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A BILL FOR AN ORDINANCE

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RELATING TO ANIMAL CONTROL LAWS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to amend portions of the animal control law.

SECTION 2. Chapter 3, Article 5, Revised Ordinances of Honolulu 1990, is amended by adding a new section 3-5.6 to read as follows:

**"Sec. 3-5.6 Humane destruction of animals—Notification requirements.**

(a) The animal control contractor shall maintain a registry of organizations willing to accept animals for the purposes of adoption, as follows.

- (1) All public or private sheltering agencies, and rescue groups designated as non-profits by Section 501(c)(3) of the Internal Revenue Code shall be immediately placed on this registry upon their request, regardless of the organizations' geographical location or any other factor except as described under subsection (a)(5).
- (2) Rescue groups that are not designated as non-profits under Section 501(c)(3) of the Internal Revenue Code may be included on the registry.
- (3) The registry shall include the following information as provided by the registered organization: organization name, mailing address, and telephone number; website and e-mail address, if any; emergency contact information for the organization; the types of animals about whom the organization wishes to be contacted, including species-type and breed; and whether or not the organization is willing and able to care for unweaned animals, sick or injured animals, and/or feral or aggressive animals.
- (4) The animal control contractor shall seek organizations to include on the registry.
- (5) The animal control contractor may refuse to include an organization on the registry, or delete it from the registry, until such time as this is no longer the case, if any of the organization's current directors and/or officers have been convicted in a court of competent jurisdiction of a crime consisting of



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cruelty to animals or neglect of animals; or if such charges are pending against any of the organization's current directors or officers; or if that organization or its current directors or officers are constrained by a court order or legally binding agreement that prevents the organization from taking in or keeping animals. The animal control contractor may require an organization to disclose any or all convictions, charges, and legal impediments described in this subsection.

- (6) The animal control contractor may require that registered organizations provide the following summary information on no more than a monthly basis: the total number of animals the organization has taken from the animal control contractor that have been adopted, died, were transferred, were humanely destroyed, and are still under the organization's care. This information may be provided in an informal format, such as via electronic mail.
- (7) The animal control contractor shall not demand additional information, other than that described in this section, as a prerequisite for including an organization on the registry or for continuing to maintain that organization on the registry.

All information compiled in this section shall be made available for free public inspection for no less than three years.

- (b) The animal control contractor may not destroy an animal unless and until the animal control contractor has notified, or made a reasonable attempt to notify, all organizations on the registry described in subsection (a) that have indicated a willingness to take an animal of that type, subject to the following requirements.
- (1) Such notification shall take place at least five business days prior to the humane destruction of the animal.
- (2) At a minimum, such notification shall include calling the organization's regular and emergency contact numbers, and sending an email to its email address, if any. Notification is considered complete as to each individual group when this has been accomplished. All notifications shall be documented in writing by the animal control contractor and made available to the public for at least a year.
- (3) No animal may be humanely destroyed if an organization on the registry is willing and able to take the animal and the organization notifies the animal



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control contractor of its intent to take possession of the animal; provided that notice to take possession is provided to the animal control contractor no later than 24 hours prior to the destruction of the animal.

(4) The organization shall take possession of the animal:

(A) Within two business days from the time that it notifies the animal control contractor of its intent to take possession of the animal, not including the date upon which the organization gives such notice; or

(B) Within 24 hours from the time that it notifies the control contractor of its intent to take possession of the animal, if the notice to take possession of the animal is provided less than two business days from the scheduled destruction date of the animal.

(5) No fee may be assessed for animals released to organizations listed on the registry.

(c) The animal control contractor may not destroy an animal unless and until the animal control contractor has notified the public at large so that they may consider adopting or rescuing the animal consistent with the animal control contractor's normal adoption or transfer protocols.

(1) Such notification shall take place at least five business days prior to the humane destruction of the animal.

(2) Such notification can be accomplished in any manner reasonably likely to lead to lifesaving, but must, at a minimum, include posting a notice in the shelter on the particular animal's cage or kennel, and on the animal control contractor's website that states: "This animal is to be humanely destroyed on [date] and [time]."

(3) All notifications shall be documented in writing by the animal control contractor and made available to the public for at least a year.

(d) The following exceptions shall apply to the requirements of subsections (b) and (c).

(1) All irremediably suffering animals shall be humanely destroyed without delay. The determination that an animal is irremediably suffering shall be made in writing, signed by a veterinarian licensed to practice medicine in



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this state, and made available for free public inspection for no less than three years.

- (2) Dogs and cats with confirmed cases of parvovirus or cats with confirmed cases of panleukopenia may be humanely destroyed without delay, upon a certification made in writing and signed by a veterinarian licensed to practice medicine in this state. Such certification shall be made available for free public inspection for no less than three years.
- (3) Upon the impoundment of unweaned animals without their mother, if the animal control contractor has not placed the animals into foster care or has not committed to provide supplemental feeding, the animal control contractor shall immediately make an emergency appeal to organizations on the registry that have indicated that they are willing and able to care for unweaned animals, and give such organizations a reasonable amount of time to respond to the appeal. Unweaned animals impounded without their mother may then be humanely destroyed before the expiration of the five business days notification.
- (4) Any dangerous dogs which have been ordered to be humanely destroyed pursuant to Chapter 7, Article 7, may be humanely destroyed without delay.
- (e) The animal control contractor shall require organizations taking animals under this section to sign a contract providing:
  - (1) That the animals are being taken for the purposes of adoption; and
  - (2) That all animals taken from the animal control contractor will be spayed or neutered before adoption, unless a licensed veterinarian certifies that an animal is too sick to be spayed or neutered or that it would otherwise be detrimental to the health of the animal to be spayed or neutered as required."

SECTION 3. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.



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SECTION 4. This ordinance shall take effect on July 1, 2013.

INTRODUCED BY:

Tom BERG

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DATE OF INTRODUCTION:

AUG 15 2012

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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PETER B. CARLISLE, Mayor  
City and County of Honolulu