

**A BILL FOR AN ORDINANCE
TO ESTABLISH A NEW ARTICLE UNDER CHAPTER 22,
KAUA'I COUNTY CODE 1987, AS AMENDED, ENTITLED
CAT LICENSING PROGRAM**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council of the County of Kaua'i finds that there is an overpopulation of free-roaming cats, including unsterilized pet cats that are allowed to roam freely, and unsterilized stray and abandoned pet cats. Free-roaming cats may fall victim to starvation, disease, injury, and illness, and may threaten protected native wildlife. Studies have shown that sterilized indoor cats can live up to four (4) times longer than unsterilized cats allowed to roam freely.

The purpose of this Bill is to protect both cats and native wildlife by requiring that cats allowed to roam off their owner's property and are over four (4) months of age be sterilized and have a License. This bill also aims to reduce the number of homeless cats, reduce the number of cats being euthanized at local animal shelters, reduce the cost to taxpayers for animal control costs, and increase the number of lost cats being reunited with their owners.

SECTION 2. Chapter 22, Kaua'i County Code 1987, as amended, is hereby amended by establishing a new Article to be appropriately designated and to read as follows:

"ARTICLE __. CAT LICENSING PROGRAM

- 22-__1 Definitions.
- 22-__2 License Required.
- 22-__3 Removal of Cat License.
- 22-__4 Cats Released To the Animal Control Provider.
- 22-__5 Sterilization of Cats.
- 22-__6 License Fees; Applicability.
- 22-__7 Imposition of License Fee; Due Date.
- 22-__8 Kaua'i Humane Society; Issuance of Licenses.
- 22-__9 Issuance of License and Tags.
- 22-__10 Enforcement.
- 22-__11 Fee.

Sec. 22-__1 Definitions.

For the purposes of this Article:

“Animal Control Provider” means the duly incorporated humane society or organization formed for the prevention of cruelty to animals which is contracted by the County to perform animal control services.

“At large” means: (1) on the premises of a person other than an owner of the cat, without the consent of an occupant or owner of such premises, or (2) on a public street, on public or private school grounds, or in any other public place.

“Impounded cat” means any cat released to or under the custody of or control of the Animal Control Provider.

“License” means: (1) a collar or a tag worn by a cat which includes an identification number and telephone number of the Animal Control Provider, or (2) a microchip imbedded in the cat which includes current licensing information.

“Owner” means any person owning, harboring or keeping, or providing care or sustenance for a cat, whether registered or not, or having custody of a cat, whether temporarily or permanently.

“Person” includes corporations, estates, associations, partnerships and trusts, and one or more individual human beings.

Sec. 22-__2 License required.

It shall be unlawful for any person to be an owner of a cat over four (4) months of age unless the person maintains a license for the cat. This section shall not apply to cats brought into the county exclusively for the purpose of entering them in a cat show or cat exhibition and not allowed to be at large.

Sec. 22-__3 Removal of Cat License.

It shall be unlawful for any person other than an officer of, or a person authorized by, the Animal Control Provider to remove any license from any cat not owned by the person.

Sec. 22-__4 Cats Released To the Animal Control Provider.

(a) Any person who takes into the person’s possession any cat at large shall immediately notify the Animal Control Provider and shall release the cat to the Animal Control Provider upon request.

(b) In the case of any cat released to the Animal Control Provider wearing a license, the Animal Control Provider shall make a reasonable attempt to notify the owner by telephone, and shall send written notice to the owner. The cat shall be held by the Animal Control Provider for not less than nine (9) days, after which time the Animal Control Provider may return the cat to the person who released the cat to the Animal Control Provider, offer the cat for adoption, or euthanize the cat, if not sooner recovered by the owner. An owner wishing to recover the cat shall pay a daily impoundment fee of Twelve Dollars (\$12.00) for each full day, or fraction thereof, that the cat is held by the Animal Control Provider.

(c) In the case of any cat released to the Animal Control Provider not wearing a License, the Animal Control Provider shall hold the cat for not less than forty-eight (48) hours, after which time the Animal Control Provider may return the cat to the person who released the cat to the Animal Control Provider, offer the cat for adoption, or euthanize the cat, if not sooner recovered by a person claiming ownership. If a person claiming ownership seeks to recover the cat, the person shall pay a daily impoundment fee of Twelve Dollars (\$12.00) for each full day, or fraction thereof, that the cat is held at the Animal Control Provider.

(d) Any impounded cat shall be spayed or neutered by the Animal Control Provider prior to its adoption unless a veterinarian certifies that the cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the cat.

Sec. 22-__5 Sterilization of Cats.

It shall be unlawful for a cat owner to allow a cat over the age of four (4) months to be at large unless the cat has been sterilized by a veterinarian.

Sec. 22-__6 License Fees; Applicability.

(a) Any person owning or having custody control of a cat over four (4) months of age within the County shall pay either an annual license fee or a biennial license fee. Cat licenses shall be issued by the Animal Control Provider upon payment of the fee as prescribed in the following schedules:

| Annual License Fee | |
|------------------------------|------|
| For each unneutered male cat | \$30 |
| For each unspayed female cat | \$30 |
| For each neutered male cat | \$10 |
| For each spayed female cat | \$10 |

| Biennial License Fee | |
|------------------------------|------|
| For each unneutered male cat | \$50 |
| For each unspayed female cat | \$50 |
| For each neutered male cat | \$15 |
| For each spayed female cat | \$15 |

The Animal Control Provider shall require that any person claiming that a cat is neutered or spayed provide proof thereof. Proof may consist of an affidavit signed by the duly licensed veterinarian or other evidence deemed satisfactory by the Animal Control Provider.

All moneys collected pursuant to this Article shall be appropriated to the Animal Control Provider for the purpose of administering this Cat Licensing Program.

Sec. 22-__7 Imposition of License Fee; Due Date.

A license shall be valid for either one (1) or two (2) years, expiring on the last day of the twelfth or twenty-fourth month, as applicable.

A renewal license shall retain the original expiration period, whether renewed prior to, on, or after its respective renewal month. There will be no refunds for any unused portion of the license.

Sec. 22-__8 Animal Control Provider; Issuance of Licenses.

The Director of Finance shall authorize personnel of the Animal Control Provider to issue licenses and collect license fees at its animal shelter and other areas as provided for in this Article. All license fees collected by personnel of the Animal Control Provider shall be deposited with the Director of Finance. The Director of Finance shall regulate all activities involved in such collections.

Sec. 22-__9 Issuance of License and Tags.

Upon receipt of the License fee, the Animal Control Provider shall issue to the person paying the fee a License stating the following:

- (1) The name and address of the person to whom the License is issued;
- (2) The year for which the License is paid;
- (3) The date of payment;
- (4) A description of the cat for which the License is issued; and
- (5) The number of the metal tag issued for the cat.

The Animal Control Provider shall at the same time issue and deliver to the person a metal tag in the form and design as the Animal Control Provider may designate with a serial number and the year for which it is issued plainly inscribed thereon. The tag shall be attached to a collar around the neck of the cat for which the license has been issued, or as otherwise prescribed in Section 22-__1. The fee for the tag shall be Two Dollars (\$2.00).

Sec. 22-__10 Enforcement.

The Animal Control Provider shall not release an impounded cat to a person claiming ownership of the cat until the owner complies with the License requirements of this Article. If an impounded cat, with or without License, has not been sterilized, the person claiming ownership shall pay a redemption fee of Twenty-Five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense, and Seventy-Five Dollars (\$75.00) for the third and any subsequent offenses. In lieu of paying the redemption fee, an owner may opt to have the cat sterilized by the Animal Control Provider prior to reclaiming the cat.

Sec. 22-__.11 Fee.

An additional fee of not more than Ten Dollars (\$10.00) will be assessed for each impounded cat not licensed in accordance with Sec. 22-__.2 upon its redemption. This section shall take effect on January 1, 2015.”

SECTION 3. Severability. If any provision of this Article, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this Article that can be given effect without the invalid provision or application, and to this end the provisions of this Article are severable.

SECTION 4. This ordinance shall take effect upon its approval.

Introduced by:


JOANN A. YUKIMURA

DATE OF INTRODUCTION:

December 18, 2013

Līhu‘e, Kaua‘i, Hawai‘i


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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2517, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on December 18, 2013, by the following vote:

| | | |
|-----------------------|--|------------|
| FOR PASSAGE: | Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro | TOTAL - 7, |
| AGAINST PASSAGE: | None | TOTAL - 0, |
| EXCUSED & NOT VOTING: | None | TOTAL - 0. |

Lihu'e, Hawai'i
December 19, 2013


Ricky Watanabe
County Clerk, County of Kaua'i


CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2517, which was passed on second and final reading by the Council of the County of Kaua'i at its meeting held on January 29, 2014, by the following vote:

| | | |
|-----------------------|---------------------------------|------------|
| FOR ADOPTION: | Bynum, Chock, Yukimura, Furfaro | TOTAL - 4, |
| AGAINST ADOPTION: | Kagawa, Rapozo | TOTAL - 2, |
| EXCUSED & NOT VOTING: | Hooser | TOTAL - 1, |
| RECUSED & NOT VOTING: | None | TOTAL - 0, |

and pursuant to Section 4.03 of the Kaua'i County Charter, said bill is in effect as of February 14, 2014 as Ordinance No. 965 without the mayor's signature.

Lihu'e, Hawai'i
February 14, 2014


Ricky Watanabe
County Clerk, County of Kaua'i