his or her license prior to its expiration shall be required to comply anew with current requirements for initial licensing.
- (7) The holder of an animal-drawn carriage permit must carry the license and other required credential under this chapter whenever operating an animal-drawn carriage within the city.
- (8) *Revocation and suspension of carriage driver permit.* Carriage driver permits issued under the provisions of this article may be revoked or suspended upon written notice by the Director of Livability and Tourism with specificity of the grounds for the revocation or suspension ~~after notice and hearing~~, for any of the following causes:
- (a) Fraud, misrepresentation, or false statement contained in the application for the permit;
  - (b) Fraud, misrepresentation or false statement made in the course of carrying on the activity allowed under the permit;
  - (c) Any violation of this article;
  - (d) A conviction of a felony or misdemeanor involving a sex offense, animal abuse, or any violent acts against person or property;
  - (e) A civil judgment or criminal conviction for fraud, deceit, or misrepresentation;

(f) Conducting the permitted activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public; or

(g) Failure to possess the identification required section 29-204.

(9) *Appeals.* Any person aggrieved by the action of the Director of Livability and Tourism in the denial of a permit as provided in this section shall have the right to appeal to the City of Charleston's Tourism Commission by filing with the Tourism Commission Manager a statement in writing setting forth plainly and fully the grounds for the appeal. The appeal shall be filed within thirty (30) days after the aggrieved person receives actual notice of the decision of the Director of Department of Livability and Tourism. The Director of Department of Livability and Tourism director shall immediately transmit to the Tourism Commission all papers and matters constituting the record upon which the action appealed from was taken.

(10) *Hearing on Appeal.* Should the aggrieved person file an appeal, a hearing shall be scheduled within thirty (30) days of a timely filed appeal. The aggrieved personal shall be advised of the time and location of the hearing and the right to present evidence and to be represented by counsel at least fifteen (15) days prior to the scheduled hearing. The decision of the Tourism Commission shall be final. Should the Tourism Commission order the suspension or revocation of a permit or should the holder fail to appear at the hearing, the suspension or revocation shall be upheld. Any person aggrieved by the action of the Tourism Commission in the revocation of a permit as provided in this section shall have the right to appeal to the circuit court in and for the County of Charleston by filing with the clerk of court a petition in writing setting forth plainly and fully why the decision is contrary to law. The



appeal must be filed within thirty (30) days after the aggrieved person receives actual notice of the decision of the Tourism Commission.

Section 4. Section 29-212 of Chapter 29 of the Code of the City of Charleston is hereby amended by inserting the following:

(m) *Annual Training Certifications.*

(1) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city for both its tour guides, and carriage operators to ensure proficiency when operating on the public right of way in accordance with the Carriage Organization of North America (“CONA”).

(2) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city for every employee who comes into contact with its animals in any capacity to have a basic equine knowledge and training in accordance with the Carriage Organization of North America (“CONA”).

(3) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city and must educate all employees regarding proper procedures and tacking methods to ensure proper fit and care of the animals and equipment in accordance with the Carriage Organization of North America (“CONA”).

(4) Each animal-drawn carriage company shall file a report to the department of livability and tourism no less than once per year on the completion of all annual or other mandated training, which shall include the carriage driver permit number of all drivers attending training in accordance with the Carriage Organization of North America (“CONA”).

Section 5. Section 29-207 of Chapter 29 of the Code of the City of Charleston shall be retitled “Design and safety standards; annual carriage inspection” and by adding a new subsection to read as follows:

(b). Each animal-drawn carriage shall be inspected on an annual basis by a third-party engineer or mechanic possessing a valid professional license. An affidavit of serviceability attesting to the engineer or mechanic’s qualifications and his or her professional opinion that the inspected carriage is safe for use on the roadways, by the animals drawing the carriage, and any passengers shall be submitted on an annual basis for all animal-drawn carriages in use on roadways within the city of Charleston.

Section 6. Section 29-212 (c) (1) of Chapter 29 of the Code of the City of Charleston is hereby amended by deleting text shown below with a ~~striketrough~~ and adding text shown below with a double-underline:

~~Head lights or lanterns and tail lights or lanterns~~ Any carriage operating during or after sunset or which are visible for a distance of (500) feet when the carriage is operated from a half hour after sunset to a half hour before sunrise, and at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead is required to have adequate LED lighting and high reflectivity markers on the front, back and sides of the carriage as well as on the harness of the carriage-animal.

Section 7. Section 29-212 (f) of Chapter 29 of the Code of the City of Charleston is hereby amended by inserting the following:

- (6) Collars shall be sized appropriately for each equine.
- (7) Harnesses, collars, blinders, bits, and bridles should exhibit no frayed or torn parts or evidence or being taped or other such sub-standard repairs.

Section 8 Division 1 of Article V, Chapter 29, is amended by adding new sections 29-213 and 29-214.

**Sec. 29-213 – Emergency Procedures.**

- (a) The Department of Livability and Tourism has the authority to temporarily stop issuing medallions and to temporarily prohibit new tours including commercial tours if it is determined by the Department of Livability and Tourism that a weather emergency or other condition(s) in the city exist which presents a substantial risk of injury to horses or carriage passengers. This will not be construed as creating different heat restrictions than those set forth in 29-212.
- (b) Each licensed animal-drawn commercial tour business shall submit, within six (6) months of ratification, of this sub-section an emergency management plan subject to the approval of the Department of Livability and Tourism. Such emergency management plans shall adhere to all federal, state, and local guidelines, regulations and/or laws that pertain to emergency conditions.
- (c) Moreover, the Department of Livability and Tourism may in its discretion review each approved emergency management plan and may require approved plans to be updated as necessary.
- (d) Each licensed animal-drawn commercial tour business shall hold annual emergency training sessions for its employees and provide an affidavit attesting to the training's completion.

**Sec. 29-214. – Passenger safety.**

- (a) Require that passengers under the age of fourteen (14) be accompanied by a parent or guardian who is over eighteen (18) years old, and that children under the age of seven (7) may not be seated in the rear row of the vehicle or in a seat immediately adjacent to the roadway.
- (b) Carriages will be limited to a maximum of sixteen (16) total passengers.
- (c) In addition to the sixteen (16) total, a maximum of two children aged two years old or younger, may ride on the carriage if sharing the same seating space with their accompanying parent or guardian.
- (d) Owners and/or operators of an animal-drawn carriage company shall display signs notifying passengers of the obligations and rules. (safety passenger protocols from CONA)

Section 9. Division 2 of Article V, Sec. 29-219 of Chapter 29 of the Code of the City of Charleston is amended by inserting the following after the existing section and adding (a) to the existing section:

(b) Any animal-drawn commercial tour owner and/or operator who refuses or fails to comply with the requirements of this article shall not be issued a certificate of appropriateness until adequate proof of compliance is presented by the owner and/or operator and certified by the city.

Section 10. Article V Chapter 29, is amended by adding a new section 29-224 to read as follows:

**Sec. 29-224. – Compliance required.**

Failure to comply with this article or any of the laws, ordinances, or regulations of this city may result in revocation of licenses and punishment in a court of appropriate jurisdiction. Any ordinance or law of this city, county, state, or federal agency which governs the treatment of animals, must be complied with by the animal-drawn carriage tour guide, passengers, and agents of the animal-drawn carriage company. This includes any person who comes into contact with a horse or other animal subject to this article.

Section 11. Article V Chapter 29, is amended by adding a new section 29-225 to read as follows:

- a. All animal-drawn carriages shall follow posted traffic signs, including without limitation stop signs and traffic signals.
- b. Carriages are not permitted to operate after sundown without express written consent by the Department of Livability. A minimum of 48 hours' notice per request is required.

Section 12. Article V Chapter 29 Sec.29-240 is amended by inserting the following after the existing section and adding (a) to the existing section:

- (b) Each animal-drawn carriage company shall designate at least one employee per shift to be trained in equine triage and/or first aid and to deploy as a first responder to any accident or incident involving possible injuries to a horse from their respective company.
- (c) Every equine involved in a reportable accident or incident must be inspected by a licensed equine vet certifying the animal is healthy and sound before it may be returned to service.
- (d) Each animal-drawn carriage involved in a reportable accident or incident shall be

inspected before it may be returned to service.

PRELIMINARY

**EXHIBIT 2:  
DRAFT ORDINANCE  
SUBMITTED BY  
CHARLESTON  
CARRIAGE HORSE  
ADVOCATES**

**Citizen Carriage Safety Ordinance  
Proposed for City of Charleston  
August 2020**

***Section 29-204 is amended to read as follows:***<sup>1</sup>

(a) All licenses for animal-drawn vehicles drivers shall be issued by the City of Charleston upon submission of an application and satisfaction of the training and safety requirements of this section.

(b) Applicants for an animal-drawn carriage driver's license shall:

(1) possess a valid, current state of South Carolina driver's license.

(2) be at least 18 years of age; and

(3) not be subject to any infirmity of body or mind which may substantially impair the ability to operate a public vehicle and shall submit with their application a certificate and/or letter of such fitness from a medical professional who has examined the applicant and can otherwise attest to the applicants physical and mental fitness.

(b) All applicants for a license to operate an animal-drawn carriage shall be required to pass an animal-drawn vehicle competency examination administered by the city, which shall adhere the currently approved guideline as provide by American Association of Equine Practitioners and, furthermore, will satisfy the city that the driver is knowledgeable and capable of handling horses and animal-drawn vehicles in emergency situations.

(e) No applicant shall be issued an animal-drawn carriage driver's license who has, within ten years immediately preceding their application, been either convicted, in custody, under parole, under probation, or any other non-custodial supervision relating from a conviction in a court of any jurisdiction for the commission of any felony as defined by S.C. Code Ann. § 16-1-10 *et seq.*; possession or sale of any controlled substance whether a felony or misdemeanor; operating a vehicle while under the influence of alcohol or drug; or for any conviction relating to or involving animal cruelty or mistreatment of animals.

(g) Licensees shall submit and be required to successfully pass a pre-employment as well as annual drug and alcohol screenings. The results of screenings shall be confidentially maintained by his employer and shall be made available to the city upon request and, otherwise, as required under this Article.<sup>2</sup> No applicant having failed a drug and alcohol screen will be eligible to receive a license.

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<sup>1</sup> See generally 2011 City of Chicago Horse-Drawn Carriages and Horse Drawn Carriage Drivers Rules and Regulations; also see City of Savannah Code of General Ordinances §6-1561 *et seq.*

<sup>2</sup> See 49 C.F.R Part 40. The United States Department of Transportation pursuant to federal law requires drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking, railroads, mass transit, pipelines, and other transportation industries those involving vehicles transporting more than sixteen passengers including the

(h) No applicant shall be issued an animal-drawn carriage license that has, within the past five years, had a pervious animal-drawn carriage drivers license revoked for any reason.

(i) An animal-drawn carriage license will expire on the last day of the month of the licensee's next birthday after issuance of a license. Licenses may be renewed during the month in which the license expires. Renewal of licenses shall be on a form provided by the city and shall be accompanied by any such proof of qualifications as the city may require.

(j) The holder of an animal-drawn carriage license who fails to renew his license prior to its expiration shall take and pass the written exam prior to license renewal. Moreover, any license holder who fails to renew their license within six months of its expiration shall be required to comply anew with requirements for initial licensing.

(k) The holder of an animal-drawn carriage license must carry the license and other required credential under this chapter whenever operating an animal-drawn vehicle within the city.

***Section 29-207 shall be retitled "Design and safety standards; annual carriage inspection" and amended to read as follows:***

(a) Animal-drawn vehicles shall be authentically styled passenger carriages. Wagons which patently were designed for cargo instead of passengers will not be approved. Carriages must not exceed twelve (12) feet in length or six (6) feet in width. Carriages will be measured from end to end, excluding the steps and shafts; and, from axle tip to axle tip. No part of the carriage may be over six (6) feet in width. provided, however, any certificated carriage which was in use as of January 1, 1982, and no longer than thirteen (13) feet may continue in use.

(b) An independent and licensed mechanical engineer shall be contracted by the city to annually inspect all licensed animal-drawn carriage vehicles and shall provide the city with a certificate of serviceability prior to any such vehicle can be used for service. Moreover, it shall be unlawful under this article for an uncertified carriage to be in service without receiving this annual inspection. Such an engineer shall be licensed and meet all requirements and qualifications as outlined in S.C. Code Ann. §40-22-2.

***Section 29-211 is amended by adding new subsection (d) to read as follows:***

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driver. South Carolina also requires such testing pursuant to S.C. Code Ann. §44-107-10 *et seq.* and S.C. Code Ann. §56-1-2210. Although horse carriages do not traditionally qualify as a commercial motor vehicle pursuant to S.C. Code Ann. 56-1-2005 *et seq.*, they do meet much of the criteria including being designed to transport sixteen or more people including the driver. Moreover, animal-drawn carriages interact on the streets and roadways of Charleston in the same manner and face all of the same safety obstacles with which commercial vehicles operate while also posing similar if not greater safety risks to the citizens and visitors to Charleston. Accordingly, mandating pre-employment drug and alcohol screenings for animal-drawn carriage operators should rightfully be considered as a necessary safety measure.



- (d) The department of livability and tourism shall assess driver license application fees in an amount sufficient but not greater than the costs of processing the application and the driver license application program, including the costs of background checks.

***Subsection (b) of Section 29-212 is amended by adding the following definitions:***

(18) *Independent Veterinarian* shall mean an large animal veterinarian with experience in animals working in urban environments and who has no personal or familial ownership, employment, or pecuniary interest in any carriage tour operation (other than the customary and ordinary costs of providing veterinary services) shall inspect all records and every animal in service twice yearly. Records will be kept by the City and made accessible to the public on the City's website. Infractions and concerns will be noted in the Independent Veterinary report including but not limited to health and animal welfare concerns.

(19) *Equine Manager* shall mean an individual with a hands-on degree in Veterinary Tech Science or equivalent who has no personal or familial ownership, employment, or pecuniary interest in any carriage tour operation (other than the customary and ordinary costs of providing veterinary services).

(20) *Henneke Equine Body Score* shall mean The Henneke horse body condition scoring system is a numerical scale used to evaluate the amount of fat on a horse's body.

***Subsection (c) of Section 29-212 is amended by adding the following:***

(6) Carriages shall not have evidence of rotten wood.

(7) All carriages in operation shall be equipped with a brake system to be used in the event of an emergency as of April 1, 2021, and it shall be unlawful for any carriage to operate if not so equipped.

(8) Each animal-drawn carriage shall be inspected by the city annually with continued review to ensure compliance with the provisions of this article and as provided herein.

***Subsection (e)(1) of Section 29-212 is amended by adding the following:***

j. An independent equine veterinarian as defined herein shall conduct all such exams and issue certificates of serviceability.

***Subsection (f) of Section 29-212 is amended by adding the following:***

- (6) Collars shall be sized appropriately for each equine.
- (7) Harnesses, collars, blinders, bits, and bridles should exhibit no frayed or torn parts or evidence of being taped or other such sub standard repair.
- (8) Harnesses, collars, blinders, and bits shall be inspected twice yearly by an independent equine manager who shall be trained and professionally qualified in equine management and practices.

***Subsection (i) of Section 29-212 is amended by adding the following:***

- (5) All stables by April 1, 2021, shall have installed fire sprinkler systems and fire alarms approved by the City of Charleston Fire Department.
- (6) All stables shall be inspected annually by the City of Charleston Building Inspector and must remain in compliance with all applicable building and safety codes. Failure to comply with all mandatory fire and safety codes shall be subject to fines. Furthermore, failure to remediate any applicable code violations within sixty (60) days of notice shall be temporally prohibited from conducting commercial animal-drawn carriage tours until they can provide the city with adequate notice of compliance. Further, all stables and/or barns shall have surveillance video systems installed which shall be monitored regularly when no employees are present.
- (7) All stables shall be inspected annually by the County of Charleston Health Inspector and must remain in compliance with all applicable health codes. Inspections of stables/barns shall include public common areas, and all other areas of the stables/barns including animal stalls.
- (8) Failure to comply with all mandatory fire and safety codes shall be subject to fines. Furthermore, failure to remediate any applicable code violations within sixty (60) days of notice shall be temporally prohibited from conducting commercial animal-drawn carriage tours until they can provide the city with adequate notice of compliance.

***Section 29-212 is amended by adding new subsection (l) to read as follows:***

- (l) *Reporting.*

(1) Each animal-drawn carriage operator shall notify the department of livability and tourism upon adding, removing, or transferring an animal from its operating stock, including animals drawing vehicles in the City of Charleston on a training basis. The report shall include:

(a) the animal's name, age, and microchip number;

(b) the name of the animal's legal owner as of the date of the report;

(c) for newly acquired animals, the name of the animal's prior legal owner, or for deaccessioned animals, the name of the animal's new legal owner;

(d) a notation whether the animal has previously drawn vehicles in the City of Charleston;  
and

(d) a notation whether the animal has previously drawn vehicles carrying passengers in an urban environment.

(2) The department of livability and tourism shall make all notifications submitted under this subsection available to the public on the City of Charleston website no more than 5 business days after receipt.

***Division 1 of Article V, Chapter 29, is amended by adding new sections 29-213 through 29-217 to read as follows:***

**Sec. 29-213 – Emergency Procedures.**

(a) The Department of Livability and Tourism has the authority to temporarily stop issuing medallions and to temporarily prohibit new tours including commercial tours if it is determined by the Department of Livability and Tourism that a weather emergency or other condition(s) in the city exist which presents a substantial risk of injury to horses or carriage passengers. This will not be construed as creating different heat restrictions than those set forth in 29-212.

(b) The city and the Department of Livability and Tourism shall temporarily prohibit all animal-drawn commercial tours in the event that a federal, state, or city State of Emergency is declared by the appropriate authorities until such a time that the State of Emergency ends.

(c) Each licensed animal-drawn commercial tour business shall submit, within six (6) months of ratification, of this sub-section an emergency management plan subject to the approval of the Department of Livability and Tourism. Such emergency management plans shall adhere to all federal, state, and local guidelines, regulations and/or laws that pertain to emergency conditions.

Moreover, the Department of Livability and Tourism shall annually review each approved emergency management plan and may in its discretion require approved plans to be updated as necessary. Each approved emergency management plan shall be made available to the public on its website.

(d) Each licensed animal-drawn commercial tour business shall hold annual emergency training sessions for its employees.

**Sec. 29-214. - Mandatory drug and alcohol testing for carriage operators.<sup>3</sup>**

(a) Definitions:

(1) Unless otherwise specified, the terms used in this article have the same meaning as those terms defined in 49 C.F.R. 40.

(2) For purposes of this article, "employer" includes all carriage business, tour business, or other employers who employ drivers who operate animal-drawn carriages as defined by this chapter. Such employers shall be required to institute a drug and alcohol testing program as outlined pursuant to the Federal Motor Carrier Safety Regulations, 49 C.F.R. 40.

(3) For purposes of this article, "employee" includes a person holding an animal-drawn carriage license employed by an employer described in subsection two.

(4) For purposes of this article, "applicant" means a person applying for an animal-drawn carriage license or seeking employment with an employer described in subsection two.

(b) (1) All employers shall report to the city within three business days a refusal by an employee or applicant made to the employer to provide a specimen for a drug or alcohol test under circumstances that constitute the refusal of a test under §49 C.F.R. 40.

(2) All employers shall report to the city within three business days:

(A) a verified positive drug test or positive alcohol confirmation test of an employee or applicant;

(B) a refusal by an employee or applicant to provide a specimen for a drug or alcohol test under circumstances that constitute the refusal of a test under §49 C.F.R. 40; or

(C) the submission of an adulterated specimen, a diluted positive specimen, or a substituted specimen by an employee or applicant.

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<sup>3</sup> See S.C. Code Sec. Ann §§ 56-1-2210 – 2230.

(c) The notification required by this section must be made in a manner approved by the city and must be included on the notification submitted to the city.

(d) It shall be unlawful for any employee or licensee to operate an animal-drawn vehicle within the city following a failed drug or alcohol test for thirty days after the failed test, and thereafter may operate an animal-drawn vehicle within the city only upon successful completion of a drug or alcohol test.

(d) An employer must maintain a record of the notification to the department on each employee or applicant for three years.

(e) The records required by this section are subject to inspection by the city upon request.

(f) Failure to report and employing disqualified employee; fines.

(1) An employer who knowingly fails to make a report to the city as required by this chapter is subject to a fine of up to one thousand dollars.

(2) An employer who employs a person in a safety sensitive function when the employer knows the employee is disqualified from driving an animal-drawn carriage pursuant to this chapter is subject to a fine of up to two thousand dollars.

**Sec. 29-215. – Training programs.**

(a) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city for both its tour guides, carriage operators, and horses to ensure proficiency when operating on the public right of way.

(b) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city for every employee who comes into contact with its animals in any capacity to have a basic equine knowledge and training.

(c) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city and must educate all employees regarding proper procedures and tacking methods to ensure proper fit and care of the animals and equipment.

(b) Any animal pulling a carriage shall be desensitized or otherwise trained to tolerate urban conditions prior to being placed in service.

(e) Each animal-drawn carriage company shall file a report to the department of livability and tourism no less than once per year on the completion of all annual or other mandated training, which shall include the license numbers of all drivers attending the training.

***Subsection (a) of section 29-216 is amended to read as follows:<sup>4</sup>***

(a) Each animal-drawn carriage company shall implement the following by April 1, 2021:

- (1) Two licensed and certified carriage operators shall accompany every tour.
- (2) Install emergency brakes on each carriage.
- (3) Install emergency harness release which can quickly decouple carriage from horse(s) in the event of an emergency.
- (4) Install two-point safety belts for all passengers.
- (5) Install emergency steps on all carriages which can be utilized to unload passengers in the event of an emergency or other condition which requires unloading.
- (6) Implement the use of ladders with railings at arm level for typical loading and unloading of passengers.
- (7) Require that minor passengers be accompanied by a parent or guardian who is over eighteen (18) years old, and that no minor passenger may be seated in the rear row of the vehicle or in a seat immediately adjacent to the roadway.

**Sec. 29-216. – Passenger safety.<sup>5</sup>**

(a) Each animal-drawn carriage company shall implement the following by January 1, 2021:

- (1) Two licensed and certified carriage operators shall accompany every tour.
- (2) Install emergency brakes on each carriage.
- (3) Install emergency harness release which can quickly decouple carriage from horse(s) in the event of an emergency.
- (4) Install two-point safety belts for all passengers.
- (5) Install emergency steps on all carriages which can be utilized to unload passengers in the event of an emergency or other condition which requires unloading.
- (6) Implement the use of ladders with railings at arm level for typical loading and unloading of passengers.

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<sup>4</sup> See S.C. Code Ann. 41-18-300 *et seq.* (“South Carolina Rider Safety Act”).

<sup>5</sup> See S.C. Code Ann. 41-18-300 *et seq.* (“South Carolina Rider Safety Act”).

(7) Require that minor passengers be accompanied by a parent or guardian who is over eighteen (18) years old, and that no minor passenger may be seated in the rear row of the vehicle or in a seat immediately adjacent to the roadway.

(b) All passengers on animal-drawn carriages shall at a minimum:

(1) Obey the posted rules, warnings, and instructions posted or otherwise provided by the owner and/or operator or an agent thereof of an animal-drawn carriage.

(2) refrain from acting in any manner that may cause or contribute to injuring the passenger, or others, including:

(A) exceeding the limits of the passenger's ability;

(B) interfering with safe operation of the carriage, the driver, or the animal(s);

(C) not engaging a safety mechanism provided on a carriage;

(D) disconnecting or disabling carriage safety device, except at the express instruction of the carriage operator or the owner's agent or employee;

(E) altering or enhancing the intended speed, course, or direction of a carriage and/or animal(s);

(F) using, touching, or tampering with the controls of a carriage which is designed solely to be operated by a properly licensed operator.

(G) extending arms and legs beyond the carrier or seating area of a carriage or at the express direction of the operator and/or owner of the carriage and/or the owner's agent or employee;

(H) throwing, dropping, or expelling an object from a carriage except as permitted by the operator and or owner of the carriage or the owner's agent or employee.

(I) getting on or off a carriage, except at the designated time and area, if any, at the direction of the operator and/or owner of the carriage or the owner's agent or employee or in an emergency. However, in the event of an emergency passengers, shall listen to and follow all instruction of the operator and/or owner of the carriage or the owner's agent of employee.

(J) not reasonably controlling the speed or direction of a carriage or animal(s) that requires the passenger to control or direct himself or the device; and

(K) knowingly overloading a carriage beyond its designed and/or licensed capacity.

(c) A rider must not get on or attempt to get on a carriage unless the passenger, or the passenger's parent or guardian on the passenger's behalf, reasonably determines that, at a minimum, the passenger:

(1) has sufficient knowledge to use, get on, and get off the carriage safely without instruction or has requested and received before getting on the carriage and has sufficient information to get on, use, and get off the carriage safely;

(2) has located, reviewed, and understood any signs in the vicinity of the carriage and has satisfied any posted height or other restrictions or requirements;

(3) knows the range and the limits of his ability and knows that the requirements of the carriage does not exceed those limits;

(4) is not under the influence of alcohol or any drug that affects his ability to safely ride in the carriage or to obey the posted rules or warnings or instructions; and

(5) is authorized by the owner of the carriage operator or owner or the owner's agent or employee to get on the carriage.

(d) Parents and guardians of minors have a duty to ensure that any minor passenger in their care and/or custody complies with all provisions of this article.

(e) Owners and/or operators of an animal-drawn carriage company shall display signs notifying passengers of the obligations and rules contained herein. Moreover, such signs shall be displayed on the carriages, at any station for reporting an injury or violation of any rule, any first aid station, and either: any entrance or exit to or from the premises designated for riders; or any area or structure at which riders may purchase admission or obtain authority to become a passenger on a animal-drawn carriage.

(f) Any person who willfully violates this article is guilty of misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty (30) days.

**Sec. 29-217. – Public availability of records.**

Notwithstanding certain limitations or conditions provided herein or any law or other mandate which requires the confidentiality of certain information and/or records, all other records required to be provided to the city shall be posted to the Tourism Commission's website to accommodate public accessibility.

***Section 29-219 is amended to read as follows:***

(a) No animal-drawn vehicle shall operate without a duly issued certificate of appropriateness and without having paid such fee therefor as city council may, from time to time, establish. The



certificate of appropriateness must be permanently affixed to the vehicle in a location approved by the commission.

(b) Any animal-drawn commercial tour owner and/or operator who refuses or fails to comply with the requirements of this article shall not be issued a certificate of appropriateness until adequate proof of compliance is presented by the owner and/or operator and certified by the city.

(c) Compliance with all requirements of the certificate of appropriateness shall be continuously maintained and constitutes a strict and mandatory requirement for continuous operation.

***Division 2 of Article V, Chapter 29, is amended by adding a new section 29-224 to read as follows:***

**Sec. 29-224. – Compliance required.**

Failure to comply with this article or any of the laws, ordinances, or regulations of this city may result in revocation of licenses and punishment in a court of appropriate jurisdiction. Any ordinance or law of this city, county, state, or federal agency which governs the treatment of animals, must be complied with by the animal-drawn carriage tour guide, passengers, and agents of the animal-drawn carriage company. This includes any person who comes into contact with a horse or other animal subject to this article.

***Section 29-235 is amended to add the following:***

All vehicles shall follow posted traffic signs, including without limitation stop signs and traffic signals.

***Section 29-240 amended by adding subsections (b), (c), and (d) to read as follows:***

(b) All written reports pursuant to this article shall contain the name(s) and contact information of all involved and/or injured persons, passengers, carriage owner and/or operator, and any other material witness to a reportable incident. Furthermore, each shall be interviewed and their statements or a summary thereof made a part of any police report or other record documenting a reportable incident.

(b) Each animal-drawn carriage company shall designate at least one employee per shift to be trained in basic human and equine triage and/or first aid and to deploy as a first responder to any accident or incident involving possible injuries to a human and/or horse from their respective company.

(c) Each animal-drawn carriage involved in a reportable accident or incident shall be inspected by a licensed mechanic who must provide a certificate of serviceability to the city before it may be returned to service

***Article 6 of Chapter 29 is amended by adding new section 29-241 to read as follows:***

**Secs. 29-241. – Penalties for violation; issuance of citations; suspension and appeal.**

(a) Failure to comply with this article or any of the laws, ordinances, and regulations of this city may result in violation of permit and shall be punishable as provided in section 1-16 of this Code.

(b) Any citation issued for violation of this article shall be issued to the tour guide or horse-drawn carriage at the time of the violation when deemed appropriate by the enforcement officer issuing the citation.

(c) In the event that an enforcement officer deems it inappropriate to deliver a citation to the tour guide or horse-drawn carriage at the time of a violation, a citation may be issued at the time of the violation and delivered by hand or fax to the tour guide or horse-drawn carriage company. Any such citation shall be delivered by 10:00 a.m. on the business day following the day of issue. Any citation delivered in this manner shall be fully valid and shall be considered sufficient notice of the charges. A horse-drawn carriage company who believes a citation to be issued based on a misapplication of an ordinance to the facts may contest the citation in writing within seven days to the tourism director.

(d) Any horse-drawn carriage company whose operators receive five or more sustained citations for violating this article in a 30-day period shall be assessed a fine as appropriate. The schedule of fines is as follows: Number of Citations In 30-Day Period Fine 5 or more \$2500.00; 10 or more \$5000.00; and 15 or more \$10000.00.

(e) Any carriage operator who receives a citation and is then found to be in violation of this chapter and the regulations and rules contained herein shall be fined \$500.00 for first infractions and then \$1,500.00 for each recurring infraction.

***Section 29-46 is amended to add new subsection (e) as follows:***

(e) Maintain a daily log of animal-drawn vehicle tours conducted in the City of Charleston, which shall include the date and time the tour began, route number, a verified identification of the animal or animals drawing the vehicle, the tour operator and license numbers, and the number of passengers. The department of livability and tourism shall record the information at the time of issuing a tour medallion. The department of livability and tourism shall make the logs available to the public on the City of Charleston website no less than once per month.

**EXHIBIT 3:  
DRAFT ORDINANCE  
EDITED BY  
CHARLESTON CARES**

Section 2. Sec. 29-204.- Requirements for Drivers of Animal-Drawn Vehicles.

All drivers giving tours on animal-drawn vehicles shall be at least 18 years of age, have a current state of South Carolina automotive vehicle driver's license and shall be required to obtain a city issued animal-drawn carriage driver's license. ~~demonstrate competence in handling animal-drawn vehicles. All drivers of animal pass an animal-drawn vehicle competency examination which will satisfy the city that the driver is knowledgeable and capable of handling horses and animal-drawn vehicles in emergency situations.~~

Section 3. Section 29-204 of Chapter 29 of the Code of the City of Charleston is hereby amended by inserting the following:

(1) No person shall engage in driving an animal-drawn carriage within the corporate limits of the city without first obtaining a carriage driver's permit in compliance with the provisions of this article. Any carriage driver working for a corporation or other legally recognized organization shall individually obtain a carriage driver's permit.

(2) *Application for a carriage driver's permit.* Applicants for a carriage driver's permit under this article shall file with the chief of police an application in writing on a form to be furnished by the city's department of livability and tourism, which shall give the following information:

(a) Name and description of the applicant including the full name of the applicant as it appears on the applicant's ~~birth certificate~~ driver's license or court order if such court order was issued after the issuance of the applicant's ~~birth certificate~~ driver's license and the name of the applicant on the subsequently-issued court order is different from the name on the applicant's ~~birth certificate~~ driver's license;

(b) Permanent home and local address of the applicant.

(c) If the applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship between the applicant and his employer.

(d) Records of applicants will be housed by the employer and will be made available to City officials upon request;

~~(d)~~ (e) Certificate of Training Completion in accordance with CONA standards signed by the applicant and an approved carriage company as set forth in Section 4. Section 29-212 of Chapter 29;

(3) *Investigation of carriage driver applicant*; issuance. The chief of police, in conjunction with the director of the department of livability and tourism, shall issue a carriage driver's permit within seven business (7) days as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, they find that:

(a) The applicant has not had a permit suspended or revoked within five (5) years immediately preceding the date of the application for a permit.

(b) There are no material omissions, untrue or misleading information contained in or omitted from the permit application;

(c) The applicant has not been convicted of a felony ~~or misdemeanor~~ involving a ~~sex offense~~, animal abuse, ~~or any violent acts against person or property~~;

(e) There are no warrants outstanding against the applicant.

If as a result of such investigation, the applicant's application for a permit is denied, the individual denying the permit shall endorse on such application his disapproval and notify the applicant of their reasons for denial.

(3) *Approval of carriage driver permit*. If as a result of such investigation, the application is granted, both the Charleston police department and the department of livability and tourism shall endorse on the application their approval, and the department of livability and tourism shall execute a permit addressed to the applicant. The director of department of livability and tourism shall upon payment of application and permit fees by the applicant deliver the permit to the applicant. Permits shall be valid for ten (10) years from the date of issuance.

(4) *Fees*. The department of livability and tourism shall assess driver license application fees in an amount sufficient but not greater than the costs of processing the application and the driver license application program, including the costs of background checks.

(5) *Renewal of carriage driver permit*. Prior to the permit's expiration, renew during the month or month prior in which the permit expires. Renewal of permit shall be on a form provided by the city and shall be accompanied by any such proof of qualifications as the city may require. The holder of an animal-drawn carriage permit who fails to renew his or her license prior to its expiration shall be required to comply anew with current requirements for initial licensing.

(6) The holder of an animal-drawn carriage permit must carry the license and other required credential under this chapter whenever operating an animal-drawn carriage within the city.

(7) *Revocation and suspension of carriage driver permit.* Carriage driver permits issued under the provisions of this article may be revoked or suspended upon written notice by the Director of Livability and Tourism with specificity of the grounds for the revocation or suspension ~~after notice and hearing~~, for any of the following causes:

(a) Fraud, misrepresentation, or false statement contained in the application for the permit;

(b) Fraud, misrepresentation or false statement made in the course of carrying on the activity allowed under the permit;

(c) Any violation of this article;

(d) A conviction of a felony or misdemeanor involving a sex offense, animal abuse, or any violent acts against person or property;

(e) A civil judgment or criminal conviction for fraud, deceit, or misrepresentation;

(f) Conducting the permitted activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public; or

(g) Failure to possess the identification required section 29-204.

(8) (15)

(9) *Appeals.* Any person aggrieved by the action of the Director of Livability and Tourism in the denial of a permit as provided in this section shall have the right to appeal to the City of Charleston's Tourism Commission by filing with the city's clerk of council a statement in writing setting forth plainly and fully the grounds for the appeal. The appeal shall be filed within thirty (30) days after the aggrieved person receives actual notice of the decision of the Director of Department of Livability and Tourism. The Director of Department of Livability and Tourism director shall immediately transmit to the Tourism Commission all papers and matters constituting the record upon which the action appealed from was taken.

(10) *Hearing on Appeal.* Should the aggrieved person file an appeal, a hearing shall be scheduled within thirty (30) days of a timely filed appeal. The aggrieved personal shall be advised of the time and location of the hearing and the right to present evidence and to be represented by counsel at least fifteen (15) days prior to the scheduled hearing. The decision of the Tourism Commission shall be final. Should the Tourism Commission order the suspension or revocation of a permit or should the holder fail to appear at the hearing, the suspension or revocation shall be upheld. Any person aggrieved by the

action of the Tourism Commission in the revocation of a permit as provided in this section shall have the right to appeal to the circuit court in and for the County of Charleston by filing with the clerk of court a petition in writing setting forth plainly and fully why the decision is contrary to law. The appeal must be filed within thirty (30) days after the aggrieved person receives actual notice of the decision of the Tourism Commission.

Section 5. Section 29-207 of Chapter 29 of the Code of the City of Charleston shall be retitled "Design and safety standards; annual carriage inspection" and by adding a new subsection to read as follows:

(b). Each animal-drawn carriage shall be inspected on an annual basis by a ~~third-party professional using a checklist that will be developed by said professional and made available to the City for approval and observation. engineer or mechanic possessing a valid professional license.~~ An affidavit of serviceability attesting to the engineer or mechanic's qualifications and his or her professional opinion that the inspected carriage is safe for use on the roadways, by the animals drawing the carriage, and any passengers shall be submitted on an annual basis for all animal-drawn carriages in use on roadways within the city of Charleston.

OR

(b). Each animal-drawn carriage shall be inspected on an annual basis by a third-party engineer or mechanic possessing a valid professional license provided by the City. An affidavit of serviceability attesting to the engineer or mechanic's qualifications and his or her professional opinion that the inspected carriage is safe for use on the roadways, by the animals drawing the carriage, and any passengers shall be submitted on an annual basis for all animal-drawn carriages in use on roadways within the city of Charleston.

Section 6. Section 29-212 (c) (1) of Chapter 29 of the Code of the City of Charleston is hereby amended by deleting text shown below with a strikethrough and adding text shown below with a double-underline:

~~Head lights or lanterns and tail lights or lanterns~~ Any carriage operating during or after sunset or at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead is required to have ~~adequate LED lighting and high reflectivity markers on the front, back and sides of the carriage as well as on the harness of the carriage animal~~ DOT-approved lights for vehicles and trailers that are permanently wired and visible from 500 feet. At a minimum, there must be two white lights on the front of the carriage, two red lights on the rear of the carriage.

Section 8 Division 1 of Article V, Chapter 29, is amended by adding new sections 29-213 and 29-214.

**Sec. 29-213 – Emergency Procedures.**

(a) The Department of Livability and Tourism has the authority to temporarily stop issuing medallions and to temporarily prohibit new tours including commercial tours if it is determined by the Department of Livability and Tourism that a weather emergency or other condition(s) in the city exist which presents a substantial risk of injury to horses or carriage passengers. This will not be construed as creating different heat restrictions than those set forth in 29-212.

(b) When the Department of Livability and Tourism temporarily stops issuing medallions and prohibits new tours due to weather emergency or other conditions in the city which present a substantial risk of injury to horses or carriage passengers, the hours that the companies are closed will be made up by adding an extra hour of operation to each Saturday succeeding the closure until the closed hours are made up in full.

(c) Each licensed animal-drawn commercial tour business shall submit, within six (6) months of ratification, of this sub-section an emergency management plan subject to the approval of the Department of Livability and Tourism. Such emergency management plans shall adhere to all federal, state, and local guidelines, regulations and/or laws that pertain to emergency conditions.

(d) Moreover, the Department of Livability and Tourism may in its discretion review each approved emergency management plan and may require approved plans to be updated as necessary.

(e) Each licensed animal-drawn commercial tour business shall hold annual emergency training sessions for its employees and provide an affidavit attesting to the training's completion.

**Sec. 29-214. – Passenger safety.**

(a) Require that passengers under the age of fourteen (14) be accompanied by a parent or guardian chaperone who is over eighteen (18) years old. ~~and that children under the age of seven (7) may not be seated in the rear row of the vehicle or in a seat immediately adjacent to the roadway.~~

(b) Carriages will be limited to a maximum of sixteen (16) total passengers.



(c) In addition to the sixteen (16) total, a maximum of two children aged two years old or younger, may ride on the carriage if sharing the same seating space with their accompanying parent or guardian.

(d) Owners and/or operators of an animal-drawn carriage company shall display signs notifying passengers of the obligations and rules. (safety passenger protocols from CONA)

Section 11. Article V Chapter 29, is amended by adding a new section 29-225 to read as follows:

All animal-drawn carriages shall follow posted traffic signs, including without limitation stop signs and traffic signals.

Companies operating after sundown will maintain logs of animals that work after sundown. Logs will include temperatures and the name of the person driving the horse.

~~Carriages are not permitted to operate after sundown without express written consent by the Department of Livability. A minimum of 48 hours' notice per request is required.~~

Section 14. Article V Chapter 29 Sec.29-240 is amended by inserting the following after the existing section:

(b) Each animal-drawn carriage company shall designate at least one employee per shift to be trained in ~~basic human and equine triage and/or~~ first aid and to deploy as a first responder to any accident or incident involving possible injuries to a human and/or horse from their respective company.

(c) Every equine involved in a reportable accident or incident that lies down or has a visible injury must be inspected by a licensed equine vet certifying the animal is healthy and sound before it may be returned to service.

(d) Each animal-drawn carriage involved in a reportable accident or incident shall be inspected before it may be returned to service.

#### **New Section 29-226: Equine and Handler Safety**

In this section:

"Equine" includes horses, donkeys , mules , and ponies.

"Handler" means rider, driver, owner or a person charged with the care of the equine

This section does not apply to the owner of the equine or a person acting on behalf of or at the direction of the owner of the equine.

(a) A person may not:

(1) willfully and maliciously interfere with, injure, destroy, or tamper with an equine and/or handler engaged in:

- a. a competitive exhibition of skill, breed, or stamina; or
- b. any other lawful activity;

(2) willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with an equine and/or handler engaged in:

- a. a competitive exhibition of skill, breed, or stamina; or
- b. any other lawful activity;

(3) commit an act that tends to interfere with, injure, destroy, or tamper with an equine and/or handler engaged in:

- a. a competitive exhibition of skill, breed, or stamina; or
- b. any other lawful activity;

(4) knowingly approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area within a radius of one hundred feet from any equine and/or handler engaged in:

- a. a competitive exhibition of skill, breed, or stamina; or
- b. any other lawful activity;

**New section:**

When a driver of a carriage is found to be in violation of posted traffic rules or other rules as laid out in this ordinance, Tourism Enforcement Officers under the direction of the Department of Livability and Tourism shall issue citations to the individual drivers rather than the company for which that driver works.