



Legislation Text

File #: Int 0035-2010, **Version:** A

Int. No. 35-A

By Council Members Gennaro, Crowley, Koslowitz, James, Koppell, White, Reyna, Comrie, Sanders and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of horse drawn cabs and repealing section 17-333 of the administrative code.

Be it enacted by the Council as follows:

Section 1. Subdivisions b, c, g, l, n and p of section 17-330 of the administrative code of the city of New York are amended and two new subdivisions q and r are added to read as follows:

b. 1. Horses shall not be left untethered or unattended except when confined in a stable or other enclosure. When tethered, all horses shall be secured by the use of a rope attached to the halter, not to the bit or bridle.

2. Horse bridles and halters shall be used on carriage horses at all times when operating a carriage.

c. [Standing stalls in stables shall be of a size specified by regulation of the commissioner.] Standing stalls for carriage horses shall be sixty square feet or larger, with a minimum width of seven feet, and shall be configured to permit a carriage horse to turn around and safely lay down within the stall. Horses shall be un-tied when stabled. A halter shall be on the horse or hung outside each stall at all times.

g. 1. Carriage horses shall not be at work for more than nine hours in any continuous twenty-four hour period. Riding horses shall not be at work for more than eight hours in any continuous twenty-four hour period. Rest periods for carriage horses and riding horses shall be of such duration and at such intervals as the commissioner shall prescribe, but rest periods for carriage horses shall in no event be for less than fifteen minutes after each two hour working period, and the time of such rest period shall be included in calculating the number of hours the horse has worked in any twenty-four hour period. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse.

2. Carriage horses shall receive no less than five weeks of vacation or furlough every twelve months at a horse stable facility which allows daily access to paddock or pasture turnout. Proof of such vacation or furlough shall be provided upon request to the department and/or the ASPCA.

l. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the driver's name and identification number,

if applicable, rider's name, the horse's identification number, vehicle license plate number, if applicable, time of leaving stable and time of return to stable. An owner of a rental horse business shall also keep written protocols for emergencies, including but not limited to primary and secondary emergency contact information for each horse owner and insurance company information, if applicable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

n. Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a rental horse business, at time of each license renewal, and thereafter at intervals of not [more than once year] less than four months and not greater than eight months. The examination shall include the general physical condition of the horse, its teeth, hoofs and shoes, its stamina and physical ability to perform the work or duties required of it, and whether it is current on vaccinations, including those for rabies, Eastern/Western equine encephalitis, West Nile virus, Rhinopneumonitis virus, and tetanus, or any other vaccinations the Commissioner may require by rule. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or humane correction or disposition of the same. A signed health certificate by the examining veterinarian shall be maintained at the stable premises at which such horse is located and shall be displayed on the outside of the such horse's individual stall. [A copy] An original of said certificate shall be mailed by the examining veterinarian to the department [of health and mental hygiene].

p. [In the event that any regulation requiring horse drawn carriages to be equipped] Every carriage horse required to be licensed hereunder shall be equipped with a manure catching device, [is adopted by any city agency or agencies, such] Such devices shall be affixed or attached to the carriage and shall at no time be affixed or attached to the horse.

q. Carriage horses shall not be younger than five years at the time placed into service in any rental horse business and licensed. No carriage horse older than 26 years of age shall be licensed to work in a rental horse business. Acceptable proof of age shall include a signed letter from a licensed veterinarian stating the horse's age, a certificate from an officially recognized national registry of horses stating the horse's age, or another industry approved method of certifying age.

r. Owners shall insure that during the months of November through April every carriage is equipped with a heavy winter horse blanket large enough to cover the horse from crest of neck to top of rump. Such blankets shall be used to cover carriage horses in cold weather. Waterproof horse blankets of a lighter material shall be provided at all times to cover the horse from withers to tail during periods of wet weather when the air temperature is 55 degrees or below.

§2. Section 17-333 of the code is REPEALED.

§3. Section 17-334.1 of the code is amended by adding a new subsection d to read as follows:

d. The training program shall be available only to persons holding a currently valid driver's license.

§4. Section 20-380 of the code is amended to read as follows:

§20-380. Rates of horse drawn cabs. The amount to be charged and collected for the use of a horse drawn cab by one or more passengers shall be the total of the following items: [thirty-four] fifty dollars for the first [half-hour] twenty minutes or fraction thereof[, the fraction of the half-hour shall be at the passenger's option,] and [ten] twenty dollars for each additional [fifteen] ten minutes thereafter. Such rates shall be indexed for inflation based on the Consumer Price Index every three years.

§5. Section 20-381 of the code is amended by adding a new subsection f to read as follows:

f. An applicant who has not previously held a license under this section shall be issued a probationary license upon approval of his or her application. A holder of a probationary license may ride alongside a licensed driver at any time. A probationary license shall be valid from the date of issuance until six months after the date of issuance and may be revoked for any violation of the rules and regulations pertaining to rental horses and horse drawn cabs. Until he or she accrues eighty hours time spent operating a horse drawn cab, a holder of a probationary license shall only be permitted to operate a horse drawn cab at staging areas immediately adjacent to Central Park and on roadways or paths wholly within a New York City park. Following the accrual of eighty hours of time spent operating a horse drawn cab, a holder of a probationary license shall be permitted to operate a horse drawn cab to or from a stable at any time. For the purposes of this subsection a person shall be considered to be operating a horse drawn cab if he or she is holding the reins of a horse attached to a horse drawn cab and directing such horse's movements while the cab is in motion. At the conclusion of six months, if the probationary licensee has accrued no violations under subchapter 3 of title 17 or this subchapter, the licensee shall be issued a horse drawn cab driver's license under the terms of this subchapter.

§6. Subsections a and b of section 20-381.1 of the code are amended to read as follows:

a. 1. It shall be unlawful for a driver of a horse drawn cab to operate such cab at any time when and where such operation is prohibited.

2. In addition to the time restrictions on the operation of horse drawn cabs as set forth in this section, no horse drawn cab may operate on any street in New York between the hours of 3:00 a.m. and 7:00 a.m., seven days a week.

b. (1) Horse drawn cabs shall not be driven or operated in the borough of Manhattan between the hours of 7:00 a.m. and 10:00 a.m. on Monday through Friday. Horse drawn cabs shall not be driven or operated in the borough of Manhattan between the

hours of 10:00 a.m. and 9:00 p.m. on Monday through Friday except for that area inside or immediately adjacent to Central Park.

(2) Between the hours of 9:00 p.m. and 11:30 p.m. on Monday through Friday, between the hours of 12:30 p.m. and 11:30 p.m. on Saturday, and between the hours of 1:30 p.m. and 7:00 p.m. on Sunday, horse drawn cabs shall not be driven or operated in the borough of Manhattan in the areas bounded by and including the following streets: on the north by West Fifty-seventh Street, on the east by Seventh Avenue, on the south by West Forty-second Street and on the west by Ninth Avenue; and on the north by West Sixty-fifth Street, on the east by Columbus Avenue, on the south by West Fifty-seventh Street and on the west by Amsterdam Avenue.

(3) On Saturday between the hours of 10:00 a.m. and 8:00 p.m. throughout the year and on Sunday between the hours of 10:00 a.m. and 7:00 p.m. during the period commencing with the Sunday preceding Thanksgiving until the sixth day of January immediately thereafter, horse drawn cabs shall not be driven or operated in the borough of Manhattan in the area bounded by and including the following streets: on the north by West Fifty-seventh Street, on the east by Fifth Avenue, on the south by West Forty-second Street and on the west by Avenue of the Americas.

(4) On New Year's Day, Thanksgiving Day and Christmas Day, the restrictions set forth in paragraphs one, two and three of this subdivision shall not apply. On the aforementioned days between the hours of 10:00 a.m. and 11:30 p.m., horse drawn cabs shall not be driven or operated in the borough of Manhattan in the areas bounded by and including the following streets: on the north by West Fifty-seventh Street, on the east by Seventh Avenue, on the south by West Forty-second Street and on the west by Ninth Avenue; and on the north by West Sixty-fifth Street, on the east by Columbus Avenue, on the south by West Fifty-seventh Street and on the west by Amsterdam Avenue.

(5) At no time shall any horse drawn cab be driven or operated on or in any bridge or tunnel within the city of New York.

(6) At no time shall any horse drawn cab be driven or operated on any street below 34th Street in the borough of Manhattan.

§7. Subchapter 21 of Title 20 of the code is amended by adding a new section 20-381.2 to read as follows:

§ 20-381.2 Lighting and safety equipment for horse drawn cabs. a. The commissioner shall promulgate rules requiring that sufficient lighting and reflective materials be provided on horse drawn cabs including sufficient lighting on the rear axle of all horse drawn cabs at the location where licenses are affixed. Such rules shall be enforced in the same manner as the enforcement of rules promulgated pursuant to section 20-384 of the code.

b. Every horse drawn cab licensed pursuant to this subchapter of the code must be equipped with an emergency brake system, unaffected by rain or wet street conditions.

§8. This local law shall take effect immediately, except that section 17-330 (c) shall take effect one hundred eighty days after the local law that added this section became effective and except that the commissioners of the department of health and/or

consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

LCC
LS 358
Int. 653-A/2007
4/6/10