

ANIMAL

Chapter 319 HORSE RIDING ESTABLISHMENTS

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SCHEDULE

Schedule 'A' - Sign posted on licensed premises

WHEREAS section 150 of the *Municipal Act, 2001*, c. 25 authorizes the Council of the Town of Richmond Hill to pass by-laws for licensing, regulating and governing of any business wholly or partly carried on within the municipality;

AND WHEREAS the Town of Richmond Hill deems it advisable to enact a by-law to license, regulate and govern horse riding establishments;

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AND WHEREAS purposes of consumer protection will be served by this by-law through:

- the establishment of a well-administered licensing and regulatory system governing businesses to which the by-law relates;
- the requirement of accountability of licensees through the disclosure of information, the requirement for regular renewals and the ensuring of proper conduct;
- the power of Council to revoke, refuse or suspend a licence in circumstances where proper standards of conduct and performance have not been met;

AND WHEREAS purposes of health and safety will be served by this by-law through:

- the requirement that all instructors and head trail guides employed by or volunteering at horse riding establishments must hold a current certification in first aid and cardiopulmonary resuscitation;
- the requirement that all riders are required to wear the proper safety equipment;
- the requirement that all instructors and head trail guides must be qualified to instruct or guide the customers;

AND WHEREAS Council at its meeting of December 12, 2005 adopted the recommendations of the Committee of the Whole at its meeting of November 30, 2005 in SRPD.05.183;

AND WHEREAS a public meeting was held in accordance with section 150 of the *Municipal Act, 2001*, c. 25 on November 30, 2005;

AND WHEREAS notice of the intention to pass this by-law was given on November 15, 2005 in accordance with the provisions of Chapter 278 of the Town of Richmond Hill Municipal Code - Public Notice.

Article 1 INTERPRETATION

319.1.1 Assistant instructor - defined

“assistant instructor” means a person who has attained the age of sixteen years and has at least three consecutive year’s experience in the immediately preceding five years riding horses and who is directly supervised by an instructor.

319.1.2 Council - defined

“Council” means the Council of The Corporation of the Town of Richmond Hill.

319.1.3 Drug - defined

“drug” means a substance as listed in Schedules I, II, III, IV or V to the *Controlled Drugs and Substances Act*, S.C. 1996, c.19, as may be amended from time to time.

319.1.4 Instructor - defined

“instructor” means a person who has attained the age of eighteen years and has at least five consecutive year’s experience in the immediately preceding seven years riding horses or a person who has been certified by the Ontario Equestrian Federation, Canadian Equestrian Federation, Canadian Therapeutic Riding Association, Certified Horseman’s Association or the British Horse Society.

319.1.5 Horse riding establishment - defined

“horse riding establishment” means the carrying on of a business where horses are let out on hire for riding or used in providing instruction in riding for payment, or both, either at a permanent or temporary location.

319.1.6 Head trail guide - defined

“head trail guide” means a person who has attained the age of eighteen years and has at least three consecutive year’s experience in the immediately preceding five years leading trail rides or cross-country instruction.

319.1.7 Horse - defined

“horse” means any animal of the equine species.

319.1.8 Licence Hearings Committee - defined

“Licence Hearings Committee” means a committee of Council duly appointed to conduct hearings under this Chapter. By-law 187-05, 12 December, 2005.

319.1.9 Licensing Officer - defined

“Licensing Officer” means a person appointed by the Commissioner of Planning and Development of the Town from time to time to issue licences. By-law 145-08, 14 July, 2008.

319.1.10 Person - defined

“person” means an individual, firm, corporation, association or partnership. By-law 187-05, 12 December, 2005.

319.1.11 Provincial Offences Officer - defined

“Provincial Offences Officer” means a person appointed by the Commissioner of Planning and Development of the Town as a Provincial Offences Officer pursuant to the authority under section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15 or designated in writing by a Minister under subsection 1 (3) of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as a Provincial Offences Officer. By-law 145-08, 14 July, 2008.

319.1.12 Town - defined

“Town” means The Corporation of the Town of Richmond Hill in the Regional Municipality of York.

Article 2**REQUIREMENT FOR LICENCE****319.2.1 Licence - required**

No person shall conduct any business in or upon any premises or part thereof, or carry on any trade or calling in the Town for which a licence is required under Section 319.2.2 unless he, she or it holds a licence issued therefor by the Town and has paid the licence fee therefor, as set out in Chapter 684 [Tariff of Fees].

319.2.2 Licence required - horse riding establishments

A licence shall be obtained by every person who carries on the business of a horse riding establishment within the limits of the Town.

319.2.3 Licence - expiration

Licences issued under the provisions of this Chapter unless otherwise expressed to be granted for a shorter period, shall expire on the 31st day of December in the year following the year in which they are issued.

319.2.4 Licence - must comply with zoning

No licence shall be issued for a horse riding establishment on premises where the Town’s Zoning By-law does not permit the use of those premises for such purposes.

319.2.5 Licence - display

Each horse riding establishment licence, when issued, shall be posted in a conspicuous place on the premises so licensed.

319.2.6 Insurance certificate - requirement

Every applicant for a horse riding establishment licence must produce a certificate signed by a licensed insurance broker certifying that the premises in respect of which the licence has been applied for has been insured for general liability and personal injury in the sum of not less than \$2,000,000 (Canadian) for any one occurrence prior to the date of the application and be endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without thirty days prior written notice to the Town.

319.2.7 Inspection of premises

The Licensing Officer or a Provincial Offences Officer may between 8 a.m. and 5 p.m. Monday to Friday, inclusive, enter upon the business premises of any licensee to ensure that the provisions of this Chapter have been complied with.

319.2.8 Regulation of carrying on business

No person shall carry on the business of a horse riding establishment:

- (a) and rent, loan or otherwise allow a person under the age of eighteen years to ride a horse unless that person is wearing a helmet that meets current standards set for use while riding horses as established by the American Society of Testing and Materials (ASTM), the Canadian Standards Association (CSA) or European Safety Standards, as may be established or revised from time to time, which is properly fitted and fastened securely upon the rider's head by a harness, at all times while that person is mounted on a horse;
- (b) and rent, loan or otherwise allow a person to ride a horse unless that person is wearing properly fitting, hard and smooth soled footwear with a heel of not less than 1.5 centimetres (.59 inches) at all times while that person is mounted on a horse;
- (c) and conduct cross-country instruction or trail riding with less than one head trail guide, instructor or assistant instructor for every six persons taking instruction or riding, as the case may be;
- (d) and conduct cross-country instruction or trail riding without a head trail guide, instructor or assistant instructor carrying, at all times, a fully functioning two-way radio where its signal will be received by another head trail guide, instructor or assistant instructor who is not also on that same instruction or trail ride, or without its instructor or assistant instructor carrying a fully functioning cellular or digital telephone;
- (e) and permit more than one person to ride a horse at the same time;

- (f) and rent, loan or otherwise allow a person to ride a horse unless that horse is known to be safe, sound and schooled for the purposes intended, regardless of the rider's ability;
- (g) and permit any person to mount or dismount a horse for the purposes of cross-country instruction or trail riding unless that horse is held at the bridle by an employee or volunteer of the person carrying on the business and who is supervised by an instructor or head trail guide;
- (h) and rent, loan or otherwise allow a person to ride a horse where that person is taking, consuming, possessing or is, or appears to be, intoxicated by alcohol or a drug on any premises used for the carrying on of the business of a horse riding establishment; or
- (i) and rent, loan or otherwise allow a person to ride a lame, sick or blind horse, and for the purposes of cross-country instruction or trail riding a stallion or a horse under five years of age, unless that person is the owner of that horse.

319.2.9 Footwear - exception

Section 319.2.8 (b) shall not apply where a rider has been provided with proper functioning and appropriately sized hooded stirrups, safety stirrups which are designed to prevent a rider's foot from passing through or becoming wedged in the stirrup or stirrups which are designed to break-away when a rider falls from the horse.

319.2.10 Condition of grounds

No person shall carry on the business of a horse riding establishment on premises without keeping that portion of the said premises ordinarily used for the riding of horses clear of all ground and over-hanging obstructions. Where said obstructions cannot be cleared, the person carrying on the business of a horse riding establishment shall barrier these obstructions such that horses and riders will not come in contact with them.

319.2.11 Condition of tack - clean - fit - fully functional

Prior to beginning instruction or conducting or leading a trail ride, the instructor, head trail guide or an assistant instructor assigned to that instruction or ride, as the case may be, shall examine the fit and condition of all equipment to be used by each rider to ensure that it is clean, supple, well-fitting, secure and fully functional.

319.2.12 Signage

A premises which contains a horse riding establishment shall contain a sign, to be created and erected at the expense of the licence applicant/holder, the size and location of which shall be as approved by the Licensing Officer, and which is in the form as prescribed by Schedule 'A' to this Chapter.

319.2.13 False information - prohibited

No person shall knowingly give false information when applying for a licence under this Chapter.

319.2.14 Signs and advertisements

No person shall erect or maintain any sign advertising the carrying on of a horse riding establishment except in accordance with Town by-laws, including the Sign By-law [Chapter 740 to the Municipal Code].

Article 3**PERSONNEL REQUIREMENTS****319.3.1 Instructors - minimum qualifications**

No person shall instruct persons in the riding of horses at a horse riding establishment unless:

- (a) they have attained the age of eighteen years and they have at least five consecutive year's experience in the immediately preceding seven years riding horses; or
- (b) they have attained the age of eighteen years and they have been certified by the Canadian Equestrian Federation, Ontario Equestrian Federation, Canadian Therapeutic Riding Association, Certified Horseman's Association or British Horse Society.

319.3.2 Assistant instructors - minimum qualifications

Notwithstanding the provisions of Section 319.3.1, a person shall be permitted to assist in the instruction of persons in the riding of horses at a horse riding establishment where:

- (a) they have attained the age of sixteen years; and
- (b) they have at least three consecutive year's experience in the immediately preceding five years riding horses and they are under the direct supervision of an instructor who meets the qualifications as provided for in Section 319.3.1.

319.3.3 Head trail guide - minimum qualifications

No person shall conduct or lead a trail ride at a horse riding establishment unless they have attained the age of eighteen years and they have at least three consecutive year's experience in the immediately preceding five years leading trail rides or cross-country instruction.

319.3.4 Instructors - prohibition from consuming alcohol or drugs

No person shall instruct or assist in the instruction of persons in the riding of horses or conduct or lead or assist in the conducting or leading of a trail ride at a horse riding establishment while taking, consuming, possessing or being, or appearing to be, intoxicated by alcohol or a drug.

319.3.5 Employment of unqualified instructors - offence

No person shall carry on the business of a horse riding establishment and employ or allow persons to instruct or assist in instruction or conduct or lead or assist in the conducting or leading of a trail ride in contravention of Sections 319.3.1, 319.3.2, 319.3.3 or 319.3.4

319.3.6 Minimum age

No person shall carry on the business of a horse riding establishment and rent, loan or otherwise allow a person under the age of ten to ride a horse for the purpose of trail riding or cross-country instruction.

319.3.7 Minimum age - exception

Notwithstanding the provisions of Section 319.3.6, a person who carries on the business of a horse riding establishment may rent, loan or otherwise allow a person who has attained the age of at least six years to ride a horse for the purpose of trail riding or cross-country instruction where the horse is secured to and led by another horse which is mounted by a strong, capable adult.

319.3.8 Initial instructions

Prior to beginning instruction or conducting or leading a trail ride, the instructor, head trail guide or an assistant instructor assigned to that instruction or ride, as the case may be, shall provide emergency situation training including emergency dismounting, controlling a runaway horse and proper handling of reins.

319.3.9 First aid certification

All instructors and head trail guides employed by or volunteering at a riding horse establishment must hold a current certification in first aid and cardiopulmonary resuscitation from either the St. John's Ambulance or the Canadian Red Cross Society and shall maintain a fully stocked first-aid kit on the premises.

Article 4
CONDITIONS FOR ISSUE OF LICENCE

319.4.1 Application - time for

Applications for the issuance or renewal of a licence for a horse riding establishment for any given year must be received by the Licensing Officer, in the form prescribed by the Licensing Officer on or before the 31st day of December for the next ensuing licence year which runs from January 1 of that same year to December 31 the following year.

319.4.2 Licence - partnership

Persons associated in a partnership applying for a licence under this Chapter shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state:

- (a) the full name of every partner and the address of his, her or its ordinary residence;
- (b) the name or names under which they carry on or intend to carry on business;
- (c) that the persons therein named are the only members of the partnership; and
- (d) the mailing address of the partnership.

319.4.3 Licence - corporation

Every corporation applying for a licence shall file with their application a copy of its articles of incorporation or other incorporating document and shall file a statutory declaration, in writing, signed by an officer of the corporation, which declaration shall state:

- (a) the full name of every officer, director and shareholder and the address of each officer's, director's and shareholder's ordinary residence;
- (b) the name or names under which it carries on or intends to carry on business;
- (c) that the persons therein named are the only officers, directors and shareholders of the corporation; and
- (d) the mailing address for the corporation.

Article 5
REPORT TO COUNCIL

319.5.1 Report to Council

Where the Commissioner is of the opinion that an applicant for a licence does not comply with any one or all of the conditions set out in Article 4 of this Chapter, the Commissioner shall, upon the request of the applicant, report to Council and Council may, upon consideration of the report of the Commissioner, direct the Licensing Officer to issue the licence if, in the opinion of Council, the said conditions have been satisfied.

Article 6
LICENCE NON-TRANSFERABLE
WITHOUT COUNCIL APPROVAL

319.6.1 Licence not transferable

A licence issued under this Chapter shall not be transferred or assigned by the licence holder without the consent of Council upon the recommendation of the Commissioner.

Article 7
GROUNDS FOR REFUSAL TO ISSUE
OR RENEW A LICENCE

319.7.1 Licence issued or renewed

An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed.

319.7.2 Licence refused - financial position

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where, having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed.

319.7.3 Licence refused - past conduct of applicant

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed, in accordance with law and with integrity and honesty.

319.7.4 Licence refused - contrary to public interest

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where the issuance of the licence or renewal of the licence would be contrary to the public interest.

319.7.5 Licence refused - premises do not comply

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where there are reasonable grounds for belief that the premises, accommodation, equipment or facilities in respect of which the license is required do not comply with the provisions of this Chapter or other applicable law.

319.7.6 Licence refused -activities in contravention

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter.

319.7.7 Licence refused - use of premises

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where there are reasonable grounds for belief that the nature, condition or use of the premises, or any equipment, vehicle or other personal property used or to be used by the applicant or licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this Chapter or any other law.

319.7.8 Licence refused - false information provided

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the licensee or applicant, contains a false statement or provides false information.

319.7.9 Licence refused - information provided

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where the information provided to the Town by or on behalf of the applicant or licensee, whether oral or in writing, has ceased to be accurate, and the applicant or licensee has not provided up-to-date accurate information to the Town sufficient to allow the Council to conclude that the licence should be granted or maintained as valid and subsisting.

319.7.10 Licence refused - fee not paid

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where the fee payable in respect of the licence applied for has not been paid.

319.7.11 Licence refused - non-compliance

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where the applicant does not comply or ensure compliance with any condition imposed under this Chapter upon the business or upon the licensee, as a requirement of obtaining, continuing to hold or renewing a licence.

319.7.12 Licence refused - applicant is corporation

Notwithstanding Section 319.7.1, a licence may not be issued or renewed where if the applicant or licensee is a corporation:

- (a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;
- (b) the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law;
- (c) the issuance of the licence or renewal of the licence would be contrary to the public interest; or
- (d) it is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter.

Article 8

COUNCIL'S POWER TO REFUSE TO ISSUE OR RENEW A LICENCE

319.8.1 Council's power to refuse to issue or renew a licence

Council may refuse to issue or renew a licence or may refuse to renew a licence, where the applicant or licensee would be disentitled to a licence for any of the reasons set out in Article 7.

Article 9

REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE

319.9.1 Licence refused - refund of fee

When an application for a licence or renewal of a licence is refused, the applicant is entitled to apply to the Licensing Officer for a refund of up to 50 per cent of the application processing fee.

Article 10

ISSUANCE OF LICENCE ON TERMS AND CONDITIONS

319.10.1 Licence issued - terms and conditions

Notwithstanding any other provision of this Chapter, Council may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to this Chapter, if first consented to by the applicant or licensee; or, if recommended by the Licence Hearings Committee after a hearing as provided for in Section 319.17.1 of this Chapter.

**Article 11
COUNCIL'S POWER TO REVOKE
OR SUSPEND A LICENCE**

319.11.1 Licence revoked or suspended

Council may revoke or suspend a licence where the licensee would be disentitled to a renewal of a licence on the grounds set out in Article 7 of this Chapter.

**Article 12
REFUND OF FEE ON REVOCATION OF A LICENCE**

319.12.1 Licence revoked - refund of fee

When a licence is revoked under Section 319.11.1, the licensee is entitled to apply to the Licensing Officer for a refund of that part of the licence fee which is proportionate to the unexpired part of the term for which the licence was issued.

319.12.2 Refund of fee - not applicable

The provisions of Section 319.12.1 do not apply when the unexpired part of the term is less than four months.

**Article 13
CANCELLATION OF A LICENCE**

319.13.1 Licence - cancelled

Any licence issued under this Chapter may be cancelled by the Licensing Officer at any time, upon the written request of the licensee.

**Article 14
APPEALS TO THE LICENCE HEARINGS COMMITTEE**

319.14.1 Licence refused - renewed - recommendation to Council

When an applicant or a licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in section 319.7.1, the Licensing Officer shall recommend to Council that Council shall refuse to issue or renew the licence, or that Council suspend or revoke the licence, or, subject to Section 319.10.1, that Council issue a licence on terms and conditions.

319.14.2 Refusal to issue or renew licence - written notice

Before Council refuses to issue or refuses to renew a licence, or revokes or suspends or cancels a licence, a written notice advising the applicant or licensee of the recommendation being made by the Licensing Officer to Council with respect to the licence, shall be given to the applicant or licensee by the Licensing Officer.

319.14.3 Written notice - contents

The written notice to be given under Section 319.14.2 shall:

- (a) set out the grounds for the recommendation,
- (b) give reasonable particulars of the grounds,
- (c) be signed by the Licensing Officer,
- (d) inform the applicant or licensee that he or she is entitled to a hearing before the Licence Hearings Committee, if he or she delivers, within seven days after the date of service of the written notice, or the date of personal service of the written notice, whichever is later, a written request for a hearing before the Licence Hearings Committee.

**Article 15
NOTICE OF HEARING**

319.15.1 Notice of hearing

On receipt of a written request for a hearing from an applicant or a licensee, the Licensing Officer shall require that the Clerk of the Town convene a meeting of the Licence Hearings Committee and shall give the applicant or licensee reasonable written notice thereof.

**Article 16
SERVICE OF WRITTEN NOTICE**

319.16.1 Written notice - service

The written notice referred to in Sections 319.14.2, and 319.14.3, is sufficiently served if delivered personally or sent by registered or certified mail, addressed to the person to whom service is required to be made, according to the licensing section records.

319.16.3 Written notice - service - via registered or certified mail

When service is made through registered or certified mail, the service shall be deemed to have been made on the seventh day after the day of mailing, unless the person on whom service is being made, establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the written notice until a later date.

Article 17
HEARINGS BEFORE THE LICENCE
HEARINGS COMMITTEE

319.17.1 Licence Hearings Committee - applicant does not attend
When the applicant or licensee who has been given written notice of the hearing, does not attend at the proper time and place, the Licence Hearings Committee may proceed with the hearing in his or her absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.

319.17.2 Licence Hearings Committee - recommendation - Council
At the conclusion of a hearing, the Licence Hearings Committee shall provide its recommendations to the Council after which Council may make the decision.

Article 18
COUNCIL AUTHORITY- AFTER THE HEARING

319.18.1 Council - decision final
Council may accept or vary the recommendations of the Licence Hearings Committee or do any act or make any decision that it might have done if it had conducted the hearing itself and the applicant or licensee shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

Article 19
RETURN OF THE LICENCE AFTER
REVOCATION OR SUSPENSION

319.19.1 Licence revoked - suspended - returned
When a licence has been revoked or suspended, the holder of the licence shall return the licence to the Licensing Officer within twenty-four hours of service of written notice of the decision of Council.

319.19.2 Licence revoked - Licensing Officer to obtain licence
When a person has had his or her licence revoked or suspended under this Chapter he or she shall not refuse to deliver up or in any way obstruct or prevent the Licensing Officer from obtaining the licence, in accordance with Section 319.19.1.

Article 20
TRANSITION

319.20.1 Transition

A licence issued under the applicable by-law in effect immediately prior to the enactment of this Chapter shall remain in effect following the enactment of this Chapter only until the earlier of its expiry or its revocation.

Article 21
SEVERABILITY

319.21.1 Validity

If a court of competent jurisdiction declares any provision, or any part of a provision of this Chapter to be invalid or to be of no force and effect, it is the intention of the Council in enacting this Chapter, that each and every other provision of this Chapter authorized by law, be applied and enforced in accordance with its terms, to the extent possible according to law.

Article 22
ENFORCEMENT

319.22.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and, upon conviction is liable to a fine and other penalties imposed pursuant to the *Provincial Offences Act*, as amended.

Article 23
REPEAL - ENACTMENT

319.23.1 By-law - previous

Chapter 319 of the Municipal Code respecting Horse Riding Establishments shall be repealed in its entirety and replaced with Chapter 319 attached as Schedule 'A' to By-law 269-99 be repealed. By-law 187-05, 12 December 2005; By-law 78-11, 11 July, 2011.

HORSE RIDING ESTABLISHMENTS

SCHEDULE

Schedule 'A' - Sign posted on licensed premises

Patrons are advised of the following regulations imposed by Chapter 319 of the Town of Richmond Hill Municipal Code - Horse Riding Establishments governing the operation of this business:

Maximum six riders per leader.

Helmets to be worn by all persons under age 18.

Hard soled shoes with a heel must be worn by all riders unless using hooded, safety or break-away stirrups.

Patrons are advised that even with this safety equipment, horse riding contains inherent risks which may result in serious injury or death.

Inexperienced riders are asked to identify themselves to the instructor/leader.

Patrons are encouraged to enquire about hazardous conditions which may exist on this property.

By-law 187-05, 12 December, 2005; Schedule 'A'.