TO:       HONORABLE CITY COUNCIL

FROM:     CITY MANAGER
          DEPARTMENT:  POLICE

DATE:     MARCH 7, 2005

SUBJECT:  APPROVAL OF ORDINANCE OF THE COUNCIL OF THE CITY OF
          PALO ALTO ADDING SECTION 6.20.055, “ANIMALS IN VEHICLES,”
          TO THE PALO ALTO MUNICIPAL CODE PROHIBITING THE
          CONFINEMENT OF ANIMALS IN ENCLOSED VEHICLES WITHOUT
          ADEQUATE VENTILATION DURING PERIODS OF EXTREME
          TEMPERATURES

RECOMMENDATIONS

Staff recommends that the City Council approve the attached ordinance adding Section 6.20.055,
“Animals in Vehicles,” to the Palo Alto Municipal Code. The ordinance will prohibit owners from
leaving animals unattended in motor vehicles in conditions of inadequate ventilation or extreme
temperatures that may adversely affect the health or well being of the animal.

BACKGROUND

Currently animal owners of dogs and other pets who leave their animals in improperly ventilated cars
during hot weather may be cited under California State Penal Code Section 597, Crimes Against Animals.
Section 597 makes it a crime to “maliciously and intentionally torture, maim, and mutilate” animals, and
Section 497(a) makes carrying an animal in a vehicle “in any cruel or inhuman manner: or in a way that
subjects the animal to unnecessary suffering a misdemeanor. Because these sections do not directly
address the health threat created by exposing animals to extreme temperatures, convictions of people who
unintentionally subject their animals to heat related illnesses or even death by leaving their dogs in cars
for long periods of time during extremely hot weather are extremely difficult to obtain.

As a result, staff is requesting that the City Council amend the Municipal Code to add a specific code
section that deals with this frequent situation.

DISCUSSION

Every year, nationwide, dozens of dogs die tragically due to hyperthermia (heat stroke) after being
left unattended in cars, trucks and vans. It does not take an extremely hot day to produce unsafe
temperatures inside a vehicle. Research has shown that when temperatures exceed 80°F (26.7°C) potentially lethal temperatures of 105°F can occur in inadequately ventilated vehicles in less than 20 minutes and when temperatures exceed 88°F, lethal temperatures can be reached in ten minutes or less.

During the warm weather months, Palo Alto Animal Services frequently receives complaints of unattended dogs in hot cars. As an example, last calendar year, Animal Control Officers (ACO) responded to 19 such calls. Using a long oven thermometer, the ACO will attempt to gauge the internal temperature of the vehicle, as well as assess the general health of the animal by looking through the window. If the officer decides that the animal is in danger, he/she will attempt to locate the owner, but if there is immediate danger, will forcibly open the car to remove the animal and assess whether or not the animal requires emergency veterinary care.

Owners of these animals usually do not intend to place their pet at risk and do not understand how quickly the internal temperature of an enclosed vehicle can rise. However, the owner is responsible for well being and safety of their animal. Animal owners should follow the same rules of thumb as parents of young children and not leave them unattended in enclosed vehicles.

Because there is not a specific Penal Code section that deals with this type of neglect of animals, some cities have adopted similar ordinances to address this situation. Staff believes that this ordinance would assist ACOs in protecting the health and welfare of a large number of animals.

**RESOURCE IMPACT**

The City of Palo Alto City Attorney’s office will file complaints regarding any violations of this new Municipal Code. This represents a workload increase as previous complaints were filed by the Santa Clara County District Attorney’s office.

**POLICY IMPLICATIONS**

This recommendation does not represent any change to existing City policies.

**ENVIRONMENTAL ASSESSMENT**

An Environmental Assessment is not required for this project as it is exempt from the California Environmental Quality Act.

**ATTACHMENTS**
Ordinance

PREPARED BY: ____________________________________
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DEPARTMENT HEAD: ______________________
LYNNE JOHNSON
Police Chief

CITY MANAGER APPROVAL: ____________________________________
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