



Legislation Text

File #: 2015-0256, Version: 1

AMEND CHAPTER 92 ANIMALS

AN ORDINANCE TO AMEND CHAPTER 92 **ANIMALS** OF THE FAYETTEVILLE CITY CODE TO PROVIDE PROTECTION FOR ANIMALS FROM BEING CONFINED IN ENCLOSED VEHICLES IN EXTREME TEMPERATURES, TO PROHIBIT DECEPTIVE ACTS AND MISREPRESENTATIONS REGARDING THE ORIGIN OF ANIMALS TURNED INTO THE FAYETTEVILLE ANIMAL SHELTER, AND TO MAKE OTHER TECHNICAL REVISIONS

WHEREAS, the City should protect animals confined in vehicles during periods of extreme temperatures; and

WHEREAS, the Fayetteville Animal Shelter staff have experienced a large number of people attempting to turn in animals to the shelter who are not Fayetteville residents or who found the animal outside of the Fayetteville city limits, which creates an undue burden on shelter resources and makes reunification much more difficult; and

WHEREAS, additional revisions to this section to clarify procedures regarding microchipping, redemption of animals, spaying and neutering, and penalties for violations of this section will provide clarity to staff and Fayetteville residents and also improve the efficiency of the Animal Services program.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts § 92.02(G) of the Fayetteville City Code as follows:

92.02(G) No person shall:

- (1) Confine 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 or adequate ventilation to maintain an internal temperature of 100 degrees Fahrenheit or less.
- (2) Confine an animal in an unattended vehicle where the outside temperature is 30 degrees Fahrenheit or less and the interior of the vehicle is not provided with heated air to maintain an internal temperature of at least 30 degrees Fahrenheit.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby enacts § 92.42 of the Fayetteville City Code as follows:

92.42. Deceptive acts and misrepresentations prohibited.

- (a) No person shall obtain possession or custody of any domestic animal for or on behalf of the owner

thereof for the purpose of avoiding payment of fees or penalties imposed upon the owner by this chapter.

- (b) No person shall intentionally misrepresent his or her residency to the personnel of the Fayetteville Animal Shelter.
- (c) No person shall intentionally make any misrepresentation regarding the origin of an animal being presented to the Fayetteville Animal Shelter.

Section 3. That the City Council for the City of Fayetteville, Arkansas hereby amends § 92.23(B), § 92.24(A), § 92.24(D), and § 92.99(A) as shown in Exhibit “A” attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2015-0256

Legistar File ID

6/16/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Justine Lentz

5/15/2015

Animal Services /
Development Services Department

Division / Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

(1) Approval of proposed changes to Chapter 92: Animals, see attached detail. (2) Approval of two new sections; "92.02 (G)" which sets limits for leaving pets unattended in vehicles and, "92.42 Deceptive acts and misrepresentations prohibited."

Budget Impact:

| | | | |
|------------------------------------|-----------|------------------------|------|
| _____ Account Number | | _____ Fund | |
| _____ Project Number | | _____ Project Title | |
| Budgeted Item? | <u>No</u> | Current Budget | \$ - |
| | | Funds Obligated | \$ - |
| | | Current Balance | \$ - |
| Does item have a cost? | <u>NA</u> | Item Cost | |
| Budget Adjustment Attached? | <u>NA</u> | Budget Adjustment | |
| | | Remaining Budget | \$ - |

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF JUNE 16, 2015

TO: Mayor and City Council

THRU: Yolanda Fields, Director of Community Resources
Jeremy Pate, Director of Development Services

FROM: Justine Lentz, Animal Services Superintendent

DATE: 5/15/15

SUBJECT: Approval of revisions and two additions to Chapter 92: Animals

RECOMMENDATION:

Staff recommends approval of revisions to Chapter 92: Animals and the addition of two new sections 92.02 (G) which sets limits for leaving pets unattended in vehicles and, "92.42 Deceptive acts and misrepresentations prohibited."

BACKGROUND:

Staff reviewed Chapter 92: Animals and identified four areas where amendments would make the ordinances clearer and/or better improve the efficiency of the Animal Services program.

DISCUSSION:

The first section we are proposing to amend is 92.23(B) which concerns the impounding of dogs or cats that are found running at large. Most of the changes are to update language that was previously missed when we eliminated city tags and approved mandatory microchipping in 2011. The only substantive change would be to lower the holding period for microchipped pets from 10 days to 7 days. This change would allow us to move animals through our shelter more quickly, not leaving them in limbo, while still allowing the owners ample time to come and reclaim their pet(s). The shelter is open six days a week and our animal control officers work seven days a week.

The second proposed amendment is to section 92.24(A) Redemption of Animals. This change is just to make sure the language regarding the holding period reflects the change from 10 days to 7 days for microchipped animals.

The third proposed amendment involves striking a portion of language about issuing vouchers for spay/neuter services in 92.24(D) Redemption of Animals. This is not a practice the shelter has had for at least ten years, since we have our own Veterinarian on staff.

The final proposed amendment is to 92.99 (A) Penalty which would add language to specify a minimum penalty of \$50, where now there is no minimum. There is a limit of \$500 per violation built into the ordinance already, with the possibility of double that amount for repeat violations.

There are two new proposed sections. The first is an addition to the existing 92.02 Animal Care section which would add subsection (G) to add a specific prohibition against confining an animal in an enclosed vehicle where the outside temperature is 70 degrees or greater and the interior of the vehicle is not provided with conditioned air or adequate ventilation to maintain an internal temperature of 100 degrees or less. There is also a correlating section to prevent leaving animals in the same situation in cold weather with the limits being an outside temperature of 30 degrees and the internal vehicle temperature would need to be maintained at more than 30 degrees. The temperature guidelines were arrived at after careful research and consideration as well as consultation with colleagues, by the staff veterinarian, Dr. Henley.

While humans cool themselves by way of sweating and evaporation, dogs and other animals have a much more difficult time staying cool and this leaves them much more susceptible to heatstroke. A study published in *Pediatrics* in 2005 showed that regardless of outside air temperatures (measured 72 to 96°F), temperatures inside a car increased an average of 40°F within an hour with 80% of the temperature rise occurring during the first 30 minutes. For outside temperatures from 74°F and higher, it took less than 30 minutes for temperatures to rise above 110°F – temperatures that are deadly to animals and children. Many people think that parking in the shade, cracking the windows, or running the air conditioner from home to the store will keep their pets safe from the heat. However, this study also demonstrated that this did not impact the rate at which the temperature increased inside a vehicle.

Beyond the damage to the animals left in vehicles, these complaints are almost always accompanied by a very upset complainant who, in turn, can become very combative when told that there is no specific provision against this activity. Often they threaten to take matters into their own hands by breaking and entering the vehicle to remove the pet(s).

Currently our policy is to dispatch an animal control officer to do a conditions check on the animal; this is considered an emergency (priority one) call. They will observe the pet to see if there are any signs of possible heatstroke (excessive panting and/or drooling, trouble breathing, disorientation, loss of consciousness, seizure or darkening of the tongue) if they see such signs and are able to remove the animal they will. Otherwise, they call dispatch for an emergency police assist. If no visible signs of heatstroke are present, the officer will take an internal reading of the temperature inside the vehicle. If the temperature is over 103 degrees, it is considered too hot, and a police officer will be requested to assist in removing the animal. In the meantime, our animal control officer makes every effort to locate the owner and make contact.

Lastly, we are proposing to add a new section entitled "Deceptive acts and misrepresentations prohibited." This is based off of an ordinance that the city of Lowell passed last year to good effect. Essentially the new section would provide that it would be a misdemeanor to intentionally misrepresent to shelter staff your residency or the origin of animal that a person is trying to turn into the shelter. We are having a high number of people who bring animals to our city shelter that do not live in city limits or they found the animal far outside city limits and they lie to get staff to accept the pet and then later, through investigation mainly through social media or Craigslist, we find out that the animal was from another municipality or even state. This not only creates an undue burden on our resources, it also practically eliminates the chances of that pet being reunited with their owners. The new section would also provide against someone obtaining custody of a pet for someone else specifically to avoid that true owner having to pay fees or penalties.

References: Pediatrics Vol. 116 No. 1 July 1, 2005 pp. e109 -e112

BUDGET/STAFF IMPACT:

n/a

Attachments:

Proposed revisions and additions to Chapter 92: Animals

New 92.02(G) No person shall:

- (1) Confine 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.
- (2) Confine an animal in an unattended vehicle where the outside temperature is 30 degrees Fahrenheit or less and the interior of the vehicle is not provided with heated air to maintain an internal temperature of more than 30 degrees Fahrenheit.

Amend 92.23(B) Whenever any animal in the animal shelter ~~bears a city tag~~ has been microchipped, it shall be the duty of the animal control officer to notify the owner or the person to whom the tag was issued, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within ~~10-7~~ 7 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the ~~tag was issued~~ microchip is registered cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within ~~10-7~~ 7 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

Amend 92.24(A) After the expiration of ~~ten-seven (107)~~ seven (7) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of a non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

Strike 92.24(D) ~~No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. A voucher will be issued to the adopter and said voucher may be used at the time the animal is sterilized. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.~~

New 92.42. Deceptive acts and misrepresentations prohibited

- (a) No person shall obtain possession or custody of any domestic animal for or on behalf of the owner thereof for the purpose of avoiding payment of fees or penalties imposed upon the owner by this chapter. Penalties for violation of this section shall be assessed against both the owner of such animal and the person in possession and custody of the animal.
- (b) No person shall intentionally misrepresent his or her residency to the personnel of the Fayetteville Animal Shelter.
- (c) No person shall intentionally make any misrepresentation regarding the origin of an animal being presented to the Fayetteville Animal Shelter.

Amend 92.99 (A) Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state but in no case shall any penalty be less than \$50.00. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

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Heat Stress From Enclosed Vehicles: Moderate Ambient Temperatures Cause Significant Temperature Rise in Enclosed Vehicles

Catherine McLaren, Jan Null and James Quinn

Pediatrics 2005;116:e109

DOI: 10.1542/peds.2004-2368

The online version of this article, along with updated information and services, is located on the World Wide Web at:

<http://pediatrics.aappublications.org/content/116/1/e109.full.html>

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Heat Stress From Enclosed Vehicles: Moderate Ambient Temperatures Cause Significant Temperature Rise in Enclosed Vehicles

Catherine McLaren, MD*; Jan Null, CCM‡; and James Quinn, MD*

ABSTRACT. *Objective.* Each year, children die from heat stroke after being left unattended in motor vehicles. In 2003, the total was 42, up from a national average of 29 for the past 5 years. Previous studies found that on days when ambient temperatures exceeded 86°F, the internal temperatures of the vehicle quickly reached 134 to 154°F. We were interested to know whether similarly high temperatures occurred on clear sunny days with more moderate temperatures. The objective of this study was to evaluate the degree of temperature rise and rate of rise in similar and lower ambient temperatures. In addition, we evaluated the effect of having windows “cracked” open.

Methods. In this observational study, temperature rise was measured continuously over a 60-minute period in a dark sedan on 16 different clear sunny days with ambient temperatures ranging from 72 to 96°F. On 2 of these days, additional measurements were made with the windows opened 1.5 inches. Analysis of variance was used to compare how quickly the internal vehicle temperature rose and to compare temperature rise when windows were cracked open 1.5 inches.

Results. Regardless of the outside ambient temperature, the rate of temperature rise inside the vehicle was not significantly different. The average mean increase was 3.2°F per 5-minute interval, with 80% of the temperature rise occurring during the first 30 minutes. The final temperature of the vehicle depended on the starting ambient temperature, but even at the coolest ambient temperature, internal temperatures reached 117°F. On average, there was an ~40°F increase in internal temperature for ambient temperatures spanning 72 to 96°F. Cracking windows open did not decrease the rate of temperature rise in the vehicle (closed: 3.4°F per 5 minutes; opened: 3.1°F per 5 minutes or the final maximum internal temperature.

Conclusions. Even at relatively cool ambient temperatures, the temperature rise in vehicles is significant on clear, sunny days and puts infants at risk for hyperthermia. Vehicles heat up rapidly, with the majority of the temperature rise occurring within the first 15 to 30 minutes. Leaving the windows opened slightly does not significantly slow the heating process or decrease the maximum temperature attained. Increased public awareness and parental education of heat rise in motor vehicles may reduce the incidence of hyperthermia death and improve

child passenger safety. *Pediatrics* 2005;116:e109–e112. URL: www.pediatrics.org/cgi/doi/10.1542/peds.2004-2368; *child passenger safety, injury prevention and control, hyperthermia.*

ABBREVIATION. CI, confidence interval.

Every year, children die from heat stroke after being left unattended in a vehicle. From 1998 to 2002, the average number was 29 children per year (Fig 1). In 2003, this number increased to 42 (Fig 2) and was 35 in 2004. In addition to death, it is estimated that annually hundreds of children experience varying degrees of heat illness from being left in cars.¹ This danger exists despite public education efforts and lobbying for laws against leaving children unattended in vehicles. In a survey performed by Roberts and Roberts,² approximately one quarter of interviewed women who had infants or toddlers admitted to leaving their children unattended in cars.

Previous studies have examined the internal environment of motor vehicles. King et al³ found that in an ambient temperature of 36.8°C (98.2°F), 75% of the maximum temperature rise occurred within 5 minutes of closing the doors and maximized within 15 minutes to 51 to 67°C (124–153°F). Opening the windows 20 cm (~8 inches) had minimal effect on the temperature rise and maximum temperature attained. Roberts and Roberts² had similar findings. Most studies examined temperature rise on days with ambient temperatures >90°F, except for the study of Robert and Roberts, in which the ambient temperature was 83°F. These studies show that, not surprising, significant heat rise occurs on hot days.

We hypothesized, however, that even on cooler days, the risk for heat illness is significant inside a vehicle. This study was designed to quantify the amount and the rate of heating inside vehicles over a broader range of ambient temperatures. We also sought to determine whether “cracked” windows made any difference on the heating of vehicles, because in a survey, fewer than one third of mothers would leave the windows half open because of theft concerns.

METHODS

Study Design

This was an observational study in which we measured the interior vehicle temperature on 16 different cloud-free days between May 16 and August 8, 2002, in Fremont, California. Ambi-

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Accepted for publication Feb 14, 2005.

doi:10.1542/peds.2004-2368

No conflict of interest declared.

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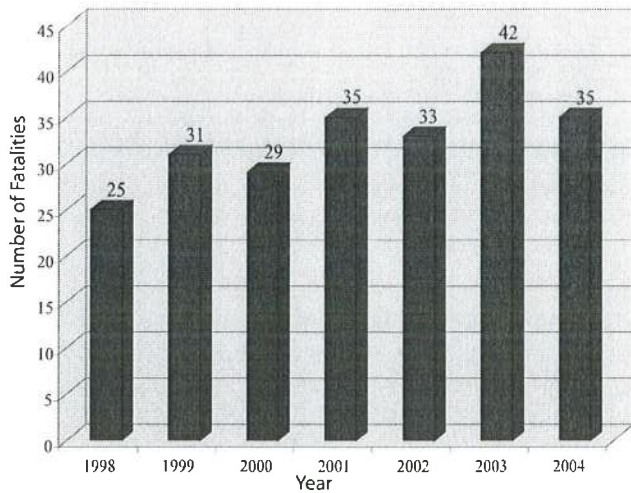


Fig 1. Annual vehicle-related hyperthermia fatalities in children.

ent temperatures ranged from 72 to 96°F. The vehicle was parked in full sun, oriented 45 degrees to the sun's rays to minimize direct sunlight through the windshield. Internal vehicle temperature was measured continuously from time 0 to 1 hour. Temperature was recorded at time 0 and every 5 minutes for 1 hour. The vehicle was a dark-blue 2000 Honda Accord with medium-gray interior and without tinted windows. Recordings were made with closed windows on 16 different days. On 2 of these days, recordings were made first with the windows closed. Then the doors were opened to return the vehicle to ambient temperature, and a second hour of measurements was made with the windows cracked 1.5 inches. It was ensured that no significant change in ambient temperature occurred during these 2 hours.

Data Collection

Ambient temperature was recorded continuously with a Davis Instruments Vantage Pro Sensor Suite. Wireless temperature sensors were placed in the test vehicles in the rear passenger section ~15 inches above the seat, in the shade and not in direct contact with any part of the car. The temperature sensors had a resolution of 1°F and accuracy of ±1°F. All recorded data were transmitted to the Vantage Pro base station.

Statistical Analysis

Data were recorded on an excel spreadsheet (Microsoft Corp, Seattle, WA) and imported into SPSS 11.0 (Chicago, IL) for statistical analysis. Analysis of variance evaluated for differences in the rate of temperature rise and final enclosed temperatures for the varying ambient temperatures. Analysis of variance was also used to compare the rate of temperature rise and maximum temperature attained with windows cracked open or closed. The recordings on the 2 separate days for these measures were averaged at each 5-minute interval, before analysis.

RESULTS

Rate of Temperature Rise Versus Ambient Temperature

Regardless of the ambient temperature, the rate of internal vehicle temperature rise was similar ($P = 1.0$). Figure 3 shows how the slope of the temperature over time was virtually the same for the different ambient temperatures. Eighty percent of the temperature rise occurred during the first 30 minutes ($P < .0001$).

The effect of air conditioning the vehicle before start of measurements was negligible. In preliminary measurements, the vehicle consistently reached ambient temperatures within 5 minutes of the air conditioning's being turning off and then would heat up at a similar rate to non-air-conditioned cases.

Final Internal Vehicle Temperature Versus Ambient Temperature

The maximum internal temperature was attained at ~60 minutes of exposure in our study. We also found that the final vehicle temperature was dependent on the initial ambient temperature. In addition, an average 41°F (range: 28–49°F) increase from starting ambient temperature occurred for the ambient temperature range of 72 to 96°F.

Comparison of Closed Versus Cracked Open Windows

Figure 4 illustrates a nonsignificant trend to faster heating in the first 20 minutes with the windows

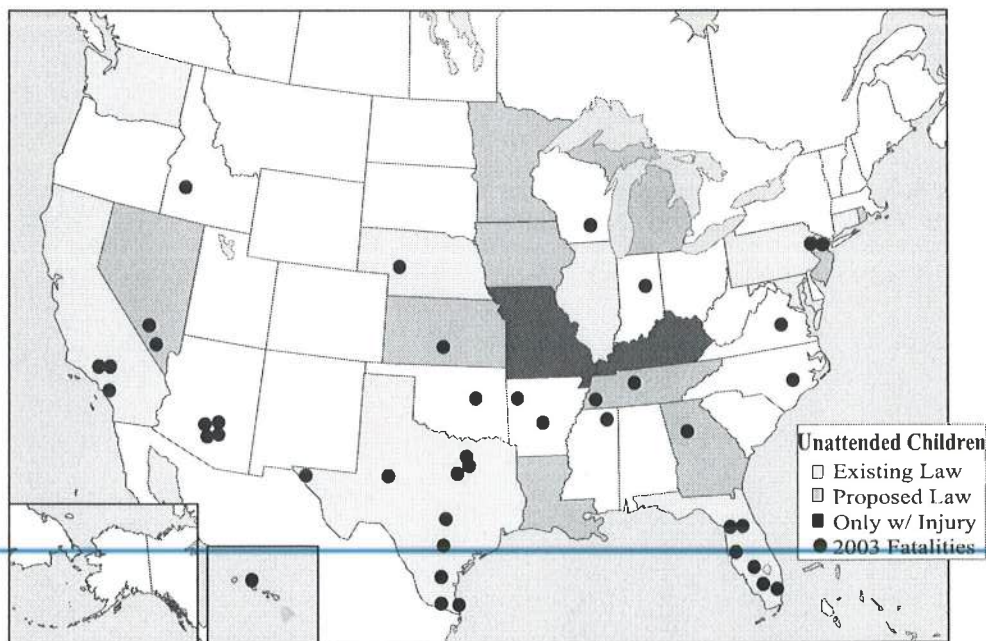


Fig 2. Location of 42 vehicle-related hyperthermia deaths of children in 2003. States are color-coded by status of legislation for leaving a child unattended in a vehicle.

Fig 3. Representative vehicle temperature rise over time.

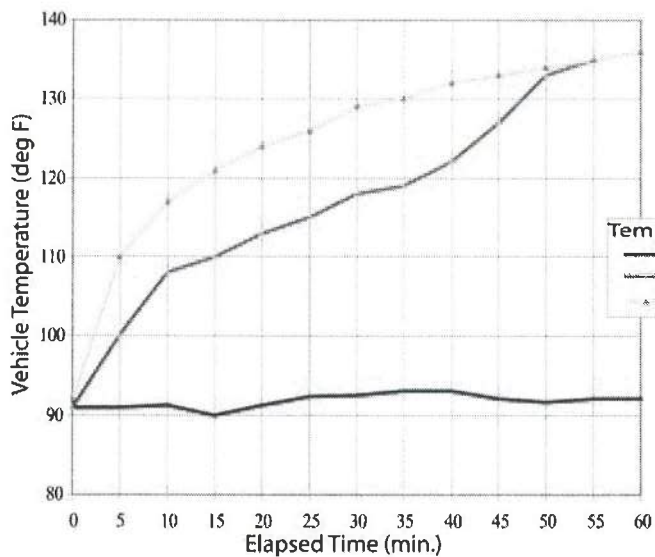
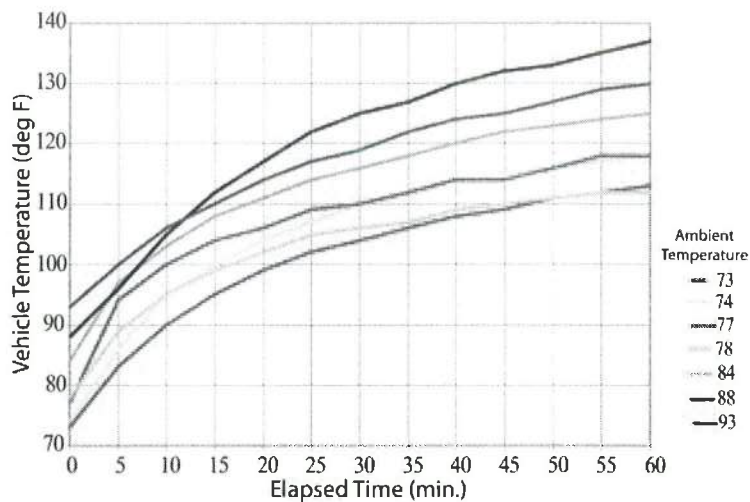


Fig 4. Interior vehicle temperature over time: closed versus cracked windows.

closed 6.25°F per 5 minutes (95% confidence interval [CI]: 1.0–11.5) versus 5.5°F per 5 minutes (95% CI: 1.2–9.8) with the windows cracked open. However, overall, the rate of temperature rise for windows that were cracked open was 3.4°F per 5 minutes (95% CI: 2.4–4.4°F) compared with the rate for closed windows of 3.1°F per 5 minutes (95% CI: 1.4–4.8°F), with the final temperature for both circumstances being identical.

DISCUSSION

We demonstrated that on sunny days, even when the ambient temperature is mild or relatively cool, there is rapid and significant heating of the interior of vehicles. On days when the ambient temperature was 72°F, we showed that the internal vehicle temperature can reach 117°F within 60 minutes, with 80% of the temperature rise occurring in the first 30 minutes. In general, after 60 minutes, one can expect an ~40°F increase in internal temperatures for ambient temperatures spanning 72 to 96°F, putting children and pets at significant risk. We also determined that cracking open windows is not effective in de-

creasing either the rate of heat rise or the maximum temperature attained.

The exact affect of such temperatures on infants is unknown, but from case reports, we know that they can be devastating. We do know that heat illness is a continuum that is divided into 3 phases. The mildest form is heat stress, the physical discomfort and physiologic strain as a result of a hot environment. Next is heat exhaustion, a mild to moderate illness associated with dehydration and a core temperature ranging from 37°C to 40°C. Symptoms of heat exhaustion include intense thirst, weakness, discomfort, anxiety, dizziness, fainting, and headache. Finally, heat stroke is a life-threatening illness characterized by an elevated core body temperature >40°C with central nervous system dysfunction resulting in delirium, convulsions, coma, and death.⁴

Young children and infants are more susceptible to heat illness than adults for several reasons. Physiologically, toddlers and infants, despite their increased body surface area to mass ratio, seem to have less effective thermoregulation in comparison with adults as proposed by Tsuzuki-Hayakawa and

Tochihara.⁵ In their study, they demonstrated that children (aged between 9 months and 4.5 years) who were placed for 30 minutes in rooms that were 35°C (95°F) had a rectal temperature that increased more rapidly and was significantly higher than their mothers'. This was despite that children and infant perspire more by body mass in comparison with their mothers. This finding was speculated to occur because smaller masses warm more quickly and that young children have an immature thermoregulatory system. In addition to the potential physical and physiologic differences, adults have the ability to modify behavior on the basis of the environment. They can undergo cooling measures: take off excess clothing, obtain cold drinks, and seek cooler environments (eg, get out of a hot car).

Although these results are significant numerically and perhaps would be sufficient to influence parental behavior and perhaps lawmakers, the question still remains as to what is an unsafe temperature for an infant and how long until the infant experiences adverse effects from a particular heat. Intuitively, it would seem unconscionable to subject a child to an 117°F environment, and that is probably why the literature is sparse in quantifying the effect of heat on infants and children. As mentioned earlier, Tsuzuki-Hayakawa and Tochihara⁵ found that infants and young children developed significantly higher core and surface body temperatures compared with their mothers despite increased perspiration. Studies by Levine and Ginandes⁶⁻⁸ proposed that a 12-month-old infant loses 1 to 2 mL/kg per hour through perspiration at an ambient temperature of 86°F. In studies of adults in extreme heat exposure, the maximum loss measured has been 10 to 20 mL/kg per hour.⁹ It is thought that similar fluid loss is possible in children and probably greater according to the work of Tsuzuki-Hayakawa. This would conservatively amount to a loss of 400 to 800 mL over a 4-hour period, or ~4% to 8% dehydration of a 10-kg infant. Future study to evaluate heat stress in infants and children would be difficult to do for obvious ethical reasons, so although we may never know the rate of dehydration and body temperature rise for infants and children in enclosed vehicles, the risk is clear.

Our results were consistent with previous research for similar temperature ranges except in 1 respect.^{2,3,10,11} King et al³ noted 75% of the maximum stabilized temperature within 5 minutes of closing the doors as opposed to our finding of 30 minutes required for attaining 80% of the maximum temperature. We believe that this difference occurred because their sensor was placed in direct sun, whereas our sensor was in the shade. This suggests that if a child were positioned in full sun, then the heat stress would be greater and more rapid in onset than stated here.

In addition to heat illness, leaving children unattended in vehicles puts them at risk for other harm, such as thermal burns from buckles, abduction, and injury from the child's putting the car in motion or

operating power control features. The *Morbidity and Mortality Weekly Report* found that 78 children died from July 2000 to June 2001 from being left unattended in or around motor vehicles. In addition, there were 9160 nonfatal injuries reported. Of those who died, ~35% were attributable to heat illness and 82% were between the ages of 0 and 3 years.¹²

Prevention of heat illness in children and potentially other injuries is straightforward. Do not leave them in the car. Parental attitudes and behavior may be related to erroneous beliefs regarding the internal heat rise of vehicles on milder and even cool sunny days as well as the effects of cracking the windows. Laws regarding kids in cars currently exist in 9 states and are proposed in an additional 9.¹³ Although the problem of nonexertional hyperthermia in children pales in comparison with that of the top 3 causes of unintentional death (motor vehicle accidents, drowning, and burns) heat illness is conceivably easier to prevent if their caregivers are aware of the danger. It is worth considering incorporating this message along with a discussion of the importance of car seats as part of child passenger safety education for caregivers. Legislation efforts may help to raise awareness, but as these events are mostly unintentional, additional public education efforts ultimately are necessary to decrease the incidence of this fatal yet preventable behavior.

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Exhibit A with Changes Tracked

Amend 92.23(B) Whenever any animal in the animal shelter ~~bears a city tag~~ has been microchipped, it shall be the duty of the animal control officer to notify the owner or the person to whom the ~~tag was issued~~ microchip is registered, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within ~~10~~ 7 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the ~~tag was issued~~ microchip is registered cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within ~~10~~ 7 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

Amend 92.24(A) After the expiration of ~~ten-seven~~ (107) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of a non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

Amend 92.24(D) Pursuant to Ark. Code Ann. § 20-19-103, No ~~no~~ unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. ~~A voucher will be issued to the adopter and said voucher may be used at the time the animal is sterilized.~~ An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

Amend 92.99 (A) Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state but in no case shall any penalty be less than \$50.00. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

EXHIBIT A

§ 92.23(B) Whenever any animal in the animal shelter has been microchipped, it shall be the duty of the animal control officer to notify the owner or the person to whom the microchip is registered, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within 7 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the microchip is registered cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within 7 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

§ 92.24(A) After the expiration of seven (7) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of a non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

§ 92.24(D) Pursuant to Ark. Code Ann. § 20-19-103, no unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

§ 92.99 (A) Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state but in no case shall any penalty be less than \$50.00. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.