



# Office of the City Clerk

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## Legislation Text

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### ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, vehicular heatstroke can befall a child with the most conscientious parent or caregiver in a tragedy compounded by the fact that it is preventable; and

WHEREAS, the first heatstroke death of 2018 has already occurred in Miami, Florida in the beginning of March, as a child died after being forgotten in the backseat of a car while the mother went to work; and

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), in 2017 there were 42 heatstroke deaths of children in vehicles in the United States, a 63% increase from 2015; and

WHEREAS, a child's body overheats three to five times faster than an adult's and when a child's body temperature reaches 107 degrees, they can die of heatstroke; and

WHEREAS, it only takes a car 10 minutes to heat up 20 degrees internally and become deadly to a child; and

WHEREAS, according to KidsAndCars.org <<http://KidsAndCars.org>>, an advocacy group that conducts research on car-related child endangerment, the temperature inside a vehicle can reach 110 degrees when there is an outside temperature of just 60 degrees; and

WHEREAS, the group notes that, even with slightly open windows, a car's internal temperature can reach 125 degrees in a matter of minutes; and

WHEREAS, the organization also finds that, since 1994, 804 children have died from heat-related illnesses in cars in the United States, including 20 children in Illinois; and

WHEREAS, in these 804 deaths, approximately 55% of the children were unknowingly left in the car, 28% of children climbed in on their own, and another 13% were knowingly left in the car; and

WHEREAS, nationally, on average, 37 children die each year from heat-related deaths after being trapped inside vehicles; and

WHEREAS, while not as prevalent as heat-related deaths, children left in cold vehicles are at an increased risk for both hyperthermia and hypothermia, according to Dr. Letitia Ryan, an assistant professor of pediatrics at Johns Hopkins Children's Center; and

WHEREAS, in 2012, the NHTSA launched a public education campaign entitled, "Where's baby? Look before you lock," on National Heatstroke Day, which takes place annually on July 31 and highlights the dangers of vehicle-induced heatstroke; and

WHEREAS, the campaign highlights the dangers of vehicle-induced heatstroke and educates caregivers on how to avoid these types of tragedies; and

WHEREAS, Dr. David Diamond, a professor of psychology at the University of South Florida has studied the science behind the phenomenon of children forgotten in cars and has observed that "any person is capable of forgetting a child in a car under circumstances where a parent is going through a routine and the child is in the back" and if the routine changes, it can prove fatal; and

WHEREAS, the former U.S. Transportation Secretary Anthony Fox stated that "even one heatstroke death is one too many because every death caused by leaving a child unattended in a hot car is one hundred percent avoidable;" and

WHEREAS, the Chicago Police Department highlights on its website the risk of leaving children unattended in parked cars because they are at the greatest risk of heat stroke, and possibly death; and

WHEREAS, in July 2017, a toddler was left unattended in a car in a Portillo's restaurant parking lot on the Near West Side for fifteen minutes while the temperature was 80 degrees and the car windows were closed; and

WHEREAS, multifaceted approaches are valued and necessary as we await car industry and regulatory action that would require car manufacturers to include sensors in rear seats to prevent children from being forgotten; and

WHEREAS, other legislative bodies have already taken action to allow civilians to rescue children in cars including Oregon, Arizona and Colorado; and

WHEREAS, the Chicago City Council has the ability to help prevent child vehicular heatstroke by allowing civilians to intervene if they see a child in a life threatening situation; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. Section 8-16-015 of the Municipal Code of Chicago is hereby amended by inserting the following language underscored, as follows:

8-16-015      Unattended children in motor vehicles.

(a) No person shall confine any child in a motor vehicle in such a manner that places it in a life or health

threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from heat or cold:

(b) Any person, law enforcement officer, emergency medical service provider, or other first responder who reasonably believes that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the motor vehicle's operator. Rescuers must:

- 1) Have a good faith belief that the child is in imminent danger of suffering physical injury or death unless the child is removed from the motor vehicle;
- 2) Determine that the motor vehicle is locked or there is no reasonable manner in which the person can remove the child from the vehicle;
- 3) Call 911 before entering the motor vehicle to notify a law enforcement officer, emergency medical service provider, or first responder;
- 4) Not use more force than is necessary under the circumstances to enter the motor vehicle and remove the child from the vehicle;
- 5) Remain with the child until the person who is contacted in section 3 of this subsection arrives at the motor vehicle; and

(A) If it is necessary for the person rendering assistance to leave the scene before the owner or operator of the vehicle returns to the scene, or before the law enforcement officer, emergency medical service provider, or other first responder arrives at the scene, and regardless of whether or not the person rendering assistance took the person to a hospital or an appropriate law enforcement office, prior to leaving the scene the person rendering assistance shall:

(i) Place a notice on the windshield of the vehicle that includes his or her name and contact information and the name and contact information of the location, if any, to which the person rendering assistance took the child when he or she left the scene; and

(ii) Contact law enforcement or other first responders to advise them of his or her name and contact information, that he or she is leaving the scene, and the name and contact information of the location, if any, to which the person rendering assistance is taking the child; and

- 6) Immediately turn the child over to law enforcement or another emergency responder once they arrive on site.

Cc) Any person violating any provision of subsection (a), regardless of injury to the child shall be fined not less than \$300.00 nor more than \$1,000 for each offense. A person is not immune from civil liability if the person fails to abide by any of the provisions of this section and commits any-unnecessary or malicious

damage to the motor vehicle.

(d) Any person who, acting in good faith, rescues a child confined in an unattended motor vehicle pursuant to section 8-16-015 shall not, as a result of his or her acts, be subject to adverse action by the City of Chicago.

SECTION 2. This ordinance shall take effect following passage and publication.