

JAN 28 2011

---

## SENATE RESOLUTION

REQUESTING THE ADOPTION OF ADMINISTRATIVE RULES TO CLARIFY FOR  
PURPOSES OF THE NOISE POLLUTION LAW THE NUMBER OF PET DOGS  
THAT MAY BE KEPT.

1           WHEREAS, barking dogs are known to disrupt the peace and  
2 tranquility of residential neighborhoods; and  
3

4           WHEREAS, the more dogs kept as pets by any one person, the  
5 more annoying is the combined barking noise of all the dogs; and  
6

7           WHEREAS, the Department of Health is charged with the  
8 responsibility to:  
9

10           (1) Adopt administrative rules to establish a state  
11 community noise code that recognizes differences in  
12 noise level standards in urban and non-urban areas of  
13 the State and noise level standards of each county  
14 (section 342F-30.5, Hawaii Revised Statutes); and  
15

16           (2) Establish by administrative rule specific areas of  
17 control of excessive noise to allow for varying  
18 conditions (section 342F-31, Hawaii Revised Statutes);  
19 and  
20

21           WHEREAS, as an example, the City and County of Honolulu has  
22 adopted noise control regulations in section 7-2.4(c), Revised  
23 Ordinances of Honolulu, to provide for an animal nuisance  
24 violation, as follows:  
25

26           "Noise is unreasonable within the meaning of this  
27 article if considering the nature and the  
28 circumstances surrounding the animal nuisance,  
29 including the nature of the location and the time of  
30 the day or night, it interferes with reasonable  
31 individual or group activities such as, but not  
32 limited to, communication, work, rest, recreation or  
33 sleep; or the failure to heed the admonition of a  
34 police officer or a special officer of the animal



1 control contractor that the noise is unreasonable  
2 and should be stopped or reduced"; and  
3

4 WHEREAS, neither the Honolulu ordinances nor state law  
5 specify the number of pet dogs that is permissible as a  
6 threshold of noise level from barking; and  
7

8 WHEREAS, the Department of Health has not adopted any rules  
9 concerning animal noise from barking dogs; and  
10

11 WHEREAS, any administrative rules should exempt hunters who  
12 keep dogs, the number of which is appropriate for hunting  
13 purposes; and

14 WHEREAS, section 711-1109.6(1)(a), Hawaii Revised Statutes,  
15 makes it an offense of animal hoarding if a person knowingly,  
16 intentionally, or recklessly possesses more than fifteen dogs,  
17 cats, or a combination of dogs and cats; however, this section  
18 is a cruelty to animal law and does not address barking dogs as  
19 a nuisance; now, therefore,  
20

21 BE IT RESOLVED by the Senate of the Twenty-sixth  
22 Legislature of the State of Hawaii, Regular Session of 2011,  
23 that the Director of Health is requested to adopt administrative  
24 rules as part of the state community noise code to clarify the  
25 number of pet dogs that is permissible for a person to keep for  
26 purposes of the noise pollution law; and  
27

28 BE IT FURTHER RESOLVED that a certified copy of this  
29 Resolution be transmitted to the Director of Health.  
30  
31  
32

OFFERED BY:

*Josh Green M.D.*  
*Will Ezyro*  
*Clerena Irish*  
*M. Miller*

