



Memo

Date: 30 November 2022
To: Mayor, City Council and Staff
Cc: File
From: Brad Wilson, City Recorder
RE: Ordinance 2022-28 / Animals in Vehicles

The City Attorney indicated that he and his office, because of the complexity of the issue, could not prepare an alternative proposal to Ordinance 2022-23 (Animals in Vehicles). I have included a copy of the original ordinance.

Please contact the City Attorney if you have any questions.



Midway

ORDINANCE

2022-____

**AN ORDINANCE TO AMEND SECTION 6.03.110 OF THE
MIDWAY CITY MUNICIPAL CODE TO ADDRESS
LEAVING ANIMALS IN VEHICLES DURING HIGH
OUTDOOR TEMPERATURES.**

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, the Midway City Council and City Staff have recently discussed the need to address the issue of animals being left in vehicles and other confined spaces during high outdoor temperatures; and

WHEREAS, the City Council desires to amend Section 6.03.110 to address this issue; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 6.03.110(G) shall be added to read as follows:

A person is guilty of a class B misdemeanor if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence confines an animal in an unattended enclosed motor vehicle, an enclosed container, or other space when the outside temperature is above 70 degrees Fahrenheit and there are indications that the animal is in distress.

- (1) For purposes of this section, indications that the animal is in distress may include, but are not limited to, the following:
 - (a) The animal is panting, listless, or apparently unconscious;
 - (b) The animal shows signs of thirst;
 - (c) There is no water or insufficient water available for the animal to drink;
 - (d) No air conditioning is running to cool the temperature in the vehicle or other space; or
 - (e) Scratching, whining, or other sounds of distress.
- (2) For purposes of this Section, the term “other space” shall not include a home, garage, or building large than 150 square feet in area.

- (3) Any animal services officer, law enforcement officer, or agent of a licensed humane organization may take action reasonably necessary to rescue a confined animal endangered by extreme temperatures, and to remove the threat of further serious harm.
- (4) No officer or agent taking action under this section shall be liable for damage reasonably necessary to rescue the confined animal.
- (5) The Animal Control Officer or other officer shall have the authority to remove any animal found in an enclosed vehicle, enclosed container or other space that appears to be suffering from heat stress. The animal may be provided immediate veterinary care if needed in the Officer's judgment.
- (6) The animal's custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment, including veterinary treatment, and impoundment.

This ordinance shall take effect upon publication as required by law.

DRAFT

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2022.

| | AYE | NAY |
|--------------------------------|-------|-------|
| Council Member Steve Dougherty | _____ | _____ |
| Council Member Jeff Drury | _____ | _____ |
| Council Member Lisa Orme | _____ | _____ |
| Council Member Kevin Payne | _____ | _____ |
| Council Member JC Simonsen | _____ | _____ |

DRAFT

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)