

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING
4 COMMITTEE ON LICENSES AND INSPECTIONS

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6 Room 401 City Hall
7 Philadelphia, Pennsylvania
8 Wednesday, June 10, 1998
9 2:00 p.m.

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11 BILL 980239 - an Ordinance amending Section 9-402
12 and 10-108 of the Philadelphia Code, entitled
13 "Animal Drawn Carriages" and "Rental and Carriage
14 Horses," respectively, as well as the approved route
15 map for carriage horses, to change the working
16 conditions for horses and to restrict carriage horse
17 routes and business hours, all under certain terms
18 and conditions.
19 BILL 980388 - an Ordinance amending Section 9-205 of
20 The Philadelphia Code, relating to sidewalk sales,
21 by adding a new provision prohibiting sidewalk sales
22 on Verree Road from Oxford Avenue to Bloomfield Road
23 and Rhawn Street from Pine Road to Algon Avenue.

24 PRESENT:

25 COUNCILMAN JAMES F. KENNEY, Chairman
COUNCILMAN MICHAEL A. NUTTER, Vice Chairman
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN FRANK DI CICCIO
COUNCILWOMAN MARIAN B. TASCIO
COUNCILMAN FRANK RIZZO

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2 COUNCIL PRESIDENT STREET: We will now
3 have a hearing by the Council Committee on Licenses
4 and Inspections chaired by Councilman Kenney.

5 THE CHAIRMAN: Good afternoon. I am
6 Councilman Kenney on License and Inspections. We
7 have two bills for hearing today. Our present first
8 bill is Bill No. 98 -- please I'd ask that we have
9 silence in the room because no one can hear. If you
10 need to speak, please go in the hallway.

11 Bill No. 980239 is an ordinance amending
12 section 9-402 and 10-108 of the Philadelphia code
13 entitled "Animal Drawn Carriages" and "Rental and
14 Carriage Horses," respective, as well as the
15 approved route map for carriage horses, change in
16 the working conditions of horses and to restrict
17 carriage horse routes and business hours, all under
18 certain terms and conditions.

19 Is there anyone here for the
20 Administration to testify on this bill?

21 Can I see the hands of the individuals
22 in the room who are testifying in favor of this bill
23 as it exists today without amendment?

24 And those who are opposing the bill?

25 Do we have a list of witnesses? Mr.

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2 Hirschorn is here from Health Department? Mr.

3 Hirschorn, please.

4 Good afternoon. Thank you for waiting.

5 Please identify yourself for the record and proceed.

6 MR. DOUG ODELL: Doug Odell.

7 THE CHAIRMAN: Please proceed with your
8 testimony.

9 I would ask all conversations in this
10 room be taken into the hallway now. Thank you.

11 Please identify yourself for the record
12 and proceed.

13 MR. ODELL: I'm Doug Odell.

14 THE CHAIRMAN: Please proceed with your
15 testimony.

16 MR. ODELL: I've been a full-time
17 blacksmith since --

18 THE CHAIRMAN: Sir, just one precaution.
19 You have to pull the microphone directly to your --
20 it's an old system, you have to speak directly into
21 the microphone.

22 MR. ODELL: I've been a full-time
23 blacksmith since 1977. Part of my training has
24 involved study at the University of Pennsylvania's
25 New Bolton Center. I continue to maintain contacts

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2 there with the center's veterinary faculty and work
3 on many of their research horses. My past
4 experience with city horses include shoeing for the
5 Wilmington and Newark, Delaware Police Departments.
6 More appropriately, a good portion of my work over
7 the years has been with pleasure and competition and
8 carriage horses.

9 With any proposed changes to a city
10 ordinance, you would logically want to hear solid
11 documentation presented by experts in the field.
12 And you might expect someone who has cared for
13 thousands of horses over many years to be a
14 reputable source of this data.

15 I am not this resource because most of
16 the information I assimilate and use in interacting
17 with horses is not documented. It amounts to a lot
18 of unpublished experience: Feelings that allow me
19 to assess what I think horses need to stay sound and
20 healthy. Even if this information were documented,
21 it would be of only limited value because individual
22 horses can react very differently to their
23 environment and environmental conditions themselves
24 are so fraught with variables.

25 I think that experienced feelings for

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2 horses' needs and some common sense will outweigh
3 the value of cold, hard facts. To accommodate a
4 class of horses such as Philadelphia's carriage
5 horses, I feel the guidelines should be used that
6 will safely protect the range of needs of all the
7 horses involved. They should also be practical to
8 enforce and should not drive caring, responsible
9 operators out of business.

10 So without further ado, or documentation
11 but with experience, I will give you my
12 recommendations for these ordinance changes as both
13 a horseman and a blacksmith.

14 THE CHAIRMAN: Before you begin, do you
15 have a copy of the pink bill that we're dealing
16 with?

17 MR. ODELL: No, I do not.

18 THE CHAIRMAN: It would be easier when
19 you're suggesting those changes that you use the
20 Bill to refer to so we can follow with you.

21 Do you have specific sections you want
22 to talk about?

23 MR. ORDELL: Yes. I do have the
24 categories. Do you need numbers? Heat index, for
25 example?

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2 COUNCILMAN KENNEY: Yes, that's fine.

3 MR ODELL: Okay. Heat index: Heat
4 exhaustion is the biggest concern here. To allow
5 for variation in the way carriage horses react to
6 temperature and humidity, I agree that it would be
7 unwise for horses to leave the stable for work if
8 the heat index is 94 or above. But because some
9 operators use older, more heat susceptible horses, I
10 would like to see the index lowered to 90.

11 In regards to low temperatures, most of
12 the danger horses have during the colder months is
13 when they have worked and then left to stand in a
14 cold wind. Since clipping would be difficult to
15 regulate and wind protection during work is so
16 variable in a city with tall buildings, I feel that
17 providing blankets at 32 degrees or freezing mark or
18 below with wind chill would be the most practical
19 way to help horses stay comfortable.

20 As far as hours worked, it would be
21 difficult to properly correlate the number of
22 working hours to the heat index or wind chill
23 factor, so I would assess the number of working
24 hours based on the maximum heat index or a low wind
25 chill. To this end, I feel that six hours is a

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2 realistic year-round figure for the total time a
3 horse spends away from the stable.

4 THE CHAIRMAN: Sir, what was the wind
5 chill number again, your suggested wind chill
6 number?

7 MR. ODELL: At the freezing mark.

8 THE CHAIRMAN: 32?

9 MR. ODELL: Yeah.

10 THE CHAIRMAN: Thank you.

11 MR. ODELL: Inspections: From my
12 experience, the best managed barns are the boarder
13 facilities that can be scrutinized at just about any
14 time of the day or night. To ensure that optimum
15 standards are being maintained, I would have
16 unannounced stable inspections by independent
17 professionals at least two to three times a year.
18 If it is deemed appropriate to this committee and to
19 Council, I will personally volunteer my time to the
20 City to help in this regard.

21 (Applause)

22 Ground temperatures: This is not
23 addressed directly in the Bill. All city streets,
24 regardless of color and composition, can produce
25 high ground temperatures. Fortunately, horses' feet

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2 have built-in radiators that are able to dissipate a
3 lot of this heat because of the way their
4 circulatory system is designed. But these radiators
5 will not work efficiently on very hot surfaces for
6 an indefinite period of time. In extreme cases, the
7 results can be catastrophic.

8 My first experience with this phenomena
9 came 25 years ago. One hot summer day, a number of
10 Lippizaner stallions based in Charleston, West
11 Virginia, were unloaded from their transport plane
12 and were left to stand on a airport Tarmac until
13 ground transportation arrived. There were
14 unexpected delays. Before the trailers came, many
15 of these stallions, in only minutes, went down from
16 the crippling ground temperatures. A number of them
17 were lost that day to laminitis, an extremely
18 painful condition that often leads to the breakdown
19 of the hoof wall, and ultimately to the death of the
20 horse.

21 Considering the potentially disastrous
22 consequences of laminitis to the horse, the
23 potential for injury to passengers and bystanders,
24 and the spectacle and traffic nightmare that would
25 ensue from a horse going down on a city street, I

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2 feel some precautions are easily warranted.

3 During the warm months, I feel horses
4 should have shady resting areas with plenty of water
5 available, and the earlier guidelines outlined for
6 heat indices and working hours should be followed
7 closely.

8 Lastly, in regards to hard surfaces,
9 working and standing on hard city streets exacts a
10 price on a horse's bones and joints over time. From
11 my experience, any advantages gained through the use
12 of pads or non-steel shoes for reducing concussion
13 is outweighed by a longer list of disadvantages.
14 But I would strongly recommend that stable stalls,
15 regardless of composition, be matted and/or heavily
16 bedded to ease leg fatigue. Matting in resting
17 areas would also be encouraged. Thank you.

18 (Applause.)

19 THE CHAIRMAN: Thank you very much for
20 waiting and for you testimony.

21 Are there any questions for Mr. Odell?
22 Councilmember Rizzo.

23 COUNCILMAN RIZZO: As a blacksmith and a
24 horseshoer, are you convinced that most of the
25 operators use the appropriate shoeing techniques for

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2 safety?

3 I remember back in -- they used to use
4 borium on shoes so the horses wouldn't slip.

5 Should we address the way the horses are
6 shod by the various operators, or do you feel
7 confident that they're following the proper
8 procedures for this type of activity?

9 MR. ODELL: Of the horses that I have
10 seen shod in Philadelphia, and I really haven't done
11 a close inspection, most of them look like they're
12 adequately shod. I mean, I can always see room for
13 improvements. Yes, they still do use borium and
14 sometimes drilltech on horses' shoes to minimize
15 slipping. And that's one of the -- fortunately,
16 that's one of the good things about carriage horse
17 shoes is that that gives them some elevation off of
18 the streets so the ground temperatures aren't as
19 effective in building up temperature.

20 I honestly don't know if some of the
21 operators are using some of the plastic shoes that
22 are available even for draft horses. The ones I
23 have seen shod are conventional steel with borium.
24 And of the small sample size that I've seen, they
25 seem to be adequately shod.

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2 I'd love to visit the stables and see
3 firsthand and get closer inspection and I'd be glad
4 to file a report with you.

5 COUNCILMAN RIZZO: Fine. I'm just
6 concerned that that subject's been addressed because
7 there's nothing worse than having an animal as large
8 as a horse not be able to get traction when it's
9 necessary.

10 MR. ODELL: Right. That's something
11 that has to be monitored from shoeing to shoeing.
12 As long as they're adequately built up at the time
13 the horses are shod, usually that will be sufficient
14 for that shoeing interval.

15 COUNCILMAN RIZZO: Thank you.

16 Thank you, Mr. Chairman.

17 THE CHAIRMAN: You're welcome. Any
18 other questions?

19 Councilmember DiCicco.

20 COUNCILMAN DI CICC0: Thank you, Mr.
21 Chairman.

22 Concerning the matting that you're
23 suggesting, what material is that?

24 MR. ODELL: The best materials are made
25 out of just pure rubber. There are some asphalt

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2 analogs that are used from some of the horse
3 transportation services that you can buy through
4 building supply stores that are relatively cheap,
5 but unfortunately, with driving horse shoes, they
6 don't usually hold up as well. My recommendation
7 would be rubber matting.

8 COUNCILMAN DI CICC0: Do you know of any
9 other municipalities where horse carriages are being
10 used today where they provide for matting?

11 MR. ODELL: No. But I'm not that
12 familiar with the carriage horse operations outside
13 of the City of Philadelphia.

14 COUNCILMAN DI CICC0: My concern is that
15 if we were to require matting, it would obviously
16 have to be laid down on the a public street. And I
17 can imagine the legal questions that would come
18 about as a result of the city providing rubber
19 matting, or whatever kind of matting it is, onto the
20 surface of the city street and the issues that that
21 would create for us. So I just was trying to find
22 out if there was someplace that we can use as an
23 example or look to as an example.

24 MR. ODELL: I'll be glad to look into
25 that for you. I don't know really how that would

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2 affect -- see I'm not that familiar with the resting
3 areas that the horses have right now, if they're
4 just using parking spaces. The mats are only about
5 three quarters of an inch thick, and it certainly
6 wouldn't affect a car being driven over it.

7 COUNCILMAN DI CICC0: I'm concerned
8 about pedestrians that would cross over that. Who
9 would be responsible for picking up the matting?
10 Does it stay their permanently?

11 I see John Campbell from L & I shaking
12 his head.

13 MR. ODELL: Well, these sheets of
14 matting are very, very heavy. It would be hard for
15 one person to move by themselves.

16 COUNCILMAN DI CICC0: So it would almost
17 be a permanent fixture to the street?

18 MR. ODELL: It could be very easily.

19 COUNCILMAN DI CICC0: That would create
20 some problems for us.

21 COUNCILMAN RIZZ0: Can I add something
22 to that, Mr. Chairman?

23 THE CHAIRMAN: Sure.

24 COUNCILMAN RIZZ0: I think I've already
25 seen those mats, especially the pull-out area to

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2 give the horse a little bit more traction. I've
3 seen, I think, by Independence Mall some of those
4 mats already in place.

5 MR. ODELL: I just wanted to point out
6 that if the number of working hours is limited to
7 six, then if that matting was provided in the stable
8 areas, that would probably sufficient.

9 COUNCILMAN RIZZO: That's what I thought
10 you were referring to, the stall.

11 MR. ODELL: Right. Well, that as well.
12 Resting areas and in the stalls.

13 COUNCILMAN RIZZO: I think we should use
14 the standard. Do our police horses have that
15 comfort? I think that they work maybe not as hard,
16 but as long hours on the street. And if our city
17 horses have that, I think that is reasonable.

18 THE CHAIRMAN: Thank you very much. The
19 Chair now calls Mr. Hirschorn from the Health
20 Department.

21 Please identify yourself for the record.

22 MR. RANDALL HIRSCHORN: Certainly. Good
23 afternoon Members of the Council. My name is
24 Randall Hirschorn. I'm director of Environmental
25 Health Services with the Health Department, and I

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2 have the pleasure to be accompanied by Ms. Valerie
3 Phillips who is the chairperson of Mayor's Animal
4 Advisory Committee whose committee advises the
5 Health Commissioner on animal matters.

6 THE CHAIRMAN: Please proceed.

7 MR. HIRSCHORN: In response to the
8 proposed ordinance, the Health Department sees no
9 problems with the proposed changes, and in fact, was
10 consulted on some of the changes. For example, the
11 proposed requirement for waist management plan. I
12 personally have been dealing with the residents in
13 the Society Hill area where the carriages operate
14 for a period of about nine years. Because of the
15 continuous deposition of urine and feces from the
16 horses on the streets where they have their homes,
17 we tried working with the carriage companies and a
18 satisfactory solution was not achieved. And as a
19 final resort, two years ago I requested of the
20 Department of Streets that they have a flusher truck
21 brought in every morning, which they have been able
22 to do for the past two years at the expense of
23 flushing other residential streets, which to those
24 residents is not fair, but because of the unusual
25 amount of waste material which has strong odor in

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2 the summer, we felt we had no alternative. So the
3 Department requested that those who are responsible
4 for the deposition of urine and fecal matter on the
5 streets be responsible for its removal. And we're
6 asking that they submit to the Department a plan
7 under this proposed ordinance to eliminate that
8 waste in a timely fashion so as not to create a
9 public health nuisance for the residents that have
10 been dealing with this problem for at least a decade
11 that I'm aware of.

12 THE CHAIRMAN: So your testimony is as
13 far as the provisions of this Bill is enforced
14 today, the Health Department supports them and would
15 enforce their implementation.

16 MR. HIRSCHORN: Yes, sir, we did.

17 THE CHAIRMAN: Thank you.

18 Please identify yourself for the record.

19 MS. PHILLIPS: I'm Valerie Phillips.

20 I'm Chairwoman of the Animal Advisory Committee.

21 THE CHAIRMAN: Do you have testimony to
22 offer?

23 MS. PHILLIPS: So far the only thing
24 that I would like to recommend, I agree with the
25 farrier very much. We happen to have a farm where

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2 we have horses, and it is mandatory for each horse
3 to have a soft place so that they can put their feet
4 rather than -- a mat would be an excellent
5 suggestion.

6 Pertaining to -- you want to hear about
7 the heat, or can we come back after you hear some
8 more testimony?

9 THE CHAIRMAN: Do you have an opinion
10 about the Bill as written?

11 MS. PHILLIPS: I think some of the
12 things are very good. I think some could be
13 improved upon, including -- one would be the
14 temperature for the horses. I would like to see
15 that lowered to 89 degrees when the horses are off
16 the streets. I think that this is the only city
17 besides San Antonio where the horses come in when it
18 is 89. San Antonio like ours is over 90, and we're
19 the only ones. I think it makes us somewhat of a
20 dinosaur in having that provision. I think it
21 should be below 90, and probably 89 would be a good
22 maybe a compromise for the carriage horse trade as
23 well.

24 One of the other suggestions that I
25 would make is that there should be no passenger in

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2 front seat with the with the driver because I think
3 that's somewhat of a detriment and a danger.

4 THE CHAIRMAN: Any questions for these
5 witnesses?

6 COUNCILMAN RIZZO: How do they provide
7 water for the houses if they're out six to eight
8 hours.

9 MR. HIRSCHORN: The water is provided on
10 the street at the National Park Service property on
11 Chestnut Street. There is a hydrant that does
12 contains portable water. And as I understand it,
13 they are allowed by the Park Service to fill buckets
14 for the horses.

15 THE CHAIRMAN: Is that it?

16 Thank you very much. Thank you for your
17 testimony.

18 MR. HIRSCHORN: Thank you.

19 MS. PHILLIPS: Thank you.

20 THE CHAIRMAN: Mr. Hendricks, please.

21 Good afternoon. Identify yourself for
22 record and proceed.

23 ERIK HENDRICKS: Good afternoon, ladies
24 and gentlemen. My name is Erik Hendricks. I'm the
25 Executive Director of the Pennsylvania SPCA.

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2 As you probably know, the Pennsylvania
3 SPCA is a nonprofit organization working to protect
4 animals throughout the State of Pennsylvania, but we
5 also in Philadelphia have a contract with the City
6 to perform animal control services for the City.
7 And among those services is the monitoring of the
8 situation in the Independence Hall area with
9 carriage horses as well as the hacking stables that
10 are located in other parts of Philadelphia.
11 Unfortunately, the focus all seems to be on the
12 carriage horse trade, but the ordinance in
13 Philadelphia pertains to all working horses
14 throughout the City. And for that reason, I think
15 we should address one of the major problems, and
16 that is which temperature are we using to enforce
17 the law.

18 I suggest that the ordinance used as its
19 guide the temperature taken at the Philadelphia
20 Airport by the US Weather Service because that's an
21 official temperature kept on record and can be used
22 in court at a subsequent date if it should be
23 necessary. That temperature is also the one used by
24 all radio and television stations when giving the
25 temperature at the time, so it's easily disseminated

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2 throughout the City by those channels. So not only
3 would the carriage horses in the historic section be
4 aware what the temperature was, but so would all the
5 hacking stables located in northwest and northeast.

6 THE CHAIRMAN: Describe what a hacking
7 stable is.

8 MR. HENDRICKS: A hacking stable is just
9 a stable that rents horses by the hour for riding,
10 not for the carriage pulling but for actual riding.

11 THE CHAIRMAN: How many of those do you
12 estimate in Philadelphia?

13 MR. HENDRICKS: It would be an estimate.
14 I would say approximately 20 in the City.

15 THE CHAIRMAN: These are not places
16 where people board their own horses but where people
17 rent?

18 MR. HENDRICKS: Usually they're
19 combinations. Usually it's a stable that has
20 private horses that are not rented out, but they
21 also have their own supply of horses that can be
22 rented by the hour.

23 THE CHAIRMAN: What is the temperature
24 that the SPCA is suggesting to use?

25 MR. HENDRICKS: Well, we are actually

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2 suggesting the use of a temperature humidity index
3 where 94 would be the maximum that a horse could
4 work under. If the THI hits 95, then that horse
5 would have to return to its stable.

6 Now, and I also mentioned in my written
7 testimony that if you would want to consider the
8 straight temperature reading for simplicity sake,
9 that it should be 89 as a maximum. At 90 degrees
10 horses would then come off the street.

11 The first testimony mentioned a wind
12 chill factor, the other end of the spectrum. I
13 don't think wind chill is something we should really
14 use because unlike a THI which tends to vary slowly
15 overtime -- THI is the temperature humidity index --
16 the wind child factor varies second by second. It's
17 very difficult to really use as a legal gauge in any
18 kind of prosecution. So if you're considering, and
19 I wish you would, a low temperature at which a horse
20 may be blanketed or must be blanketed then I think
21 you can use a straight temperature reading for that
22 parameter.

23 THE CHAIRMAN: What is that?

24 MR. HENDRICKS: At 32.

25 THE CHAIRMAN: Regardless of wind chill?

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2 MR. HENDRICKS: Yes, without taking wind
3 chill into effect.

4 THE CHAIRMAN: Now, you're not a
5 meteorologist, but let me ask you your opinion.

6 MR. HENDRICKS: No, but I play one on
7 TV.

8 THE CHAIRMAN: I play a Councilman on
9 television, too.

10 The temperature at the airport is, from
11 my experience, generally lower than the temperature
12 in Center City.

13 MR. HENDRICKS: I've been studying that
14 over the years because of this issue, and there is
15 not a constant difference one way or the other.
16 Sometimes it's higher, sometimes it's lower. But
17 the fact is if it's hot at the airport, it's going
18 to be hot in Philadelphia. So it doesn't really
19 matter if it's a degree or two different. The fact
20 is, it's very hot. If it's very hot there, it's
21 very hot in the City.

22 THE CHAIRMAN: The issue of, for
23 example, if we say 89 or 90 degrees Fahrenheit where
24 the horse needs to come off the street, is it
25 equally dangerous for the horse to be returned to

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2 the stable in that heat as opposed to being stopped,
3 parked, and under a tree.

4 MR. HENDRICKS: Ideally, there would be
5 a place in the area where the horse could seek shade
6 and actually would not have to be driven back a mile
7 or two to the stable, because pulling a wagon is
8 work in itself even though it's not loaded.

9 THE CHAIRMAN: And you're not sheltered
10 from the heat.

11 MR. HENDRICKS: And you're not under
12 shelter while your pulling it. So the ideal
13 situation would be to have some kind of open-sided
14 stable or barn, but I don't think you're going to be
15 able to provide that downtown.

16 THE CHAIRMAN: No, I don't think the
17 Park Service will let us build a barn.

18 But the question is would it make more
19 sense to require the horse to not pull, to be
20 parked, to be under shade, as oppose to dragging it
21 back, having it drag the cart back to the stable
22 that may be two miles away?

23 MR. HENDRICKS: I think as an option
24 that should be allowed. I don't know if you can say
25 you must stand here for the next three hours. I

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2 wouldn't say you mandate it, but I would say as a
3 option to taking the horse back to the stable then
4 that would be a viable option and I don't think that
5 would hurt the horse at all.

6 THE CHAIRMAN: My concern is that the
7 requirement that is here that "A horse being worked
8 when such conditions develop shall be immediately
9 returned to the stable by the most direct route," to
10 me, mandates them to continue to pull that load
11 through city streets to their final place of
12 destination back at the stable. From my
13 perspective, if it hits 90 degrees, 89 degrees or
14 whatever the number is, if they're prohibited from
15 carrying fare, required to park in a shaded area and
16 provided water, to me that seems more humane than
17 requiring it to go back to the stable.

18 MR. HENDRICKS: That's exactly right. I
19 think the only reason they put that in the ordinance
20 originally was because they didn't really figure
21 there would be any place for them to actually park
22 for an extended period. However, what you're saying
23 is a much better solution to the problem from the
24 horse's standpoint.

25 One other thing I would like to mention,

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2 the hours of work, I think the six-hour workday is a
3 little short. I think a horse is capable of working
4 longer than that. I suggest that you consider an
5 eight-hour pulling day. And when I say a pulling
6 day, I mean actually pulling a wagon that has, not
7 just the driver, but the driver plus a paying
8 customer. The law already calls for 15 minute rest
9 periods every hour. So if you make a maximum
10 eight-hour pulling day, that will still mean the
11 horse can be out on the street for up to ten hours
12 in one day, but I would call ten hours on the street
13 as the maximum that a horse can be used each day.

14 COUNCILMAN DI CICC0: Whether or not the
15 horse is pulling, ten hours maximum?

16 MR. HENDRICKS: That's right. Ten hours
17 maximum even though it was never hired all day long.
18 You couldn't leave the horse out there waiting to
19 get eight hours of paying customers. You must
20 remove the horse from the streets even though it
21 didn't pay its way that day.

22 THE CHAIRMAN: Getting back to the issue
23 of whether or not to require the horse to return to
24 stable, it would seem to me that if you follow your
25 instruction or suggestion that we do a ten-hour

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2 total day, eight-hour pulling, ten hours on the
3 street, it would seem reasonable, maybe a reasonable
4 solution to this whole issue that as opposed to
5 requiring to return, that the operator is prohibited
6 from taking fare, must park the horse in a shaded
7 area, providing him or her with water until the
8 temperature changes.

9 For example, if the heat index or the
10 temperature reaches 89 or 90 degrees at 5 o'clock,
11 say. That's necessarily likely, but then by 7 or 8
12 o'clock it's beginning to cool off, the owner of the
13 horse would not have to have taken it two miles or
14 so back to where it's stabled. It just seems more
15 humane for the horse.

16 MR. HENDRICKS: You are absolutely
17 right. And the only reason that it isn't done that
18 way is that there isn't a place there now to allow
19 them to really stand in the shade for hour after
20 hour.

21 THE CHAIRMAN: From my experience, from
22 where I've seen the majority of these operations
23 operating from is the area across the street from
24 Independence Hall and along Sixth Street there, and
25 there is a wealth shade trees and availability for

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2 water at that location.

3 MR. HENDRICKS: Water they can get no
4 problem. The shade moves depending on the time of
5 the day and it's not perfect shade because it's only
6 shaded from a slanted sun. In the summer you get
7 pretty direct sunlight coming straight down and it's
8 hard to get under a tree down there. You would
9 almost have to provide a man-made structure. And
10 I'm not sure if that could be built big enough for
11 the number of carriages that are down there.

12 THE CHAIRMAN: I don't have to cover the
13 carriage, all I need to do is cover the horse.

14 MR. HENDRICKS: Well, that would mean if
15 you wanted to do that taking the horses out of their
16 straps, and that's a considerable feat to do that
17 and put them back in again.

18 THE CHAIRMAN: We're trying to juggle
19 the --

20 MR. HENDRICKS: Ideally, of course, it
21 would be great if all the stables happened to be
22 right downtown within a short haul, but they're not.

23 THE CHAIRMAN: Very expensive stables.

24 MR. HENDRICKS: That's true.

25 THE CHAIRMAN: Councilmember Rizzo.

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2 COUNCILMAN RIZZO: Mr. Hendricks, let's
3 talk about an 80-degree day, beautiful day. I'm
4 more concerned and I understand that -- maybe I
5 shouldn't be as concerned as I am. I'm talking
6 about a routine day and there's a horse with an
7 obvious, not injury, but condition, a harness sore
8 that's obvious, it's raw. Who is going to be the
9 oversight --

10 MR. HENDRICKS: That comes under state
11 law, which we are here to enforce.

12 COUNCILMAN RIZZO: My point being, on a
13 Wednesday evening there's a horse that has got an
14 injury where it's obvious that it's bandaged or
15 whatever, whose out there? Again, we want the
16 police to do a lot of things.

17 MR. HENDRICKS: If we aren't there,
18 we're on call. We're not going to be standing there
19 all the time, but the Pennsylvania SPCA agents will
20 go down there.

21 COUNCILMAN RIZZO: And your authority to
22 do what?

23 MR. HENDRICKS: And under the state
24 authority that we have, because this is covered by
25 state law, not by the city ordinance, under the

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2 state law we can order the horse out of service if
3 it has any kind of saddle sore or any kind sore that
4 would be worsened by work. We can order that horse
5 to go back to the stable.

6 COUNCILMAN RIZZO: Are there any state
7 laws on the books now that would apply to why we're
8 here today.

9 MR. HENDRICKS: Actually, one of the
10 things we're talking about is the hours of work of
11 the horses. We're trying to make it so that the
12 City is more lenient on work horses than the State.
13 The state law has a 96 hour a week limitation. It's
14 a little tougher on the horses than what we want to
15 see. But in terms of lameness, which is what you're
16 talking about, or some kind of sore on the animal,
17 the state law covers that very well. So there is
18 really no need for an ordinance in Philadelphia to
19 go over that ground because the State has it
20 covered.

21 COUNCILMAN RIZZO: Do you see anything
22 in this legislation that's is a duplication.

23 MR. HENDRICKS: Well, not a duplication,
24 but I'm trying to get the City to lower the hours of
25 labor. That's not a duplication, that's just a

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2 tougher part of it. This ordinance does not cover
3 the lameness so much, although in general there
4 is -- I forget exactly how it's worded in existing
5 ordinance, but it has to do with dangerous
6 conditions. And I always took that as being
7 condition of the roads like ice or something along
8 that line. But the state code does cover the kind
9 of physical injuries that you're concerned about.

10 COUNCILMAN RIZZO: So you're pretty much
11 depending on the public to call the SPCA to report
12 an animal that appears to be unfit for duty, and
13 you're telling me that the SPCA is prepared to have
14 a timely response to that type of a phone call.

15 MR. HENDRICKS: Right. But we also --
16 because of the nature of this problem, we also make
17 routine inspections. So it's a combination of both.
18 But we can't have an agent sitting down there by
19 Independence Hall all day long just checking every
20 horse that goes by. But we do make regular
21 inspections of the carriage horses especially during
22 the warm weather and when also respond quickly to
23 any called-in complaints.

24 COUNCILMAN RIZZO: Thank you, Mr.
25 Chairman.

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2 THE CHAIRMAN: You're very welcome.

3 Before Councilmember DiCicco asks a
4 question, is it in the interest of the animal owner
5 of the horse owner to work a lame or not to care for
6 its sores?

7 I mean, to me, it would seem to me if
8 that's your method of making a living as if you were
9 a driver of the truck, you're not going to let the
10 truck break down, you're going to continue to
11 maintain the truck because if you don't maintain the
12 horse or the truck, you're not going to make a
13 living.

14 You're not a carriage operator so --

15 MR. HENDRICKS: Unfortunately, the
16 cheapest cost you have in this whole thing is the
17 horse. It is almost -- they almost give them away
18 at auction. It's very sad. Now, the one nice thing
19 I've seen over the years is that the horses being
20 used to pull the carriages here have gotten bigger
21 and stronger in general over the years. When they
22 first started the carriage trade here about 20 years
23 or so ago, you saw a lot of aged, skinny horses
24 being used, and that was a bad situation. They did
25 realize that for their own public relations and good

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2 business that the public would appreciate not being
3 hauled by some poor, old horse. It made the public
4 feel pretty bad. So most of the public feels pretty
5 good if they get pulled around big strong horse.
6 They don't feel like it's any kind of burden on the
7 horse.

8 THE CHAIRMAN: Councilmember DiCicco.

9 COUNCILMAN DI CICC0: Thank you, Mr.
10 Chairman.

11 Mr. Hendricks, following up on
12 Councilman Rizzo's questioning, in your experience
13 with the SPCA, have you uncovered any problems when
14 you do inspections of the carriage horses that are
15 in the stables? In general, did you find any abuse.

16 MR. HENDRICKS: I wouldn't call it
17 abuse. Neglect is what we see.

18 COUNCILMAN DI CICC0: What kind of
19 neglect?

20 MR. HENDRICKS: As Mr. Rizzo mentioned,
21 often you'll see sores. And if you find sores, you
22 have to order the horse out of service because it
23 will only get worse if it's continued to be used.

24 We also see conditions in stables that
25 aren't necessarily the best for the horse. They

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2 either have slippery floors or they're not kept
3 clean. Sometimes they have too low timbers coming
4 across where a horse could rear up and hit its head.

5 These are the reasons that we want to
6 have stable inspections put in as a regular part of
7 the law. We make them on routine -- we make stable
8 inspections routine, but the law is not specific in
9 how often they must be inspected.

10 COUNCILMAN DI CICC0: During your
11 inspection, how often is routine?

12 MR. HENDRICKS: That could be once every
13 couple of months routinely by us. That various
14 depending on the time of year, and sometimes it
15 varies depending on the individual involved. Some
16 stable owners have a history of providing better
17 care than others.

18 COUNCILMAN DI CICC0: In your
19 experience, what is the normal number of times that
20 an inspection is made?

21 MR. HENDRICKS: I would say every two or
22 three months we will be in every stable.

23 COUNCILMAN DI CICC0: So presently
24 you're inspecting them four times a year.

25 MR. HENDRICKS: More than any law, even

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2 this law would call for.

3 COUNCILMAN DI CICC0: Because it's being
4 suggested that the inspections occur twice a year.

5 MR. HENDRICKS: That's the minimum.

6 COUNCILMAN DI CICC0: Technically,
7 you're actually doing double than what is being
8 requested.

9 MR. HENDRICKS: We're doing that because
10 we're the humane society, not because we're a city
11 agency.

12 COUNCILMAN DI CICC0: I appreciate that.
13 I'm concerned because this is part of the
14 correspondence that I've been receiving, and some of
15 the suggestions are inconsistent. And one of the
16 most consistent suggestion is that the stables be
17 inspected twice a year, so I wanted to get on the
18 record that you're presently inspecting them four
19 times a year.

20 MR. HENDRICKS: But --

21 COUNCILMAN DI CICC0: Not because you're
22 required by law.

23 MR. HENDRICKS: Exactly. I think they
24 should be required to be inspected. That's a little
25 different when it's required. If it's mandated by

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2 law, it makes it somewhat different in my eyes. But
3 the main thing --

4 COUNCILMAN DI CICC0: It could still
5 reduce the number of inspections down to two as
6 opposed to four, even though it's required.

7 MR. HENDRICKS: It could. Potentially
8 it might, but I doubt that it would in our case.
9 The main concept, the main reason I'm here today is
10 to talk about the high temperature maximum for
11 working. I think that's something where
12 Philadelphia has something of an embarrassment in
13 the current situation.

14 COUNCILMAN DI CICC0: Two other
15 questions. Do you also recommend the same criteria
16 of ten-hour workday for the horse if the temperature
17 is 32 degrees? I mean, we talked about the high
18 number; what about the low number?

19 MR. HENDRICKS: The low number, the
20 horse will do fine at that temperature. Ice is the
21 main problem. But I also recommended that they get
22 blanketed if it hits --

23 COUNCILMAN DI CICC0: Blanketed at 32.

24 MR. HENDRICKS: Yes.

25 COUNCILMAN DI CICC0: The number of

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2 hours, though?

3 MR. HENDRICKS: The hours could be the
4 same.

5 COUNCILMAN DI CICC0: Just trying to get
6 my information correct as to whether it would be a
7 difference in the hours as it would be in the
8 temperature.

9 MR. HENDRICKS: No, I would keep the
10 hours the same.

11 COUNCILMAN DI CICC0: Do you have any
12 knowledge of how the City of New York handles their
13 carriage business?

14 MR. HENDRICKS: I haven't read their
15 regulations in some years, but I can tell you why
16 they have such strict regulations: Because on the
17 same day in August about 15 or maybe 17 years ago,
18 two horses in the Central Park area dropped dead
19 from the heat, and there was such an outcry by the
20 citizens of New York that City Council of New York
21 immediately rushed through very restrictive
22 regulations, and much more restrictive than we have
23 down here, very extensive.

24 COUNCILMAN DI CICC0: How does their
25 legislation compare to this legislation in terms of

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2 the temperature and the hours horses will be
3 permitted to work?

4 MR. HENDRICKS: I can't remember the
5 details now, but it's lower. It's around 90, but I
6 don't remember the exact number. And I don't
7 remember the hours, but the hours are lower, too.

8 THE CHAIRMAN: I just need to interrupt
9 you for one second.

10 COUNCIL PRESIDENT STREET: I would like
11 to make a couple of announcements. After the
12 committee on the licenses and inspections finishes
13 with its hearing and the public meeting, assuming
14 the Chair has a public meeting, we will then have a
15 hearing by the Appropriations Committee.
16 Councilmember Krajewski is here. It should be a
17 brief hearing and then the Committee on Public
18 Property will convene. And then after that
19 Committee, we will go back to the Council Committee
20 of the Whole. So if there are people here on bills
21 that are on any of those committees, we ask you to
22 be patient. We appreciate your willingness to
23 cooperate with us. This will be a very busy day.
24 We really intend to stay here until we get our
25 business done.

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2 Thank you, Mr. Chairman.

3 THE CHAIRMAN: Thank you, Mr. President.
4 Councilmember DiCicco.

5 COUNCILMAN DI CICC0: The other
6 question: Do you know if New York provides a place
7 of shelter during the day?

8 And I see heads shaking no. I was out
9 there a few months ago, and I didn't see that.

10 MR. HENDRICKS: I've never seen any up
11 there. The Plaza Hotel shadow.

12 THE CHAIRMAN: Councilmember Rizzo.

13 COUNCILMAN RIZZO: Mr. Hendricks, in
14 reference to the cold, the cold whether, on a
15 35-degree day with 8 to 10 to 12 mile an hour wind
16 gusts, I can't understand why, especially a standing
17 house, the operator wouldn't throw a blanket over
18 the horse. Now, to say 32 degrees, don't you think
19 it should be an automatic if the horse is standing
20 that he be blanketed or she be blanketed rather
21 than -- when they're on their way, they're in pretty
22 good shape. But when they're standing, I can't
23 understand why we would want to have heat index for
24 warmer weather when cold weather is certainly a
25 factor also. They're certainly more accepting to

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2 cold weather but --

3 MR. HENDRICKS: I think you're not going
4 to find as much of a problem in the cold weather
5 here because, Number 1, you're going to have fewer
6 horses out.

7 THE CHAIRMAN: Who's taking rides in the
8 blizzard?

9 MR. HENDRICKS: Right. And Number 2,
10 many of the people are already doing this. It's
11 just a matter of whether you want to mandate it or
12 not. If it's mandated, then everybody would have to
13 do it. And I would think that we don't get
14 complaints in the winter time on carriage horses
15 like we do in the summer.

16 COUNCILMAN RIZZO: Because they don't
17 sweat in the winter.

18 MR. HENDRICKS: The public isn't
19 screaming saying, "That poor horse is not
20 blanketed." We're not getting those complaints.

21 COUNCILMAN RIZZO: My last question is
22 in reference to the state law or SPCA oversight,
23 when it goes to hack horses or carriage horses, is
24 there any criteria, any regulations on the way the
25 horses are fed?

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2 It's not the process we follow, and I have a list of
3 witnesses that I'm going through. This is not a
4 debate, it's a public hearing. You don't have the
5 privilege of asking that point of information, I'm
6 sad to say.

7 COUNCILMAN DI CICC0: Presently, under
8 the present conditions in Philadelphia, if the
9 temperature reaches 94 or above, what happens?

10 MR. HENDRICKS: Well, 94 you're okay.

11 COUNCILMAN DI CICC0: Or above?

12 MR. HENDRICKS: Above, technically you
13 have to take the carriage back to the stable by the
14 most direct route.

15 COUNCILMAN DI CICC0: Is that being
16 done?

17 MR. HENDRICKS: Generally it is, but
18 sometimes we have to go down and remind them. See,
19 one of the problems now is that there's no
20 temperature standard in the law, so that's a problem
21 because people will hear the temperature on the
22 radio, call us up and say, "It's 95 degrees out."

23 We'll go down to the Independence Square
24 area and then the KYW thermometer on the building
25 will say something else. That's why I say it's very

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2 important to have that temperature standard at the
3 airport so that everybody's talking about the same
4 thing.

5 But if we get down there and we found
6 that the carriage horses are on the street, the
7 temperature gauge on the KYW building says something
8 above 94, then we just say, "You know the rules, get
9 out of here."

10 We don't ticket them because they don't
11 refuse to go. But unfortunately, sometimes and with
12 some people it requires us to have to tell them.
13 They're going to wait until they're told. Some of
14 them don't wait.

15 Last year we had a few days of these
16 conditions, and under most circumstances I found out
17 from our agents that the carriages were generally
18 leaving willfully before we even got there.

19 COUNCILMAN DI CICCIO: Who has decided
20 that 94, 90, whatever the temperature that we come
21 to agree on, is the correct temperature? Is there a
22 medical documentation that purports any of this?

23 MR. HENDRICKS: No, not at all. This is
24 strictly a humane number. It's up to whoever the
25 powers are and whatever municipality to pick this

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2 number. There is no science that can be applied.

3 As a matter of fact, it would be difficult because
4 every horse is a little different.

5 COUNCILMAN DI CICC0: I was getting to
6 that. For me as a human being when the temperature
7 falls below 60, I'm cold. Some people are still
8 sweating. How do you make that decision? And if
9 we're just going to do an arbitrary -- whether it's
10 89 or 94, it really is an arbitrary number.

11 MR. HENDRICKS: Exactly. It's a humane
12 index. You know, common sense tells you that as the
13 temperature goes up, mammals can moderate their
14 temperature, internal temperature, by sweat and we
15 can accommodate a certain temperature rise, but it
16 becomes a burden on your system.

17 COUNCILMAN DI CICC0: Not to interrupt
18 you, but I've seen horses in cold weather that had
19 blankets on them sweating. One would think that as
20 humans we would know when to come in out of the
21 cold, but that's not always the case either. What's
22 cold for me may be not be cold for Councilman Kenney
23 or you.

24 MR. HENDRICKS: One of the differences
25 we have here is that the horses have no voice in

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2 this work situation, whereas a human can say, "Too
3 hot for me to work, I'm going to go sit in the chair
4 and have a lemonade."

5 A horse doesn't have that luxury. So
6 he's out there because he's made to be out there.

7 COUNCILMAN DI CICC0: But there may be
8 some horses that can't take it past 89. So again, I
9 don't know -- none of us have the answer then.

10 MR. HENDRICKS: There is no perfect
11 number. All we're trying to do is find a number
12 that will generally apply and that will not be so
13 ridiculous that horses would never be out there. If
14 you set the number, say, between 50 degrees and 60
15 degrees, that's the only time horses can work, we
16 pretty much agree that that's nonsensical. But we
17 know at some higher level it becomes uncomfortable
18 for mammals to do the work that they might otherwise
19 do.

20 COUNCILMAN DI CICC0: I can agree on
21 just about everything. I think the hours, I think
22 we can find a place where it can accommodate
23 everyone, including the carriage industry. I think
24 the inspections are important. I'm just concerned
25 about me or any of us making a decision on a

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2 temperature that we really have no medical basis to
3 make the decision on.

4 MR. HENDRICKS: Well, you did it once
5 before.

6 COUNCILMAN DI CICC0: And we're back.
7 For some people -- and I respect everyone's opinion,
8 for some people that's too high. But is it? I
9 don't know.

10 MR. HENDRICKS: There isn't a perfect
11 answer. And you know from all your other work
12 you're never going to make everybody in Philadelphia
13 happy with anything you do. So saying 89, 90, 91,
14 you know, you're always going to get segment that
15 will say that's still too high.

16 THE CHAIRMAN: We have a segment of
17 people who don't want them used for that purpose at
18 all.

19 MR. HENDRICKS: That's true. That's why
20 it will always be too high. So you cannot please
21 everybody. You should know that very well. This is
22 strictly a humane index we're using, and it all
23 depends on how you want to perceive the horses in
24 Philadelphia. Whether they're beasts that
25 unfortunately are being used by us and that's all

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2 they're good for, or whether you think they have
3 some rights to be here on this earth and they should
4 be cared for properly. I think if you look at it
5 that way, you will consider lowering the existing
6 number.

7 THE CHAIRMAN: Thank you for your
8 testimony.

9 MR. HENDRICKS: Thank you for the
10 opportunity.

11 THE CHAIRMAN: You're welcome.

12 Ms. Cheever and Mr. Hawkins, please. I
13 need you to come up together. You can give separate
14 testimony, I just want to fill the chairs up in the
15 interest of time.

16 Please identify yourself for the record.

17 DR. HOLLY CHEEVER: Actually, it's Dr.
18 Holly Cheever. I'm a practicing veterinarian.

19 Should I continue?

20 COUNCILMAN KENNEY: Please.

21 DR. CHEEVER: I'm grateful that you're
22 taking me ahead of my possible order. I have to be
23 back, being mommy, by 5:30 in Albany to four
24 children, so I'm grateful for your letting me go
25 ahead.

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2 COUNCILMAN KENNEY: No problem.

3 DR. CHEEVER: Let me just briefly give
4 you my credentials so you know why I am being thrust
5 upon you in this hearing.

6 I am a practicing veterinarian. I
7 graduated from Harvard University undergrad and
8 Cornell's Veterinary College in 1980 with a class
9 rank of No. 1. I have been a private practitioner
10 including equine medicine for 18 years. My
11 experience with equines goes all the way back to
12 childhood, and it does include working with draft
13 horses and carriage horses both training and driving
14 and parade work and primarily in field work plowing.
15 So I am familiar with the medicine of the heavy
16 equines, the big draft horses.

17 I have received many awards for work in
18 anti-cruelty animal abuse prosection from the ASPCA,
19 from the Humane Society of the United States, from
20 the New York State Troopers and from many other
21 state and local animal advocacy groups.

22 And finally I am Good Housekeeping
23 Magazine's veterinary columnist writing a regular
24 column three to five times a year under the name of
25 DGH Vet.

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2 Specifically, though, my expertise in
3 this area of urban carriage horse regulation, I
4 really feel is second to no one's. At this point in
5 the last decade I have advised two states, namely,
6 Massachusetts and Florida, in providing statewide
7 legislation for carriage horse regulations, and I
8 have worked with over 15 cities and municipalities
9 on providing protective regulation, including New
10 York City, and I can answer all those questions you
11 were asking our previous witness, New York City
12 Washington, Boston, Atlanta, New Orleans, Reno,
13 Kansas City, et cetera.

14 My position on urban carriage horses is
15 really that it, first of all, should never be seen
16 as an animal rights issue as I think was being
17 hinted earlier because it does fall very clearly
18 within the realm of animal welfare, which we all
19 agree we should be supporting. Unfortunately,
20 there's a very fundamental incompatibility between
21 equines used on the streets sharing space with motor
22 vehicle-ized traffic, and the dangers and health
23 hazards are fairly obvious, even to a
24 non-veterinarian.

25 I am glad to hear that Philadelphia's

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2 horses have improved in quality, but I know from
3 personal conversations with people who have
4 witnessed some of the horses from perhaps the less
5 well-run stables that some of the horses do remain
6 old and somewhat under-conditioned. And one thing
7 you need to remember is the source of these horses.
8 These are not someone's price draft horses people do
9 not put their price draft horses on urban city
10 streets in carriage trades for the tourists. Many of
11 them come from the New Holland sales. Their only
12 prerequisite is that they already be broken to
13 harness. That means that they've either come from
14 Amish farm country or standard bread tracks or
15 previous farm use in some capacity. Many times by
16 the time they go to the New Holland sale, they're
17 pretty well used up and they're not in the best
18 conditions by the time they hit the streets.
19 Therefore, all of your legislation have to be
20 drafted to protect those individuals who are not in
21 optimal condition, because many of them are not.

22 In terms of what is specifically
23 hazardous for the horses, Mr. Ordell did mention the
24 problems with keeping them sound on city streets.
25 They never evolved to handle the hard concussive

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2 pavements and the constant pounding that a ten-hour
3 work day would give them, even with the best of
4 farrier care, which in my experience around the
5 country is usually not the case. They have possibly
6 adequate farrier care, but not always adequate. And
7 draft horses are notoriously hard to keep well shod
8 because of the shape of their hoof and their heavy
9 weight and, again, the heavy, hard concussive street
10 surfaces.

11 There's the obvious danger to these
12 horses in traffic. These animals evolved as
13 herbivores. They're prey, and what that means is
14 that when there's something scary that happens,
15 whether it's a car crashing into the carriage or
16 some drunk heaving a beer bottle at their hiney,
17 they bolt, they spook, and that has disastrous
18 consequences which you've seen around the country.

19 There was a very nasty death in Boston
20 last year because of a car backing into a carriage,
21 and the horse broke loose for two blocks, rammed
22 himself into something that slit his chest open and
23 bled slowly to death in three hours without the
24 benefit of euthanasia, and no being on this planet
25 should ever die like that.

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2 Pollution hazards, of course, are
3 obvious. These animals at this point are out there
4 ten hours a day. The more aged and dispirited ones
5 have their nostrils really right down by the tail
6 pipes, and they're sucking down pollution much more
7 than anyone, except for the possibility of the
8 homeless individuals who were testifying earlier.
9 But no other resident of Philadelphia is breathing
10 in that degree of traffic fumes. And I have in the
11 materials that Mr. Hawkins will be giving you a
12 report of a study done in New York City a few years
13 ago indicating that their lung pathology was pretty
14 horrendous simply because their exposure to the
15 traffic fumes.

16 The big thing, though, is heat stress.
17 And for that reason, I will go right into the
18 specific recommendation that I would hope would be
19 included in the proposed regulation. One thing you
20 need to understand is that horses have a much
21 tougher time dissipating heat load that comes up
22 with exercise than a human does. We have a very low
23 mass to weight ratio. Horses have a high one. It's
24 very hard for them with that big massive body to
25 dissipate the heat that they accumulate in working

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2 conditions with high ambient temperatures, and
3 particularly with humidity. And I know this is
4 going to be a lot of hashing out and backing and
5 forthing as to what should be at final high-end
6 temperature.

7 In New York the one that was finally
8 agreed upon was a temperature of 89 degrees, but a
9 different reading of temperature humidity index than
10 the one referred to here which took humidity into
11 account. And I really pray that you do consider
12 including humidity, the reason being that when you
13 have a high humidity, the horse can no longer cool
14 himself by evaporation from sweating. That's how
15 you and I cool ourselves, that's how the horse cools
16 himself or herself. And with high humidity in the
17 air, there's no evaporation and that's when you get
18 the real heavy danger from heat prostration, which
19 New York has seen many times, as has Atlanta, as has
20 Boston. So as I said, in New York it's 89 degrees
21 Fahrenheit temperature including a humidity factor,
22 which if you were to add degrees Fahrenheit with the
23 relative humidity, if it comes to a higher value
24 than 140, the horses are supposed to leave. Now,
25 you're using a different index here which I'm very

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2 comfortable with and that is 94 temperature humidity
3 index, which does again factor in humidity. But I
4 beg you as a horse lover and as a compassionate
5 human as well as a veterinarian that humidity really
6 does need to be factored in there. Otherwise, you
7 do have a chance of some prostration deaths, which
8 are never very pretty to see.

9 I have to disagree, with all respect,
10 with Mr. Hendricks about the fact that there is no
11 documentation as to what is safe or what is not
12 safe. I won't burden you with it, but I have a file
13 on equine physiology, exercise physiology, this
14 heavy and this fat on what is considered safe. And
15 you may be aware that when the horses were
16 performing in Atlanta last summer or two summers
17 ago, whenever it was, for the Olympic games, there
18 was a big scandal for two years before where they
19 tried to go through and document what would be safe
20 for the competitor horses so they would not be
21 endangering these multimillion dollar animals
22 because of high ambient temperatures, high humidity,
23 and a punishing course. Obviously, going across an
24 eventing course in steeple chasing is more of an
25 exercise demand than pulling a carriage, but it's

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2 only for a few minutes as opposed to the six- or
3 eight- or ten-hour day that the carriage horses are
4 experiencing.

5 And the other thing, which I realize
6 adds a little more of a glitch and an irritation in
7 something you have to wrestle out, but in New York
8 they finally agreed to take the temperature, not by
9 what they say on the US Weather Borough reports, but
10 rather by thermometer held at the horses elbow
11 level. And I know this may seem picky to you, but
12 if you will just bear with me. Cornell's
13 Horticulture Department several years ago did a
14 study in Central Park, New York City to find out why
15 their newly planted trees were all dying off. And
16 they found out that it was heat stress. And heat
17 stress is a factor because in New York City, for
18 instance, when the US Weather Bureau says it's X
19 degrees, they're taking that temperature from a
20 thermometer 60 feet above the ground in Central
21 Park. The problem is the horses aren't operating 60
22 feet above the ground in Central Park, they're down
23 on the street. By the Horticulture Department's
24 study, they came up with the fact that the pavement
25 temperature could be 45 degrees higher. So when it

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2 was 86 degrees according Weather Bureau as you turn
3 on your radio to take a shower in the morning, it
4 could be 131 where the horses are standing. And
5 that's why heat prostration becomes so much of a
6 increased danger when you're dealing with an urban
7 environment. We're not talking plow horses, we're
8 not talking plowing the earth on Georgia's red field
9 or something; we're talking about reflective heat of
10 off asphalt, and that's a very different matter. So
11 I do hope you will include humidity. I do hope that
12 you will settle on that final 94 as the maximum, the
13 absolute humane maximum including humidity for
14 keeping these animals off the street.

15 One of you asked does New York have a
16 shelter for these horses to go to. No, they don't.
17 And the reason they send them back to the stables
18 which is just as a pain in the hiney for them as it
19 would be Philadelphia operators is that if you don't
20 send them back, as the inspector turns the corner,
21 the horse is back working again.

22 You know, you brought up earlier how are
23 you going to enforce all of this, who has the time
24 and money and personnel to park someone by each
25 carriage horse and make sure that they are on the

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2 street and off the street when they should be. If
3 they're sent back to the stable, you don't have to
4 worry about it. They're out of danger zone. Now,
5 it would be just lovely if Philadelphia could find a
6 space to build a long cooling shed with wonderful
7 ventilation, lots of fans, lots of those fine
8 mistrals that they used for the three-day eventing
9 horses, the multimillion dollar syndicated horses,
10 but I'm just guessing here, you will not be able to
11 do that in downtown Philadelphia. In short of that,
12 you do need to get them into an environment where
13 they can't be put right back on the street when the
14 inspector has turned the corner.

15 So again, in terms of the high-end
16 temperature, please consider including humidity or
17 you will have horse deaths, if you haven't already.
18 And please consider taking the temperature somewhere
19 which is relevant for the horses and not where the
20 US Weather Bureau is taking it.

21 Again, if you want 20 pounds of
22 documentation on exercise physiology, I can't even
23 barely get through it, but I'll be glad to give it
24 to you.

25 As far as the low-end scale, we're

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2 talking about whether, we think 32 degrees should
3 include wind chill factor or not, we're talking
4 about whether the present 20 degrees is sufficiently
5 protective. No way. It's simply not. These are
6 animals who exercise, stand still; exercise, stand
7 still. Any of you who jog in the wintertime know
8 that that is a recipe for disaster, for leg cramps,
9 for draining, lowering your immune system's ability
10 to fight off disease. It's an enormous stress. You
11 would think that a humane operator would have the
12 common sense to throw a blanket on his or her horse,
13 draw your own conclusions, but most of them don't.
14 Many of them don't, and therefore, I think it is
15 important to mandate it. My own preference would be
16 to include the wind chill factor because, I remind
17 you, we are trying to devise legislation to protect
18 those who may not be in optimal condition. Not
19 every carriage horse in the City is in optimal
20 condition. And if you're thinking of a horse that
21 maybe is 50 to a hundred pounds under weight, that
22 degree of wind chill being factored in could make an
23 enormous difference in whether it is receiving
24 humane treatment or is merely experiencing something
25 that is survivable but not humane.

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2 Also, I don't know about Philadelphia,
3 but one of you was saying something about you don't
4 think there's a lot carriage horse use in the
5 wintertime. I don't know about Philadelphia, but
6 certainly Kansas City, Atlanta, Boston, New York,
7 they have very high seasonal use between
8 Thanksgiving and New Year's. That's the big time
9 when tourists come flooding into the cities in the
10 winter months. It's a big seasonal time, and for
11 many of the other urban North American northeastern
12 cities that I've advised for, that is a problem time
13 where there is a high carriage horse demand. So we
14 do need to be very focused on that low-end
15 temperature to protect them.

16 In terms of the work hours, the number
17 of work hours, again, I respectfully disagree with
18 Hendrick's whom I've supported in just about
19 everything else, but I would prefer to see six hours
20 or the maximum eight because we're not just talking
21 about the amount that the horse works, we're talking
22 about in the summertime this animal cooking on the
23 street or freezing in the wintertime on the streets,
24 and that's an awful long prolonged environmental
25 exposure to challenging extremes of climate if you

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2 have a ten-hour day. And again, we're not
3 necessarily talking about horses in the peak of
4 condition. So I would respectfully suggest that you
5 drop down to six or eight which is more in accord
6 with the other humane laws drafted in cities across
7 the country. I don't know of any cities offhand
8 anymore that have had any regulation oversight that
9 still permits ten hours, and I don't think it would
10 look very good for Philadelphia to be way out on the
11 end there.

12 In terms of stable inspections, my
13 feeling would be two times minimum annually, and I
14 agree with Mr. Hendricks it should be mandated, not
15 something that just SPCA does because it's an
16 effective and concerned and compassionate force
17 that's trying to make sure that the lives of these
18 horses is as humane as possible. And what they need
19 to be inspecting for, I would hope that there was
20 some horse expert who would go with them.

21 I know that in New York City, I was
22 hired by the ASPCA because their cruelty
23 investigators were small animal experts and really
24 didn't know what to look for.

25 You're looking for the presence of

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2 constant access to water, not just being turned
3 loose to drink out of a joint tub at the end of the
4 stalls. You're looking for constant access to
5 traced mineralized salt, not just the white salt
6 block, but the red salt block which supplies a lot
7 of those electrolytes lost with sweating. And of
8 course, you're looking for the thick bedding because
9 as we've been talking, both Mr. Odell and myself,
10 these street are very, very tough and very unnatural
11 for a horse to survive on, especially with the kind
12 of length of day. The rubber matting in stall for a
13 horse working six to eight hours a day to me would
14 seem like a very reasonable way to try to protect
15 and cushion these animals from this unnaturally hard
16 concussive work that they do.

17 And even though this is somewhat out of
18 the realm of veterinary experience, apparently at
19 this point it's permitted to have a passenger up on
20 the driver's box. Well, this is common sense
21 no-brainer. There couldn't be anything more
22 dangerous. You are much more in danger up in that
23 box than you are inside the main body. It's
24 dangerous enough in there without seat belts and
25 without any protection. I just would not think the

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2 City would want to take on extra liability. It also
3 sometimes impedes the driver's ability to control a
4 horse when there's a panic moment. And I just think
5 that you don't want to take on that extra risk of
6 having a passenger up there where the chance of
7 danger is much greater.

8 I think that's pretty much -- oh, one
9 thing I believe you were asking in terms of does it
10 make sense to drive a lame horse. Of course it
11 doesn't make sense, but as Mr. Hendricks is saying,
12 the cheapest part of the operation is the horse.
13 They're eminently replaceable. And what the
14 carriage horse operators in New York and Boston
15 would say when I would point out that their horse
16 was three-legged lame, they'd say, "Yeah, well this
17 horse don't make me no money if he's sitting in the
18 stable," so their feeling is that they may be lame,
19 but I can make money with him the streets. I'm not
20 saying that all carriage drivers are like that, but
21 there certainly has been at least one or two of
22 those in every city that I've worked with.

23 So if you have any questions, I'd be
24 very happy to answer them at this time.

25 THE CHAIRMAN: Thank you.

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2 Councilmember DiCicco.

3 COUNCILMAN DI CICC0: Thank you for your
4 testimony.

5 Do you see any reason to regulate -- is
6 there any difference the way we should be regulating
7 the carriage industry as opposed to the hacking
8 stables?

9 DR. CHEEVER: It's a very different
10 life. I don't know enough about your regulations
11 for the hacking industry to comment. But I can tell
12 you that work under saddle is a different matter
13 from work in a harness, especially when you have
14 some of these very ancient stables that I know your
15 carriage horses live in where they're tied stalls,
16 standing straight stalls.

17 Think about it for a minute. You're
18 pulling a carriage, you're 180 degrees a head
19 between the shafts, you can't move, you can't even
20 turn around to scratch your hiney. Then you go home
21 to the stall, you're lined 180 degrees, you can't
22 even turn around there. And I think some of these
23 older stables do not have the paddocks, do not give
24 any chance for turnout which is essential for the
25 physiologic well-being of any horse.

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2 Whereas with a saddle horse, that animal
3 has much more opportunity to flex, to move, to bend.
4 It's not as confining, it's not as restrictive and
5 it's not as hard work.

6 COUNCILMAN DI CICC0: Is there any
7 recommendation -- I noticed in your written
8 testimony appropriate winter weight blankets. Is
9 there a material that you would recommend?

10 DR. CHEEVER: Sure, I can comment on
11 that. Horse blankets, like in any other fashion,
12 comes in a lot of different types. You can have
13 your basic fly sheet which is a summer sheet, keeps
14 bugs off. You can have your rain repellant sheet
15 which keeps the rain off. What you're looking for
16 here is something with a repellant shell like a
17 nylon shell with some kind of a woven, either a
18 flannel or a wool kind of inner lining, like a nice
19 camping blanket that a human might use. And these
20 permit the blanket and the horse to stay dry when
21 the sleet is blowing on them because they have that
22 repellant outer shell, but it also provides warmth.
23 Now, if you have a horse that seems to be heated
24 when he's just come in from his walk, his work, you
25 put the blanket on him and if he seems to be twitchy

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2 and sweaty, you can always roll half of it back and
3 expose part of the forequarters but leave the
4 hindquarters covered and adjust it is a needed. But
5 it certainly should be there to protect the animals.

6 COUNCILMAN DI CICC0: Is there a
7 specific model or type?

8 DR. CHEEVER: I'm sure you have horse
9 people in Philadelphia, it's such a horsy area, that
10 can give you 500 different types and brands that
11 would be acceptable.

12 COUNCILMAN DI CICC0: Thank you. Do you
13 happen to know what the hours that the carriage
14 horses work in New York.

15 DR. CHEEVER: I believe at this point
16 it's eight. The protective law --

17 COUNCILMAN DI CICC0: Including the time
18 to and from the stable or is that eight hours --

19 DR. CHEEVER: I think that's eight hours
20 on their working shift.

21 The protective law that was passed in
22 '89 was appealed in '94 because of New York's
23 intricacies of their political system despite
24 unanimous opposition to weakening the protective
25 laws, so at this point I'm not exactly sure. But

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2 the last I knew, it was an eight-hour work shift.

3 COUNCILMAN DI CICC0: Thank you. No
4 further questions.

5 THE CHAIRMAN: Councilmember Rizzo.

6 COUNCILMAN RIZZO: Doctor, in the area
7 of passengers, I've noticed that many of our
8 carriage operators have sometimes two employees both
9 capable of handling the horse. Don't you think we
10 should be careful in not -- we have to be very clear
11 that that second passenger shouldn't be a person
12 that's going for the ride, but we should not limit
13 people that might be employees of the carriage
14 operator?

15 DR. CHEEVER: Yes. My understanding,
16 and perhaps I was wrong, was that the second person
17 on the driver's box was actually a tourist, a
18 passenger. They should never be up there. But if
19 you have an apprentice, a trainee, or an assistant,
20 then, of course, I have no problem with that.

21 COUNCILMAN RIZZO: We have to very
22 careful that we don't rule out a second person.

23 DR. CHEEVER: In fact, in many cases, a
24 second person is a good idea, for instance, in the
25 case of watering. If you have to let go of your

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2 horse's head to go and turn on that hydrant, that
3 gives a split second where the horse could bolt with
4 disastrous consequences, and that's happened a lot.

5 COUNCILMAN RIZZO: I just wanted to make
6 sure we're not eliminating something that could be
7 better for the operator.

8 DR. CHEEVER: I completely agree.

9 COUNCILMAN RIZZO: Thank you, Doctor.

10 THE CHAIRMAN: Thank you very much for
11 your testimony.

12 DR. CHEEVER: Thank you for the
13 opportunity. Mr. Hawkins will present you with my
14 material.

15 (Applause.)

16 THE CHAIRMAN: Please identify yourself
17 for the record and proceed.

18 MR. WILLIAM HAWKINS: Good afternoon.

19 I'm William Hawkins. I live in Center City on
20 Washington Square. I'm not an expert on horses, but
21 I've been around horses all my life, both in Europe
22 and over here. I've been in Center City for 26
23 years. Where I live on Washington Square, I get to
24 see an awful lot of the carriage horse industry.
25 And our hope is that perhaps we can make some

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2 headway with changes.

3 The current ordinance that is before you
4 we feel is unacceptable because it doesn't address
5 the humane issues, many of which you've heard this
6 afternoon. The 92 degrees that is recommended is
7 just insufficient, and you've heard that through
8 testimony so far.

9 I would like to say that we have no
10 financial interest in what's happening here. Our
11 motivation is one purely of humane treatment of the
12 horses. Philadelphia's always been a city of
13 firsts, but unfortunately we've got an awful long
14 way to go when it comes to the carriage horse
15 industry.

16 We have one of the highest temperature
17 thresholds in the country. It used to be that we
18 were one of the top three, now I think Kansas City
19 has cleaned up its act and now it's just San Antonio
20 and Philadelphia. And the heat and humidity
21 combined create a very, very -- pressure and stress
22 on the carriage horses, as you've heard. The
23 asphalt temperature can be as high as 120, 130 if
24 it's 94 degrees. So we feel there are very, very
25 strong reasons why the temperature should be

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2 lowered.

3 We also have the highest number of hours
4 work. I believe New York is eight. If not, then
5 New York and Philadelphia will probably be the only
6 cities with that ten-hour threshold. Most of the
7 cities that I've looked at ordinances from are
8 between six and eight, the average being about
9 eight. So we are clearly way ahead in both the
10 temperature and the hours worked.

11 As far as the number of passengers, Dr.
12 Cheever did mention very clearly that sometimes
13 there are tourist who do ride as passengers, and
14 we've seen that many times. I have myself witnessed
15 the driver of a carriage handing the reigns to a
16 little child sitting next to him or her while she
17 turns around and takes a photograph of the people in
18 the carriage behind. I've seen that on Walnut
19 Street between on Fifth and Sixth on more than one
20 occasion because that's the nice area. That's an
21 accident waiting to happen.

22 The stable visits, we currently have, I
23 think, one visit a year is in the current ordinance,
24 not in the recommended changes, but in the current
25 ordinance or regulations. One visit won't do it.

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2 You've heard that a mandatory twice a year would be
3 much more acceptable. The SPCA who will go in
4 unannounced at different times, that's fine, but
5 there has to be that mandated number. Otherwise,
6 there really is no way to fix on a benchmark. And
7 most cities do have twice a year. Some do it three
8 times a year and four times a year. So once again
9 we're clearly way at the other end of the spectrum.

10 A year ago, I had a chance to visit the
11 stables in Philadelphia, and I would like to make it
12 very clear that one of the stables that I visited
13 was a very well kept, very well maintained, the
14 horses looked in excellent condition, the stalls
15 were large and everything seemed to be very much in
16 order. Two other stables I went to, it was like
17 going back to the Charles Dickens era. The places
18 are very old, very dark, they didn't seem to have
19 the ventilation that the other place certainly had,
20 they certainly did not have a paddock where the
21 horses got exercised. That's a very critical issue
22 here. You've got horses that are very, very
23 sensitive creatures. They work, they go back to
24 stall, a tiny stall, and that's it. They're
25 constantly tied up or they can't move. At least

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2 with one of these stables, there is a paddock area
3 where they can exercise, and I think it's very
4 important for the humane treatment of the animals.

5 If we're very serious about the tourism
6 industry as we are, as every one in this room is,
7 then we've got to do something about the overall
8 carriage horse industry. We cannot have the tourism
9 suffer simply because we don't have the right
10 regulations in place. The accident that happened in
11 Boston, the accidents which have happened in Kansas
12 City, New Orleans, in New York, can happen here. We
13 really are on the threshold of an accident waiting
14 to happen. We've been very fortunate so far. The
15 only problem we had last year, major problem, was a
16 carriage that was rear-ended on Sixth Street. Well,
17 luckily no passengers were in there, no tourists
18 were in there. I can imagine what would have
19 happened had they been. A lot more press coverage
20 would have been given of that. We don't want that
21 to happen.

22 If we implement these changes, these
23 simple changes, the lower temperatures, the fewer
24 work hours, the stable requirements, we are going to
25 have a much better industry and an industry that we

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2 can be proud of. Although many of us would like to
3 see it not here, we know that it is part of what we
4 are working with in Philadelphia. So our request is
5 you implement the changes, make the humane changes
6 as requested, and thank you for you time.

7 THE CHAIRMAN: Thank you very much for
8 your testimony. Are there any questions for this
9 witness?

10 Thank you very much.

11 (Applause.)

12 THE CHAIRMAN: Mr. Grimes and Mr. Penn
13 please. Is Mr. Penn here?

14 In the interest of balance of the
15 record, we'd like to have the representatives from
16 the carriage industry put something on the record.

17 MR. GRIMES: Mr. Chairman, would you
18 like -- my client is a carriage company owner.
19 Would you like him now?

20 COUNCILMEN KENNEY: Whoever is
21 testifying.

22 I would appreciate before you begin your
23 testimony if you would confine -- I'm going to try
24 to boil this down to what it is you can live with
25 and what the other side can live with. Because all

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2 the other issues of humane treatment of animals and
3 all are somewhat subjective according to what side
4 of the fence you're on. We have a bill before us.
5 It makes certain suggestions. We've heard
6 suggestions on how it can be changed from another
7 side to improve it. You'd like to you make similar
8 suggestions. Hopefully, we can come to some
9 resolution of this issue.

10 Please identify yourself for the record.

11 MR. MICHAEL SLOCUM: Thank you Mr.
12 Chairman and Members of the Committee. My name is
13 Michael Slocum. I am the president and owner of two
14 carriage companies in the Philadelphia, 76 Carriage
15 and Ben Franklin Carriage Company.

16 The first issue that I would like to
17 address on this bill is the restriction and
18 limitation of hours under which carriages can
19 operate on the city streets, that is from 7 a.m. to
20 9:30 a.m. and 4:00 p.m. to 6:30 p.m. I have no
21 great need for carriages to be on the street between
22 7:00 a.m. and 9:00 a.m.. I feel that we can
23 certainly deal with that and live with that in this
24 regulation. However, I do want to say that there
25 are many contracted jobs and times where we are

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2 asked to provide service for large groups and tours
3 which stay in the Society Hill and Olde City area.
4 I ask that this be able to be performed under a
5 permit or a special issuance of some type of permit,
6 perhaps by the Department of Streets. The second
7 part of that, the working between 4:00 to 6:00 p.m.
8 I think is very detrimental to the carriage
9 industry. It is certainly a prime time for carriage
10 visitors, tourist and residents alike, to enjoy the
11 service and to be out and take advantage of
12 everything this city has to offer. This would
13 certainly have detrimental effects on this carriage
14 industry.

15 THE CHAIRMAN: I don't know where we'll
16 go with this, but I can tell you it has a
17 detrimental effect on traffic. It's just
18 horrendous. The horse issues aside, temperature
19 issues, I mean to get -- Walnut Street westbound on
20 rush hour or Chestnut Street eastbound on rush hour
21 is unbelievable when it comes to a horse -- I mean,
22 what I fear sometimes, and again, I'll let you
23 continue with your testimony, and on any other
24 street, what you have basically are people rushing
25 to get home who are aggravated from being behind

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2 this thing and then try to do some cockamamy
3 maneuver to get themselves out of the way. I mean,
4 people don't stop at stop signs anymore let alone
5 worry about what speed they go around a horse-drawn
6 carriage. But I mean, I want you to understand from
7 the industry standpoint, from my standpoint, that
8 particular time of the day even more so than rush
9 hour because people are stressed to get home is a
10 very dangerous time of the day. To me it seems that
11 way anyway.

12 MR. SLOCUM: I totally understand those
13 concerns. In fact, what we would propose I think is
14 a viable solution. Keep the carriages on a certain
15 route or certain streets within that area during
16 those hours. These streets and routes would
17 certainly be known to the public, therefore, could
18 certainly be avoided by the public if they choose to
19 do so, not causing greater congestion among other
20 streets and perhaps working with the Streets
21 Department or Council to provide the service on
22 streets that are less congested.

23 THE CHAIRMAN: I didn't mean to
24 interrupt you. You can just proceed.

25 MR. SLOCUM: That's fine. I understand.

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2 There was an issue eliminating carriages from the
3 use of Third Street on the routes. Again, I would
4 like to oppose. Society Hill is a very important
5 link to the City, the tourism industry and the
6 Independence National Park area, and Third Street
7 has many private residences, attractions, and sites
8 that should be included and showcased to the
9 visitors. I believe that this stems from the urine
10 and possible manure situation, the odor expressed by
11 the residents of Society Hill. And I feel that we
12 can create some type of management program working
13 with the Department of Streets, with the water
14 trucks which currently are supposed to flush down
15 the streets. I think that if this were done on a
16 more frequent basis and if it were done more
17 efficiently, not like I have observed going 20 or 30
18 miles an hour where they barely wet the street, but
19 actually flushing the street, I think it would be
20 more effective and eliminate and reduce those odors.
21 I think that may be a viable option that would work
22 and address those issues.

23 THE CHAIRMAN: Do you have issues on
24 temperature?

25 MR. SLOCUM: Yes, I do. I believe that

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2 we heard testimony here today that the numbers are
3 basically arbitrary. The industry in the city
4 started back in 1976, and until 1986 was unregulated
5 as far as heat index or heat humidity or temperature
6 was concerned. In those earlier years, there were
7 no animals that suffered any heat distress, heat
8 stroke, or any heat-related illnesses. In 1986
9 Council enacted a maximum temperature law stating
10 that 94 degrees the horses be removed from the
11 street. Since that time, no horses have ever
12 suffered any ill effects or distresses over the heat
13 or temperature.

14 I feel that 92 degrees is just the
15 lowering of this number with no scientific
16 documentation or evidence. We did hear some
17 testimony today about the fact that three-day event
18 horses, there was a study done, but we're talking
19 about carriage horses that are oversized pulling
20 wagons which are essentially toys to them at a walk
21 on a street. And we have no documentation or
22 evidence to support the fact that it should be any
23 lower than 94 degrees.

24 I am prepared to answer any questions if
25 you have any specific concerns.

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2 One thing I would like to address, I
3 know it was brought up today about the low-end
4 temperature of the carriages. I would just like to
5 say as an operator I grew up in this business and my
6 father started this business and I essentially been
7 in it ever since. I must say there is no one in
8 this city, I feel, that cares more for these animals
9 than myself or who could probably offer expert
10 testimony on this industry. I have also traveled
11 around the country. I've been involved with CONA,
12 which is the Carriage Operators of North America
13 Association. I was involved in the founding of
14 that. I've also worked with legislation among other
15 cities and operators across the country to try to
16 regulate carriage industries.

17 Unfortunately, in a lot of cities
18 regulation has gone too far unnecessarily so
19 basically because there are some people who feel
20 that this type of business or industry should not
21 exist. I feel that if we look at the facts and the
22 evidence provided before us and that is documented
23 out there in this country, there is no need to
24 provide more than what we have been doing here in
25 the City of Philadelphia.

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2 THE CHAIRMAN: Thank you very much for
3 your testimony.

4 Do any other gentlemen at the table have
5 anything to offer?

6 Please identify yourself for record.

7 MR. BARRY PENN: Thank you, my name is
8 Barry Penn. I represent three of the carriage
9 companies, Society Hill Carriage Company, Outback
10 Farms, and Philadelphia Carriage Company.

11 These carriage companies go back as
12 early as 1975 and have been operating since that
13 date. I concur with what Mr. Slocum has testified
14 to about the temperature problem, which as all the
15 operators will tell you, since that restriction or
16 that temperature gauge has been effect, there has
17 been no problems. But that's really a question for
18 the operators to tell you about, and you've heard
19 there really have been no problems with that
20 arbitrary figure. I see no reason why it should be
21 changed.

22 My clients' concern really focus in on
23 the requirement that notice must be given five days
24 before an event in order to change a particular
25 route. The problem with that particular regulation

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2 is that sometimes they get a call or requirement
3 that day and it would be very difficult to get the
4 necessary permit or permission in order to change
5 the route. They would prefer to have some type of
6 phone number, for example, that they could call in,
7 request a change in the route, in order to make the
8 last-minute reservations. That's basically what our
9 position is.

10 THE CHAIRMAN: Your position is also in
11 agreement with Mr. Slocum's testimony on the other
12 factors involving the bill?

13 MR. PENN: Yes.

14 THE CHAIRMAN: Thank you very much.
15 Councilmember DiCicco.

16 COUNCILMAN DI CICC0: Thank you. The
17 suggestion, Mr. Penn, about the phone number, that
18 goes to the issue Mr. Slocum raised earlier about
19 sometimes there are special events?

20 MR. PENN: That's exactly correct.

21 COUNCILMAN DI CICC0: Because I was
22 going to ask the question how many days notice do
23 you normally have for those?

24 MR. PENN: Sometimes it could be two
25 days, sometimes it could be 12 hours. And with all

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2 the tourists coming in, there are last-minute calls.

3 COUNCILMAN DI CICC0: So you would need
4 sort of like a hotline number to call to say that,
5 We need to pick up a passenger at Society Hill
6 Sheraton and they would like to go through whatever
7 part of the community which is not the normal route,
8 right?

9 MR. PENN: That's exactly correct.

10 COUNCILMAN DI CICC0: Under the present
11 legislation, the requirement is that horses are
12 required to have a 15-minute rest period for every
13 45 minutes that they work?

14 MR. PENN: Yes.

15 COUNCILMAN DI CICC0: Is there a way
16 averaging out the amount of time that the horses --
17 the given the ten hours that they're allowed on the
18 street today, the interpretation says ten hours of
19 work. I think we're going to amend that a little
20 bit to accommodate some of the other concerns. But
21 of the ten hours, what is the average time that a
22 horse actually works excluding the 15 minutes? If
23 someone rents a carriage and they do a half hour
24 drive through Society Hill, typically the carriage
25 comes back and waits in line at the end of the line,

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2 so theoretically there's a 15-minute rest period and
3 maybe sometimes even longer depending on when the
4 next available renter comes. Is there any way to
5 figure out how many hours in the day that the horse
6 is actually pulling people around in that ten hours?
7 Is there an average on that?

8 MR. SLOCUM: My estimate would be an
9 average four or five hours of actual pulling time
10 over the course of an eight-hour shift downtown, and
11 then you would add on the travel time to and from
12 the barn which probably takes an additional 20
13 minutes.

14 COUNCILMAN DI CICC0: So eight hours
15 would not be impacting on your business, given the
16 time to and from the stable.

17 MR. SLOCUM: The length of the day would
18 be. If it were worded an eight-hour working day
19 actual pulling, no, that would have no effect on us
20 at all.

21 COUNCILMAN DI CICC0: Thank you.

22 THE CHAIRMAN: Thank you very much.
23 Councilmember Rizzo.

24 COUNCILMAN RIZZ0: Mr. Slocum, how many
25 stables do you operate in the City of Philadelphia?

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2 MR. SLOCUM: I have one.

3 COUNCILMAN RIZZO: How many horses are
4 housed in that stable?

5 MR. SLOCUM: We have approximately 25 to
6 30 horses at any given time.

7 COUNCILMAN RIZZO: Is there an attendant
8 on duty all the time, is there someone there?

9 MR. SLOCUM: Twenty-four hours, yes.

10 COUNCILMAN RIZZO: Twenty-four hours a
11 day?

12 MR. SLOCUM: Yes.

13 COUNCILMAN RIZZO: Are you regulated in
14 any way? Are you required to have smoke detectors,
15 sprinkler system, any type of an alarm system in the
16 event of a fire?

17 MR. SLOCUM: We are not regulated,
18 however, we do have them.

19 COUNCILMAN RIZZO: In the event of a
20 fire, that attendant would be required to turn out
21 all of those horses? How would you deal with that,
22 a situation like that?

23 MR. SLOCUM: Our facility is set up very
24 well. We have probably four different access and
25 egress routes that we could evacuate horses, two of

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2 which lead to 150 by 150 turnout yard which is
3 totally fenced in.

4 COUNCILMAN RIZZO: There's never ever,
5 Christmas, New Year's Eve, a time when that stable
6 is left unattended and that in the event of a fire
7 it would be undetected until it got to the point
8 where it was out control possibly?

9 MR. SLOCUM: There are times. There are
10 periods of a half hour, hour, or several hours where
11 there may be no one in the building. That could
12 happen on a Tuesday in June, we'll say.

13 COUNCILMAN RIZZO: There's no type of
14 early warning system, smoke detectors that would
15 alert the fire department?

16 MR. SLOCUM: We have smoke detectors,
17 fire alarms, and surveillance security cameras.

18 COUNCILMAN RIZZO: But do they notify
19 anyone of a --

20 MR. SLOCUM: No, not to the local --

21 COUNCILMAN RIZZO: Thanks very much.
22 Thanks, Mr. Chairman.

23 COUNCILMAN DI CICC0: Just one final
24 question. Have either of you gentlemen had any --
25 has there ever been any instances where passengers

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2 have been injured related to sitting up at the top
3 deck or whatever that piece is called where the
4 driver is?

5 MR. PENN: Not that I'm aware of.

6 MR. SLOCUM: There have been none in our
7 20 years of operation.

8 COUNCILMAN DI CICC0: Thank you.

9 THE CHAIRMAN: What impact does that
10 have on the business. To me it just doesn't seem
11 logical to have a young kid or anyone else sitting
12 up that high in the -- I mean, you don't have people
13 sitting in the front seat generally of a taxicab.
14 It seems to be a distraction. It seems to be a
15 potential for injury. To me, it doesn't seem
16 logical to have a person without restraint at that
17 height next to the driver who has to be both guide,
18 talk to the people there, watch out for the traffic.
19 It just seems like it would have been a lot.

20 MR. SLOCUM: If I may say, it is our
21 policy, our company policy, and it has been for many
22 years that the public, paying customers, are not to
23 ride on the driver's seat, the drivers booth, and
24 that is basically for safety reasons.

25 THE CHAIRMAN: It seems sensible.

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2 COUNCILMAN DI CICC0: I've seen people
3 up there. So if we made it so the public is
4 prohibited, does that impact your business in any
5 way?

6 MR. SLOCUM: From an insurance company
7 standpoint, they're biggest regulators of this
8 industry from that end. My business standpoint,
9 that would not impact my business because that is
10 company policy.

11 THE CHAIRMAN: Is there anything else?
12 Mr. Grimes.

13 MR. JOSH GRIMES: Mr. Chairman, I want
14 to point out something in the law which may be
15 beneficial when you talk about the temperature
16 issue. Under the city code as it is right now,
17 we've all been talking about the 94 degrees, but the
18 law gives an "or" right after the 94 degrees and
19 also provides that horses can be required to be
20 pulled from the streets during other dangerous
21 conditions which are a threat to the safety of the
22 horse. So that would seem to me -- and I understand
23 that the practical effect of that is if there were
24 other dangerous conditions, possibly a slightly
25 lower temperature where there is incredible humidity

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2 or something like that, but there is some leeway
3 here. So I would just point that out because we've
4 been dealing with absolutes about temperature, and I
5 don't know that the law right now gives absolutes.

6 THE CHAIRMAN: Thank you.

7 MR. GRIMES: Mr. Chairman, the only
8 other thing I would say is we have written copies of
9 the testimony that Mr. Slocum would provide that for
10 distribution. Also attached is a letter from the
11 veterinarian for his company which basically just
12 attests to the fact that in the 20 years he's been
13 doing work with 76 Carriage, there have been on
14 heat-related problems with the horses in that
15 company.

16 THE CHAIRMAN: That will be submitted
17 for the record. Thank you. Thank you very much for
18 your testimony.

19 THE CHAIRMAN: Mr. Robinson.

20 MR. ROBINSON: I have to thank you for
21 the opportunity to testify. I'm a long-time
22 resident of Society Hill.

23 COUNCILMAN KENNEY: Please identify
24 yourself.

25 MR. ROBINSON: My name is Irwin Edward

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2 Robinson. I live at Six Blackwell Place. Blackwell
3 Place is a courtyard between Second and Third
4 between Lumbar and Pine. Our particular area is
5 heavily impacted by the carriage horses. They wake
6 us up in the morning on a Saturday or a Sunday
7 morning. When we have the opportunity to open
8 windows, we regret that we've done so because the
9 smell of urine is absolutely horrendous. And I talk
10 specifically about the block of Stamper Street
11 running from Second to Third.

12 I note that in the ordinance there is a
13 rerouting of the way that the carriages can go. And
14 if I read the ordinance correctly, it makes Stamper
15 Street a no-no. Am I correct?

16 THE CHAIRMAN: It would seem that from
17 the route that's here, that it would do that.

18 MR. ROBINSON: Now, we achieved that
19 goal some years ago when one of your predecessors,
20 the Honorable James Tayune was a member of Council
21 by simply addressing the issue to him, he went to
22 the carriage drivers, and he got them to agree not
23 to go up or down Stamper Street.

24 THE CHAIRMAN: As irony would have it,
25 he is currently representing the carriage industry

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2 and wants us to take this out of the Bill, among
3 other things.

4 MR. ROBINSON: I was not aware of that.

5 THE CHAIRMAN: Doesn't make him a bad
6 person. It just shows you how things change over
7 the years.

8 MR. ROBINSON: I was not aware of that.
9 All I can tell you is Stamper Street was a no-no
10 under his aegis, and we welcomed that change.

11 The other area of particular interest to
12 me in a certain selfish sense is that I am a lover
13 of horses. I was seniorly involved in the creation
14 of the new Bolton Center for Veterinary Medicine of
15 Equine and Large Animals as a part of the University
16 of Pennsylvania School of Veterinary Medicine with
17 Dr. Jock Jenny who was the moving force for the
18 creation of that institution. It is in a sense
19 probably the greatest institution of its kind
20 anywhere in the world. It brings thoroughbred
21 horses that would otherwise be put down, not to race
22 again, but to stand in stud.

23 Any horse, I don't care whether it's a
24 broken down beat-up horse or it's a magnificent
25 thoroughbred, a horse is a horse, to borrow a line.

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2 THE CHAIRMAN: Of course.

3 MR. ROBINSON: And I think the humane
4 treatment of these animals is a must. And prior to
5 this hearing, I handed up to the chairman some
6 materials which I would like incorporated into the
7 record.

8 THE CHAIRMAN: They will be.

9 MR. ROBINSON: Which make references in
10 a biblical sense to what is required of us as
11 God-fearing people who have a humankind interest in
12 animals, and to do otherwise is not only wrong, but
13 it's sacrilegious.

14 Thank you for the opportunity.

15 THE CHAIRMAN: Thank you very much for
16 staying here to testify. We appreciate it.

17 Candice Schaeffer, Debbie Kramer?

18 Please identify yourself for the record
19 and proceed.

20 MS. CANDICE SCHAEFFER: I'm Candice
21 Schaeffer. I'm from out Westchester and I come to
22 you as an equine lover. I am a horse owner of two,
23 one a thoroughbred and another a Hanoverian who is
24 very heavysset and carries around my 190-pound
25 husband. So I'm very aware of the differences

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2 between horses, depending upon their build and breed
3 and the type of work that they're doing.

4 I'd like to say that I support Dr.
5 Cheever and the recommendations that she made. I
6 have some papers, as I'm a member of CARE, which is
7 an organization that's within Philadelphia and
8 Westchester. It is compassion for animals and
9 respect for the environment and the relationship
10 between the two.

11 I'd like to say that when we think of
12 carriage horses, we think of Black Beauty and the
13 days of old, which kind of goes with Philadelphia's
14 theme of history and the historic edge of having a
15 carriage horses around. And I ask you to please
16 update our laws so that we can be modern in that way
17 and not have horses suffering under antiquated laws
18 that no longer -- that don't look out for their
19 well-being.

20 The recommendations that I give before
21 you are not those for turning these animals into
22 pampered pets. They are recommendations to protect
23 these animals to make their lives bearable.

24 As we've heard, they are not really fit,
25 young, healthy horses that are being used on the

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2 streets in most cases, but they have special needs,
3 and most of them I would imagine are going to go to
4 the slaughter houses when they break down and no
5 longer work. Therefore, I suggest that their
6 conditions be made as tolerant and as considerate
7 and conscious as possible so they can perform their
8 duties as long as possible which is in the best
9 benefit of the carriage owners and the horses and
10 the tourist industry of the city.

11 Coming in on the weekends with my
12 children and with friends, we often see the carriage
13 horses, and it's always nice to see the ones that
14 are well cared for and healthy. And there's nothing
15 more depressing than to see one that has a sad look
16 in his eyes with his head held low and looking like
17 they're not cared for properly. And imagine the
18 life that they're leading that they have no escape
19 from as we've heard, without being able to turn
20 around and scratch themselves or to run free in a
21 paddock. Although, it's wonderful to hear that the
22 76 Carriage horses do have a paddock for turnout. I
23 commend them, and I've heard things about their
24 carriage company and I hope that others will follow
25 suit and treat their horses more humanely.

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2 What we're asking for is to reduce the
3 working hours to a maximum of six to eight hours per
4 day, to provide horse blankets when temperatures
5 fall to 32 degrees Fahrenheit, which would include
6 the humidity levels. It is much easier to see that
7 horses are suffering in the heat. When it is cold,
8 it's harder to tell. They do shiver but sometimes.
9 People aren't that aware and aren't looking that
10 closely. You can feel their ears, and if their ears
11 are chilled, you know that they really are under
12 distress. Sometimes it goes further than that
13 before people take notice.

14 Also to prohibit passengers from sitting
15 next to the driver for the reasons earlier
16 discussed, to require physical exams of stables
17 twice a year, and to please improve and enforce the
18 current ordinance and regulations including seeing
19 that physical exams of the horses are made by
20 qualified veterinarians once a year, using only
21 approved carriage routes and having police impose
22 fines for violations of the regulation.

23 I know that some people are treating
24 their horses well, but I think it does need to be
25 assured. And I ask you all to please, please

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2 take -- last year I believe from what I've heard, it
3 was not here, that one of the reasons why it was not
4 progress made in this area was that there was not a
5 consensus made amongst those people who came to
6 present their opinions. And what we're asking for
7 is really trying to come to a consensus. I can't
8 say to you that the things I'm recommending are
9 things that I would like. I would like to see it go
10 further than that, personally, but these are things
11 that we can agree on, and I think that's so
12 important that we are able to come to a consensus
13 and agree on a baseline so that we don't go on and
14 on and on and conditions stay the same as they are
15 because we can't agree. So we're willing to say,
16 okay, let's do this, we can do this if the other
17 side can compromise and come to this agreement, too,
18 so that we can make progress before it gets too hot
19 and save these horse from, you know, more and more
20 days of really suffering on the streets out there.
21 I would never dream of -- my horses are
22 in during the day when it's hot in their stalls and
23 they go out at night when its cool in the
24 summertime. And we've reversed it, in the
25 wintertime they're out in the day when it's warm and

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2 they're in when it's cold at night.

3 These horses don't have that luxury.

4 They don't have a lot of luxury, but please let's

5 give them this.

6 THE CHAIRMAN: Thank you for you

7 testimony.

8 Do you have anything else to add, ma'am?

9 Please identify yourself.

10 MS. DEBBIE KRAMER: I'm Debbie Kramer.

11 I don't have much to add. I'm agreement in

12 agreement and support of Candice and William

13 Hawkins, and Dr. Cheever. And I'm also a long-time

14 resident of Philadelphia, now outside of

15 Philadelphia. I've had horses all my life. I still

16 do, and my horse was just accepted to the Reyer Home

17 for Aged Equines right outside of Philadelphia,

18 which was started in Philadelphia by Ann Reyer back

19 at the turn of the century. Originally, I don't

20 know if you know this, but it was for -- she took

21 pity on the work horses and she started a home for

22 them, really.

23 And also my horse is one of very few

24 horses in the whole country out of the thousands and

25 thousands of horses in this country, most of them

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2 will end up getting stuffed into cattle cars,
3 shipped thousands of miles across the country, and
4 the ones who survive will go through a horrendous
5 slaughter and then most of them will be sold for
6 human food, either to Europeans or Japanese people.
7 The ones that don't get made into dog food, but most
8 are human food. I would venture to guess that
9 virtually all of the carriage horses are going to
10 end up this way, and therefore, all the more reason
11 if they have to work their whole lives before they
12 go to that, to make the conditions as humane as
13 possible. Thank you.

14 THE CHAIRMAN: Thank you for your
15 testimony.

16 Andy Mao, Mr. Mao?

17 He's not here, then that will conclude
18 the list of witnesses.

19 Yes, Mr. Hawkins?

20 MR. HAWKINS: There was one witness that
21 was added, Leslie Wood.

22 THE CHAIRMAN: Is she here?

23 MS. WOOD: Yes.

24 THE CHAIRMAN: This will have to be the
25 last witness on this issue for today because there's

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2 only 24 hours in a day.

3 Thank you for waiting. Please identify
4 yourself for the record and proceed.

5 MS. LESLIE WOOD: Leslie M. Wood. And
6 I'll try to make this short and sweet. Just to give
7 you my credentials, I'm currently a faculty member
8 with an adult education program in Chester County
9 where I do teach equine massage therapy, equine
10 anatomy and equine science programs. I'm also a
11 graduate of the American Humane Association Horse
12 Abuse Investigator School, so I'm sort of in a
13 position, based on a lot of my training I'm working
14 with various different skill levels in terms of
15 horsemanship training and so forth, but I have a few
16 things that I'd like to add, and I'm definitely a
17 proponent of Dr. Cheever's recommendations.

18 One of the things I might I add, I am a
19 graduate of an urban -- of Temple University and had
20 occasion to see carriage horses in and around
21 Philadelphia quite a bit. The carriage horses I
22 observed seem to have routes which included heavy
23 traffic areas in Center City including parts of
24 Market Street near the Bourse Building. Now this
25 was years ago. I believe this has changed a little

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2 bit since then. However, recently traveling into
3 the City on a typical Saturday afternoon around
4 mid-afternoon, I witnessed a lot of carriage horses
5 in around the South Street area and the Olde City
6 area below Market, south of Market, between Front
7 and Second Street, west of Front Street, east of
8 Sixth Street, Sixth and Market Street, Fifth and
9 Filbert, Filbert and Sansom and in and around
10 Independence Hall on Chestnut Street. What I'm
11 concerned with is that all of these horses seem to
12 be moving in tremendous heavy traffic. And I
13 personally would like to see a reduction of the use
14 carriage horses in these kind of conditions, in
15 terms of rush hour traffic or maybe selecting
16 alternate route or rerouting these horses.

17 Another observation I would have would
18 be in terms of the actual care that the horses seem
19 to be receiving. It does not seem to be uniform.
20 Each carriage company seems to have a particular
21 place where they rest their horses. However,
22 sometimes the horses are lined up under shady trees,
23 whereas other horses seem to be waiting in areas
24 that are fully exposed to the hot sun without shade.
25 My main concerned here is that a horse that is

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2 worked as hard as a carriage horse, especially if
3 they're work for ten hours, is that on a typically
4 hot day, say, 94 degrees, if they're not given
5 adequate water that they can very quickly become
6 dehydrated which can lead to more serious
7 complications and so forth which Dr. Cheever has
8 reviewed with you previously.

9 Another thing I observed is that a lot
10 of the horses were still fully hitched to their
11 rigs. I did observed water buckets, but I didn't
12 actually observe that horses were being offered
13 water. However, I did see water buckets, but none
14 of the horses were being offered water.

15 Another recommendation I would have
16 which would go along with the horse care and safety
17 aspect is the fact that when these horses are
18 resting and standing, even whether it be under the
19 shady trees, they are standing on hard asphalt which
20 is very, very hard, you know, it's difficult for
21 their feet and as well as their suspensory ligaments
22 and their legs. It might be a good thing to provide
23 some kind of a rubber matting which could be rolled
24 out in which the horse could stand on. These rubber
25 mats which were suggested previously by the farrier

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2 are something that you can purchase. They are
3 relatively inexpensive and they can be rolled out or
4 rolled up, depending, but they would be a good
5 investment.

6 Other observations, this would go along
7 with the recommendation for physical exams of
8 stables. I would like to see that be at least twice
9 a year. However, I would also add that I'm
10 concerned, having sort of observed some of the
11 horses throughout the City, the carriage horses,
12 they actually look, some of them, to be far too
13 light. In other words, they're too small to be
14 carrying the load they're expected to be pulling.
15 This is a concern to me. I'm wondering if there's
16 currently any kind of a code or an enforcement that
17 would specify that the carriage operators need to be
18 working with the veterinarian in order to make the
19 selection of horses that are appropriate to be
20 carriage horses, okay?

21 In my business and what I do as a
22 massage therapist, I deal with horses that are
23 stressed. A lot of them happen to be geriatric,
24 they're older horses, they're over ten years of age.
25 I know for a fact from what I've heard in speaking

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2 to other people that a lot of these horses that are
3 used in carriage horse industries are not in the
4 best of shape to begin with, and this is a concern
5 to me. So I would like to see selection of horse
6 working alongside a veterinarian, whether it be
7 somebody that's hired by the City or somebody from
8 the Pennsylvania SPCA working directly with these
9 operators to select these horses.

10 Time factors, hours allowed operation
11 and horse care and safety, I would like to see
12 improved carriage driver education. I understand
13 that it is left to the individual carriage operation
14 to elect whether or not to train its driver. I
15 would assume that there would be some rudimentary
16 training of the driver. However, I think that this
17 would need to be improved upon to include basic
18 first aid, to understand, you know, whether or not a
19 horse is dehydrated, things that Dr. Cheever
20 specified in terms of dehydration and so forth and
21 heat prostration. The changes are necessary to
22 ensure high standards of safety. If a carriage
23 operator is taking pride in its horse's experience,
24 this reflects well on the City.

25 That's all I have to say.

1 COMMMITTEE ON LICENSES AND INSPECTIONS - 980239

2 THE CHAIRMAN: Thank you very much for
3 your testimony.

4 That will conclude the witness list for
5 the Bill. So the individuals in the room interested
6 in this legislation are aware, what my intention is
7 avenue I hear Bill No. 980388 is to recess this
8 hearing until 6 o'clock this evening. During the
9 period of time, Councilmember DeCicco who is a
10 primary sponsor of the Bill will be working with my
11 staff to craft amendments as a result of today's
12 testimony. We hope, and the reason that we hope to
13 get this out of Committee sometime today is, again,
14 the issue of the summer coming upon us and we'd like
15 to have something in place prior to the height of
16 July 4th and summer season. So there won't be any
17 decision until 6 o'clock and maybe later.

18 I also want to advise anybody who is
19 interested in this particular bill that after this
20 Committee hearing, we have an Appropriations
21 Committee hearing, we have a Public Property
22 Committee hearing. I believe in the Public Property
23 Committee there are at least 10 or more bills. We
24 will then come back at some point in time and do the
25 Committee of the Whole. We'll be here probably

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2 until 10 or 11 o'clock at tonight. So I'm not sure
3 exactly whether or not 6 o'clock is the time. In
4 order for me to continue the quorum and do this
5 properly, I need to recess this hearing to a time
6 certain. We may have to recess it again to another
7 time certain, but for all intents and purposes for
8 today. We expect that something coming out of this
9 Committee today on this issue. So that will
10 conclude the hearing on this particular bill.

11 We will now move to Bill No. 980388,
12 which is an ordinance amending Section 9-205 of the
13 Philadelphia code, relating to sidewalk sales, by
14 adding a new provision prohibiting sidewalk sales on
15 Verree Road from Oxford Avenue to Bloomfield Road
16 and Rhawn Street from Pine Road to Algon Avenue.

17 Please identify yourself for the record.

18 MR. JOHN CAMPBELL: Good afternoon
19 members of the L & I Committee. I am John P.
20 Campbell, Legislative Regulatory Affairs Manager for
21 the Department of Licenses and Inspections, and I'm
22 here to testify on the provisions of Bill No.
23 980388, which if enacted, if adopted, would prohibit
24 vending and sidewalk sales on Rhawn Street and
25 Verree Road. The Department has no objection to the

1 COMMMITTEE ON LICENSES AND INSPECTIONS - 980388

2 enactment of this bill and will enforce its
3 provisions if Council so ordains.

4 Just by way of information, Rhawn Street
5 and Verree Road are two heavily traveled and used
6 arterial streets in Northeast Philadelphia. Rhawn
7 Street is along Cottman Avenue, Grand Avenue is one
8 of the main east/west arterial streets running from
9 roughly Pine Road to County Line to State Road, that
10 ending at the prison. Verree Road, also a four-lane
11 highway, again, from Oxford Avenue all the way up.
12 And again, during traffic hours, it is really a mess
13 and banning vending in this area would be an
14 improvement.

15 THE CHAIRMAN: You're being more glib
16 than I need you to be, Mr. Campbell. I appreciate
17 your descriptive narrative, but you're willing to
18 enforce the provisions of the Bill?

19 MR. CAMPBELL: Yes, sir.

20 THE CHAIRMAN: Would you please identify
21 yourself for the record?

22 MR. RICHARD BONO: Thank you, Mr.
23 Chairman, Members of the Committee. My name is
24 Richard Bruno I'm here testifying on behalf of
25 Councilman O'Neil on Bill No. 980388.

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2 This bill is introduced at the request
3 of residents who have had problems with vendors
4 impeding traffic and causing dangerous situations in
5 this area. I ask that it be reported favorably out
6 of this Committee.

7 THE CHAIRMAN: Thank you for testimony.

8 MR. CAMPBELL: I would also ask that the
9 rules of Council be suspended.

10 THE CHAIRMAN: At this late date, you
11 don't have to make that request.

12 MR. BRUNO: There also is a typo.
13 Verree Road is spelled with two R's.

14 THE CHAIRMAN: That non-substantive
15 change will be made in the title. Thank you very
16 much.

17 That will conclude the business of the
18 Licenses and Inspections Committee hearing for now.
19 We will now recess the Licenses and Inspections
20 Committee hearing until 6:00 p.m. today, June 10,
21 1998 in this room. Thank you very much. I believe
22 the Appropriations Committee will begin momentarily.

23 (Hearing adjourned 3:50 p.m.)

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1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 COUNCILMAN KENNEY: Ladies and
3 Gentlemen, the Committee on Licenses and
4 Inspections is being reconvened. We are going to
5 deal with Bill No. 980 --

6 I want to ask that all conversation --
7 I would ask right now politely all conversation in
8 the room to cease. If you need to talk, you have
9 to go outside 'cause the room acoustically is a
10 problem, and any conversation carries.

11 Bill No. 980239 is an ordinance
12 amending Section 9-402 and 10-108 of The
13 Philadelphia Code entitled "Animal-Drawn Carriages
14 and Rental and Carriage Horse Respectively" as
15 well as approved route map for carriage horses to
16 change the working conditions of horses and to
17 restrict carriage horse routes and business hours,
18 all under certain terms and conditions.

19 The Chair recognizes Councilmember
20 DiCicco for the purpose of offering amendments to
21 Bill No. 980239.

22 COUNCILMAN DICICCO: Thank you, Mr.
23 President.

24 COUNCILMAN KENNEY: Just for the
25 record, we have a continuing quorum of the Rules

1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 Committee, which was recessed a few hours ago and
3 scheduled again for 6, and we're getting it now.

4 So Councilman DiCicco, please read into
5 the record the amendments and the purpose. Of the
6 amendments.

7 COUNCILMAN DICICCO: Thank you, Mr.
8 Chairman.

9 I offer the following amendments to
10 Bill No. 980239:

11 Section 1, Page 2, under Section
12 1(f)(.1), and it should read at the end of that
13 paragraph the following: "Special emergency
14 permits may be acquired by contacting the Permits
15 Section of the Department of Streets by
16 telephone."

17 On page 3, to be added to Section B, B
18 as in boy: "Temperature is over 92 degrees
19 Farenheit or during other dangerous conditions."

20 After the first sentence ending with
21 the word "horse," add the following language:
22 "Blankets suitable to the individual horse shall
23 be used when the temperature falls below 32
24 degrees Farenheit."

25 To the same -- I'm sorry, excuse me.

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2 Under section 2, we should add Subsection C:

3 "Owners shall not allow a horse to be worked on a
4 public highway, path, or street for more than
5 eight hours per day."

6 Subsection D will read: "Owners shall
7 not allow a passenger or passengers to be seated
8 next to the driver of said carriage."

9 Add section E -- I'm sorry, add
10 Subsection E: "All stables to be inspected twice
11 annually."

12 COUNCILMAN KENNEY: Just so that the
13 record is clear, in the current ordinance and
14 current regulations, who is empowered to inspect
15 stables now?

16 COUNCILMAN DICICCO: The Health
17 Department. To the best of my knowledge, it's the
18 Health Department.

19 COUNCILMAN KENNEY: So the Health
20 Department will be required --

21 COUNCILMAN DICICCO: Right.

22 COUNCILMAN KENNEY: -- to inspect twice
23 annually.

24 COUNCILMAN DICICCO: Right.

25 COUNCILMAN KENNEY: And so that the

1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 record's clear, testimony prior was that the
3 stables are inspected on average about four times
4 a year. This would statutorily require it at
5 least twice.

6 COUNCILMAN DICICCO: That's correct.

7 COUNCILMAN RIZZO: Mr. Chair.

8 COUNCILMAN KENNEY: Councilman Rizzo.

9 COUNCILMAN RIZZO: Mr. Chairman, from
10 my recollection, it was the SPCA that conducted
11 those inspections, not the Health Department.

12 COUNCILMAN DICICCO: Not required.

13 COUNCILMAN KENNEY: The SPCA does it as
14 a matter of volunteerism.

15 COUNCILMAN DICICCO: Right.

16 COUNCILMAN KENNEY: The Health
17 Department does it as a matter of regulation and
18 statute.

19 COUNCILMAN RIZZO: They presently do
20 that?

21 COUNCILMAN KENNEY: Right. So the SPCA
22 may get in there once, once a year.

23 COUNCILMAN DICICCO: The Health
24 Department.

25 COUNCILMAN KENNEY: The Health

1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 Department. So that's four times a year the
3 SPCA. The Health Department will be required to
4 be in there twice. That's been recommended by Dr.
5 Cheever, I think it was her testimony.

6 COUNCILMAN DICICCO: Yes.

7 COUNCILMAN RIZZO: And the amendment is
8 clear that when we talk about that second
9 passenger, that's a person for hire, not an
10 employee of the carriage company.

11 COUNCILMAN DICICCO: Right, it's a
12 passenger.

13 COUNCILMAN RIZZO: It's a passenger.

14 COUNCILMAN DICICCO: A paying
15 passenger.

16 COUNCILMAN RIZZO: A paying passenger.

17 COUNCILMAN DICICCO: A paying
18 passenger, they are prohibited from sitting in the
19 seat next the to driver.

20 COUNCILMAN RIZZO: Okay.

21 COUNCILMAN DICICCO: And lastly, the
22 amendment will be to delete entirely Section 3.

23 COUNCILMAN KENNEY: I'm sorry, what was
24 the final?

25 COUNCILMAN DICICCO: To delete Section

1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 3.

3 COUNCILMAN KENNEY: Section 3?

4 COUNCILMAN DICICCO: Section 3. On the
5 pink, for some reason, Section 3 was incorrectly
6 printed. It should have been in italics as being
7 proposed, if you look at the pink. The way you
8 look at the pink now, it's as though it were part
9 of the bill, but it shouldn't be there. It should
10 have been in italics.

11 So we're saying eliminate Section 3
12 completely.

13 COUNCILMAN KENNEY: So there will be no
14 approved route, no specified approved route?

15 COUNCILMAN DICICCO: No, we're not
16 going to change from the route that is presently
17 in place today.

18 COUNCILMAN KENNEY: Fine, fine.

19 COUNCILMAN DICICCO: This was a
20 proposed change; we're not going to change it.

21 COUNCILMAN KENNEY: Fine. Any
22 questions for Councilmember --

23 COUNCILMAN DICICCO: And I would
24 request respectfully that the rules of Council be
25 suspended.

1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 COUNCILMAN KENNEY: Yes, sir.

3 Any questions for the Councilmember on
4 the amendments?

5 (No questions.)

6 COUNCILMAN KENNEY: None?

7 Any other testimony on this bill or on
8 Bill 980388, which is an ordinance amending 9-205
9 of The Philadelphia Code relating to sidewalk
10 sales banning and new provisions providing
11 sidewalk sales on Verree Road from Oxford Avenue
12 to Bloomfield Road, and Walnut Street from Pine
13 Road to Algon.

14 Seeing no other witnesses for these
15 bills, that will conclude the public hearing of
16 the Licenses and Inspections Committee.

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1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 COUNCILMAN KENNEY: We will now move
3 into the public meeting.

4 The Chair recognizes Councilmember
5 Tasco for a motion to approve the amendments to
6 Bill No. 980239.

7 COUNCILWOMAN TASCO: Mr. Chairman, I
8 move that we adopt the amendments that have been
9 presented.

10 (Duly seconded.)

11 COUNCILMAN KENNEY: Moved and seconded.

12 All in favor, aye.

13 There are none opposed.

14 The amendments to Bill No. 980239 are
15 approved.

16 The Chair recognizes Councilmember
17 Tasco for a motion on the amended bill, 980239,
18 with a rules suspension.

19 COUNCILWOMAN TASCO: Mr. Chairman, I
20 move that we report the bill as stated out of
21 committee with a favorable recommendation and a
22 request for suspension of the rules so that this
23 bill could be heard at Council's next session.

24 (Duly seconded.)

25 COUNCILMAN KENNEY: Moved and seconded.

1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 All in favor, aye.

3 There are none opposed.

4 Bill No. 980239, as amended, will be
5 reported out of this committee favorably, and a
6 request will be made for rules suspension to allow
7 for first reading at our next Council session.

8 The Chair recognizes Councilmember
9 Tasco for a motion Bill No. 980388, with a rules
10 suspension.

11 COUNCILWOMAN TASCO: Mr. Chairman, I
12 move that Bill No. 980388 be reported out of
13 committee with a favorable recommendation and a
14 request for the suspension of the rules so that
15 this bill can be heard at the Council's next
16 session.

17 (Duly seconded.)

18 COUNCILMAN KENNEY: It's been moved and
19 second.

20 All in favor, aye.

21 There are none opposed.

22 Bill No. 980388 will be reported out of
23 this committee with a favorable recommendation,
24 and a request will be made for rules suspension to
25 allow for first reading at our next Council.

1 COMMITTEE ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 That concludes business of the Licenses
3 and Inspections Committee.

4 (Adjourned at 7:50 p.m.)

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C E R T I F I C A T E

WE HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, June 10, 1998, were
reported and accurately by us, and that this is a
correct transcript of same.

RE: COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS
BILL NO.'S 980339, 980388

_____,

LISA C. BRADLEY,
Registered Professional Reporter

_____,

JOSEPHINE CARDILLO,
Registered Professional Reporter