HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **8 (2025), CD2**

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 Oʻahu 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 revising these provisions to conform to State of Hawaiʻi law, including Act 224, Session Laws of Hawaii 2024, relating to dangerous dogs.

SECTION 2. Section 12-2.2, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by adding a new definition of "Director" to be appropriately inserted and 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 summons, appear at such violations bureau and post a bail bond, in such amounts as may be set by the administrative judge of the district courts, for appearance on the date as may be set out~~

~~for such person to appear before the district court. Upon failure to appear upon such date, the bail bond shall be deemed forfeited.~~]"

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. Section 12-2.10, Revised Ordinances of Honolulu 2021, is amended by amending its title 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.

The fines provided for in this section shall be imposed without the possibility of suspension.

As part of the sentence for any offense, the court also may order the owner to attend a training program conducted or designated by the animal control contractor or train an animal, farm animal, or poultry in a manner recommended by the contractor to stop the animal nuisance that caused the offense. The cost of attending any training program conducted or designated by the animal control contractor shall be paid for by the owner."

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

"**§ 12-2. Enforcement.**

(a) To the extent permitted by law, the director shall, through a provision in the city's contract with the animal control contractor, require the animal control contractor to enforce the provisions of this article as it pertains to the animals identified within the city's executed contract with the animal control contractor.

(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 as it pertains to the animals identified within the city's executed contract with the animal control contractor.

(c) The director shall establish rules for any person issued a notice of violation under this article who desires to appeal the civil fines imposed by the violation. The hearing procedures must conform to the requirements of HRS Chapter 91, related to contested case hearings.

§ 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) The 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 who violates this article 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."

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SECTION 8. Chapter 12, Article 7, Revised Ordinances of Honolulu 2021 ("Regulation of Dangerous Dogs"), is repealed.

SECTION 9. Section 12-4.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by adding new definitions of "Bite Injury" and "Serious Bodily Injury" to be appropriately inserted and to read as follows:

"***Bite Injury.*** Has the same meaning as defined in HRS § 711-1140."

"***Serious Bodily Injury.*** Has the same meaning as defined in HRS § 707-700."

SECTION 10. Section 12-4.9, Revised Ordinances of Honolulu 2021 ("Violation—Penalty"), is amended by amending subsection (a) to read as follows:

"(a) The owner of a dog that 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 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 § 12-7.2 involving the same dog~~]."

SECTION 11. Chapter 12, Article 4, Revised Ordinances of Honolulu 2021 ("Regulation of Dogs"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"**§ 12-4. Reporting of dog bites.**

(a) Licensed, registered, or certified medical service providers may report all incidents of serious bodily injury from a dog bite injury to the Honolulu police department as permitted under the regulations implementing the Health Insurance Portability and Accountability Act, specifically, 45 CFR § 164.512(f)(1).

(b) The Honolulu police department shall forward each reported incident to the animal control contractor for investigation, and an officer as defined in HRS § 711-1140 shall make a determination whether the dog involved is a dangerous dog, prepare a report, and maintain a file of all reports."

SECTION 12. 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. The Revisor of Ordinances shall, pursuant to the Revisor's authority under SECTION 2 of Ordinance 23-7, update the Reporting Requirements Table to delete the reporting requirements repealed by SECTION 8 of this ordinance and include the reporting requirements enacted by SECTION 11 of this ordinance.

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SECTION 13. This ordinance takes effect upon its approval.

INTRODUCED BY:

Val Okimoto

DATE OF INTRODUCTION:

January 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; Penalties

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, to the extent permitted by law, and as it pertains to the animals within the City's executed contract with the animal control contractor. Increases existing criminal fines and establishes new civil fines. Repeals ROH Chapter 12, Article 7, relating to the regulation of dangerous dogs. Adds a reporting of dog bites section to ROH Chapter 12, Article 4.

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