



# Town Council Agenda Report

**SUBJECT:** Ordinance

**CONTACT PERSON/NUMBER**

Bob Middaugh, Town Administrator 797-1035

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PERTAINING TO THE SUBJECT OF RIDING EQUINE ANIMALS; PROVIDING FINDINGS; CREATING A NEW SECTION 4-5, ENTITLED "SAFETY HELMET REQUIRED FOR RIDING HORSES AND OTHER EQUINE ANIMALS"; REQUIRING PERSONS UNDER SIXTEEN (16) YEARS OF AGE TO WEAR SAFETY HELMETS WHEN RIDING AN EQUINE ANIMAL IN DEFINED PUBLIC AREAS; CREATING A MUNICIPAL CIVIL INFRACTION FOR RIDERS THAT VIOLATE THE ORDINANCE; CREATING A MUNICIPAL CIVIL INFRACTION FOR PARENTS AND GUARDIANS OF PERSONS UNDER 16 YEARS OF AGE FOR AUTHORIZING OR KNOWINGLY PERMITTING A VIOLATION OF THE ORDINANCE TO OCCUR; CREATING A MUNICIPAL CIVIL INFRACTION FOR LESSORS OF EQUINE ANIMALS THAT KNOWINGLY RENT OR LEASE AN EQUINE ANIMAL TO BE RIDDEN BY A PERSON UNDER SIXTEEN (16) YEARS OF AGE UNLESS THE LESSOR PROVIDES, OR VERIFIES THAT THE RIDER HAS AND IS WEARING A SAFETY HELMET MEETING THE ORDINANCE'S SPECIFICATIONS; ESTABLISHING A CIVIL PENALTY FOR RIDERS, THEIR PARENTS AND GUARDIANS FOR VIOLATIONS OF THIS ORDINANCE IN THE AMOUNT OF TWENTY-FIVE (\$25.00) PER VIOLATION; PROVIDING THAT THE FAILURE TO COMPLY WITH THIS ORDINANCE SHOULD NOT BE CONSIDERED EVIDENCE OF NEGLIGENCE OR CONTRIBUTORY NEGLIGENCE; ESTABLISHING A CIVIL PENALTY FOR LESSORS OF EQUINE ANIMALS FOR VIOLATIONS OF THIS ORDINANCE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER VIOLATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

At the December 15, 1999 Town Council Meeting, Councilmember Weiner introduced this ordinance. If adopted, this ordinance is proposed to enhance the safety and well being of the citizens of the Town of Davie, especially young children. This ordinance is also designed to enforce the wearing of a safety helmet by persons under 16 years of age while engaged in the riding of equine animals and thus providing for a penalty for those who do not abide by this ordinance.

**PREVIOUS ACTIONS:** Not applicable

**CONCURRENCES:** Not applicable

**FISCAL IMPACT:** Not applicable

**RECOMMENDATION(S):** Motion to approve the Ordinance

**Attachment(s):**  
Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PERTAINING TO THE SUBJECT OF RIDING EQUINE ANIMALS; PROVIDING FINDINGS; CREATING A NEW SECTION 4-5, ENTITLED "SAFETY HELMET REQUIRED FOR RIDING HORSES AND OTHER EQUINE ANIMALS"; REQUIRING THAT PERSONS UNDER SIXTEEN (16) YEARS OF AGE WEAR SAFETY HELMETS WHEN RIDING AN EQUINE ANIMAL IN DEFINED PUBLIC AREAS; CREATING A MUNICIPAL CIVIL INFRACTION FOR RIDERS THAT VIOLATE THE ORDINANCE; CREATING MUNICIPAL CIVIL INFRACTIONS FOR PARENTS AND GUARDIANS OF PERSONS UNDER SIXTEEN (16) YEARS OF AGE FOR AUTHORIZING OR KNOWINGLY PERMITTING A VIOLATION OF THE ORDINANCE TO OCCUR; CREATING MUNICIPAL CIVIL INFRACTIONS FOR LESSORS OF EQUINE ANIMALS THAT KNOWINGLY RENT OR LEASE AN EQUINE ANIMAL TO BE RIDDEN BY A PERSON UNDER SIXTEEN (16) YEARS OF AGE UNLESS THE LESSOR HAS PROVIDED TO, OR OTHERWISE VERIFIES THAT THE RIDER HAS AND IS WEARING A SAFETY HELMET MEETING THE ORDINANCE'S SPECIFICATIONS; ESTABLISHING THE CIVIL PENALTY FOR RIDERS, THEIR PARENTS AND GUARDIANS FOR VIOLATIONS OF THIS ORDINANCE IN THE AMOUNT OF TWENTY-FIVE (\$25.00) PER INFRACTION; ESTABLISHING THE CIVIL PENALTY FOR LESSORS OF EQUINE ANIMALS FOR VIOLATIONS OF THIS ORDINANCE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER INFRACTION; PROVIDING FOR ENFORCEMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie is vested with municipal home rule powers to enact ordinances relating to the public's health, safety and welfare pursuant to Art. VIII, Section 2(b), Fla. Const., and pursuant to the Municipal Home Rule Powers Act, Section 166, Fla. Stat.; and

WHEREAS, the Town of Davie has original jurisdiction over all streets, highways within the Town's boundaries, except state laws, to regulate, warn, and guide traffic, including equine animal traffic, pursuant to the State Uniform Traffic Control Laws, Sections 316.006(2)(b), Fla. Stat., 316.008(1), Fla. Stat., and 316.003(53), Fla. Stat.; and

WHEREAS, Florida law clearly reflects the public interest in protecting the health, welfare and safety of our children who are under sixteen (16) years of age, when they are engaged in riding their bicycles and in other similar recreational activity, by requiring such minor children to wear safety helmets; and

WHEREAS, there are numerous equestrian trails, recreational trails, active and passive parks, open space preserves, school sites, water control district properties and other areas

within the Town where equestrian activities occur or are planned, and the Town wishes to regulate activity within such areas to promote the public's health, safety and welfare; and

WHEREAS, the Town has made a legislative determination that requiring persons under sixteen (16) years of age to wear safety helmets when riding horses and other equine animals promotes the public's health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. A new Section 4-5 of the Code of Ordinances of the Town of Davie, entitled "Safety Helmet required for riding horses and other equine animals", is hereby created to read as follows:

Sec. 4-5. Safety Helmet required for riding horses and other equine animals.

(a) It is the intent of the Town of Davie by enacting and codifying this section into its Code of Ordinances, to further promote the safety, health and welfare of its residents, and to regulate traffic and other lawful activities within defined public areas.

(b) After April 1, 2000, an equine animal rider who is under sixteen (16) years of age must wear a helmet that meets the American Society of Testing and Materials (ASTM) standards (or any other nationally recognized standard for equine helmets adopted by the Town of Davie Police Department through its administrative procedures) which is properly fitted and fastened securely upon the rider's head by a strap, when riding in a public area. This requirement applies regardless of whether a rider is controlling the equine animal.

(c) Notwithstanding any other provision in this section to the contrary, the term "equine animal" shall mean a horse, pony, mule or donkey. The term "public area" as used within this subsection shall mean:

- i. all areas within the Town where the Town of Davie enjoys original jurisdiction to regulate traffic pursuant to the State Uniform Traffic Control Laws;

- ii. all equestrian trails, recreational trails, active and passive parks, open space preserves, school sites, water control district properties and other areas within the town where equestrian activities occur or are planned; and
- iii. any and all other publicly owned or controlled property.

(d) After April 1, 2000, no parent of any person under sixteen (16) years of age, nor any guardian of any ward who is under sixteen (16) years of age may authorize or knowingly permit any such minor person or ward to violate any of the provisions of this section.

(e) After April 1, 2000, no person may knowingly rent or lease any equine animal to be ridden by a person who is under sixteen (16) years of age unless the prospective rider possesses a helmet meeting the requirements of subsection (b) above or the lessor provides a helmet meeting such requirements for the prospective rider to wear.

(f) A law enforcement officer may issue a citation to any minor child or ward who rides an equine animal in violation of this section, or to the parent or guardian of any such rider, carrying a fine of twenty-five dollars (\$25.00) for each of such infractions. The court must dismiss the charge against an equine animal rider for a first violation of this section of the Code upon the proof of purchase of a helmet that complies with the requirements of subsection (b) above. The court may waive, reduce or suspend the payment of any fine(s) imposed pursuant to this section, and may impose any other conditions on the waiver, reduction, or suspension of such fine(s). If the court finds that a person does not have sufficient funds to pay the fine(s), then the court may require the performance of a specified number of hours of community service or attendance at an appropriate safety seminar.

(g) A law enforcement officer may issue a citation for a fine of one hundred (\$100.00) dollars to any person who rents or leases any equine animal to be ridden by a person who is under sixteen (16) years of age, without ensuring that such minor rider is provided with, or possesses and uses a safety helmet that meets the requirements of subsection (b) above, for each of such infractions.

(h) Notwithstanding any other provision of this section to the contrary, any minor rider not wearing a helmet meeting the requirements of subsection (b) above, who is then presently engaged in an emergency situation involving the police officers, firefighters, paramedics and/or any other public safety officials, or in such instance that would typically be construed to constitute such an emergency situation, despite the present absence of such public safety officers, shall not be issued a citation from a law enforcement officer for such conduct.

SECTION 2. Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2000

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2000

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000