



Legislation Text

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

A Local Law to amend the administrative code of the city of New York, in relation to making it unlawful to work carriage horses whenever the heat index reaches or exceeds 90

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) “Person” means an individual, partnership, corporation, association or other legal entity.
- (b) “Veterinarian” means a person licensed to practice veterinary medicine in the state of New York.
- (c) “Work,” a horse is considered to be at 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.

(l) “Relative humidity” means the value, expressed as a percentage, determined by a device designed to measure relative humidity.

(m) “Heat index” means the National Weather Service Heat Index.

§ 2. Paragraphs 2, 3, 4 and 5 of subdivision o of section 17-330 of the administrative code of the city of New York are amended to read as follows:

2. Carriage horses shall not be worked whenever the air temperature is 90 degrees [fahrenheit] Fahrenheit or above, or whenever the heat index is 90 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. When the air temperature is lower than 90 degrees, the heat index shall be determined by the commissioner or the commissioner’s designee.

4. If the air temperature or the heat index exceeds the limits set by this subdivision during the course of a particular ride, at the ride’s conclusion, but no later than one-half hour after the air temperature or the heat

index exceeds these limits, 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 the air temperature or the heat index limits 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.

§ 2. 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.

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