

REPORT OF THE COMMITTEE ON PARKS, COMMUNITY SERVICES AND INTERGOVERNMENTAL AFFAIRS

Voting Members

Heidi Tsuneyoshi, Chair; Ann H. Kobayashi, Vice-Chair,
Brandon J.C. Elefante, Kymberly Marcos Pine

Committee Meeting Held
January 21, 2020

Honorable Ikaika Anderson
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Parks, Community Services and Intergovernmental Affairs, which considered Bill 59 (2019), CD1, FD1, entitled:

"A BILL FOR AN ORDINANCE RELATING TO ANIMALS,"

which passed Second Reading and Public Hearing at the December 4, 2019 Council meeting, reports as follows:

The purpose of Bill 59 (2019), CD1, FD1 is to amend certain provisions relating to dogs and cats.

The Deputy Director of the Department of Customer Services testified in support of the Bill.

Your Committee has prepared a CD2 version of the Bill that makes the following amendments:

- A. Adds a new SECTION 3 to the bill that amends ROH Section 3-5.4 by:
 1. Changing the City Administration's recipient of the annual report from the Mayor to the Department of Customer Services (the Council will continue to receive a copy of the report); and

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JAN 29 2020

COMMITTEE REPORT NO. 1

REPORT OF THE COMMITTEE ON PARKS, COMMUNITY SERVICES AND INTERGOVERNMENTAL AFFAIRS

Voting Members

Heidi Tsuneyoshi, Chair; Ann H. Kobayashi, Vice-Chair,
Brandon J.C. Elefante, Kymberly Marcos Pine

Committee Meeting Held
January 21, 2020
Page 2

2. Specifying that the required annual report submitted by the animal control contractor must include, among other things, the number of impounded dogs that were adopted or euthanized and the number of impounded cats that were adopted or euthanized.
- B. Renumbers all subsequent SECTIONS of the bill accordingly.
 - C. Removes references to "the animal control contractor" as a registry that an owner must provide to and maintain with microchip identification information for either a dog or a cat.
 - D. Establishes the maximum age of a dog that is exempted from the provisions of the new article at three months old.
 - E. Adds exemptions from the provisions of the new article for both a dog that is in quarantine and a dog that is brought into the City for the exclusive purpose of entering a dog show or exhibition.
 - F. Shortens the required holding period for dogs and cats from at least nine days to at least five days.
 - G. Provides that if either a dog or cat is redeemed by its owner within 24 hours of physical possession by the animal control contractor, the animal control contractor will waive any impoundment fees.
 - H. Increases the leash length from four feet to six feet that a "dangerous dog" must be kept on when outside the premises of an owner who has committed the offense of negligent failure to control a dangerous dog.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **JAN 29 2020**

COMMITTEE REPORT NO. **1**

REPORT OF THE COMMITTEE ON PARKS, COMMUNITY SERVICES AND INTERGOVERNMENTAL AFFAIRS

Voting Members

Heidi Tsuneyoshi, Chair; Ann H. Kobayashi, Vice-Chair,
Brandon J.C. Elefante, Kymberly Marcos Pine

Committee Meeting Held
January 21, 2020
Page 3

- I. Specifies that this ordinance will take effect on July 1, 2020.
- J. Makes miscellaneous formatting, technical, and nonsubstantive amendments.

At your Committee's meeting on January 21, 2020, five individuals also testified in support of the Bill and four individuals offered comments on the Bill.

Written testimony in support was received from 15 individuals. Testimony in opposition was received 31 individuals. Comments were received from an individual.

Your Committee also received testimony on the Bill from the following institutions, organizations, and governmental agencies:

- Animal Interfaith Alliance in Britain
- Hawaii Humane Society
- KAT Charities
- Poi Dogs & Popoki
- Pat Pacific Alliance
- Fur-Angel Foundation

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JAN 29 2020

COMMITTEE REPORT NO. 1

REPORT OF THE COMMITTEE ON PARKS, COMMUNITY SERVICES AND INTERGOVERNMENTAL AFFAIRS

Voting Members

Heidi Tsuneyoshi, Chair; Ann H. Kobayashi, Vice-Chair,
Brandon J.C. Elefante, Kymberly Marcos Pine

Committee Meeting Held
January 21, 2020
Page 4

Your Committee on Parks, Community Services and Intergovernmental Affairs is in accord with the intent and purpose of Bill 59 (2019), CD1, FD1, as amended herein, and recommends its adoption in the form attached hereto as Bill 59 (2019), FD1, CD2. (Ayes: Elefante, Kobayashi, Pine, Tsuneyoshi – 4; Noes: None.)

Respectfully submitted,



Committee Chair

At the 1/29/20 Council meeting, the Bill was further amended and subsequently passed Third Reading as Bill 59 (2019), CD2, FD2.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JAN 29 2020

COMMITTEE REPORT NO.

1



A BILL FOR AN ORDINANCE

RELATING TO ANIMALS.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend certain provisions relating to dogs and cats.

SECTION 2. Chapter 7, Revised Ordinances of Honolulu 1990 ("Animals and Fowl"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Article ___. Dog Microchip License and Identification Program

Sec. 7-___.1 Definitions.

For purposes of this article:

"Animal control contractor" means the same as defined in Section 7-4.1.

"Microchip" means a device implanted under the skin of an animal containing contact information for the owner of the animal.

"Owner" means any person owning, harboring, or keeping, a dog; providing care or sustenance for a dog; or having custody of a dog, whether temporarily or permanently. The term does not apply to any person who has taken a stray dog into possession simply for purposes of notifying the animal control contractor of the stray dog and:

- (1) Who is or will be transporting the stray dog to the animal control contractor; or
- (2) Who has made arrangements with the animal control contractor to have the stray dog picked up by the animal control contractor.

"Stray" or "stray dog" means the same as defined in Section 7-4.1.

Sec. 7-___.2 Microchip licensing for dogs.

A microchip implanted in a dog pursuant to this article will serve as the license for the dog.



A BILL FOR AN ORDINANCE

Sec. 7-__3 Microchip identification.

- (a) An owner shall have a microchip implanted in the owner's dog and the owner shall register the microchip number and the owner's contact information with a microchip registration company.
- (b) When the contact information of the owner of a dog changes, the owner shall provide the new contact information to the applicable microchip registration company no later than 30 days after the change of owner contact information occurs.
- (c) When the owner of a dog changes:
 - (1) The former owner must inform the new owner which microchip registration company the dog's microchip is registered with; and
 - (2) The new owner shall provide the microchip registration company with the new owner's contact information no later than 30 days after the change of ownership occurs.
- (d) The animal control contractor or a nonprofit animal rescue organization shall implant a microchip in all stray dogs in its custody that do not have a microchip.

Sec. 7-__4 Applicability.

This article does not apply to:

- (1) An owner who has resided in the city for less than 30 consecutive days;
- (2) An owner who does not reside in the city and is staying in the city for less than 30 consecutive days;
- (3) An owner who submits proof to the animal control contractor that an active registered microchip has already been implanted in the dog;
- (4) A dog that is less than three months of age which is not a stray;
- (5) A dog in quarantine; or
- (6) A dog that is brought into the city for the exclusive purpose of entering a dog show or dog exhibition and is not allowed to be a stray.



A BILL FOR AN ORDINANCE

Sec. 7-__5 Enforcement.

The animal control contractor may enforce the provisions of this article.

Sec. 7-__6 Violation--Penalty.

Any person violating any provision of this article is subject to a fine of not more than \$100.00."

SECTION 3. Section 7-2.2, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Owner" to read as follows:

""Owner" means any person owning, harboring, or keeping animals, farm animals, or poultry, ~~[whether licensed or not,]~~ or having custody~~[-]~~ thereof, whether temporary or permanent ~~[thereof].~~"

SECTION 4. Article 3 of Chapter 7, Revised Ordinances of Honolulu 1990 ("Dog License"), is repealed.

SECTION 5. Section 7-4.1, Revised Ordinances of Honolulu 1990, is amended by adding a definition of "Microchip" to read as follows:

""Microchip" means a device implanted under the skin of an animal containing contact information for the owner of the animal."

SECTION 6. Section 7-4.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 7-4.2 Strays prohibited.

It ~~[shall be]~~ is unlawful for the owner of any dog~~[-, whether such dog is licensed or not,]~~ to permit ~~[such]~~ the dog to become a stray."

SECTION 7. Section 7-4.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 7-4.3 Impounding.

- (a) Any dog, while being a stray, ~~[shall]~~ will be seized and impounded by the animal control contractor or any other officer authorized by law, ~~[and shall be disposed of in accordance with the provisions of HRS Chapter 143.]~~ can only be disposed of, as provided for in HRS Chapter 143, after five days of being impounded, and



A BILL FOR AN ORDINANCE

~~confined for: [A special officer of the animal control contractor shall be authorized to enforce this article deputized by the chief of police to do so.]~~

- (1) Not less than 48 hours for a dog determined not to have a microchip implanted or a visible city issued dog license tag for the then current year, during which time the owner of the dog may redeem the dog upon payment to the animal control contractor of:
- (A) The fee to implant a microchip; and
 - (B) The daily impoundment fee of \$10 for each full day, or fraction thereof, that the dog has been held and confined;
- (2) Not less than five days for a dog determined to have a microchip implanted, during which time the owner of the dog may redeem the dog upon payment to the animal control contractor of the daily impoundment fee of \$10 for each full day, or fraction thereof, that the dog has been held and confined; or
- (3) Not less than nine days for a dog that has a visible city issued dog license tag for the then current year, during which time the owner of the dog may redeem the dog upon payment to the animal control contractor of:
- (A) The fee to implant a microchip, if necessary; and
 - (B) The daily impoundment fee of \$10 for each full day, or fraction thereof, that the dog has been held and confined.
- (b) In addition to the fees specified in subsection (a), an unsterilized dog, while being a stray, that is impounded by the animal control contractor at least three times within a 12 month period, must be spayed or neutered by the animal control contractor before the owner may redeem the dog, unless a licensed veterinarian certifies that the medical condition of the dog disqualifies the dog from being spayed or neutered.
- (c) In addition to the fees specified in subsection (a), a sterilized dog that is impounded by the animal control contractor for being a stray at least three times within a 12 month period, may be redeemed by its owner upon payment of a \$30 fee.



A BILL FOR AN ORDINANCE

- (d) If an impounded dog is redeemed by its owner within 24 hours of physical possession of the dog by the animal control contractor, the animal control contractor will waive any impoundment fees.
- (e) A special officer of the animal control contractor shall be authorized to enforce this article if deputized by the chief of police to do so.
- ~~(b)~~ (f) The animal control contractor shall spay or neuter any impounded dog [shall be spayed or neutered by the animal control contractor prior to its adoption] before the dog is adopted, unless a licensed veterinarian certifies that the medical condition of the dog [is too sick or injured to be spayed or neutered,] disqualifies the dog from being spayed or neutered, or that [it] being spayed or neutered would otherwise be detrimental to the health of the dog."

SECTION 8. Section 7-4.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 7-4.4 Applicability.

~~[The provisions of this]~~ This article ~~[shall]~~ does not apply to:

- ~~[(a)]~~(1) ~~[Licensed]~~ Microchipped dogs functioning as service dogs under control of their handlers. A service dog under control of its handler ~~[shall]~~ must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or use of a harness, leash, or other tether would interfere with the service dog's safe, effective performance of work or tasks, in which case the service dog ~~[shall be]~~ must otherwise be under the handler's control (e.g., voice control, signals, or other effective means); ~~[or]~~
- ~~[(b)]~~(2) ~~[Licensed]~~ Microchipped dogs trained and used by the Honolulu police department ~~[of the City and County of Honolulu]~~ or ~~[other]~~ another law enforcement ~~[agencies]~~ agency in law enforcement work, while such dogs are engaged in the performance of such work; ~~[or]~~
- ~~[(c)]~~(3) ~~[Licensed]~~ Microchipped hunting dogs when accompanied by their owner on public or private hunting ~~[and/or]~~ or shooting grounds; ~~[or]~~
- ~~[(d)]~~(4) ~~[Licensed]~~ Microchipped obedience trial, tracking, and show dogs accompanied by their owner and being trained or in competition in public parks or school grounds, provided permission is first obtained from the proper park or school authorities for ~~[such]~~ this use; or



A BILL FOR AN ORDINANCE

~~[(a)](5)~~ [Licensed] Microchipped dogs when accompanied by persons ~~[eighteen]~~ 18 years of age or older having custody and control of the dogs and located in a public park or in an area in a public park designated by a sign that the public park or area has been designated by the director of parks and recreation for use by dogs and persons having custody and control of the dogs pursuant to the provisions of Section 10-1.7."

SECTION 9. The title of Chapter 7, Article 6, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Article 6. Cat Microchip and Identification Program"

SECTION 10. Chapter 7, Article 6, Revised Ordinances of Honolulu 1990 ("Cat Microchip and Identification Program"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 7-6. Microchip identification.

- (a) An owner shall have a microchip implanted in the owner's cat and the owner must register the microchip number and the owner's contact information with a microchip registration company.
- (b) When the contact information of the owner of a cat changes, the owner shall provide the new contact information to the applicable microchip registration company no later than 30 days after the change of owner contact information occurs.
- (c) When the owner of a cat changes:
 - (1) The former owner must inform the new owner which microchip registration company the cat's microchip is registered with; and
 - (2) The new owner shall provide a microchip registration company with the new owner's contact information no later than 30 days after the change of ownership occurs.
- (d) The animal control contractor or a nonprofit animal rescue organization shall implant a microchip in all cats in its custody that do not have a microchip."



A BILL FOR AN ORDINANCE

SECTION 11. Section 7-6.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended as follows:

1. By adding a definition of "Microchip" to read as follows:

"Microchip" means a device implanted under the skin of an animal containing contact information for the owner of the animal."

2. By amending the definition of "Identification" to read as follows:

"Identification" means:

- (1) ~~[a] A collar or tag worn by a cat, which includes the current name, address, and telephone number of the owner[-,or]; and~~
- (2) ~~[an ear tag issued by the animal control contractor, or~~
- (3) a) An implanted microchip registering the [owner] cat owner's current contact information with [the National Computer Recovery Network or the animal control contractor.] a microchip registration company. "

SECTION 12. Section 7-6.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 7-6.2 Identification required.

(a) It ~~[shall be]~~ is unlawful for any person to be an owner of a cat over ~~[w] four~~ four months of age unless the person maintains ~~[an] identification [worn by] for~~ identification for the cat.

(b) This section ~~[shall]~~ does not apply ~~[to cats]~~ to:

- (1) A cat owner who has resided in the city for less than 30 consecutive days;
- (2) A cat owner who does not reside in the city and is staying in the city for less than 30 days;
- (3) A cat owner who submits proof to the animal control contractor that an active registered microchip has already been implanted in the cat;
- (4) A cat in quarantine [and cats]; or



A BILL FOR AN ORDINANCE

(5) A cat that is brought into the city [exclusively] for the exclusive purpose of entering [them in] the cat into a cat show or cat exhibition and is not allowed to be at large."

SECTION 13. Section 7-6.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 7-6.5 Cats released to the animal control contractor.

- (a) Any person who takes into the person's possession any cat at large shall immediately notify the animal control contractor and shall release the cat to the animal control contractor upon request.
- (b) In the case of any cat with identification that is released to the animal control contractor [wearing an identification,] the animal control contractor shall make a reasonable attempt to notify the owner by telephone, and shall send written notice to the owner. The cat [shall] must be held by the animal control contractor for not less than [nine] five days, after which time the animal control contractor may return the cat to the person who had released the cat to the animal control contractor, offer the cat for adoption, or euthanize the cat, if the cat has not [sooner] been recovered by the owner[-] before the five days have elapsed. An owner wishing to recover the cat shall pay a fee to implant a microchip, if needed, and a daily impoundment fee of [\$2.50] \$10 to the animal control contractor for each full day, or fraction thereof, that the cat is held by the animal control contractor.
- (c) In the case of any cat without identification that is released to the animal control contractor [not wearing an identification,] the animal control contractor shall hold the cat for not less than 48 hours, after which time the animal control contractor may return the cat to the person who had released the cat to the animal control contractor, offer the cat for adoption, or euthanize the cat, if the cat has not [sooner] been recovered by a person claiming ownership[-] before the 48 hours have elapsed. If a person claiming ownership seeks to recover the cat, the person shall pay a fee to implant a microchip, if needed, and a daily impoundment fee of [\$2.50] \$10 to the animal control contractor for each full day, or fraction thereof, that the cat is held [at] by the animal control contractor.
- (d) Any cat released to the animal control contractor with a ["notched ear,"] notched ear, thereby indicating that the cat is [indicative of] a sterilized feral cat, [shall] must be held [at] by the animal control contractor for not less than [nine] five days, after which time the animal control contractor may return the cat to the person who had released the cat to the animal control contractor, offer the cat for



A BILL FOR AN ORDINANCE

adoption, or euthanize the cat, if the cat has not ~~[señer] been~~ recovered by a person claiming ownership~~[-]~~ before the five days have elapsed. If a person claiming ownership seeks to recover the cat, the person shall pay a fee to implant a microchip, if needed, and a daily impoundment fee of ~~[\$2.50] \$10~~ to the animal control contractor for each full day, or fraction thereof, that the cat is held ~~[at]~~ by the animal control contractor.

(e) If a cat is redeemed by its owner within 24 hours of physical possession of the cat by the animal control contractor, the animal control contractor will waive any impoundment fees.

~~[(e)]~~(f) If a cat released to the animal control contractor is not recovered by the owner, the person who had released the cat to the animal control contractor shall have the right of first refusal for permanent custody and ownership of the cat~~[-]~~ for a period of 24 hours after being contacted by the animal control contractor; provided that the person must pay to the animal control contractor:

(1) A fee to implant a microchip in the cat, if needed; and

(2) Any fees associated with the spaying or neutering of the cat, if needed.

~~[(f)]~~(g) [Any] The animal control contractor shall spay or neuter any impounded cat ~~[shall be spayed or neutered by the animal control contractor prior to its adoption]~~ before a cat is adopted, unless a licensed veterinarian certifies that the medical condition of the cat ~~[is too sick or injured to be spayed or neutered,]~~ disqualifies the cat from being spayed or neutered, or that ~~[it] being spayed or neutered~~ would otherwise be detrimental to the health of the cat."

SECTION 14. Section 7-6.7, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 7-6.7 Enforcement.

(a) The animal control contractor may enforce the provisions of this article.

(b) An impounded cat for which ~~[an]~~ identification is not maintained by an owner may not be released by the animal control contractor to a person claiming ownership of the cat until the owner complies with the identification requirements of this article.

(c) If an impounded cat, with or without identification, has not been sterilized, the person claiming ownership may be cited by an officer of the animal control



A BILL FOR AN ORDINANCE

contractor for a violation of Section 7-6.6. The penalty for violating Section 7-6.6 shall be waived upon proof of sterilization of the cat by a licensed veterinarian furnished to the animal control contractor within 30 days after the date the citation was issued."

SECTION 15. Section 7-7.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended as follows:

1. By adding a definition of "Microchip" to read as follows:

"Microchip" means a device implanted under the skin of an animal containing contact information for the owner of the animal."

2. By amending the definitions of "City animal control service" and "Owner" to read as follows:

"City animal control service" means the animal control services provider contracted by the city to [~~keep stray or unlicensed~~] seize and impound dogs."

"Owner" means any person owning, harboring, or keeping a dog; provided that, if the owner is a minor under the age of 18 years, the parents, guardian, or other person having the care, custody, or control of the minor shall be rebuttably presumed to be the owner. The person [~~to whom a license was issued pursuant to HRS Section 143-2~~] whose current contact information is registered with a microchip registration company shall rebuttably be presumed to be the owner of the dog for purposes of this [~~section~~] article."

SECTION 16. Section 7-7.2, Revised Ordinances of Honolulu 1990 ("Prohibited acts—Conditions on owner—Penalties"), is amended by amending subsection (d) to read as follows:

"(d) Unless the dog has been or is ordered to be humanely destroyed, the dog owner shall also be sentenced to the following mandatory provisions, in addition to the provisions of subsection (c):

- (1) The owner shall provide the owner's name, address, and telephone number to the city animal control service;
- (2) The owner shall provide the location at which the dog is currently kept, if such location is not the owner's address;



A BILL FOR AN ORDINANCE

- (3) The owner shall promptly notify the appropriate animal control service of:
 - (A) Any changes in the ownership of the dog or the location of the dog, along with the names, addresses, and telephone numbers of new owners or the new address at which the dog is located;
 - (B) Any further instances of an attack by the dog upon a person or an animal;
 - (C) Any claims made or lawsuits brought as a result of further instances of an attack by the dog; or
 - (D) The death of the dog; and
- ~~[(4) The owner shall obtain a license for the dog pursuant to HRS Section 143-2, if the dog is not currently licensed;~~
- ~~(5) Unless already identified by microchip, the dog shall be permanently identified, at the owner's expense, by injecting into the dog an identification microchip using standard veterinary procedures and practices. The microchip identification number of the dog shall be provided to the city animal control service; and]~~
- ~~[(6)](4) When outside the owner's premises, the dog [shall] must be attended and kept on a leash no longer than [four] six feet in length and under the control of a person 18 years of age or older."~~

SECTION 17. Except in SECTIONS 2 and 4 of this ordinance, ordinance material to be repealed is bracketed and stricken and new ordinance 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 brackets, the material that has been bracketed and stricken, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 18. This ordinance takes effect on July 1, 2020; provided that a dog with a current and valid dog tag that has been issued by the city prior to the effective date of this ordinance will be considered to be properly licensed until the dog tag expires.

INTRODUCED BY:

Ann Kobayashi

DATE OF INTRODUCTION:

October 29, 2019
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu