



A BILL FOR AN ORDINANCE

RELATING TO DOGS.

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

SECTION 1. The purpose of this ordinance is to strengthen the current city ordinance relating to the regulation of dangerous dogs in order to better protect the public from such dogs and to deter dog owners from violating the ordinance.

SECTION 2. Section 7-7.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 7-7.2 Prohibited acts—Conditions on owner—Penalties.

- (a) A dog owner commits the offense of negligent failure to control a dangerous dog, if the [person] owner negligently fails to take reasonable measures to prevent the dog from attacking, without provocation, a person or animal and such attack results in: (1) the maiming or causing of serious injury to or the destruction of an animal or (2) bodily injury to a person other than the owner. A person convicted under this subsection shall be guilty of a petty misdemeanor for a first offense and a misdemeanor for a subsequent offense and sentenced in accordance with subsections (c), (d), and (e).
- (b) For the purposes of this section, "reasonable measures to prevent the dog from attacking" shall include but not be limited to: (1) measures required to be taken under Article 4 of this chapter to prevent the dog from becoming a stray; and (2) any conditions imposed by the court for the training of the dog or owner or for the supervision, confinement or restraint of the dog for a previous conviction under this section.
- (c) A dog owner convicted under subsection (a) shall be sentenced to [one or more of] the following without possibility of suspension of sentence:
 - (1) A fine of not less than [~~\$50~~] \$500 nor more than \$2,000; except that if the offense occurred within five years of a previous conviction under this section, a fine of not less than \$1,000 nor more than \$2,000;
 - (2) A period of imprisonment of up to 30 days, or in lieu of imprisonment, a period of probation of not more than six months in accordance with the procedures, terms and conditions provided in HRS Chapter 706, Part II; except that if the offense occurred within five years of a previous conviction under this section, a period of imprisonment of up to six



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months, or in lieu of imprisonment, a period of probation of not more than one year;

- (3) Restitution to any individual who has suffered bodily injury or property damage as a result of an attack by the dog[;] where the individual suffers financial losses or medical expenses due to the attack. For the purposes of this subsection, medical expenses may include the costs of necessary counseling or rehabilitative services; and
 - (4) Payment of all expenses for the boarding and retention of the dog if seized and impounded pursuant to Section 7-7.3(a).
- (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;
 - (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[.] ;
 - (4) The owner shall obtain a license for the dog pursuant to HRS Section 143-2, if the dog is not currently licensed; [and]
 - (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



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practices. The microchip identification number of the dog shall be provided to the city animal control service[.]; and

(6) When outside the owner's premises, the dog shall be attended and kept on a leash no longer than four feet in length and under the control of a person eighteen years of age or older.

(e) In addition to the provisions of subsections (c) and (d), the dog owner may also be sentenced to any of the following terms or conditions:

(1) When indoors, the dog be under the control of a person eighteen years of age or older;

(2) When outdoors on the owner's premises and unattended, the dog be kept within a locked fenced or walled area from which it cannot escape;

(3) When outdoors on the owner's premises and unattended, the dog be confined to an escape-proof kennel;

(4) When outdoors on the owner's premises, the dog be attended and kept within a fenced or walled area from which it cannot escape;

(5) When outdoors on the owner's premises, the dog be attended and kept on a leash no longer than six feet in length [and];

(6) When outdoors on the owner's premises, the dog be kept under the control of a person eighteen years of age or older;

[(6)] (7) When outdoors outside the owner's premises, the dog be attended and muzzled with a muzzle that prevents the dog from biting any person or animal but does not cause injury to the dog or interfere with its vision or respiration;

[(7)] (8) A sign or signs be placed in a location or locations directed by the court advising the public of the presence and dangerousness of the dog;

[(8)] (9) The owner and dog, at the owner's expense, attend training sessions conducted by an animal behaviorist, a licensed veterinarian or other recognized expert in the field;

[(9)] (10) The dog be neutered or spayed at the owner's expense, unless the neutering or spaying of the dog is medically contraindicated;



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[(10)] (11) The owner procure liability insurance or post bond of not less than \$50,000, or for a higher amount if the court finds a higher amount appropriate to cover the medical and/or veterinary costs resulting from potential future actions of the dog;

[(11)] (12) The dog be humanely destroyed; or

[(12)] (13) Any other condition the court deems necessary to restrain or control the dog.

For the purposes of this subsection, an escape-proof kennel means a kennel which allows the dog to stand normally and without restriction, which is at least two and one-half times the length of the dog, and which protects the dog from the elements. Fencing or wall materials required under this section shall not have openings with a diameter of more than two inches, and in the case of wooden fences, the gaps therein shall not be more than two inches. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the dog, and when the dog is confined to such kennel or area and unattended, such locks shall be kept locked. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.

(f) Upon full investigation and finding of probable cause, an enforcement officer [may] shall either arrest or issue a summons and citation to the owner for violation of subsection (a).

[(g)] The court shall hold a hearing on the alleged violation of subsection (a) within 30 days of the arrest or issuance of the citation, or as soon as practicable.]”

SECTION 3. Section 7-7.3, Revised Ordinances of Honolulu 1990 (“Citation and summons—Seizure—Relinquishment of ownership”), is amended by amending subsection (a) to read as follows:

“(a) Upon full investigation and finding of probable cause to believe that there has been a violation of Section 7-7.2(a), an enforcement officer [may, in addition to arresting or issuing] shall either arrest or issue a summons and citation to the owner pursuant to Section 7-7.2, and may, in addition, have the dog seized and impounded if the dog is posing an imminent threat to human beings or to other animals. At the owner’s request, such impoundment may be at the premises of a licensed veterinarian or at a commercial kennel of the owner’s choosing. All expenses of the boarding and retention of the dog shall be borne by the owner.



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The owner is prohibited from selling or transferring the ownership or physical custody of the dog prior to the time stated in the summons, and the citation shall notify the owner of this prohibition. This prohibition shall not apply when an owner transfers ownership of the dog to the city animal control service.

If a dog is seized and impounded pursuant to this section, the citation shall notify the owner that if he or she does not appear at the time and place stated in the summons, the dog shall be subject to relinquishment pursuant to subsection (b).

Any person who refuses to surrender a dog that is subject to relinquishment pursuant to this section shall be guilty of a petty misdemeanor and fined not less than \$50 nor more than \$1,000, imprisoned not more than 30 days, or both."

SECTION 4. Section 7-4.9, Revised Ordinances of Honolulu 1990 ("Violation—Penalty") is amended by amending subsection (a) to read as follows:

- "(a) The owner of a dog which has become a stray or any other person convicted of a violation of this article shall be punished for the offense as follows:
- (1) A fine of \$50 if the offense did not occur within two years of the occurrence of a previous offense under this article;
 - (2) A fine of \$100 if the offense occurred within two years of the occurrence of one previous offense under this article; or
 - (3) A fine of not less than \$500 nor more than \$1,000, imprisonment not exceeding 30 days, or both, if the offense occurred within two years of the occurrence of two or more previous offenses under this article or if the person convicted has a previous conviction under Section 7-7.2 involving the same dog.

SECTION 5. Ordinance material to be repealed is bracketed. 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 brackets, the bracketed materials, or the underscoring.



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SECTION 6. This ordinance shall take effect upon its approval; provided that it shall not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of its approval.

INTRODUCED BY:

Donovan Dela Cruz (BR)

DATE OF INTRODUCTION:

November 24, 2004
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy Corporation Counsel

APPROVED this 31st day of March, 2005.

[Signature]
MUFU HANNEMANN, Mayor
City and County of Honolulu

(OCS/022405/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE **05 - 007**

BILL **85 (2004)**

Introduced: 11/24/04 By: DONOVAN DELA CRUZ (BY REQUEST)

Committee: PUBLIC SAFETY

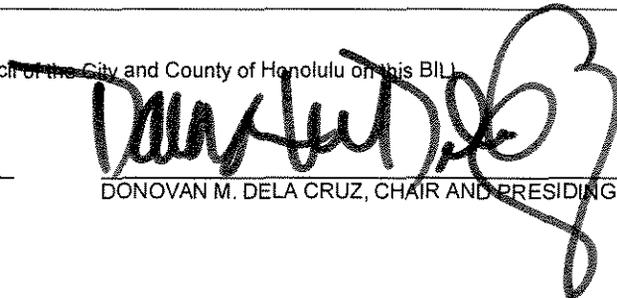
Title: A BILL FOR AN ORDINANCE RELATING TO DOGS.

- Links: [Bill 85 \(2004\)](#)
[Bill 85 \(2004\), CD1](#)
[Bill 85 \(2004\), CD2](#)
[CR-016](#)
[Related Communications](#)

Council	12/1/04	Bill passed first reading and referred to Committee on Public Safety. Cachola Y Dela Cruz Y Djou..... Y Gabbard Y Garcia Y Kobayashi Y Marshall Y Okino..... Y Tam Y
PS	1/12/05	CR-16 (2005) – Bill reported out of committee for passage on second reading and scheduling of a public hearing as amended in CD1 form.
Publish	1/15/05	Public hearing notice published in the Honolulu Star-Bulletin.
Council/Public Hearing	1/26/05	Bill passed second reading, as amended (CD1), CR-16 (2005) adopted, public hearing closed and referred to Public Safety committee. Apo Y Cachola Y Dela Cruz Y Djou Y Garcia Y Kobayashi Y Marshall Y Okino Y Tam Y
Publish	2/3/05	Second reading notice published in the Honolulu Star-Bulletin.
Public Safety	2/9/05	Bill deferred in Committee.
Public Safety	3/2/05	CR-94 (2005) – Bill reported out of committee for passage on third reading as amended in CD2 form.
Council	3/16/05	Bill passed third reading, as amended (CD2), and CR-94 (2005) adopted. Apo Y Cachola Y Dela Cruz Y Djou Y Garcia Y Kobayashi Y Marshall Y Okino Y Tam Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this Bill.


 DENISE C. DE COSTA, CITY CLERK


 DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER