

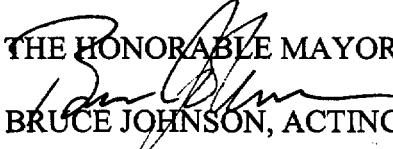
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## City of Alexandria, Virginia

## MEMORANDUM

**DATE:** OCTOBER 5, 2011

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:**  BRUCE JOHNSON, ACTING CITY MANAGER

**SUBJECT:** ORDINANCE TO PROHIBIT THE CONFINEMENT OF ANIMALS IN UNATTENDED, ENCLOSED VEHICLES DURING PERIODS OF HIGH TEMPERATURES.

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**ISSUE:** To provide Animal Control Officers with an enforcement tool to protect animals left in unattended, enclosed vehicles during periods of high temperature.

**RECOMMENDATION:** The City Council introduce the ordinance, pass it on first reading and schedule it for public hearing, second reading and final passage on Saturday, November, 12.

**DISCUSSION:** This ordinance was prepared in response to concerns about the safety of animals who are kept confined in unattended, enclosed vehicles when outdoor temperatures are high. From May to September of 2011, City Animal Control Officers have responded to 103 calls about animals confined in vehicles at high temperatures. The attached ordinance would give Animal Control Officers or other officers the authority to issue citations to those who confine animals in unattended, enclosed vehicles at high temperatures. This enables the Animal Control Officers to prevent any injury to the animal, and also to remove any animal that is suffering from heat stress and to provide the animal with immediate veterinary care, thus further promoting the safety of animals in the City of Alexandria.

High temperatures are defined as an outside temperature of 70 degrees Fahrenheit or greater, when the interior of the enclosed vehicle is not provided with conditioned air to maintain an internal temperature of 80 degrees or less. "Automobile temperatures can very quickly rise to dangerous levels; the average temperature increase in a parked car is 40 degrees, and the majority of this increase occurs in the first 15 to 30 minutes," says Dr. Louise Murray, Vice President of ASPCA Bergh Memorial Animal Hospital, New York, New York. When it is 80 degrees outside, the temperature in a vehicle can be as high as 114 degrees inside after 30 minutes. The Animal Welfare League of Alexandria (AWLA) often has warned pet owners that the temperature inside a car can quickly rise to more than 20 degrees higher than the external air temperature. In a study conducted by Davis Instruments, on a 73 degree day, it took only 20 minutes for the inside of a parked car to reach a deadly 107 degrees.

Neighboring jurisdictions, such as Arlington and Loudoun Counties, have similar ordinances that also use an outside temperature of 70 degrees and an indoor temperature of 80 degrees as the triggering point for issuing a violation.

**FISCAL IMPACT:** Revenue from fines associated with a Class 3 or a Class 1 misdemeanor. Revenue from such fines cannot be determined at this time.

**STAFF:**

Jeremy McPike, Director, Department of General Services  
Timothy E. Wanamaker, Deputy Director, Department of General Services  
Mary Beth Mount, Director, Animal Control  
Joy Wilson, Chief Animal Control Officer

Introduction and first reading: 10/11/2011  
Public hearing: 11/12/2011  
Second reading and enactment: 11/12/2011

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to add a new Section 5-7-58, (CONFINEMENT OF ANIMALS IN VEHICLES PROHIBITED) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The ordinance modifies the City Code to add a new Section 5-7-58 to Article C, Chapter 7 of Title 5, creating a prohibition against the confinement of animals in unattended, enclosed vehicles.

Sponsor

N/A

Staff

Michele Evans, Deputy City Manager  
Timothy Wanamaker, Deputy Director, General Services/Administration  
Joy Wilson, Chief Animal Control Officer  
Meghan S. Roberts, Assistant City Attorney  
Heather R. Skeeles-Shiner, Assistant City Attorney

Authority

§ 3.2-6570 of the Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE to add a new Section 5-7-58, (CONFINEMENT OF ANIMALS IN  
2 VEHICLES PROHIBITED) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7  
3 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL  
4 SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

5  
6 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:  
7

8 Section 1. That Section 5-7-58 of Article C, Chapter 7 of Title 5 of the Code of the  
9 City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, added to read as  
10 follows:  
11

12 [The following is all new language.]  
13

14 Sec. 5-7-58 Confinement of animals in vehicles prohibited.  
15

16 (a) Any person who confines an animal in an unattended, enclosed vehicle where the  
17 outside temperature is 70 degrees Fahrenheit or greater, and the interior of the vehicle is not  
18 provided with conditioned air to maintain an internal temperature of 80 degrees Fahrenheit or  
19 less, shall be guilty of a Class 3 misdemeanor.  
20

21 (b) Any person who confines an animal in an unattended, enclosed vehicle so as to cause  
22 the animal to suffer from heat stress as diagnosed by a license veterinarian, shall be guilty of a  
23 Class 1 misdemeanor. The Animal Control Officer or other officer shall have the authority to  
24 remove any animal found in an enclosed vehicle that appears to be suffering from heat stress.  
25 The animal shall be provided immediate veterinary care. The animal owner or custodian shall be  
26 responsible for all expenses incurred during the removal of the animal or its subsequent  
27 treatment and impoundment.  
28

29 (c) In the event that the person responsible for the violation cannot be ascertained, the  
30 registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia  
31 (1950), as amended, shall constitute in evidence a prima facie presumption that such registered  
32 owner was the person who committed the violation.  
33

34 Section 2. That this ordinance shall become effective upon the date and at the time  
35 of its final passage.  
36

37 WILLIAM D. EUILLE  
38 Mayor  
39

40 Introduction: 10/11/2011  
41 First Reading: 10/11/2011  
42 Publication:  
43 Public Hearing:  
44 Second Reading:  
45 Final Passage:

ORDINANCE NO. 4741

AN ORDINANCE to add a new Section 5-7-58, (CONFINEMENT OF ANIMALS IN VEHICLES PROHIBITED) of Article C (DOGS AND OTHER ANIMALS) of Chapter 7 (ANIMALS AND FOWL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-7-58 of Article C, Chapter 7 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, added to read as follows:

[The following is all new language.]

Sec. 5-7-58 Confinement of animals in vehicles prohibited.

(a) Any person who confines an animal in an unattended, enclosed vehicle where the outside temperature is 70 degrees Fahrenheit or greater, and the interior of the vehicle is not provided with conditioned air to maintain an internal temperature of 80 degrees Fahrenheit or less, shall be guilty of a Class 3 misdemeanor.

(b) Any person who confines an animal in an unattended, enclosed vehicle so as to cause the animal to suffer from heat stress as diagnosed by a license veterinarian, shall be guilty of a Class 1 misdemeanor. The Animal Control Officer or other officer shall have the authority to remove any animal found in an enclosed vehicle that appears to be suffering from heat stress. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

(c) In the event that the person responsible for the violation cannot be ascertained, the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia (1950), as amended, shall constitute in evidence a prima facie presumption that such registered owner was the person who committed the violation.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: November 12, 2011