BALLOT TITLE
Establishing Animals Shelter Standards Law

BALLOT SUMMARY
An ordinance amending Chapter 4 of the Hawai‘i County Code by adding a new Article regarding animal shelter standards to ensure dogs, cats, and other animals impounded by animal shelters are protected from neglect and abuse, receive appropriate care, and are given every opportunity for placement.

ESTABLISHING ANIMALS SHELTER STANDARDS LAW
WHEREAS, The County of Hawaii funds the $2.2 Million animal control contract through taxpayer dollars with a 5% annual increase; and
WHEREAS, The County of Hawaii contracts for the euthanasia of 14,000 dogs, cats and other animals annually; and
WHEREAS, The County of Hawaii has not developed nor adopted a strategic plan to humanely bring the island pet population to a sustainable level; and
WHEREAS, The County Council has not amended the animal control contract in over 25 years outside of the financial allocation,
BE IT RESOLVED by the County of Hawaii:
That it propose, and it is hereby proposed, that the following question be placed on the 2020 general election ballot:

BALLOT QUESTION:
Shall the Hawai‘i County Code be amended to add regulations for animal shelters that would establish:

(1) Holding periods for the euthanasia and relocation of shelter animals;
(2) Conditions under which an animal may be euthanized;
(3) Criteria for the custody of animals with regards for nutrition, hydration, exercise, sanitary living conditions, and medical services;
(4) Methods to identify and notify owners of impounded animals; and
(5) Procedures for the handling of community cats.
FULL TEXT OF PROPOSAL

AN ORDINANCE AMENDING THE HAWAII COUNTY CODE CHAPTER 4: ANIMALS AND ADDING A NEW ARTICLE REGARDING ANIMAL SHELTER STANDARDS TO ENSURE THAT DOGS, CATS, AND OTHER ANIMALS IMPOUNDED BY ANIMAL SHELTERS ARE PROTECTED FROM NEGLECT AND ABUSE RECEIVE APPROPRIATE CARE AND ARE GIVEN EVERY OPPORTUNITY FOR PLACEMENT

SEC. 1 Definitions.
(a) ANIMAL SHELTER.—The term ‘animal shelter’ means a public or private facility that—
(1) Has a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals; and,
(2) Is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, non-profit organization, pound, dog control officer, government entity, or contractor for a government entity.
(b) LICENSED VETERINARIAN.—The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.
(c) RESCUE ORGANIZATION.—The term ‘rescue organization’ means an organization that is;
(1) An organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and,
(2) An animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.
(d) IRREMEDIABLE SUFFERING.—The term “irremediable suffering” means an animal who has a poor or grave prognosis for being able to live without severe, unremitting physical pain even with prompt, necessary, and comprehensive veterinary care, as certified in writing by a licensed veterinarian.
(e) CAT. —The term ‘cat’ means a member of the species Felis catus.
(f) COMMUNITY CAT.—The term ‘community cat’ means a free-roaming cat.
(g) EAR-TIPPING.—The term ‘ear-tipping’ means the removal of the ¼ inch tip of a community cat’s left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian.
(h) COMMUNITY CAT CARETAKER.—The term ‘community cat caretaker’ means a person who provides care to one or more community cats. However, community cat caregivers are not the owner, harborer, controller, or keeper of a community cat.
COMMUNITY CAT PROGRAM.—The term ‘community cat program’ means the non lethal process of humanely trapping, sterilizing, vaccinating, ear-tipping, and releasing community cats to their habitats

SEC. 2. Animal Shelter Holding Periods.
(a) No dog shall be euthanized at an animal shelter prior to the expiration of eleven full business days from impoundment of the animal, not including the date of impoundment, and no other animal shall be euthanized at an animal shelter prior to the expiration of five full business days from impoundment of the animal not including the date of impoundment except as follows:
(1) Subsection (a) does not apply to an animal who is irremediably suffering.
(b) An animal surrender by owner for owner requested euthanasia who are treatable and/or adoptable shall be made available for adoption.
(c) An animal impounded as a stray with identification or whose owner has been identified shall be made available for owner reclamation for a period of eleven business days, not including the date of impoundment.
(d) An animal impounded as a stray without identification and whose owner has not been identified shall be made available for owner reclamation for a period of eleven business days, not including the date of impoundment.
(e) At any time, within 48 hours from the time the animal enters the shelter an animal shall be made available to the public pursuant to HRS 143-8 which includes foster placement, sale, transfer to a rescue organization or another shelter. An animal impounded as a stray may be placed in foster care or transferred to an animal rescue organization or other shelter, subject to the following:
   (1) An animal transferred under this subsection remains subject to reclamation by its owner pursuant to Subsections (b) through (d).
   (2) Documentation of an animal transferred under this subsection, including a photograph of the animal and relevant information pertaining to the animal’s impoundment and transfer, shall be maintained in physical form at the animal shelter and in electronic form on a website so that it is reviewable by the public during the time period relevant under Subsection (b) through (d).
   (3) An owner that satisfies an animal shelter’s reclaim requirements during the time period relevant under Subsection (b) through (d) is entitled to reclaim the animal even if the animal has been transferred pursuant to Subsection (d) and is no longer physically in the animal shelter’s custody. At the owner’s discretion, the owner has the right to physically redeem the animal at the animal shelter at anytime within thirty (30) days after the sale pursuant to Hawaii Revised Statute 143-9 after payment of an impound and other fees pursuant to Hawaii Revised Statute 143-9.
(f) An animal who is impounded upon being surrendered by the animal’s owner shall be subject to reclaim by that person, upon having a change of heart and payment of the above impound and other fees for a period of three business days, not including the date of impoundment, so long as the animal has not been adopted or transferred and there is no evidence of neglect or abuse as determined in writing by a licensed veterinarian.
(g) The holding periods mandated by this Section do not apply to an animal who is impounded solely for the purpose of sterilization.
(h) Not less than two business days before the euthanasia of any animal, the animal shelter shall:
   (1) Notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization that has previously requested to be notified before animals are euthanized;
   (2) Unless there is evidence of neglect or animal cruelty as certified in writing by a licensed veterinarian, notify or make a reasonable attempt to notify by telephone or verifiable written or electronic communication the owner who surrendered the animal and inform that person that the animal is scheduled to be killed;
   (3) Notify or make a reasonable attempt to notify by telephone or verifiable written or electronic communication the finder who surrendered the stray animal and inform that person that the animal is scheduled to be killed;
   (4) Give those notified under Subsections (g)(1), (2), and (3) possession of the animal to avoid the animal’s death if they request it.

SEC. 3. Animal Care.
(a) An animal shelter shall provide all animals during the entirety of their shelter stay with fresh,
nutritious, species and age appropriate food, access to fresh, clean water at all times, and environmental enrichment to promote their psychological well-being such as socialization, toys and treats, and exercise as needed, but not less than twice daily; except as follows:
(1) Dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.
(b) Notwithstanding Subsection (a), an animal shelter shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened animals, geriatric animals, or animals needing therapeutic exercise.
(c) During the entirety of their shelter stay, animals shall be provided prompt and necessary cleaning of their litter boxes, cages, kennels, and other living environments no less than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals not be exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and/or chemicals.
(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or antibiotics.

(a) Every animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible, but no more than 24 hours, after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses.
(b) Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly, but no less than once daily, check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the internet with sufficient detail to allow the animal to be recognized and claimed by its owner.
(c) If a possible owner is identified, the animal shelter shall undertake due diligence to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts include, but are not limited too, notifying the possible owner by telephone, mail, e-mail, and personal service to the last known address.
(d) No animal shelter shall ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on the animal's breed, breed mix, species, age, color, appearance, or size.
(e) In addition to quarterly reports required under 4-8 of the Hawaii County Code every animal shelter shall make available online to the public a monthly and annual summary that includes the following information:
(1) The number of animals impounded;
(2) The number of animals who were killed by the animal shelter, at the animal shelter’s direction, with the animal shelter’s permission, and/or by a representative of the animal shelter;
(3) The number of animals who died, were lost, or were stolen while in the shelter’s direct or constructive care;
(4) The number of animals who were returned to their owners;
(5) The number of animals who were adopted;
(6) The number of animals who were transferred to other organizations;
(7) The number of animals who were sterilized and then released;
(f) The animal shelter shall maintain a live release rate of at least 90% during each calendar year. Said rate shall be calculated with the number of live animals being returned to owners, adopted, released to rescue groups, and placed through the community cat program being the numerator; and the numerator plus the number of animals who died, were euthanized, lost, and stolen being the denominator.

(a) The animal shelter shall release ear-tipped cats unless further veterinary care is required, in which case the cat will be returned once it is provided and no longer needs care.
(b) An ear-tipped community cat impounded by an animal shelter shall be returned to the location where trapped unless adopted, or transferred to a rescue group after sterilization unless further veterinary care is required in which case that care is provided until it no longer needs care. If the ear tipped cat was trapped on private property the private property owner may consent to another suitable location for its release.
(c) A community cat caretaker may reclaim a community cat if impounded at the animal shelter without fee if sterilized.
(d) Leash laws, stray laws, licensing laws, and limitations on the number of cats owned, kept, held, or harbored shall not apply to community cat caretakers.

(a) No animal shelter shall euthanize any animal simply because the holding periods required by Section 2 have expired. Before an animal is euthanized, all of the following conditions must be met:
(1) There are no empty cages, kennels, or other living environments available in the shelter;
(2) The animal cannot share a cage or kennel with another animal;
(3) The shelter has made a plea to foster homes and a foster home is not available;
(4) The notifications required in Section 2 have been made and neither a rescue group, the former owner, nor the finder is willing to accept the animal;
(5) The animal cannot be transferred to another shelter with room to house the animal; and
(6) The animal is not a community cat pursuant to Sec. 5;
(b) If the animal has been determined to be medically untreatable by a licensed veterinarian or a dog is determined to be vicious to people and the prognosis for rehabilitation is determined to be poor to grave by a behaviorist the above requirements in Section 6(a) need not be met prior to euthanizing;
(c) An animal surrender by owner for owner requested euthanasia who are treatable and/or adoptable shall be made available for adoption.
(d) The director of the animal shelter must also certify that he or she has no other alternative to killing and the reasons no alternatives exist and further certifies that all mandates, programs, and services of this act and Hawaii Law have been met.
(e) The determination that all conditions of subsection (a)-(d) have been met shall be made in writing, signed by the director of the animal shelter, and be made available for free public inspection for no less than three years.

SEC. 7 Severability and Enforcement.
(a) Hawai‘i County shall not enter into contracts to provide animal control services to any town,
city, county, municipality, or other entity unless the animal shelter that services that town, city, county, municipality, or other entity meets all the minimum standards provided by the ordinance.

(b) If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

(c) Upon adoption of this ordinance, this council, by appropriate resolution, shall provide that this amendment be submitted to the electorate of Hawai‘i County for approval in the 2020 general election.

(d) This ordinance shall take effect upon its approval by a majority of voters voting on this legislation in the 2020 General Election, as duly certified.

(e) Any person may compel an animal shelter to follow the mandates of this ordinance through a legal action for declaratory or injunctive relief, or any other appropriate remedy at law which will compel compliance.
Committee
Establishing Animal Shelter Standards

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