

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 203

Introduced by Council Members Powers, Rosenthal, Richards, Cabrera, Holden, Levine, Chin, Ayala, Vallone, Brannan, the Public Advocate (Mr. Williams), Rivera, Reynoso, Rodriguez, Cumbo, Adams, Lander, Ampry-Samuel, Perkins, Torres, Menchaca and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to making it unlawful to work carriage horses in certain conditions

Be it enacted by the Council as follows:

Section 1. Section 17-326 of the administrative code of the city of New York is amended to read as follows:

§ 17-326 Definitions. Whenever used in this subchapter, the following terms [shall] have the following meanings:

[(a) “] *ASPCA. The term “ASPCA” means the American Society for the Prevention of Cruelty to Animals.*

Carriage horse. The term “carriage horse” means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter. A horse used for any other purpose shall not be deemed to be a carriage horse for the purposes of this subchapter.

Equine heat index. The term “equine heat index” means the sum of the air temperature, in degrees Fahrenheit, and the relative humidity at a particular point in time.

Owner. The term “owner” means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.

Person. The term “person” means an individual, partnership, corporation, association or other legal entity.

[(b) “] *Relative humidity.* The term “relative humidity” means the value, expressed as a percentage, determined by a device designed to measure relative humidity

Rental horse. The term “rental horse” means a horse which is used in a rental horse business.

Rental horse business. The term “rental horse business” means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab.

Riding horse. The term “riding horse” means a horse which is available to the public for a fee for the purpose of riding.

Stable. The term “stable” means any place, establishment or facility where one or more rental horses are housed or maintained.

Under tack. The term “under tack” means that a horse is equipped for riding or driving.

Veterinarian. The term “veterinarian” means a person licensed to practice veterinary medicine in the state of New York.

[(c) “Work,” a] *Work.* A horse is considered to be at [work] “work” when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other devices, or when it is saddled or in harness or when it is being ridden or is pulling a carriage, vehicle or device.

[(d) "Owner" means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.

(e) "Riding horse" means a horse which is available to the public for a fee for the purpose of riding.

(f) "Carriage horse" means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter.

(g) "Rental horse business" means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab.

(h) "Rental horse" means a horse which is used in a rental horse business.

(i) "Under tack" means that a horse is equipped for riding or driving.

(j) "ASPCA" means the American Society for the Prevention of Cruelty to Animals.

(k) "Stable" means any place, establishment or facility where one or more rental horses are housed or maintained.]

§ 2. Paragraphs 2, 3, 4 and 5 of subdivision o of section 17-330 of the administrative code of the city of New York, as added by local law number 2 for the year 1994, are amended to read as follows:

2. Carriage horses shall not be worked whenever (i) the air temperature is 90 degrees [fahrenheit] *Fahrenheit* or above, or (ii) the air temperature is 80 degrees *Fahrenheit* or above and the equine heat index is 150 or above.

3. For purposes of this subdivision, *air* temperatures shall be those measured by a state-of-the-art thermometer, as determined by the commissioner[, as]. *Relative humidity shall be determined by a state-of-the-art hygrometer or any other device having the same capability to measure relative humidity, as determined by the commissioner. Air temperatures and relative humidity shall be* measured by the commissioner or [his or her] *the commissioner's* designee at street level at one of the stands designated pursuant to section 19-174 [of the code].

4. If [the temperature exceeds the limits set by] *either of the limits set by paragraph 2 of this subdivision are exceeded* during the course of a particular ride, at the ride's conclusion, but no later than one-half hour after [the temperature exceeds] *either of these limits are exceeded*, the operator 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 unharnessed and remain at the stable for at least one hour, and thereafter, until such time as the weather conditions shall once again reach acceptable limits.

5. No violation of this subdivision shall occur unless a written warning of violation is first issued by the authorized enforcement personnel to the operator advising that *either of the* [air temperature] *limits set in paragraph 2 of this subdivision have been exceeded* and directing that the operator cease working a carriage horse in accordance with the provisions of this subdivision. A violation of this subdivision may be issued if an operator fails to comply with the direction contained in the written warning of violation. Failure to comply with such direction shall not be construed as a separate violation.

§ 3. This local law takes effect 60 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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 October 30, 2019 and approved by the Mayor on November 25, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 203 of 2019, Council Int. No. 1425-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.