

1 **ORDINANCE NO.** _____
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3 **AN ORDINANCE TO AMEND LITTLE ROCK, ARK., REVISED CODE OF**
4 **ORDINANCES (1988) CHAPTER 6, ARTICLE I, TO CLARIFY THE**
5 **CIRCUMSTANCES UNDER WHICH CONFINEMENT OF AN ANIMAL**
6 **WITHIN AN UNATTENDED VEHICLE SHALL BE CONSIDERED A**
7 **VIOLATION OF THE CITY'S ANIMAL CRUELTY ORDINANCE; TO**
8 **EXCLUDE LIVESTOCK FROM THE DEFINITION OF ANIMAL; AND**
9 **FOR OTHER PURPOSES.**

10
11 **WHEREAS**, the Arkansas General Assembly granted cities and incorporated towns the authority to
12 prevent cruelty to animals so Little Rock, Ark. Revised Code of Ordinances (1988) ("Little Rock Code"),
13 Section 6-5 defines Animal Cruelty to include an act that subjects an animal to extreme temperatures; and,

14 **WHEREAS**, the American Veterinary Medical Association published information, courtesy of the
15 Department of Geosciences at San Francisco State University, to show that a vehicle's interior temperature
16 can reach 104° Fahrenheit in ten (10) minutes when the outside ambient temperature is 85° Fahrenheit, and
17 that a vehicle's interior temperature can reach 120° to 140° Fahrenheit in less than one (1)-hour when the
18 outside ambient temperature is 70° to 95° Fahrenheit; and,

19 **WHEREAS**, the Little Rock Board of Directors wishes to supplement, but not repeal, Little Rock Code
20 Section 6-5(a)(4), to clarify the circumstances under which confinement of an animal in an unattended
21 vehicle shall be considered a violation of Section 6-5 of the Little Rock Code;

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**
23 **OF LITTLE ROCK, ARKANSAS:**

24 **Section 1.** Section 6-5 of the Little Rock, Ark. Revised Code of Ordinances (1988) shall be amended
25 to add a new Subsection (c) to read as follows:

26 (c) (1) No person shall leave or confine any animal unattended in a motor vehicle if the animal is
27 left in an enclosed vehicle with the windows opened or closed when (i) the interior of the vehicle
28 is not provided with conditioned air or adequate ventilation to maintain an interior temperature of
29 90° Fahrenheit or less, or (ii) the animal is showing signs of heat distress;

30 (2) For purposes of this section the word Animal does not include livestock.

31 **Section 2.** Section 6-5 of the Little Rock, Ark. Revised Code of Ordinances (1988) shall be amended
32 to add a new Subsection (d) to read as follows:

33 (d) Authority to Remove. In order to protect the health and safety of an animal that is left
34 unattended in a vehicle and is exposed to extreme heat, and to prevent an ongoing offense of

1 cruelty to animals, a Little Rock Animal Control Officer, Enforcement Officer or emergency
2 personnel who has probable cause to believe that Subsection (c) above is being violated shall
3 have authority to enter the vehicle to remove the animal by any means reasonable under the
4 circumstances. If it reasonably appears that there is time to contact the owner, or other person
5 present in the immediate area with access to the vehicle, without serious injury to the animal,
6 a reasonable effort to do so shall be made prior to entry into the vehicle to remove the animal.
7 Pursuant to procedures established by the City Manager, the rescued animal shall be
8 impounded, and a reasonable effort shall be made to contact the owner.

9 **Section 3.** Section 6-5 of the Little Rock, Ark. Revised Code of Ordinances (1988) shall be amended
10 to add a new Subsection (e) to read as follows:

11 (e) *Evidence of Distress.* For purposes of this ordinance, “showing signs of heat distress” means
12 that the Enforcement Officer, emergency personnel, or Little Rock Animal Control Officer,
13 reasonably believes that the animal displays one or more of the following:

- 14 (i) Fast heavy panting;
- 15 (ii) Weakness;
- 16 (iii) Respiratory difficulties;
- 17 (iv) Disorientation;
- 18 (v) Convulsions.

19 **Section 4. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
20 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
21 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
22 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
23 ordinance.

24 **Section 5. Repealer.** With the exception of Little Rock Code Section 6-5, all ordinances and
25 resolutions, and parts thereof, which are in conflict with any provision of this ordinance are hereby repealed
26 to the extent of such conflict.

27 **PASSED: October 17, 2017**

28 **ATTEST:**

APPROVED:

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31 **Susan Langley, City Clerk**

Mark Stodola, Mayor

32 **APPROVED AS TO LEGAL FORM:**

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35 **Thomas M. Carpenter, City Attorney**