

Subject: Tour and Horse-Drawn Vehicle By-law
From: Kayla Byrne, Municipal Clerk
Shania MacLeod, Bylaw/Special Constable Officer
Date: Feb. 3, 2025 – COTW
Feb. 10, 2025 – 1st reading



Recommendation

That Council approve first reading of the Tour and Horse-Drawn Vehicle By-law as presented.

Alternatives

- Refer the proposed by-law back to a future Committee of the Whole meeting for further discussion
- Direct staff to make amendments to the draft by-law prior to first reading
- Take no further action

Background

During the summer of 2025, the Town received several complaints and inquiries from members of the public regarding the welfare of horses used in horse-drawn carriage operations during periods of hot and dry weather. Under the existing [Hack and Trolley By-law](#), Town staff investigated the concerns raised and worked with the licensed operator to ensure that horses were not being overworked and that appropriate care measures were in place.

The current Hack and Trolley By-law contains provisions intended to protect animal welfare, including requirements that horses not be used when unfit for work and authority to require veterinary examinations where concerns arise. However, the by-law would benefit from clearer language and more tangible parameters to support consistent, timely decision-making, particularly in relation to climate-related risks and extreme weather conditions.

At its August 19, 2025 meeting, Council directed staff to review the Hack and Trolley By-law with a specific focus on climate-related considerations and animal welfare.

Feb. 3 COTW update:

Council reviewed the draft Tour and Horse-Drawn Vehicle By-law at its February 3, 2026 Committee of the Whole meeting and referred the by-law to a regular meeting of Council for first reading.

During the Committee of the Whole discussion, Council identified some areas for refinement and clarification, including:

- provisions allowing for the use of alternative draft animals, where appropriate;
- clearer parameters addressing false or misleading tour commentary;
- a requirement for certification from a licensed veterinarian confirming that a horse (or other approved draft animal) is fit to work prior to the issuance or renewal of a licence; and
- the ability for the Town to consult a veterinarian or other qualified professional to review and confirm elements of an operator's Safety, Animal Welfare, and Emergency Management Plan.

These changes have been incorporated into the draft by-law and are highlighted in yellow for ease of reference.

Discussion

The proposed draft strengthens animal welfare protections for horse-drawn carriage operations by providing clearer authority, expectations, and tools for staff, while avoiding rigid or overly prescriptive rules.

Where animal welfare is addressed:

- **Purpose (Section 3):** Identifies the protection of horse health, safety, and welfare as a core objective of the by-law.
- **Application Stage (Section 9.4):** Allows the Town to require proof that horses are fit for work, including veterinary confirmation, where appropriate.
- **Safety, Animal Welfare, and Emergency Management Plan (Section 23):** Requires operators to submit a written plan addressing: animal care, rest, and hydration, procedures for removing a horse from service, extreme weather and environmental risks, and emergency response protocols.
- **General Animal Welfare Standards (Section 24):** Establishes baseline expectations for humane treatment, access to water, rest periods, and limits on overworking horses.
- **Extreme Weather and Environmental Conditions (Section 25):** Prohibits operation when weather conditions pose a risk to animal welfare.
- **Fitness for Work (Section 26):** Clearly prohibits the use of horses that are unfit for work and provides observable indicators (lameness, dehydration, sores, exhaustion). Requires immediate removal from service when concerns arise.

- **Veterinary Care and Oversight (Section 27):** Allows the Town to require veterinary assessment where there are reasonable grounds for concern regarding fitness for work.

Jurisdictional Scan:

In preparing the draft by-law, staff reviewed animal welfare and safety provisions used by other Canadian municipalities that regulate horse-drawn carriage operations, including municipalities in Ontario (Niagara Region and Central Elgin), PEI (Charlottetown), and British Columbia (Victoria).

Overall, the draft by-law is consistent with, and in several respects strengthens, common municipal practices, while taking a more flexible, outcome-based approach tailored to Lunenburg's context.

The draft by-law aligns with other Canadian municipal approaches in the following key areas:

- Licensing and enforcement model
- Fitness-for-work standards
- Veterinary oversight
- Water, rest, and humane treatment
- Authority to intervene in unsafe conditions

Key Differences and Rationale

While aligned in principle, the draft by-law differs from some municipal examples in some intentional ways:

- **Outcome-Based Welfare Standards vs. Fixed Numerical Thresholds**

Some municipalities prescribe specific temperature cut-offs or maximum work hours (prohibiting operation above or below a set temperature).

The draft by-law instead adopts a principles-based approach, allowing staff to consider:

- temperature, humidity, and wind;
- workload and duration of work;
- availability of shade or shelter; and
- the individual condition of the horse.

Rationale: Staff determined that rigid numerical thresholds may not reflect real-world risk in all circumstances and can result in operations continuing up to an arbitrary limit even where conditions are clearly unsafe. The draft allows the Town to act earlier and more responsively to protect animal welfare.

- **Safety, Animal Welfare, and Emergency Management Plan Requirement**

Unlike some municipalities, the draft requires Operators to submit a written plan addressing:

- animal care practices;
- procedures for removing horses from service;
- extreme weather response; and
- emergency incidents.

Rationale: This approach shifts responsibility to Operators to proactively plan for foreseeable risks, rather than relying solely on enforcement after issues arise. It also provides staff with a clear, documented basis for oversight and enforcement.

Other Proposed Amendments

While Council’s direction focused on climate and animal welfare, staff also used this opportunity to review the Hack and Trolley By-law as a whole. The proposed draft updates the by-law, makes requirements clearer, and brings together rules that are currently spread across the by-law, application forms, and Council resolutions.

The below are proposed changes not related to animal welfare:

Area	Current Hack & Trolley By-law	Proposed Draft By-law	Why Staff Recommend This Change
Overall structure	By-law has been amended multiple times since 2002; requirements are spread across the by-law, application forms, and Council resolutions	Consolidates requirements into a single, modern by-law with clear sections and schedules	Improves clarity, transparency, and ease of administration
Fees	Licence fees are not set in the by-law and are established by Council resolution and referenced through application forms	Licence fees are set out in Schedule “B” to the by-law	Allows Council to adjust fees by resolution while keeping them transparent and easy to reference
Licence limits / capacity	Maximum number of hacks is established by Council resolution; selection methods (lottery or tender) are determined at Council’s discretion	Operational limits are set out in Schedule “A” , with clear direction on how competing applications are handled	Provides clarity and predictability while preserving Council oversight

Area	Current Hack & Trolley By-law	Proposed Draft By-law	Why Staff Recommend This Change
Handling competing applications	Council selects a method (lottery or tender) when applications exceed available licences	Competing applications are referred to Council with clear factors to consider (safety, congestion, saturation, fairness)	Improves transparency and defensibility of Council decisions
Traffic Authority vs. Council roles	Authority for routes, inspections, suspensions, and operational decisions is shared or duplicated between Council and the Traffic Authority	Traffic-related decisions (routes, loading zones, operational adjustments) are clearly assigned to the Traffic Authority; Council retains policy-level oversight	Aligns with the Municipal Government Act and reduces Council involvement in operational decisions
Tour vehicles (“trolleys”)	Trolleys are included but regulated less clearly and inconsistently than horse-drawn carriages	Tour vehicles are regulated under the same licensing and operational framework as horse-drawn vehicles (excluding animal welfare provisions)	Ensures consistency, fairness, and modern safety expectations
Licensing clarity	Distinction between Hack Licences, Hack Operator Licences, vehicles, and horses is embedded across multiple sections and forms	Establishes a clear Operator Licence with separate authorization for each vehicle	Improves administration and allows proportionate enforcement

Overall, the proposed draft improves clarity, fairness, and enforceability, while reducing risk to the Town and better aligning the by-law with how operations are managed in practice.

Relevant Legislation

Sections 171 and 171A of the Municipal Government Act confirm that the Town’s authority to license includes the ability to regulate and, where necessary, prohibit activities. Section 172 further authorizes Council to make by-laws for municipal purposes.

Financial

It is recommended that licence fees be set out in Schedule “B” of the proposed by-law. The

recommended fees are generally consistent with amounts charged in the past, but simplify the previous fee structure. Historically, fees included a base amount of \$500 per vehicle or carriage, along with an additional per-driver charge. Staff are recommending a simplified approach consisting of a flat annual Operator Licence fee of \$100, plus an additional \$500 fee for each authorized tour vehicle or horse-drawn carriage.

Communications

The proposed by-law will be advertised in accordance with the legislative requirements for the adoption of municipal by-laws and by-law amendments. In addition, staff have met with the licensed operator currently affected by this by-law and have kept the operator informed throughout the review process to help ensure that the proposed changes are operationally realistic and clearly understood.

Attachments

- Proposed draft by-law

Town of Lunenburg

TOUR AND HORSE-DRAWN VEHICLE BY-LAW

Adopted by Council: X

1. TITLE

1.1 This By-law may be cited as the Tour and Horse-Drawn Vehicle By-law.

2. Authority

2.1 This By-law is enacted pursuant to the authority of the Municipal Government Act and all other applicable provincial legislation.

3. Purpose

3.1 The purpose of this By-law is to regulate the operation of commercial tour transportation services within the Town of Lunenburg to:

- a) promote the safety of passengers, pedestrians, and other road users;
- b) ensure orderly and safe operation of commercial tour vehicles on Town streets;
- c) establish a clear and transparent licensing framework for commercial tour operations;
and
- d) protect the health, safety, and welfare of horses used in horse-drawn vehicle operations.

4. Definitions

4.1 For the purposes of this By-law:

- “Authorized vehicle” means a tour vehicle or horse-drawn vehicle approved by the Town for operation under an Operator Licence in accordance with this By-law.
- “By-Law Officer” means a person appointed by the Town to administer and enforce this By-law.
- “Council” means the Council of the Town of Lunenburg.
- “Draft animal” means a horse or other domesticated animal traditionally used for pulling vehicles, including oxen or mules, where approved by the Town for use in a horse-drawn vehicle operation under this By-law.
- “Horse-drawn vehicle” means a carriage, wagon, or cart pulled by one or more horses and used to transport passengers for compensation.

- “Operator” means a person who operates, drives, or is in care and control of a tour vehicle or horse-drawn vehicle, whether as the licence holder or on behalf of the licence holder.
- “Public place” means any street, sidewalk, trail, park, right-of-way, or other place to which the public has access, whether publicly or privately owned.
- “Public Address System” means any device or apparatus, whether electrical, mechanical, or otherwise, that reproduces or amplifies sound audible on a street, public place, or in a building.
- “Tour vehicle” means a motorized vehicle used to transport passengers for compensation on a fixed or semi-fixed route for sightseeing or tour purposes within the Town, including vehicles commonly referred to as trolleys, but does not include a taxi or public transit vehicle.
- “Town” means the Town of Lunenburg.
- “Traffic Authority” means the person or body authorized by the Town to regulate traffic, routes, and related matters on Town streets.

5. Authorization to Operate

5.1 No person shall operate a tour vehicle or horse-drawn vehicle for hire within the Town, or allow one to be operated, unless the Operator holds a valid Operator Licence and the vehicle is authorized under this By-law.

6. Alternative Draft Animals

6.1 The Town may approve the use of a domesticated animal other than a horse for drawing a vehicle, where the Town is satisfied that:

- a) the animal is traditionally and appropriately used for drawing vehicles;
- b) the use of the animal is permitted under all applicable provincial and federal legislation, including animal welfare and wildlife legislation; and
- c) all provisions of this By-law that apply to horses apply equally to the approved animal.

7. Operator Licence

7.1 No person shall operate, or permit the operation of, a tour vehicle or horse-drawn vehicle for hire on any street within the Town unless the person holds a valid Operator Licence issued under this By-law.

7.2 An Operator Licence shall be issued by the By-Law Officer or designate upon receipt of a completed application in the prescribed form.

7.3 An Operator Licence is valid for one (1) year from the date of issuance, expires annually on April 1, and must be renewed to continue operations, unless sooner suspended or revoked.

7.4 An Operator Licence is not transferable.

7.5 An Operator Licence authorizes the licensee to operate a commercial tour business within the Town, subject to compliance with this By-law and the authorization of individual vehicles under this By-law.

7.6 As a condition of holding an Operator Licence, the Operator shall:

- a) ensure that all individuals operating tour vehicles or horse-drawn vehicles on behalf of the Operator hold all required and valid provincial or federal driver's licences or certifications and comply with all applicable laws;
- b) ensure that all operations are conducted in compliance with this By-law, all other applicable Town by-laws, and all applicable provincial and federal legislation, including the Motor Vehicle Act and regulations respecting vehicle equipment, lighting, braking, and safe operation;
- c) not distribute pamphlets, solicit business, display advertising signs, or place any structure or object on Town property for advertising or attracting customers, except where authorized by the Town;
- d) ~~ensure that all tour commentary and any public address system comply with the Town of Lunenburg Noise By-law and are conducted in a respectful and non-misleading manner;~~
ensure that all tour commentary and any public address system comply with the Town of Lunenburg Noise By-law and that tour commentary is conducted in a respectful manner and is factually accurate to the best of the Operator's knowledge, and not misleading or deceptive. For the purposes of verifying compliance with this section, the Town may require the Operator to provide information or materials reasonably necessary to assess the accuracy of tour commentary.
- e) operate only on routes approved by the Town's Traffic Authority and comply with any temporary closures, detours, or route restrictions, including those related to special events, construction, or public safety.

- f) if the Operator intends to operate horse-drawn vehicles, ensure that each horse used in operations is examined by a licensed veterinarian, at the Operator's expense, and certified as fit for work, and provide the veterinary certification to the Town with the Operator Licence application and each renewal.

7.7 The fees payable under this By-law include:

- a) a base annual Operator Licence fee; and
- b) an additional annual fee for each tour vehicle or horse-drawn vehicle authorized to operate under the Operator Licence, as set out in Schedule "B".

8. Vehicle Authorization and Fees

8.1 No tour vehicle or horse-drawn vehicle shall be operated for hire within the Town unless the vehicle is authorized by the Town under this By-law.

8.2 Vehicle authorization shall be issued to an Operator for each tour vehicle or horse-drawn vehicle to be used in operations.

8.3 Vehicle authorization applies only to the specific vehicle identified and is not transferable.

8.4 As a condition of vehicle authorization, the Operator shall ensure that each vehicle is properly maintained, inspected, and insured in accordance with this By-law and all applicable legislation.

8.5 The applicable fee for each authorized vehicle shall be as set out in Schedule "B".

9. Conditions on Licences and Vehicle Authorization

9.1 An Operator Licence and any vehicle authorization issued under this By-law may be issued subject to reasonable terms and conditions imposed by the Town or the By-Law Officer, where such conditions are necessary to protect public safety, traffic safety, animal welfare, accessibility, or the orderly use of streets and public places.

9.2 Failure to comply with a condition imposed under this section constitutes a contravention of this By-law.

10. Application Processing and Capacity

10.1 The By-Law Officer shall review all applications for an Operator Licence to determine whether the application meets the requirements of this By-law.

10.2 Where an application complies with all applicable requirements of this By-law and does not exceed any limits established by Council, the By-Law Officer may issue the Operator Licence.

10.3 Where an application would exceed any limit established by Council under this By-law, or where multiple qualified applications exceed available capacity, the By-Law Officer shall refer the matter to Council for direction.

~~10.4 As part of an application for an Operator Licence authorizing horse-drawn vehicle operations, the Town may require the applicant to provide proof satisfactory to the Town that each horse proposed to be used in operations is fit for work, including confirmation from a licensed veterinarian.~~ **(This is now required in section 7)**

11. Vehicle Suitability and Safety

11.1 All tour vehicles and horse-drawn vehicles authorized under this By-law shall be suitable for operation on public streets and for the safe transport of passengers.

11.2 Without limiting subsection 9.1, a vehicle authorized under this By-law shall:

- a) be mechanically and structurally sound and maintained in safe operating condition;
- b) not include features, modifications, or equipment that create a safety risk to passengers, pedestrians, cyclists, horses, or other road users; and
- c) be of a size, weight, and configuration that can be safely operated on approved routes, as determined by the Town's Traffic Authority.

11.3 The Town may refuse, suspend, or revoke vehicle authorization where a vehicle is unsafe, materially altered in a manner that affects safety, or no longer complies with this By-law.

12. Maintenance and Safety Responsibilities

12.1 The Operator is responsible for ensuring that all vehicles, horses (where applicable), harnesses, tack, equipment, and related items used in operations are maintained in a safe, sanitary, and serviceable condition at all times.

12.2 The Operator shall establish and follow regular inspection and maintenance procedures and shall immediately remove from service any vehicle, horse, or equipment that is unsafe, damaged, or unfit for use.

12.3 The Town does not assume responsibility for the inspection, maintenance, or condition of any vehicle, horse, or equipment operated under an Operator Licence.

13. Cleanliness and Nuisance Prevention

13.1 An Operator shall conduct operations in a manner that maintains cleanliness and does not create a nuisance in any public place.

13.2 An Operator of a horse-drawn vehicle shall ensure that each horse used in operations is equipped at all times with a properly fitted and maintained waste containment system designed to capture horse manure.

13.3 Where horse manure is deposited in any public place, including on a roadway, sidewalk, or other area accessible to the public, the Operator shall immediately take all reasonable steps to ensure that the manure is promptly removed and properly disposed of.

13.4 Where immediate removal by the Operator is not possible, the Operator shall promptly notify another employee or designate and shall ensure that clean-up personnel are dispatched without delay to remove the manure before it is spread, tracked, or creates a nuisance or safety concern.

13.5 An Operator shall ensure that horse manure and other solid waste generated as part of horse-drawn vehicle operations are properly collected and disposed of at the Operator's expense.

13.6 Horse manure or other operational waste shall not be deposited in Town garbage receptacles or litter containers.

13.7 An Operator shall take all reasonable steps to promptly address and clean any accumulation of horse urine in a public place where it creates a nuisance, odour, or safety concern.

14. Insurance

14.1 As a condition of issuing or renewing an Operator Licence, the licensee shall provide proof of commercial general liability insurance satisfactory to the Town.

14.2 The insurance required under this section shall:

- a) cover bodily injury, death, and property damage arising from the operation of any tour vehicle or horse-drawn vehicle operated under the Operator Licence;
- b) provide coverage of not less than Two Million Dollars (\$2,000,000) per occurrence, or such higher amount as Council may establish by resolution;
- c) name the Town of Lunenburg as an additional insured; and
- d) remain in full force and effect for the duration of the Operator Licence term.

14.3 Failure to maintain the required insurance shall result in the immediate suspension of the Operator Licence.

15. Indemnification

15.1 As a condition of holding an Operator Licence under this By-law, the Operator shall indemnify and save harmless the Town of Lunenburg, its officers, employees, agents, and elected officials from and against any and all claims, demands, actions, losses, costs, damages, or expenses, including legal fees on a solicitor-and-client basis, arising out of or related to:

- a) the operation of any tour vehicle or horse-drawn vehicle under this By-law;
- b) the conduct or negligence of the Operator or any person acting on behalf of the Operator; or
- c) any breach of this By-law or any condition of an Operator Licence or vehicle authorization,

except to the extent caused by the negligence of the Town.

16. Approved Routes

16.1 As part of an application for an Operator Licence, the applicant shall submit the proposed operating route or routes for all tour vehicles and horse-drawn vehicles to be operated under the licence.

16.2 All proposed routes must be reviewed and approved by the Town's Traffic Authority before the issuance or renewal of an Operator Licence.

16.3 An Operator shall operate only on routes approved by the Town's Traffic Authority and shall comply with any temporary closures, detours, or route restrictions, including those related to special events or construction.

16.4 Approved routes may be amended by the Town's Traffic Authority from time to time for safety, operational, or traffic management reasons, and Operators shall comply with any amended route approvals.

17. Loading Zones

17.1 As part of route approval, the Town's Traffic Authority may establish, assign, relocate, or modify loading zones for tour vehicles and horse-drawn vehicles.

17.2 An Operator shall use only the loading zones assigned or approved by the Town and shall comply with any conditions related to their use.

18. Stopping, Standing, and Parking

18.1 An Operator shall not stop, stand, park, or stage a tour vehicle or horse-drawn vehicle in a manner that obstructs traffic, interferes with pedestrians, cyclists, accessibility, or emergency vehicles, or unreasonably interferes with the use of adjacent properties, except where authorized by the Town or required for safety or emergency reasons.

18.2 An Operator shall comply with all applicable traffic laws, parking regulations, traffic control devices, and any directions of a police officer or traffic authority.

18.3 Tour vehicles and horse-drawn vehicles shall load and unload passengers only at approved loading zones or locations authorized by the Town, except where required for safety or emergency reasons.

19. Control and Supervision of Horses

19.1 An Operator shall ensure that any horse used in horse-drawn vehicle operations is under effective supervision and control at all times while in a public place.

19.2 A horse shall not be left unattended in a public place, except where the horse is securely hitched or otherwise restrained in a manner that ensures the safety of the horse and the public, and the Operator remains in the immediate vicinity and able to respond promptly.

20. Hitching Posts and Restraint Infrastructure

20.1 Where an Operator proposes to install a hitching post or other fixed restraint for horses on Town property or within a public right-of-way, the installation shall be at the Operator's expense and subject to prior approval by the Town.

20.2 Approval under this section may consider location, design, public safety, accessibility, and compatibility with surrounding uses.

20.3 Nothing in this section obligates the Town to permit the installation of a hitching post or similar infrastructure.

20.4 Hitching posts approved under this section do not relieve an Operator of the obligation to maintain effective supervision and control of horses under this By-law.

21. Hours of Operation

21.1 An Operator shall operate a tour vehicle or horse-drawn vehicle only between sunrise and one (1) hour after sunset, unless Council authorizes otherwise by resolution.

22. Schedule of Operational Limits

22.1 The maximum number of Operator Licences, vehicles, and horses permitted to operate under this By-law shall be as set out in Schedule "A".

22.2 Schedule "A" may establish different limits for tour vehicle operations and horse-drawn vehicle operations and may be adopted, amended, or replaced by resolution of Council from time to time.

22.3 Council may provide direction respecting the allocation of available licences under this By-law.

23. Safety, Animal Welfare, and Emergency Management Plan

23.1 As a condition of issuing or renewing an Operator Licence for horse-drawn vehicle operations, the applicant shall submit a written Safety, Animal Welfare, and Emergency Management Plan, in a form acceptable to the Town.

23.2 The Plan shall, at a minimum, address:

- a) general animal care and welfare practices, including watering, feeding, rest, shelter, and monitoring for signs of distress;
- b) procedures for removing a horse from service when the horse becomes unfit for work;
- c) safe operation of the horse-drawn vehicle in traffic, around pedestrians, and in crowded areas;
- d) procedures for managing extreme weather or environmental risks, including heat, cold, and other conditions that may affect animal welfare;
- e) emergency response procedures for incidents including, but not limited to, horse illness or injury, equipment failure, traffic collisions, or public safety concerns; and
- f) communication and coordination with emergency services and the Town when required.

23.3 The Town may, at any time and at the Operator's expense, require that a Plan, or any portion of the Plan, be reviewed or certified by a licensed veterinarian or other qualified professional acceptable to the Town, to confirm that the Plan aligns with recognized best practices for animal care, safety, and welfare.

23.4 The Town may require amendments to a Plan as a condition of issuing or renewing an Operator Licence where reasonably necessary to protect public safety or animal welfare.

23.5 Failure to comply with an approved Plan constitutes a contravention of this By-law and may result in suspension or revocation of an Operator Licence.

24. General Animal Welfare

24.1 An Operator shall ensure that every horse used in horse-drawn vehicle operations is kept, handled, housed, transported, and worked in a manner that protects the horse's health, safety, and welfare and prevents pain, injury, distress, exhaustion, or unnecessary suffering.

24.2 Without limiting anything within this section, general animal welfare includes, but is not limited to, ensuring that each horse:

- a) has access to fresh, potable water;
- b) is provided with appropriate rest periods during the workday;
- c) is treated humanely at all times and is not subjected to cruel, abusive, or neglectful behaviour; and
- d) is not worked, stressed, or otherwise required to perform beyond its physical capacity.

25. Extreme Weather and Environmental Conditions

25.1 An Operator shall not operate a horse-drawn vehicle where extreme weather or environmental conditions pose a risk to the health, safety, or welfare of a horse.

25.2 Extreme weather or environmental conditions may include, but are not limited to, excessive heat or humidity, extreme cold, heavy precipitation, high winds, poor air quality, or any combination of conditions that may reasonably cause distress, injury, or exhaustion to a horse.

25.3 In determining whether conditions are unsafe, consideration may be given to factors including temperature, humidity, wind, duration of work, workload, availability of shade or shelter, and the individual condition of the horse.

25.4 Where the By-Law Officer has reasonable grounds to believe that extreme weather or environmental conditions present a risk to animal welfare, the By-Law Officer may require an Operator to immediately modify or suspend operations.

26. Fitness for Work

26.1 No horse shall be used in horse-drawn vehicle operations if the horse is unfit for work.

26.2 Indicators that a horse may be unfit for work include, but are not limited to:

- a) lameness, stiffness, or injury affecting mobility;
- b) open sores, wounds, or skin conditions caused by or aggravated by tack, harnesses, or equipment;
- c) signs of exhaustion, dehydration, emaciation, or poor body condition;

- d) loose, missing, or unsafe shoes; or
- e) illness, infection, or any condition likely to cause pain or distress.

26.3 Where a horse shows signs of being unfit for work, the Operator shall immediately remove the horse from service and shall not return the horse to service until the horse is fit for work, as verified by a veterinarian where required by the Town.

27. Veterinary Care and Oversight

27.1 Where the By-Law Officer has reasonable grounds to believe that a horse may be unfit for work or that animal welfare requirements are not being met, the By-Law Officer may require the Operator, at the Operator's expense, to obtain a veterinary examination.

27.2 The Operator Licence may be suspended until satisfactory confirmation is provided that the horse is healthy and fit for work.

27.3 Operators shall provide veterinary records or certifications reasonably required to demonstrate compliance with this By-law, including records related to fitness for work where applicable.

28. Complaints and Investigations

28.1 Any person may make a complaint to the Town regarding an alleged contravention of this By-law.

28.2 The By-Law Officer is responsible for receiving, reviewing, and investigating complaints and for determining whether a contravention of this By-law may have occurred.

28.3 The By-Law Officer may also initiate an investigation on their own initiative where the Officer has reasonable grounds to believe that a contravention of this By-law may have occurred.

28.4 In carrying out an investigation, the By-Law Officer may require an Operator to provide records, documentation, or information reasonably necessary to determine compliance with this By-law, including, where applicable, proof of insurance, maintenance and inspection records, veterinary records, approved plans, or route approvals.

28.5 Where the By-Law Officer determines that a contravention of this By-law has occurred, the Officer may take enforcement action in accordance with this By-law and applicable legislation, including issuing orders, suspending or revoking licences, or commencing a prosecution.

29. Records and Retention

29.1 An Operator shall maintain and retain records reasonably necessary to demonstrate compliance with this By-law, including, where applicable:

- a) proof of insurance;
- b) Operator Licence and vehicle authorization documentation;
- c) vehicle inspection, maintenance, and repair records;
- d) veterinary certifications or records related to fitness for work; and
- e) any Safety, Animal Welfare, and Emergency Management Plan approved under this By-law.

29.2 Such records shall be retained for a minimum period of three (3) years and shall be made available to the By-Law Officer upon request for the purposes of administration or enforcement of this By-law.

30. Suspension, Revocation, and Appeal

30.1 Where the By-Law Officer determines that a licence holder has failed to comply with this By-law, any other applicable Town by-law, or applicable provincial or federal legislation, the By-Law Officer may suspend or revoke an Operator Licence.

30.2 A suspension may be lifted by the By-Law Officer where the Officer is satisfied that the contravention has been remedied and compliance with this By-law has been achieved.

30.3 A decision made under subsection 30.1 may be appealed to Council by delivering written notice of appeal to the Clerk within fourteen (14) days of the decision.

30.4 Upon receipt of a notice of appeal, the Clerk shall place the appeal on the agenda of a regular meeting of Council as soon as practicable.

30.5 Unless Council directs otherwise, a licence remains suspended during the appeal process.

30.6 Council may confirm, vary, or rescind the decision of the By-Law Officer.

30.7 A decision of Council under this section is final for the purposes of this By-law.

30.8 Revocation of a licence does not prevent a person from applying for a new Operator Licence in the future, unless Council directs otherwise.

31. Enforcement

31.1 Compliance with this By-law shall be enforced primarily through licensing and administrative measures, including the imposition of conditions, orders, suspensions, or revocations issued under this By-law.

32. Offence & Penalty

32.1 Any person who fails to comply with an order, condition, suspension, or revocation issued under this By-law is guilty of an offence.

32.2 Any person convicted of an offence under this By-law is liable, on summary conviction, to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00).

32.3 Where an offence under this By-law continues for more than one day, each day the offence continues constitutes a separate offence.

33. Repeal

33.1 Upon coming into force, this By-law repeals and replaces By-law No. 56, being the Hack and Trolley By-law, and any amendments thereto.

SCHEDULE "A" – OPERATIONAL LIMITS

1. Tour Vehicles

The maximum number of tour vehicle Operator Licences permitted to operate within the Town at any one time is three (3) tour vehicles.

2. Horse-Drawn Carriage Operations

(a) The maximum number of horse-drawn carriage Operator Licences permitted to operate within the Town at any one time is four (4) carriages.

(b) Each authorized horse-drawn carriage may be operated using a maximum of two (2) horses per carriage.

3. Competing Applications and Allocation

Where the number of qualified applications for Operator Licences or vehicle authorizations exceeds the limits set out in this Schedule, the matter shall be referred to Council for determination.

In determining the appropriate number of licences to be issued and the manner in which available licences are allocated, Council may consider factors including, but not limited to:

- (a) public safety and traffic impacts;
- (b) pedestrian congestion and accessibility;
- (c) animal welfare considerations;
- (d) the cumulative impact of tour operations on Town streets and public places;
- (e) the risk of over-saturation of commercial tour services; and
- (f) the fair and reasonable allocation of available licences among competing applicants.

SCHEDULE "B" – LICENCE FEES

1. Operator Licence Fee

Every application for an Operator Licence under this By-law shall be accompanied by a non-refundable annual licence fee of One Hundred Dollars (\$100.00).

2. Per Vehicle Authorization Fee

In addition to the Operator Licence fee, an annual fee of Five Hundred Dollars (\$500.00) shall be payable for each tour vehicle or horse-drawn carriage authorized to operate under an Operator Licence.

3. Fee Term

All fees set out in this Schedule are payable annually and are non-refundable.