HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 05 (2025)

A BILL FOR AN ORDINANCE

RELATING TO ANIMAL RECOVERY.

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

SECTION 1. Purpose. The purpose of this ordinance is to address farm animal control.

SECTION 2. Chapter 3, Article 4, Revised Ordinances of Honolulu 2021 ("Poundmasters"), is repealed.

~~["ARTICLE 4: POUNDMASTERS~~

~~**§ 3-4.1 Appointment.**~~

~~The mayor, with the approval of the council, shall appoint suitable persons as poundmasters for the city whose term of office shall be coterminous with the term of the mayor, but who shall continue in office until their successors are duly qualified and appointed, and whose compensation shall be as hereinafter provided.~~

~~**§ 3-4.2 Acting poundmaster.**~~

~~The mayor may appoint an acting poundmaster to serve during the period in which any regular poundmaster is temporarily absent from the city, ill, or otherwise unable temporarily to perform the poundmaster's duties as poundmaster. Such acting poundmaster shall have the same powers and duties as the regular poundmaster.~~

~~**§ 3-4.3 Duties—Compensation.**~~

~~(a) Each poundmaster shall be responsible for the safekeeping and proper care of any estray committed to the poundmaster's charge.~~

~~(b) The poundmaster shall give the estrays a sufficient quantity of food and water, and any poundmaster who shall abuse or neglect any estray in the poundmaster's charge, shall forfeit the pound fees to which the poundmaster would otherwise have been entitled and shall also be liable to the owner thereof for damages.~~

~~(c) Each poundmaster shall receive for the poundmaster's services from the owner of such estray the following fees:~~

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~~(1) *Impounding of estrays.*~~

~~(A) *Animals trespassing on private property.* The owners of such animals shall pay the poundmaster the fees prescribed in HRS § 142-70;~~

~~(B) *Animals trespassing on public highways or property.* The owners of such animals shall pay the poundmaster the fees prescribed in HRS § 142-66; and~~

~~(C) *Pound fees.*~~

~~(i) Bulls, stallions, and boars of breeding age, $5 for each animal for each 24-hour period;~~

~~(ii) All other estrays, $3 for each animal for each 24-hour period;~~

~~(2) *Fees for transporting animals to pound or back to owner or both; and*~~

~~*Type of Animal*~~	~~*Use of Trailer*~~	~~*Use of Tow Vehicle*~~	~~*Helper's Fees*~~
~~Bulls, stallions, and boars of breeding age~~	~~$5~~	~~$0.50 per mile~~	~~$3 per hour~~
~~All other strays~~	~~$2.50~~	~~$0.50 per mile~~	~~$2 per hour~~

~~(3) *Fees for transporting animals other than to pound or back to owner.* The poundmaster is authorized to negotiate with the owner of the animal for the fees to transport and to keep animals other than as prescribed in paragraphs (A) and (B).~~

~~§ 3-4.4 Application for impounding.~~

~~No poundmaster shall receive estrays that have trespassed on private property until the person wishing to impound the same shall have signed such person's name to a statement setting forth the number and species of estrays, locality trespassed upon, name of owner or owners of such estrays, if known, together with the date on which they were taken and the amount of damages claimed.~~

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~~**§ 3-4.5 Estrays.**~~

~~If any horse, mule, ass, hog, sheep, goat, or cattle shall be found at large, and not upon the land of the owner or person having charge of such animal, or if found doing damage to the property of private individuals, or of the government, such animal shall be regarded as estray within the meaning of this article.~~

~~**§ 3-4.6 Notice and method of pound sales.**~~

~~It shall be the duty of every poundmaster to publish a notice in a newspaper of general circulation in the city as soon as possible after the expiration of 24 hours from the time of impounding of any estrays giving a full description of the same together with an announcement of the day on which it will be sold at public auction if unclaimed, for which notice the poundmaster shall receive $1 for each estray included in the notice plus the cost of publication which shall be assessed pro rata according to the number of animals advertised therein. The poundmaster shall also upon the impounding of any animal, notify in writing any person known to the poundmaster to be the owner of such animal. For each such notice the poundmaster shall receive 25 cents. If the owner does not claim such estray and pay the poundmaster's fees, together with the charges for advertising and notifying and the damages claimed for trespass and expense of driving or conveying, within five days from the date of impounding or at any time before sale, the poundmaster shall sell such estray at public auction to the highest bidder at 2:00 p.m. on the first Saturday afternoon ensuing after the expiration of the five days.~~

~~**§ 3-4.7 Proceeds of sales.**~~

~~The proceeds of such sale after deducting the poundmaster's fees, expenses of advertisement, expenses of conveying or driving, and damages shall be remitted by the poundmaster to the director of budget and fiscal services and shall be deposited in the general fund. If the owner of the estray shall substantiate the owner's claim thereto within one year, the council may make provision for reimbursement to the owner of the amount so deposited.~~

~~**§ 3-4.8 Administrative services.**~~

~~The poundmasters shall be attached to the department of parks and recreation for administrative, fiscal, and budgeting purposes and the director of parks and recreation shall cause employees of the director's department to furnish such administrative, fiscal, and budgeting services as may be needed by the poundmasters from time to time."~~]

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SECTION 3. Chapter 3, Revised Ordinances of Honolulu 2021 ("Additional Boards, Commissions, and Committees"), is amended by adding a new Article 4 to read as follows:

"ARTICLE 4: FARM ANIMAL CONTROL CONTRACTOR

§ 3-4.1 Definitions.

For the purpose of this article, the following definition applies unless the context clearly indicates or requires a different meaning.

Estray. Any horse, mule, ass, hog, sheep, goat, or cattle that is found at large, and not upon the land of the owner or person having charge of such animal, or found doing damage to the property of private individuals, or of the government.

Farm Animal Control Contractor. The individual contracted by the city for the capture, removal, safekeeping, and proper care of any estray, which includes but is not limited to impounding and transporting estrays to a pound or back to the animal's owner.

§ 3-4.2 Duties.

(a) The farm animal control contractor shall be contracted by the city, through the department of customer services, for the capture and removal of estrays, and shall be responsible for the safekeeping and proper care of any estray within the farm animal control contractor's possession.

(b) The farm animal control contractor shall give the estrays a sufficient quantity of food and water within reason, and any farm animal control contractor who shall abuse or neglect any estray in the farm animal control contractor's charge shall forfeit the fees to which the farm animal control contractor would otherwise collect, and shall also be liable to the owner thereof for damages.

§ 3-4.3 Expenses incurred—Appropriations.

All expenses of seizing, impounding, and transporting of estrays shall be borne by the farm animal control contractor; provided that the council may from time to time make such appropriations to assist the department of customer services in funding for the farm animal control contractor, as in its discretion and judgment shall be deemed necessary.

§ 3-4.4 Annual report required.

A farm animal control contractor shall render a full report of its activities and operations relating to the impounding of estrays to the department of customer services and the council within one month after the end of each fiscal year. The report must include, among other things, the number of complaints regarding estrays communicated to the department of customer services, the number of estrays actually impounded by a farm animal control contractor, and the number of estrays returned to their owners by a farm animal control contractor.

§ 3-4.5 Administrative rules.

The director of customer services shall adopt administrative rules pursuant to HRS Chapter 91 for the purposes of implementing, administering, and enforcing this article, including but not limited to setting the fees for the impounding and transportation services."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, or the material that has been bracketed and stricken.

HONOLULU CITY COUNCIL

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SECTION 5. This ordinance takes effect on July 1, 2025; provided that Chapter 3, Article 4, Revised Ordinances of Honolulu 2021 ("ROH"), as it read on the day prior to the effective date of this ordinance, shall remain in effect until such time that the Director of Customer Services has adopted rules pursuant to ROH Section 3-4.5, and such rules have taken effect.

INTRODUCED BY:

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_____

DATE OF INTRODUCTION:

JAN 7 2025

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

_____

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ____.

_____

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Poundmasters; Farm Animal Control Contractor; Administrative Rules; Department of Customer Services ("CSD")

Description:
Repeals the current article related to poundmasters and introduces a new article addressing the duties and functions of a farm animal control contractor program. Authorizes the CSD to adopt administrative rules to implement, administer, and enforce the program. Takes effect on July 1, 2025.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.