

1st August, 2009

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No. 99]

Belize City Council

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BELIZE:

STATUTORY INSTRUMENT

No. 99 of 2009

BYLAWS made by the Belize City Council in exercise of the powers conferred upon it by section 49 of the Belize City Council Act, Chapter 85 of the Substantive Laws of Belize, Revised Edition 2000-2003, and all other powers thereunto it enabling.

(Gazetted 1st April, 2009).

1. These Bylaws may be cited as the

Short title.

**BELIZE CITY (HORSES AND CARRIAGES)
(AMENDMENT) BYLAWS, 2009,**

and shall be read and construed as one with the Belize City Bylaws which are hereinafter referred to as the principal Bylaws.

Sub. Leg
R.E. 2003
CAP. 85
p. 182

2. Bylaw 2 of the principal Bylaws is hereby amended as follows:-

Amendment
of Bylaw 2.

(a) in the definition of the word "carriage", by deleting the words "handcart and box cart" appearing therein;

(b) by adding the following definitions in their proper alphabetical order:-

"**carriage licence**" means a licence issued by the Council for the operation of an animal-driven carriage;

“**licence holder**” means a person or a body of persons, corporate or unincorporate, which has been granted a carriage licence;

“**Council’s Inspector**” means an officer or category of officers appointed by the Council to carry out these By-Laws;

Cap. 85 “**Council**” means the Belize City Council established under section 3 of the Belize City Council Act;

Cap. 85 “**City Administrator**” means the officer appointed pursuant to section 13 of the Belize City Council Act and includes an officer performing the functions of the City Administrator;

“**Traffic Department**” means the Belize City Council’s Traffic Department.

Amendment of
Bylaw 3.

3. Bylaw 3 of the principal Bylaws is hereby amended as follows:

- (i) **in sub-bylaw (8)**, by substituting the words “**ten dollars**” for the words “twenty five cents” occurring therein;
- (ii) **in sub-bylaw (9)**, by substituting the words “**ten dollars**” for the words “twenty five cents” occurring therein.

Amendment of
Bylaw 4.

4. Bylaw 4 of the principal Bylaws is hereby amended as follows:

- (i) by substituting the words “**Council’s Inspector**” for the words “Commissioner of Police” wherever occurring therein;

- (ii) by repealing sub-bylaw (4) and replacing it by the following:-

“(4) If such carriage produced as aforesaid shall be found by the Council’s Inspector to be thoroughly sound and serviceable to be licensed as a public carriage, he shall give to the owner thereof a certificate in the form of the Second Schedule to these Bylaws:

Second
Schedule.

Provided that if the Council’s Inspector is at any time satisfied after inspection that any public carriage produced as aforesaid is not in a thoroughly sound and serviceable condition to be licensed as a public carriage, he shall forthwith give notice in writing to the proprietor stating the nature and particulars of the unsoundness or unserviceability and prohibiting the use of such carriage until the same is put in a sound and serviceable condition.”;

- (iii) by adding the following as new sub-bylaws (4A) and (4B) immediately after sub-bylaw (4);

“(4A) Every application for a licence to keep or use a public carriage within Belize City shall contain the following information:

- (a) name, home address, telephone number, date of birth, and social security number of the applicant or applicants;

- (b) business name, business address and telephone number, if different from (a) above;
- (c) a list of current drivers employed by the business, with each driver's permit number;
- (d) form of the business of the applicant, including whether sole proprietor, company or partnership and in the case of companies and partnerships, a copy of the documents registering and incorporating the business and the name, address and citizenship of each person (if non-Belizean) who have shares and other interest in the business;
- (e) number and description of carriages the applicant proposes to use in the operation of the service, including any identifying characteristics such as colour, style and other markings;
- (f) number of horses the applicant intends to use in the operation of the service along with a description and four separate and

unobstructed colour photographs of each animal (including face, both sides and rear), and a statement (not more than 30 days old) by a certified veterinarian documenting that the horse has been examined and is fit for use in a carriage-operated business and that a suitable health maintenance plan is in place, together with a copy of the plan for use by the Council's Inspector;

(g) a description of the proposed service, including routes, rates or fares to be charged, and the schedules, where applicable;

(h) documentary evidence from a registered insurance company indicating that the carriage has at least a third party risk insurance policy;

(i) any additional information which the Council may from time to time require, including indicators of growth in the industry, levels of competitiveness within the industry and other information relating to public safety and traffic safety."

“(4B) In granting a licence under this Bylaw, the City Administrator shall have regard to the following factors, among other relevant considerations:

- (a) level of competitiveness and the prevalence of operators and the ratio of operators and carriages in the industry;
 - (b) quality of service which the applicant intends to offer;
 - (c) ability of the applicant to settle claims expeditiously including but not limited to personal injuries to passengers;
 - (d) character of the applicant;
 - (e) state of road-worthiness of his carriages;
 - (f) ability of the applicant to adhere to the Animal Health Plan promulgated by the Council after consultation with all stakeholders.”;
- (iv) in sub-bylaw (6), by substituting the words “fifty dollars” for the words ‘twenty five cents’ occurring therein;
- (v) by adding the following new sub-bylaw (6A) immediately after sub-bylaw (6):

“(6A) Every licence issued under this bylaw shall state on its face that it is for the exclusive use of operating a horse-drawn carriage service for hire in Belize City. It may contain any or all of the following as deemed necessary by the City Administrator, which may be shown on the back of the licence:

- (a) number and description of carriages authorised and approved;
- (b) number and description of horses to be used;
- (c) number of passengers who may be safely transported in each carriage having special consideration for the weight of each passenger and the capacity of both the carriage and the horse;
- (d) designated points of departure and arrivals of each carriage;
- (e) use of special safety equipment including braking system;
- (f) use of special sanitary devices including diapers and other safety procedures”;

(vi) by repealing sub-bylaw (8) and replacing it by the following:

“(8) The owner of a carriage who plies for hire or accepts hire in respect of the same without first having obtained a licence for that purpose, or who having obtained a licence plies for or accepts hire in respect of such carriage during the time such licence is suspended, or who plies for or accepts hire in respect of the same without obtaining a third party insurance cover from a registered insurance company in respect of such carriage, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.”

Addition
of Bylaws 5A,
5B and 5C.

5. The principal Bylaws are hereby amended by the addition of the following Bylaws 5A, 5B and 5C immediately after Bylaw 5:-

“Conduct
of
drivers.

5A. Every driver of a carriage shall at all times observe the following rules while driving a carriage:

- (a) not allow any unauthorised person to handle his carriage;
- (b) ensure that no person hangs along side of the carriage;
- (c) ensure that horses are operated in temperatures not exceeding 96 degrees Fahrenheit;
- (d) ensure that his horses do not drop manure on the road and

that if it does happen that the manure is collected immediately and disposed of appropriately;

- (e) not to exceed the seating capacity for which the carriage was licensed;
- (f) ensure that he operates only along routes during the hours duly approved by the Traffic Department;
- (g) ensure that the horse or mule pulling the carriage does not exceed a trot (10 mph);
- (h) protect the health and safety of the horse or mule and that of the general public;
- (i) ensure that the maximum ratio of HORSES WEIGHT: WEIGHT PULLED never exceeds 1:1.5 ratio;
- (j) ensure that all harnesses are properly fitted and in good condition with no deficiency that may create a safety hazard;
- (k) ensure that the horse or mule is properly suited with rubber-coated pads or boots or with open steel barium tip shoes or other such shoes

- approved by a registered veterinarian;
- (l) ensure that his horse or mule is not used if he observes that the animal is exhausted, sick, weak, wounded, bleeding, cut below skin level, injured, shows signs of lameness, malnourished or in any other similar condition;
 - (m) ensure that the carriage wheels are adequately lubricated, so as to allow wheels to rotate freely;
 - (n) ensure that carriages are not pulled by stallions or by pregnant mares;
 - (o) ensure that horses wear properly attached and fitted blinders while pulling carriage;
 - (p) ensure that the horse or mule is always attended, and not left to roam freely, to avoid likelihood of harm to the public or to itself;
 - (q) ensure that no horse or mule travels on any metal covering on any street;
 - (r) ensure that all horses and mules are given sufficient

amount of water before and after working, and that additional water is available for the animal, if needed;

(s) report all accidents involving a carriage immediately to the Police Department;

(t) ensure that horse and mule-drawn carriages are not operated in adverse weather conditions;

(u) ensure that no horse or mule works longer than four hours within a 24 hours period with a minimum of 2 consecutive hours of rest, it being the duty of the operator to ensure that a water trough and cooling down area is readily available to reduce body temperature of horses and mules between sessions to prevent onset of anhydrous;

(v) ensure that he is well-versed in animal care, and attends such courses as may from time to time be conducted by the Belize Tourism Board, Belize Tourism Industry Association, the Tour Guides Association, the Public Health Department, or the City Council

and other such organisations to enhance activity and productivity in the Tourism Industry;

(w) follow the guidelines issued by the Belize Humane Society, the Association of Veterinary Surgeons or the Belize Agricultural Health Authority in the handling of horses and mules;

(x) ensure that no person provokes, harasses, startles, distracts or stones the horse or mule while he is the driver.

Power to remove sick or tired horse or mule.

5B. (1) A traffic warden, a police officer, a special constable, a Justice of the Peace or the Council's Inspector may order the driver to remove a horse or mule from the road if he observes or suspects that the horse or mule is exhausted, sick, weak, injured, lame, malnourished or in any other such condition.

(2) Every person who fails to comply with an Order given pursuant to (1) above shall be guilty of an offence."

"Lost and abandoned property.

5C. (1) The driver of a public carriage shall make diligent efforts to return any lost property found in his carriage to the rightful owner.

(2) If the owner of the property cannot be reasonably located, any lost or

abandoned property shall be delivered to the Council's Inspector together with a short description of the property."

6. Bylaw 7 of the principal Bylaws is hereby repealed and replaced by the following:

Repeal and replacement of Bylaw 7.

"Fares and charges

Fifth schedule.

7. (1) The charges for the carrying of passengers on a public carriage shall be in accordance with the Fifth Schedule.

(2) A copy of the fares to be charged by an operator or driver of a public carriage shall be filed with the Council.

(3) The use of any meter or measuring device to determine rates or fares is prohibited.

(4) The operator or driver of a public carriage shall inform passengers or customers of the rates/fares before embarking upon any tour."

7. Bylaw 8 of the principal Bylaws is hereby repealed.

Repeal of Bylaw 8.

8. Bylaw 9 of the principal Bylaws is hereby amended as follows:

Amendment of Bylaw 9.

(i) by substituting the words "**right side**" for the words "left side" and the words "**left side**" for the words "right side" wherever occurring therein;

(ii) in sub-bylaw (3), by deleting paragraph (g) and substituting therefor the following:

"(g) stands, sits or leans on any traffic sign,

shall be liable on summary conviction to a fine not exceeding five hundred dollars.”

Addition of
new Bylaw 9A.

9. The principal Bylaws are hereby amended by the addition of the following Bylaw immediately after Bylaw 9:

Alternative
routes.

“9A. For events other than those of normal city touring operations, such as but not limited to funerals, weddings or other similar public events, which require that the driver travels on streets other than those approved in his Licence, the operator shall apply to the Traffic Department in writing, stating the purpose, time, date and proposed routes, with at least forty eight hours advance notice. In considering the application, the Traffic Department shall take into consideration such factors as the nature of the event and the surrounding circumstances, traffic flows, incidence of congestion, and general traffic control and management in Belize City.”

Amendment of
Bylaw 10.

10. Bylaw 10 of the principal Bylaws is hereby amended in sub-bylaw (6) thereof by substituting the words “**five hundred dollars**” for the words “twenty five dollars” occurring therein.

Amendment of
Bylaw 11.

11. Bylaw 11 of the principal Bylaws is hereby amended in sub-bylaw (4) thereof by substituting the words “**five hundred dollars**” for the words “twenty five dollars” occurring therein.

Repeal of
Bylaw 12.

12. Bylaw 12 of the principal bylaws is hereby repealed.

Amendment of
Bylaw 13.

13. Bylaw 13 of the principal Bylaws is hereby amended in sub-bylaw (2) thereof by substituting the words “**five hundred dollars**” for the words “twenty five dollars” occurring therein.

14. Bylaw 18 of the principal bylaws is hereby repealed and replaced by the following:

Repeal and replacement of Bylaw 18.

General penalty.

“18. Any person who contravenes or fails to comply with any of these Bylaws commits an offence and shall be liable on summary conviction, unless a special penalty for such offence be otherwise prescribed, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.”

15. The First Schedule to the principal Bylaws is hereby repealed and replaced by the Schedule to these Bylaws captioned “**First Schedule**”.

Repeal and replacement of First Schedule.

16. The Second Schedule to the principal Bylaws is hereby amended by substituting the words, “**Council’s** **spector**” for the words “Commissioner of Police” occurring therein.

Amendment of Second Schedule.

17. The Fifth Schedule to the principal Bylaws is hereby repealed and replaced by the Schedule to these Bylaws captioned “**Fifth Schedule**”.

Repeal and replacement of Fifth Schedule.

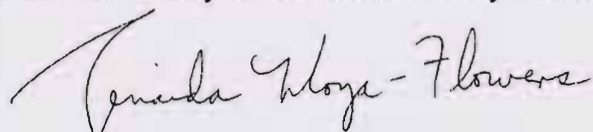
18. The Sixth Schedule to the principal Bylaws is hereby repealed.

Repeal of Sixth Schedule.

19. These Bylaws shall come into force on the 1st day of July, 2009.

Commencement.

Made by the Belize City Council this 29th day of May 09.

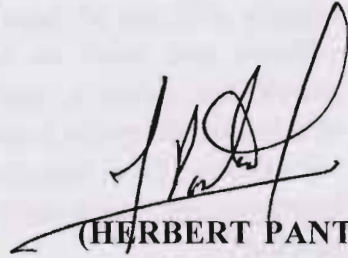


(ZENaida MOYA-FLOWERS) (Mrs)

Mayor

Belize City Council

APPROVED by the House of Representatives this 24th day of July, 2009.



(HERBERT PANTON, LLB)
Clerk, National Assembly

FIRST SCHEDULE

(Bylaws 3, 4 and 5)

PART 1

Fees under Bylaw 3 for private Horses, Mules and Carriages

For every horse or mule \$10.00

every wheel of a carriage drawn by a horse or mule..... \$ 5.00

For every carriage other than a motor vehicle which is kept without the city, to be used in the city, but not as a public carriage -

For one calendar year or part of a calendar year \$10.00

PART 2

Fees under Bylaw 4 for Public Carriages

For every public carriage for the use of passengers -

- (a) For one calendar year ending 31st December \$100.00
- (b) For six months ending 30th June or
31st December in any year \$ 50.00
- (c) For any period ending 31st December in any year-
 - If after 31st March and before 1st July \$ 50.00
 - If after 30th September \$ 40.00

For every public carriage for the carrying of goods or materials-

- (a) For one calendar year ending 31st December \$100.00
- (b) For six months ending 30th June or 31st December
in any year \$ 75.00

Fees under Bylaw 5 for Driver's Licences

For every licence to drive **a carriage** (other than a cart or dray
drawn by a horse or mule) \$ 25.00

For every licence to drive **a cart** or dray drawn by a horse or mule... \$ 25.00

FIFTH SCHEDULE

(Bylaw 7)

Belize City Council Act

Carriage No. _____ licensed to carry not more than four (4) adult passengers.

**Table of Fares
(City Tour)**

For one passenger Not to exceed US\$25.00 per tour

For two to four passengers Not to exceed US\$75.00 per tour

Provided that the fares may be increased by agreement of the passengers where the driver provides special services.

FIFTH SCHEDULE

(Bylaw 7)

Belize City Council Act

Carriage No. _____ licensed to carry not more than four (4) adult passengers.

Table of Fares

(City Tour)

For one passenger Not to exceed
US\$25.00 per tour

For two to four passengers Not to exceed
US\$75.00 per tour

Provided that the fares may be increased by agreement of the passengers where the driver provides special services.

_____ ... _____