First Reading 1/17/2012
Second Reading 2/6/2012

ORDINANCE 2012-1

AN ORDINANCE TO AMEND CHAPTER 6, ENTITLED
ANIMALS, OF THE CODE OF THE
TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 6, ENTITLED ANIMALS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY, AMENDED BY ADDING SUBSECTION 6-1(b)(3), BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 6-1(c), AND BY ADDING ARTICLE III, AS FOLLOWS:

Sec. 6-1. Keeping reptiles or other non-domesticated animals.

. . .

(b) Exemptions.

. . .

(3) Horses, only pursuant to article III of this chapter.

(c) A violation of the provisions of this chapter shall be a municipal infraction subject to the provisions of section 1-8 of this Code.

. . .

ARTICLE III. HORSEBACK RIDING

Sec. 6-41. Riding permitted in designated areas.

The riding of horses within a specifically designated area of the beach of Ocean City is hereby permitted pursuant to the terms and conditions as set forth in this article.

Sec. 6-42. Permitted times and dates.

The riding of horses as permitted pursuant to this article shall only occur on an annual basis beginning on November 1 of each year through and concluding on March 30 of the next year. The permitted hours of riding during said time period shall be from 6:00 a.m. to 5:00 p.m.

Sec. 6-43. Designated riding area.

The designated area for the riding of horses as set forth in this article shall be on the area of beach beginning at the northernmost extension of 27th Street and extending south to the south end jetty. Horseback riding in any dune area, or any other area which may disturb or destroy any dune grass, dunes, nesting areas or threatened or endangered species or their habitat is specifically

LAW OFFICES
AYRES, JENKINS,
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SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

prohibited. In order to be in conformance with this section of this article, all riders must ride in the general vicinity of the hard sand closest to the water's edge.

Sec. 6-44. Sporting activities prohibited.

Any sporting activities such as horse racing, polo or other sporting activities involving horses are prohibited by this article. No galloping shall be permitted. The only activity permitted pursuant to this article shall be the leisurely activity of horseback riding consisting of walking or pacing of the horses.

Sec. 6-45. Permit required.

for multiple dates & $20.00 per horse for single date

A permit will be required for riding horses on the beach. The cost of the permit shall be $50.00 per horse and may be purchased at the office of the City Clerk. Each permit must be displayed in the front windshield of the vehicle used for towing the horse(s) to Ocean City. The permit shall permit two riders per permit vehicle to engage in the activity of horseback riding on the beach. The person obtaining the permit must provide their full name, permanent address and telephone number and their address and telephone number in Ocean City, if applicable, when completing an application for a permit. Each person seeking to obtain a permit must complete an application form as designated by the City Manager or his designee. A permit shall only be valid during the horseback riding season in which it was purchased. There shall be no refund if a permit is used for only part of the season. Additional riders may obtain a permit at the cost of $25.00 per rider. At the time of application, the applicant shall produce evidence of a negative "Coggins" test, current under equine industry standards, for each horse.

Sec. 6-46. Permittee responsible for riders.

The person who obtains the permit shall be responsible for any and all individuals engaging in horseback riding pursuant to said permit. This includes the responsibility of insuring that any beginner or intermediate rider is accompanied by an experienced rider and is capable of controlling the specific horse which he or she is riding.

Sec. 6-47. Limit on number of horses.

There is no limit on the number of permits that can be sold. There shall be a limit of no more than 12 horses permitted on the beach at any one time. Riding sessions must be scheduled at least three days in advance by contacting the City Clerk's Office at telephone number (410) 289-8221 and making a reservation. If 12 slots have been reserved for said day, then no reservation can be made for additional riders on said date. Ocean City reserves the right to only allow riding during times when the ocean tide shall be the lowest.

Sec. 6-48. Parking of trailers.

Any horse trailer used to transport a horse(s) to Ocean City for horseback riding may only be parked at the beach parking lot. If any said truck parked at said lot is connected to a trailer and does not have a permit, Ocean City, in its sole discretion reserves the right to tow both the truck and trailer at the owner's expense. Likewise, no trailer shall be allowed to be parked without being attached to a truck with a valid permit. All horse(s) used in the horseback riding permitted by this article shall be transported to Ocean City and no such horse(s) shall be permitted to be stabled, kept or to remain in Ocean City except during the specifically reserved riding times.

Sec. 6-49. Permittee responsibility; hearing; revocation of permit.

The permittee is responsible for cleaning any manure, hay or other debris which is caused by the riding of horses upon said beach including any and all which may fall in the parking lot, entrance to the beach or on the beach. Any such manure, hay or other debris must be removed from the Island and brought back to the stable or farm from which the horse came. A violation of this section of the ordinance may, in addition to all other penalties, result in a hearing before the City Manager at which hearing the permit of any such permittee may be revoked and said permittee may be refused the issuance of a permit in the future.

Sec. 6-50. Proper headgear required; hearing; revocation of permit.

All riders are required to wear a properly fitted and secure protective headgear (equestrian riding helmet) which meets or exceeds the quality standards of the SEI Certified ASTM standard F1163. Failure of any person(s) to wear a helmet while riding horses pursuant to this article may result, in addition to all other penalties, in a hearing before the City Manager at which hearing the permit of any such permittee may be revoked and said permittee may be refused the issuance of a permit in the future. It shall be the responsibility of the permittee to insure that any person riding pursuant to said permit is wearing such protective headgear. There will be no refund for any permit revoked because of a violation of this article.

Sec. 6-51. Accompaniment by adult required.

Any child under the age of 16 years must be accompanied by an adult at all times while riding on the beach.

Sec. 6-52. Accompaniment by dogs prohibited.

No dogs are permitted to accompany riders while riding on the beach pursuant to this article.

Sec. 6-53. Riders must yield to others.

When any rider comes upon any individuals on the beach, whether they be swimming, fishing, or engaged in other activities, it is the responsibility of the horse rider to yield and to ride around any such individuals or fisherman and also must yield, avoid and ride around any fishing lines.

Sec. 6-54. Responsibility for stolen articles.

Ocean City is not responsible for lost or stolen tack/personal items. The owners are responsible for locking their vehicles and trailers when not present.

Sec. 6-55. Consumption of alcoholic beverages prohibited; revocation of permit; hearing.

No person shall consume alcoholic beverages during the time they are riding or transporting horses to or from the beach in Ocean City. A violation of this section of the ordinance shall result in the immediate revocation of the permit of the permittee. The City Manager will further conduct a hearing at which time said permittee may be prevented from obtaining any permit for the riding of horses on the beach in the future.

Sec. 6-56. Rules and regulations; application for permit.

The City Manager is specifically given authority pursuant to this article to establish rules regulating the activity of horseback riding in Ocean City. Said rules may include the provisions contained in this article or may be in addition thereto. The application to be signed by a permittee shall specifically have contained thereon the following language:

> "I understand that horseback riding in Ocean City is a privilege. By signing this application for permit, I specifically agree that I, and anyone riding pursuant to this permit, shall be bound by this article and rules established by Ocean City regulating horseback riding on the beach. I further, on behalf of myself and all riders riding pursuant to the permit to be issued pursuant to this application, specifically release Ocean City, its officers, officials, agents and employees from any and all liability of any nature whatsoever associated or related to the riding of horses within Ocean City and specifically hold harmless those individuals and entities."

Sec. 6-57. Release of liability and hold harmless.

Upon receiving a permit, any individual riding pursuant to said permit shall be required to sign a waiver and release of liability of Ocean City, its officers, agents and employees in the form set forth in section 6-56 hereof.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on January 17, 2012.

ADOPTED AND PASSED as amended by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on February 6, 2012.

ATTEST:

KELLY ALLMOND, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary