

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1989**

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**No. 89**

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Introduced by Council Member Dryfoos, the Vice-Chairman (Council Member Vallone), and Council Member Eisland; also Council Members Lisa and Wooten.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to the operation of horse drawn cabs.**

*Be it enacted by the Council as follows:*

Section one. Legislative Findings. The horse drawn carriage has been a constant feature of New York City's past and continues to be an integral part of the tourist industry. The horse drawn carriage ride offers New Yorkers and tourists alike a unique transportation experience. The continued regulation of the horse drawn carriage industry is necessary to protect the public from the traffic hazards caused by horse drawn carriages. The operation of horse drawn carriages by drivers and owners who have not demonstrated a basic knowledge of the proper care, handling and maintenance of the horse and of the laws and regulations relating to the operation of horse drawn carriages increases the risk that horses will be overworked and treated inhumanely. The presence of horse drawn carriages in areas where there is traffic congestion jeopardizes the safety of the horses and increases the possibility of accidents. It is therefore reasonable and necessary to impose additional regulations on the operation of horse drawn carriages to insure the proper care and handling of the horses and to further safeguard the horses and the public from the hazards of traffic. Additionally, effective and meaningful enforcement of certain regulations requires that owners of horse drawn carriages be legally liable for certain conduct of drivers of horse drawn carriages. Therefore, the Council finds that in order to minimize traffic congestion and to assure the health and safety of motorists and pedestrians, this local law is necessary.

§2. Chapter one of title nineteen of the administrative code of the city of New York is amended by adding a new section 19-171 to read as follows:

§19-171 Horse drawn cab stands. The commissioner shall designate by regulation specific locations on the streets, avenues and roadways which shall be, on and after a date when such regulation shall become effective, the sole locations where passengers may board horse drawn cabs.

§3. Subchapter twenty-one of chapter two of title twenty of such code is amended by adding a new section 20-377.1 to read as follows:

§20-377.1 Insurance. a. *As a condition of the issuance of a license to operate a horse drawn cab, each applicant shall furnish proof that such horse drawn cab is insured under a liability insurance policy with respect to such horse drawn cab for personal injury or death and for injury to or destruction of property of one or more persons resulting from any one accident of not less than the minimum dollar amount of liability insurance coverage required by law or regulation to be maintained by owners of for-hire vehicles.*

*b. The licensee shall notify the commissioner of any modification, amendment, cancellation or substitution of any insurance policy required under subdivision a of this section within ten days of notice to the licensee of such modification, amendment, cancellation or substitution.*

§4. Subdivision g. of section 17-330 of subchapter three of chapter three of title 17 of such code is hereby amended to read as follows:

*g. Carriage horses shall not be at work for more than [ten] eight 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. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse.*

§5. Section 17-330 of such subchapter, chapter, title and code is hereby amended by the addition of new subdivisions o and p to respectively read as follows:

*o.1. Carriage horses shall not be worked in temperatures under 18 degrees fahrenheit.*

*2. Carriage horses shall not be worked whenever the air temperature is 90 degrees fahrenheit or above.*

*3. For the purposes of this subdivision, temperatures shall be those measured by the commissioner, or his or her designee, using an instrument approved by the commissioner for accuracy, at street level at one of the stands designated pursuant to section 19-171 of the code on and after a date when regulations promulgated pursuant to such section are effective. The operators of carriage horses already being worked when the temperature does not meet these limits, must immediately cease working, move the horse to an area of shelter, where available, rest the horse and then walk it directly to its stable. All horses so returned to their stable must be unbridled and must remain at the stable for at least one hour, and thereafter, until such time as the weather conditions shall once again reach acceptable limits.*

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

§6. Subchapter 21 of chapter two of title twenty of such code is amended by adding a new section 20-381.1 to read as follows:

*§20-381.1 Area and time restrictions on the operation of horse drawn cabs.*

*a. 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.*

*b. (1) Horse drawn cabs shall not be driven or operated 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 between the hours of 7:00 a.m. and 10:00 a.m. on Saturday and Sunday except for that area in or immediately adjacent to Central Park.*

*(2) Horse drawn cabs shall not be driven or operated between the hours of 4:00 p.m. and 7:00 p.m. on Monday through Friday. Horse drawn cabs shall not be driven or operated between the hours of 4:00 p.m. and 7:00 p.m. on Saturday and Sunday except for that area in or immediately adjacent to Central Park.*

*(3) Between the hours of 10:00 a.m. and 4:00 p.m. on every day of the week, horse drawn cabs shall only be driven or operated immediately adjacent to or inside Central Park and, on and after such date on which regulations promulgated pursuant to section 19-171 shall become effective, only after picking up a fare at a stand designated for such purpose by such regulations.*

*(4) Between the hours of 7:00 p.m. and 12:00 midnight, on every day of the week, 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 fifty-eighth street, on the east by third avenue, on the south by twenty-third 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.

c. The prohibitions contained in this section shall not be construed to apply to horse drawn cabs which are being driven, without passengers, on a direct route to or from the location at which the horse is sheltered.

d. Whenever a horse drawn cab is operated with the permission of its owner and the driver operates such cab in any area at any time where and when such operation is prohibited, such owner shall be guilty of a violation of this section. In any prosecution of an owner for a violation of this section, it shall not be necessary to prove that the owner knew or should have known that the driver operated such cab in an area or at a time where or when such operation was prohibited, and there shall be a rebuttable presumption that such cab was operated with the permission of the owner.

e. Notwithstanding the provisions of paragraph one of subdivision b. of section 2903 of the charter, where exigent circumstances exist and a police officer or other authorized officer or employee of the department, the department of transportation, or the department of parks and recreation gives notice to the driver of a horse drawn cab to refrain from operating such cab in a specific location at a specific time, such driver shall not operate such cab at such location at such time. For purposes of this subdivision, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian or vehicular traffic, the existence of any obstructions in the public space, an accident, fire or other emergency situation, a parade, demonstration or other similar event or occurrence at or near such location.

f. This section shall be enforced by the department and the department of transportation, with the cooperation of the department of parks and recreation, the police department, the department of health and the american society for the prevention of cruelty to animals.

g. This section shall not be construed to permit the operation, parking, stopping or standing of any horse drawn cab in any area at any time where or when such operation, parking, stopping or standing is prohibited by any other law, rule or regulation.

§7. Subdivision a of section 17-332 of subchapter three of chapter three of title 17 of such code is amended to read as follows:

a. Any violation of this subchapter, or of any of the regulations promulgated hereunder, shall upon conviction thereof be punishable by a fine of not less than [fifty] *one hundred* dollars nor more than [two hundred fifty] *five hundred* dollars or by imprisonment not exceeding fifteen days, or both.

§8. Such subchapter, chapter, title and code is hereby amended by adding a new section 17-334.1 to read as follows:

§17-334.1 *Training Program and Examination.* a. *The department shall offer a training program and a written examination for all horse drawn cab drivers. The commissioner shall issue a certificate to any person successfully completing the training program and achieving satisfactory results on the written examination administered by the department. Subjects which shall be included in such training program are: (1) proper horse care and grooming, (2) proper preparation and cleaning of harnesses and padding, (3) proper fitting of the bit, bridle and harness to the horse, (4) proper hitching of the horse to the carriage, (5) traffic laws and*

*regulations of the city of New York, (6) permissible hours and areas of operation of horse drawn cabs in the city of New York, (7) all laws and regulations of the city of New York pertaining in any way to horse drawn cabs and (8) such other subjects as shall be deemed appropriate and necessary by the commissioner.*

*b. The department may impose a fee for the training program and examination, as provided in subdivision a. hereof, in order to defray expenses incurred in the administration thereof.*

§9. Section 20-380 of subchapter 21 of chapter two of title 20 of such code is hereby 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: [seventeen] *thirty-four* dollars for the first half hour or fraction, the fraction of the half hour shall be at the passenger's option, and [five] *ten* dollars each additional fifteen minutes thereafter.

§10. Section 20-381 of such subchapter, chapter, title and code, is hereby amended by adding two new subdivisions e and f to respectively read as follows:

*e. A horse drawn cab driver's license shall not be issued or renewed unless the applicant therefor has submitted to the commissioner a certificate issued by the commissioner of health pursuant to section 17-334.1 of the code.*

*f. Whenever a horse drawn cab is operated with the permission of its owner by a person who does not possess a current valid driver's license issued pursuant to this section, such owner shall be guilty of a violation of this section. In any prosecution of an owner for a violation of this section, it shall not be necessary to prove that the owner knew or should have known that the driver was unlicensed, and there shall be a rebuttable presumption that such cab was operated with the permission of the owner.*

§11. Severability. If any clause, sentence, subdivision, paragraph, section or part of this local law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

§12. This local law shall take effect immediately, except that section eight hereof shall take effect ninety days after enactment, and this local law shall expire four years from the date of enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 7, 1989, disapproved by the Mayor on October 6, 1989 and repassed by two-thirds of the Councilmembers on November 21, 1989 and said law is adopted notwithstanding the objections of the Mayor.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed local law (Local Law 89, Council Int. No. 1262-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on September 7, 1989; 31 for, 3 against

Was disapproved by the Mayor on October 6, 1989.

Was returned to the City Clerk on October 10, 1989.

Was reconsidered by the Council on November 21, 1989 and received the following vote of the Councilmembers at a meeting of the Council on November 21, 1989; 28 for, 4 against

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel