HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 08(2025)

A BILL FOR AN ORDINANCE

RELATING TO ANIMAL NUISANCES.

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

SECTION 1. Purpose and findings. The purpose of this ordinance is to amend and modify provisions related to animal nuisances.

The City Council ("Council") finds that dangerous animals unleashed and unconfined in O'ahu communities are compromising public health and safety. In recent years, news articles reporting an increase in aggressive dog attacks have illustrated the pervasiveness of this problem. The Council also finds that while existing ordinances address animal nuisances, the public can benefit from the bolstering of these provisions.

SECTION 2. Section 12-2.2, Revised Ordinances of Honolulu 2021, is amended by adding a new definition of "Director" to read as follows:

"***Director.*** The director of customer services, or the head of the city agency designated by the mayor to contract with the animal control contractor."

SECTION 3. Section 12-2.7, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 12-2.7 [~~Summons~~] Criminal summons or citation.**

Any authorized police officer, or any officer of the animal control contractor who has been deputized by the chief of police as a special officer for the purpose of enforcing this article, may issue a summons or citation to an alleged violator of this article. Procedures with respect to the design, form, content, numbering, and disposition of copies of the summons or citation [~~shall~~] must be in all respects the same as those specified in § 12-4.6, relating to summonses in connection with stray dogs. The summons or citation [~~shall~~] must instruct such person to report to the [~~violations bureau of the respective~~] district [~~courts of the City and County of Honolulu.~~] court. Each [~~such~~] person may, within seven days after the receipt of [~~such~~] the summons, appear at [~~such violations bureau~~] the district court and post a bail bond, in [~~such amounts~~] an amount as may be set by [~~the administrative judge of~~] the district [~~courts,~~] court, for appearance on the date as may be set out for [~~such~~] the person to appear before the district court. Upon failure to appear upon such date, the bail bond [~~shall~~] will be deemed forfeited."

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SECTION 4. Section 12-2.9, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 12-2.9 Issuance of complaint.**

In the event any person fails to comply with a summons given to such person, or if any person fails or refuses to deposit bail as required and within the time permitted, the [~~violations bureau~~] district court shall have a complaint entered against [~~such~~] the person and secure the issuance of a warrant for [~~such~~] the person's arrest."

SECTION 5. The title of Section 12-2.10, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 12-2.10 [~~Penalties.~~] Criminal penalties.**"

SECTION 6. Section 12-2.10, Revised Ordinances of Honolulu 2021 ("Penalties"), is amended by amending subsection (b) to read as follows:

"(b) An owner convicted of an offense [~~shall be sentenced as follows:~~] will be subject to the following:

(1) A fine of [~~$50~~] $250 if the offense did not occur within two years of the occurrence of a previous offense involving the same provision;

(2) A fine of [~~$100~~] $500 if the offense occurred within two years of the occurrence of one previous offense involving the same provision; 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 involving the same provision. In lieu of a term of imprisonment, the court may order the defendant to serve 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."

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SECTION 7. Chapter 12, Article 2, Revised Ordinances of Honolulu 2021, ("Animal Nuisances"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"**§ 12-2. Enforcement.**

(a) The director shall require the animal control contractor to enforce the provisions of this article.

(b) In accordance with this section, the director shall conduct periodic reviews of the animal control contractor to determine compliance with the provisions of this article.

(c) The director shall establish rules or procedures for any party found to be in material breach to rebut the finding. The hearing procedures must conform to the requirements of HRS Chapter 91, related to contested case hearings."

SECTION 8. Chapter 12, Article 2, Revised Ordinances of Honolulu 2021 ("Animal Nuisances"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"**§ 12-2. Notice of violation—Civil penalties.**

(a) *Notice of violation.* Whenever any owner violates this article, any officer of the animal control contractor who has been authorized by the director to enforce this article shall serve a notice of violation upon the owner. The notice of violation must require that the owner bring the animals or any noncompliant matter relating to the same into compliance with the requirements of this article. Notices of violation must be served upon an owner either personally or by certified mail.

(1) However, if:

(A) The whereabouts of the owner are unknown;

(B) The same cannot be ascertained by the animal control contractor in the exercise of reasonable diligence; and

(C) The animal control contractor provides an affidavit to that effect;

then a notice of violation may be issued by publishing the same in accordance with HRS § 1-28.5, or if that provision no longer applies, by publication once each week for two consecutive weeks in a newspaper of general circulation in the city.

(2) Notices of violation must include at least the following information:

(A) Date of the notice;

(B) The name and address of the owner noticed and the location of the violation;

(C) The section number of the ordinance, code, or rule that has been violated;

(D) The nature of the violation or a description of the same; and

(E) The deadline for compliance with the notice.

(b) *Civil fine*. An owner in violation will be fined as follows:

(1) A fine of $250 if the violation did not occur within two years of the occurrence of a previous violation involving the same provision;

(2) A fine of $500 if the violation occurred within two years of the occurrence of one previous violation involving the same provision; or

(3) A fine of $1,000 if the violation occurred within two years of the occurrence of two or more previous violations involving the same provision."

SECTION 9. Ordinance material to be repealed is bracketed and stricken. 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.

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SECTION 10. This ordinance takes effect upon its approval.

INTRODUCED BY:

Val A. Okimoto

DATE OF INTRODUCTION:

JAN 22 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:
Department of Customer Services ("CSD"); Animal Nuisances; Animal Control Contractor; Contract Enforcement

Description:
Requires the CSD Director or the head of the city agency designated by the mayor to require the animal control contractor to enforce the provisions contained in ROH Chapter 12, Article 2.

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