

ORDINANCE NO. 640

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI PROHIBITING THE CONFINEMENT OF ANY CHILD IN A MOTOR VEHICLE IN SUCH A MANNER THAT PLACES IT IN A LIFE OR HEALTH THREATENING SITUATION; PROVIDING THAT 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, AND FOR RELATED PURPOSES.

WHEREAS, pursuant to its home rule power, the City of Long Beach 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, heatstroke deaths often occur as a result of a child being forgotten in the backseat of a car while the parent 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, 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 also found to be at an increased risk for both hyperthermia and hypothermia; 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, 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, the City of Long Beach 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, The Mayor And Board Of Aldermen Of The City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine adjudicate and ordain as follows:

SECTION 1.

(a) Unattended children in motor vehicles. 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) Leaving children unattended in standing vehicle with motor running. It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended in the vehicle.

(c) Leaving children unattended in parked automobile. Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who shall leave such children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous, spirituous, or malt liquors are dispensed for consumption on the premises shall be guilty of a gross misdemeanor.

(d) 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) Employ no 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

6) 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

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

(c) Any person violating any provision of Section 1, regardless of injury to the child shall be fined not less than \$100.00 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 1 above shall not, as a result of his or her acts, be subject to adverse action by the City of Long Beach.

SECTION 2. This ordinance shall take effect following passage and publication as required by law.

The above and foregoing Ordinance No. 640 was introduced in writing by Alderman Parker who moved its adoption. Alderman Frazer seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Ronald Robertson	voted	Aye
Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Bernie Parker	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Patricia Bennett	voted	Aye
Alderman Donald Frazer	voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 640 adopted and approved this, the 6th day of November, 2018.

APPROVED:



GEORGE L. BASS, MAYOR

ATTEST:



STACEY DAHL, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Stacey Dahl, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #640 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 6th day of November, 2018, as the same appears of record in Ordinance Book #9, pages 7-12, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 7th day of November, 2018.



Stacey Dahl
Stacey Dahl, City Clerk