

Rules of the City of New York
Title 24
Department of Health and Mental Hygiene

CHAPTER 4

HEALTH, SAFETY AND WELL-BEING OF RENTAL HORSES

§4-01 Definitions.

When used in these regulations:

Abuse. "Abuse" means the failure to provide care for a horse in the manner prescribed by these regulations and/or Subchapter 3 of Chapter 3 of Title 17 of the New York City Administrative Code, or any other physical maltreatment of the rental horse.

Adverse weather conditions. "Adverse weather conditions" means any weather conditions which are hazardous to the health and safety of horse, driver, rider or public.

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

Bureau of Animal Affairs. "Bureau of Animal Affairs" means the Bureau of Animal Affairs Of the Department of Health.

Carriage horse. "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 title.

Commissioner. "Commissioner" means the Commissioner of the New York City Department of Health.

Department. "Department" means the New York City Department of Health.

Driver. "Driver" means an individual licensed by the New York City Department of Consumer Affairs to operate a horse drawn carriage for a fee.

Duplicate tag or certificate. "Duplicate tag or certificate" shall include any replacement of the original thereof.

Fee. "Fee" means a monetary or other consideration for the rental of a horse.

Owner. "Owner" means the owner of a horse which is required to be licensed pursuant to these regulations and the owner of a rental horse business in which such horse is used.

Person. "Person" means an individual, partnership, corporation, association or other legal entity.

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

Rental horse business. "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.

Rider. "Rider" means an individual to whom a riding horse is rented for a fee.

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

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

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

Veterinarian. "Veterinarian" means a person licensed to practice veterinary medicine in the State of New York.

Work. "Work" means 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.

§4-02 Administrative Requirements.

(a) *License.*

- (1) No person shall use or offer the use of a horse in a Rental Horse Business unless such horse is licensed pursuant to the provisions of these regulations. For purposes of these regulations, the use of a horse in a Rental Horse Business means that a horse is used or offered for use for the purposes of riding or is used in the operation of a horse drawn vehicle for hire, such as a horse drawn cab.
- (2) A license shall be issued for a term of one year from the date of issuance thereof and shall be renewed prior to the expiration of such date.
- (3) The annual fee for a license or renewal shall be twenty-five dollars.
- (4) An application for a license or renewal of a license shall be made to the Department. Such application shall contain the name and address of the owner of the horse and rental horse business in which such horse is to be used, the age, sex, color, marks and any other identifying marks such as brands or tattoos of the horse, the location of the stables where the horse is to be kept and any other information which these regulations may require. The application shall be accompanied by the license or renewal fee. No license shall be transferable. Upon the transfer of ownership of any horse, the new owner shall obtain a license for such horse within 15 days of the transfer date.
- (5) The Commissioner shall not issue or renew a horse license unless he is satisfied that the provisions of the New York City Health Code, the Administrative Code and these regulations will be met.

(b) *Identification tag and certificate of license.*

- (1) Each horse licensed pursuant to the provisions of these regulations shall be assigned an official identification number by the Department. Such identification number must be heat branded on a hoof and shall be re-branded whenever that number is no longer clearly visible. Each number shall be at least 3/4 inch high. Such identification number shall also be inscribed on a metal tag which shall be securely attached to the right cheek strap of each rental horse at all times when the horse is at work. Such tag

shall be issued to the owner with the Certificate of License. Duplicate tags and Certificate of Horse License shall be issued only upon surrender of the original or proof of loss, satisfactory to the Department, and payment of a fee of \$2.00.

- (2) The Certificate of License shall at all times remain at the stable where the horse is kept and shall be available for inspection by any police officer, agent of the Department and the ASPCA, or to veterinarians employed or retained by the Department or ASPCA, or employees of the Department of Consumer Affairs or any persons designated by the Commissioner to enforce these regulations.

(c) *Disposition [upon death or transfer of ownership] of licensed horses.*

- (1) If a horse dies while at work or under suspicious circumstances the Bureau of Animal Affairs of the Department must be notified within 12 hours of death. Remains shall not be removed from the City of New York nor disposed of for a minimum of 24 hours of such notice unless prior approval is given by the Bureau. The Bureau may order the delivery of the remains to the ASPCA or other approved veterinary organization for the purpose of performing an autopsy.
- (2) The Bureau shall be notified of the transfer of ownership or other disposition of a *licensed* horse within 10 days thereafter. Such notice shall include date of disposition and if sold in New York City, the name and address of buyer or other transferee. In the case of death, the notice shall include the date of death. A licensed horse covered by these regulations, shall not be sold or disposed of except in a humane manner.

(d) *Inspection and record keeping.*

- (1) Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the Department of Health, and any persons designated by the Commissioner to enforce the provisions of this title, agents of the ASPCA, police officers, and employees of the Department of Consumer Affairs.
- (2) An owner of a Rental Horse Business shall keep such records in the form shown in Appendix A, including but not limited to, a consecutive daily record of the movement of each licensed horse including driver's name and identification number, if applicable, rider's name, horse's identification number, vehicle license plate number, if applicable, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. A stable where rental horses are kept or maintained shall have a time clock or similar tamper-proof device to record by date and time the movement of a horse covered by these regulations to and from work.

§4-03 Housing.

(a) *Stable premises.*

- (1) *Walls and ceilings.* Walls and ceilings shall be covered with a smooth, nonabsorbent light-colored finish and shall be maintained clean at all times.

- (2) *Floors.* Floors shall be level, free of holes and openings and graded for proper drainage to trapped sewer connections.
- (3) *Doors.* Doors to the exterior shall be properly rodent-proofed.
- (4) *Toilets.* A sufficient number of toilets and sinks with running water, soap and individual clean towels or mechanical drying devices shall be provided for the use of the employees.
- (5) *Storage areas.* Storage areas shall be of adequate size, and shall be insect and rodent-proofed so as to provide no harborage and remain vermin free.
- (6) *Fire hazards.* Premises shall be kept free of fire hazards.
- (b) *Internal temperature and ventilation.* An internal temperature of at least 35 degrees Fahrenheit shall be maintained in stables during the winter months. Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather.
- (c) *General sanitation.* All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Each stable where rental horses are kept shall have implements and materials such as brooms, hoses, hose connections, covered metal receptacles, brushes, disinfectants and detergents as may be required to maintain sanitary conditions.
- (d) *Rodent and insect control.* A pest control program acceptable to the Department shall be maintained.
- (e) *Lighting.* All parts of premises shall be adequately lighted by natural or artificial means so as to permit the activity for which the premises are used to be carried on safely and to permit effective inspection and the cleaning of the premises.
- (f) *Stalls.* Stalls in stables shall be a minimum of four feet wide, ten feet long, with a ceiling clearance of at least nine feet. Bedding shall be changed at least once daily, and shall be at least three inches deep.
- (g) *Other laws.* Rental Horse Business stables shall comply with all applicable provisions of the New York City Administrative Code including but not limited to the Building, Fire and Electrical Codes and shall also comply with the applicable provisions of the New York City Health Code.

§4-04 Horse Care.

- (a) *Abuse.* No person shall abuse or knowingly permit others to abuse a horse.
- (b) *Food and water.* Rental horses while at work shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Troughs shall be cleaned daily. Sufficient nutritional foods* and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.
- (c) *Medical care.* Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a rental horse business and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites; for its general physical condition, which is to include inspection of teeth, hoofs, and shoes; and for its physical ability to perform the work or duties as required of it. 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 health certificate provided by the Department and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse, as well as the maximum number of hours a day that, in the opinion of the veterinarian said horse should work. A copy of said certificate shall be mailed to the Bureau of Animal Affairs.
- (d) *Equipment.* Saddles, blankets, harnesses, bridles and bits and any other equipment shall be properly fitted and kept in good repair. Blankets, bridles and bits shall not be used by another horse unless it is first disinfected and disinfected.
 - (e) *Grooming.* Horses shall be kept clean and in an ectoparasites control program. Horses shall be trimmed or shod at least every three to six weeks or sooner, if necessary.

§4-05 Working Conditions.

- (a) *Control.* It shall be the responsibility of owners, drivers, and riders to protect the horse and, when under their control, to ensure that the horse is not left to roam freely and possibly cause harm to the public or itself.
- (b) *Environment.*
 - (1) Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other conditions which are a threat to the health or safety of the horse and the public. Adverse weather conditions shall include but not be restricted to snow, ice, heavy rain or other slippery conditions. A horse being worked when such conditions develop shall be returned to the stable by the most direct route as soon as practicable.
 - (2) *Whenever* the air temperature is 90 degrees Fahrenheit or above and/or the wet bulb temperature is 85 degrees Fahrenheit or above all rental horses must immediately cease working, be offered shade when available, be rested and cooled off, and then walked to their stable. All horses so ordered to return to their stable must be unbridled and remain at the stable for at least one hour and until both the wet bulb temperature is less than 85 degrees Fahrenheit and the air temperature is less than 90 degrees Fahrenheit.
 - (3) During *the* winter months, horses stationed outdoors while awaiting riders or passengers shall be covered with blankets.
- (c) *Work and rest periods.*
 - (1) Carriage horses shall not be at work for more than ten 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.
 - (2) There shall be a rest period of the following duration:
 - (i) Riding horses—fifteen minutes for every riding hour.
 - (ii) Carriage horses—fifteen minutes for every two pulling hours.
- (d) *Permissible riding paces.* Carriage horses shall not be driven at a pace faster than a trot. Riding horses may be ridden at a canter but shall not be galloped.
- (e) *Physical condition.* A horse required to be licensed pursuant to these regulations which is lamed or suffers from a physical condition or illness making it unsuitable for work may be ordered to be removed from work by the Commissioner or his

designee or by an agent of the ASPCA or a veterinarian employed or retained by such Commissioner or ASPCA to inspect licensed horses. A horse for which such an order has been issued shall not be returned to work until it has recovered from the condition which caused the issuance of the order or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. In any proceeding, under this section, it shall be presumed that a horse which is found at work within forty-eight hours after the issuance of an order of removal and which is disabled by the same condition which caused such order to be issued has been returned to work in violation of this section. Such presumption may be rebutted by offering a certificate of a veterinarian indicating suitability to return to work prior to the expiration of the forty-eight hour period.

§4-06 Owners, Riders and Operators.

- (a) *Use of alcohol or drugs.* No person shall ride a horse or shall operate a horse drawn carriage while under the influence of alcohol or drugs or knowingly permit others to do so.
- (b) *Age.* Owners and drivers of horse drawn carriages shall be of such age and experience as specified in the Department of Consumer Affairs Rules and Regulations.
- (c) *Provision for mounts for those who hire.* Owners of riding horses shall be responsible for providing a suitable mount for persons who hire a horse for riding purposes.
- (d) *Provision for escorts.* No person shall be permitted to take a riding horse off the stable grounds without the escort of a properly experienced rider unless such person has demonstrated sufficient skill in handling of the horse in the presence of stable personnel.
- (e) *Joint liability of owner and renter.* An owner shall be jointly liable with the person to whom a horse is rented for any violation of these regulations committed by such person if the owner had knowledge or notice of such act and did not attempt to prevent it from occurring.
Owners, operators, or riders of horses shall be in violation of these regulations and of *Subchapter 3* of Chapter 3 of Title 17 of the New York City Administrative Code if a horse is abused during their ownership, care or custody. Joint responsibility for a horse shall exist under circumstances as described in §4-06(e).
- (f) *Civil violations and penalties.* Any violation of *Subchapter 3* of Chapter 3 of Title 17 of the *New York City Administrative Code* or of these regulations may be prosecuted as civil violations subject to a civil penalty of a sum not less than twenty-five nor more than five hundred dollars or by the suspension from work of the horse with respect to which the act which caused the violation was committed or by both such civil penalty and suspension. Civil violations, under these regulations shall be adjudicated before the Administrative Tribunal of the Department.
- (g) *Appeals.* An appeal from such prosecution may be had as provided for in Article 7 of the *New York City Health Code*.

§4-07 Training Program for Drivers of Horse Drawn Cabs; Fees.

Each person registering for the training program offered to drivers of horse drawn cabs shall pay a fee of twenty-five dollars (\$25.00). Except where the person has received course materials or has attended any part of the course, said fee shall be refundable upon request made prior to the conclusion of the course.

APPENDIX A

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

BUREAU OF ANIMAL AFFAIRS

DAILY LOG FOR RENTAL WORK HORSES

Date	Horse ID #	Driver/ Rider	Driver's License #	Carriage Plate #	Time out (AM)/(PM)	Time in (AM)/(PM)
