

---

**VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

---

**ORDINANCE NO. 23-02**

**AN ORDINANCE AMENDING TITLE 8 (HEALTH AND SAFETY) OF THE VILLAGE  
OF HARWOOD HEIGHTS CODE OF ORDINANCES TO DESIGNATE UNATTENDED  
CHILDREN AND ANIMALS IN VEHICLES AS A NUISANCE AND IMPOSE  
PENALTIES**

Passed by the Board of Trustees, February 9, 2023

Printed and Published February 9, 2023 in Pamphlet Form  
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR  
MARCIA L. POLLOWY, VILLAGE CLERK

GENE BRUTTO  
ANNETTE BRZEZNIAK-VOLPE  
ANNA BRZOZOWSKI-WEGRECKI  
ZBIGNIEW LEWANDOWSKI  
LAWRENCE STEINER  
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was  
properly published in pamphlet form  
by authority of the Board of Trustees  
on the date stated above.

  
Village Clerk

**VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 23-02**

**AN ORDINANCE AMENDING TITLE 8 (HEALTH AND SAFETY) OF THE VILLAGE  
OF HARWOOD HEIGHTS CODE OF ORDINANCES TO DESIGNATE UNATTENDED  
CHILDREN AND ANIMALS IN VEHICLES AS A NUISANCE AND IMPOSE  
PENALTIES**

**WHEREAS**, the Village of Harwood Heights (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

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

**WHEREAS**, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

**WHEREAS**, the Village is authorized to define, prevent, and abate nuisances (65 ILCS 5/11-60-2);

**WHEREAS**, the Village is further authorized to prohibit cruelty to animals (65 ILCS 5/11-60-2);

**WHEREAS**, State law prohibits endangering the life or health of a child, including leaving children unattended in a motor vehicle for 10 or more minutes (720 ILCS 5/12C-5(a); 720 ILCS 5/12C-5(b); 720 ILCS 5/12C-5(c));

**WHEREAS**, State law further prohibits the cruel treatment of animals, including confining animals in motor vehicles in such a manner that places the animal in life or health threatening situations (510 ILCS 70/3(a); 510 ILCS 70/3.01(a); 510 ILCS 70/3.01(c); 510 ILCS 70/7.1);

**WHEREAS**, the corporate authorities desire to amend the Village Code of Ordinance to

prohibit and declare unattended children and animals in motor vehicles a public nuisance within the Village;

**WHEREAS**, to protect the public health, safety, and welfare, the Village of Harwood Heights has a clear and compelling interest in exercising its home rule authority as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village's home rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

**SECTION 1. RECITALS.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**SECTION 2. AMENDMENT.** Title 8 ("Health and Safety") of the Village of Harwood Heights Code of Ordinances, shall be, and hereby is amended to add Chapter 8.36 ("Unattended Children in Motor Vehicles") as follows: (additions in **bold and underline**):

**8.36 –Unattended Children in Motor Vehicles.**

**A. It shall be unlawful and declared to be a nuisance by a person sixteen (16) years of age or older having the care or custody of any child under the age of ten (10) years to cause, permit or allow any child under the age of ten (10) years to remain in a motor vehicle while unattended or unaccompanied in that motor vehicle by a person sixteen (16) years or older.**

**B. "Unattended" means either: (i) not accompanied by a person 16 years of age or older; or (ii) if accompanied by a person 16 years of age or older, out of sight of that person.**

**C. In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Chapter shall, upon conviction, be subject to a fine not exceeding seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed upon each day during which a violation occurs or continues.**

**SECTION 3. AMENDMENT.** Title 8 (“Health and Safety”) of the Village of Harwood Heights Code of Ordinances, shall be, and hereby is amended to add Chapter 8.40 (“Confining Animals in Motor Vehicle”) as follows: (additions in **bold and underline**):

**8.40 –Confining Animals in Motor Vehicle.**

**A. It shall be unlawful and declared a nuisance for any person to confine an animal 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 such heat or cold.**

**B. It shall be presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five (5) or more minutes when the ambient outside air temperature measures above seventy-five (75) degrees Fahrenheit or below thirty-five (35) degrees Fahrenheit.**

**C. In order to protect the health and safety of an animal, an animal control officer or law enforcement officer who has probable cause to believe that this Chapter 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 owner or other person responsible.**

**D. In addition to all other remedies, any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Chapter shall, upon conviction, be subject to a fine not exceeding seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed upon each day during which a violation occurs or continues.**

**SECTION 4. RESOLUTION OF CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. SAVING CLAUSE.** If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

VOTES

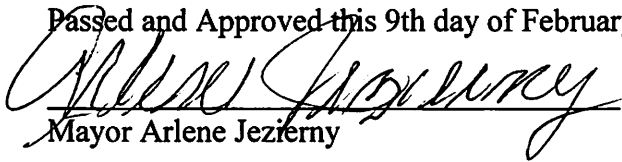
AYES: Trustee Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

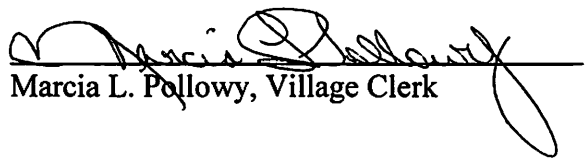
ABSENT: Trustee Brutto

ABSTAIN:

Passed and Approved this 9th day of February, 2023.

  
Mayor Arlene Jezierny

ATTEST:

  
Marcia L. Pollowy, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

**CERTIFICATION**

**I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.**

**I do further certify that the foregoing Ordinance 23-02 entitled:**

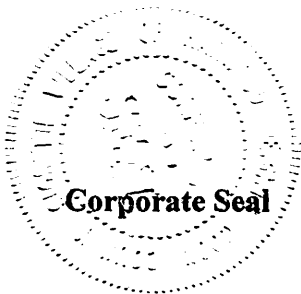
**AN ORDINANCE AMENDING TITLE 8 (HEALTH AND SAFETY) OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES TO DESIGNATE UNATTENDED CHILDREN AND ANIMALS IN VEHICLES AS A NUISANCE AND IMPOSE PENALTIES**

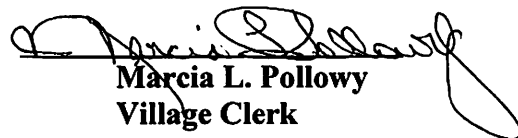
**Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 9th day of February, 2023.**

**I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.**

**I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.**

**In witness whereof I have hereunto set my official hand and seal this 10th day of February, 2023.**



  
**Marcia L. Pollowy**  
**Village Clerk**

Faint, illegible text at the top of the page, possibly a header or title.

Second block of faint, illegible text.

Third block of faint, illegible text.

Fourth block of faint, illegible text.

Fifth block of faint, illegible text.

