



## Legislation Text

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**File #: 981362, Version: 4**

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981362  
SUBSTITUTE 4

ALD. HENNINGSEN

A substitute ordinance relating to horse-drawn carriage rides, limiting routes and hours of operation and requiring licensed veterinarians to be on call to euthanize, by lethal injection, severely injured horses involved in carriage ride accidents.

100-50-2-d rn  
100-50-2-d cr  
100-50-2-e rn  
100-50-2-f rn  
100-61-2 am  
100-61-6 cr  
100-61-7 cr  
- Analysis -

This ordinance creates the following regulations relating to horse and surrey liveries:

1. The applicant for a horse and surrey livery permit shall identify, on the permit application, a licensed veterinarian whom the applicant is retaining on call to provide veterinary services whenever the livery is operating.
2. During the months of November, December, January and February, no horse and surrey livery shall be permitted to operate between the hours of 7 a.m. to 9 a.m. and 3 p.m. to 6:30 p.m. (currently, the afternoon prohibition for all months is 3 p.m. to 6 p.m.).
3. Horse and surrey liveries shall not be permitted to operate along East or West State Street or East or West Wells Street for more than one block at a time.
4. Whenever a horse and surrey livery animal is injured in an accident so severely that the police department believes euthanasia may be required, such animal may be euthanized only if:
  - a. The police department and horse and surrey livery permittee agree that euthanasia is required and determine that the licensed veterinarian on call is able to come to the accident site in a period of time that will not prolong excessive suffering by the animal, in which case euthanasia may be administered only by painless lethal injection given by a licensed veterinarian who concurs that euthanasia is necessary.
  - b. The police department and horse and surrey livery permittee agree that euthanasia is required but determine that the licensed veterinarian on call is unable to come to the accident site in a period of time that will not prolong excessive suffering by the animal, or the police department is unable to make contact with the permittee and determines that, in order to prevent excessive suffering by the animal, the animal must be euthanized immediately. In either of these situations, the police department may euthanize the animal with close-range gunfire directed at the animal's brain.
  - c. The police department determines that the animal poses an immediate and serious threat to public safety. In this situation, the police department may euthanize the animal with close-range gunfire directed at the animal's brain.

Whereas, Horse and surrey liveries contribute to the ambiance, tourist appeal and economic revitalization of downtown Milwaukee; and

Whereas, The City of Milwaukee currently licenses horse and surrey liveries and their drivers and performs annual surrey vehicle inspections; and

Whereas, The Common Council seeks to avoid inhumane treatment of horses injured in accidents involving horse and surrey vehicles; and

Whereas, The Common Council finds that, when euthanasia is necessary, the most humane form of euthanasia for a horse injured in such an accident is painless lethal injection by a licensed veterinarian; and

Whereas, To ensure the most humane and professional treatment of horses injured in horse and surrey vehicle accidents, including assurance of the availability of qualified professionals to administer euthanasia when necessary, horse and surrey liveries should be required to keep licensed veterinarians on call; and

Whereas, Because horse-drawn carriages typically travel more slowly than motorized traffic and are not always recognizable to motorists (especially in the dark), they create the potential for traffic accidents, particularly on one-way streets; and

Whereas, During the months of November, December, January and February, the early time at which the sun sets means that horse-drawn carriages operating between 6 p.m. and 6:30 p.m. will share downtown streets with rush-hour traffic during a time of darkness, thus creating potential traffic hazards; and

Whereas, The safety of pedestrians and motorists in downtown Milwaukee can be enhanced by discouraging, through restricting travel to not more than one block at a time, use of the busy one-way thoroughfares of Wells Street and State Street by horse-drawn carriages; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 100-50-2-d to f of the code is renumbered 100-50-2-e to g.

Part 2. Section 100-50-2-d of the code is created to read:

100-50. Public Passenger Vehicle Permits.

1. REQUIRED BY VEHICLE OWNER.

d. Horse and Surrey Permit Applications. Every applicant for a horse and surrey livery permit shall provide, on the permit application, the name and address of a licensed veterinarian whom the applicant attests will be kept on call to administer veterinary services to the applicant's horses at any time when the horse and surrey livery service is operating. The application shall also specify the telephone number or numbers at which the licensed veterinarian can be reached 24 hours a day.

Part 3. Section 100-61-2 of the code is amended to read:

100-61. Horse and Surrey.

2. HOURS OF OPERATION. No horse and surrey livery service shall be conducted between 7 a.m. and 9 a.m. and 3 p.m. and 6 p.m. on weekdays >>, except during the months of November, December, January and February, when no horse and surrey livery service shall be conducted between 7 a.m. and 9 a.m. and 3 p.m. and 6:30 p.m. on weekdays<<.

Part 4. Section 100-61-6 and 7 of the code is created to read:

6. OPERATION ON CERTAIN STREETS RESTRICTED. No horse and surrey livery shall be operated on East State Street, West State Street, East Wells Street or West Wells Street for more than one block length at a time. Whenever a horse and surrey livery operates for one block on one of the specified streets, it shall then turn onto an intersecting street.

7. SERIOUS INJURY. a. Whenever a horse and surrey animal is injured in an accident so severely that the police department believes euthanasia may be necessary, the police department shall immediately contact the horse and surrey livery permittee, inform the permittee of the situation and, in consultation with the permittee, determine whether euthanasia is required.

b. If the police department and the permittee agree that euthanasia is required and determine that the licensed veterinarian on call is able to come to the accident site in a period of time that will not prolong excessive suffering by the animal, the permittee shall immediately summon the veterinarian to the accident site. Euthanasia shall then be permitted only when both of the following conditions are met:

b-1. The euthanasia is performed by a veterinarian licensed by the state of Wisconsin who concurs with the determination of the police department and the permittee that euthanasia is necessary.

b-2. The euthanasia is administered by painless lethal injection.

c. The police department may euthanize a horse and surrey animal with close-range gunfire directed at the animal's brain under any of the following circumstances:

c-1. The police department and the permittee agree that euthanasia is required but determine that the veterinarian cannot come to the accident site in a period of time that will not prolong excessive suffering by the animal.

c-2. The police department is unable to make contact with the permittee, and the police department determines that, in order to prevent excessive suffering by the animal, the animal must be euthanized immediately.

c-3. The police department determines that the animal poses an immediate and serious threat to public safety.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

98508-5

JDO

4/23/99

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