

DEPARTMENT OF PARKS AND RECREATION

Adoption of Chapter 10-105
Rules for
Dog Parks

SUMMARY

1. Chapter 10-105, entitled "Rules for Dog Parks",
is adopted to read as follows:

"TITLE MC-10
DEPARTMENT OF PARKS AND RECREATION
SUBTITLE 01
DIRECTOR OF PARKS AND RECREATION
CHAPTER 105
RULES FOR
DOG PARKS

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SUBCHAPTER 1

GENERAL PROVISIONS

§10-105-1 Title. The rules in this chapter shall be known as the "Rules for Dog Parks". [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-2 Purpose. These rules shall regulate dog parks to ensure safe and satisfying recreational opportunities for Maui County residents and visitors, and their dogs. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-3 Construction. These rules shall be read in conjunction with the Hawaii Revised Statutes, the Revised Charter of the County of Maui (1983), as amended, and the Maui County Code. In any conflict between the provisions herein and any other provision, the more restrictive provision shall govern. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §13.04.010.B, 13.04.040.D.1)

§10-105-4 Definitions. For the purpose of these rules, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"Animal" means any fowl, reptile, or mammal other than a human being.

"Animal control officer" means the person or persons designated by the mayor or the mayor's authorized representative to enforce this chapter and section 13.04.040(D), Maui County Code.

"County" means the County of Maui.

"Department" means the department of parks and recreation of the County.

"Director" means the director of the department of parks and recreation of the County or the director's authorized designee.

"Dog" means any animal belonging to the subspecies *canis lupus familiaris*.

"Dog park" means an enclosed area within a County park that has been designated for use as an off-leash dog area.

"Handler" means an individual, fifteen years of age or older, who has the dog owner's permission to take the dog into the dog park.

"License" means the dog license required by section 6.04.020, Maui County Code.

"Owner" means the individual who is identified as the dog's owner on the license issued by the County pursuant to Section 6.04.020, Maui County Code. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.020, 13.04.040.D.1, 13.04.040.D.7, 13.04.220)

SUBCHAPTER 2

GENERAL REGULATIONS

§10-105-10 Dogs only. No animals other than dogs shall be allowed in dog parks. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-11 License required. No dog without a valid license shall enter any dog park. Any dog entering a dog parks shall have its license affixed to its collar or harness. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-12 Business activity prohibited. Professional dog walkers, trainers, pet sitters, and groomers shall not use dog parks to conduct business activities such as advertising, exercising dogs, and socializing or training dogs. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-13 Closure for public safety. The director may close any dog park and require all dog park users to vacate the dog park for public safety reasons when adverse weather conditions or other circumstances require. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.060)

§10-105-14 Closure for maintenance. The director may close any dog park and require all dog park users to vacate the dog park when maintenance is required. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-15 Compliance with laws. All dog park users shall comply with all federal, State or County laws or regulations. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

SUBCHAPTER 3

USE OF DOG PARKS

§10-105-20 Posted signs. Users of dog parks shall abide by all posted signs pertaining to guidelines, rules, prohibitions, and etiquette for dog park use. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-21 Enforcement officers. Owners and handlers shall comply with the directives of any animal control officer, police officer, park security officer, other authorized law enforcement personnel, or other authorized department personnel on issues relating to use of a dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-22 Entering the dog park. When entering a dog park with a double-gated entry, owners and handlers shall:

- (1) Not enter the area between the gates unless it is clear of other dogs;
- (2) Close the first gate after entering and before opening the second gate;
- (3) While in the area between the gates, unleash the dog and remove any collars prohibited by §10-105-45 of these rules;
- (4) Open the second gate, enter the dog park, and close the second gate after entering the dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-23 Exiting the dog park. When exiting a dog park with a double-gated entry, owners and handlers shall:

- (1) Not enter the area between the gates unless it is clear of other dogs;
- (2) Close the first gate after entering and before opening the second gate;

- (3) While in the area between the gates, properly leash the dog and replace any collars deemed necessary by the owner or handler;
- (4) Open the second gate, exit the dog park, and close the second gate after exiting the dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.2, 13.04.040.D.7)

§10-105-24 Size restrictions. Owners and handlers shall comply with any posted maximum or minimum size restrictions for dogs in a dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-25 Collar or harness required. Dogs within a dog park shall wear a collar, harness, or other similar type of restraint, subject to the prohibitions of §10-105-45 of these rules. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-26 Footwear required. Individuals within a dog park shall wear footwear at all times. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-27 Two dog maximum. No owner or handler shall have more than two dogs in the dog park at any time. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-28 Control over dog. Each dog in the dog park shall be accompanied by an owner or handler. The owner or handler shall keep the dog in view and under voice control at all times. If a dog under an owner or handler's care displays aggressive, hostile, or combative behavior, the owner or handler shall immediately leash and remove the dog from the dog park regardless of whether the behavior was instigated by another dog. [Eff

12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.5)

§10-105-29 Leashes. Dogs shall be leashed while entering and exiting a dog park. Dogs shall be off-leash when in a dog park. Owners and handlers shall have a leash in hand at all times while in a dog park. If the owner or handler is unable to control the dog off leash, the dog shall be leashed and escorted out of the park by the owner or handler. Owners and handlers shall not tie a dog to any object in a dog park or County park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.2, 13.04.040.D.3, 13.04.040.D.5)

§10-105-30 Dog behavior. (a) Owners and handlers shall ensure that dogs under their care do not:

- (1) Display aggressive, hostile, or combative behavior;
- (2) Dig holes; or
- (3) Persistently bark, yip, or howl.

(b) Owners or handlers shall immediately fill and cover any holes dug by dogs under their care; [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.5)

§10-105-31 Disposal of waste. Owners and handlers shall bag all dog feces and other waste and dispose the bags in trash receptacles. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.5)

§10-105-32 Responsibility of owners and handlers. Owners and handlers shall be liable for any and all damage or injury caused by dogs for which they are responsible. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.5)

SUBCHAPTER 4

PROHIBITIONS

§10-105-40 No dangerous dogs. No dog deemed dangerous under sections 6.04.010 and 6.04.045, Maui County Code, shall be allowed in any dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.6)

§10-105-41 No dogs under four months of age. Dogs under four months are prohibited in dog parks. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-42 No unattended dogs. Dogs shall not be left unattended in a dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-43 No spectators within dog parks. Individuals who are not owners or handlers and who are not accompanying an owner or handler shall remain outside of the dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-44 No minors under the age of twelve. No minors under the age of twelve shall enter a dog park. Minors twelve years of age or older but under the age of fifteen shall be accompanied by an adult while in a dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-45 Prohibited items. The following items are prohibited in dog parks:

- (1) Spike, choke, or prong/pinch collars;
- (2) Wheeled devices, including strollers, bicycles, tricycles, big-wheels, wagons, remote-controlled vehicles or toys, wheeled

- toys, skateboards, roller skates, and roller-blades, except that wheelchairs and other mobility devices used by disabled persons shall be allowed;
- (3) Childrens toys;
 - (4) Sports equipment, including frisbees, footballs, tennis balls, soccer balls, rackets, clubs, and baseballs;
 - (5) Food and drinks, except bottled water;
 - (6) Dog food, including treats, chews, and rawhides;
 - (7) Tobacco products;
 - (8) Glass containers;
 - (9) Intoxicating liquor as defined in section 281-1, Hawaii Revised Statutes. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-46 No feeding. Dogs shall not be fed in or near dog parks. Disbursement of dog treats or snacks as a reward or for other reasons is prohibited. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-47 No eating. Individuals shall not consume food in dog parks. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-48 No female dogs in heat. Female dogs in estrus (heat) are prohibited in dog parks. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-49 No sick dogs. Sick dogs are prohibited in dog parks. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-50 No dogs with parasites. Owners and handlers shall make reasonable efforts to ensure that

dogs brought to dog parks are free of parasites such as fleas and ticks. Dogs with parasites shall be removed from the dog park. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

SUBCHAPTER 5

ENFORCEMENT

§10-105-60 Removal from dog park. Any individual, owner, handler, or dog may be removed from a dog park and the surrounding area for any violation of these rules or the rules of an individual dog park by animal control officers, police officers, park security officers, other authorized law enforcement personnel, or other authorized department personnel. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

§10-105-61 Violations. The department may initiate legal action against any individual who commits repeated violations or a serious single violation of these rules. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.040.D.7)

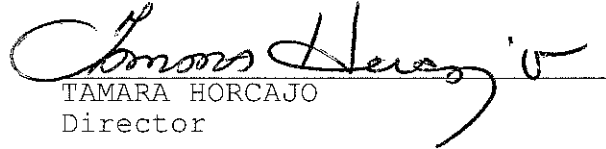
§10-105-62 Citations. Citations for violations of these rules and chapter 13.04, Maui County Code, shall be issued in accordance with section 13.04.235, Maui County Code. [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.235)

§10-105-63 Penalties. Any person who is determined to have violated any provision of these rules shall be fined in accordance with section 13.04.230, Maui County Code." [Eff 12/13/10] (Auth: HRS §91-2, MCC §13.04.220) (Imp: MCC §§13.04.040.D.1, 13.04.230)

2. Chapter 10-105, Rules for Dog Parks, shall take effect ten days after filing with the Office of the County Clerk.

ADOPTED THIS 30 day of November, 2010.

DEPARTMENT OF PARKS AND
RECREATION


TAMARA HORCAJO
Director


CHARMAINE TAVARES
Mayor, County of Maui

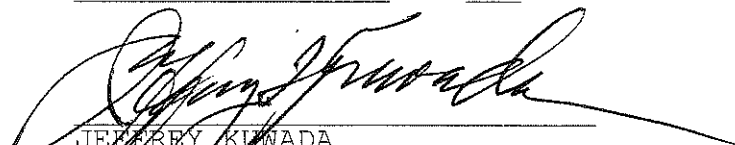
Approved this 30th day of
NOVEMBER, 2010.

APPROVED AS TO FORM
AND LEGALITY:


JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

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Received this 3rd day of
December, 2010.

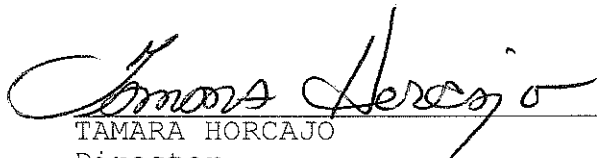

JEFFREY KWADA
County Clerk, County of Maui

CERTIFICATION

I, TAMARA HORCAJO, Director, Department of Parks and Recreation, County of Maui, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Rules for Dog Parks, drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on the _____ day of November 30, 2010, following a public hearing that closed on November 18, 2010, and which were filed with the Office of the County Clerk.

2. That the notice of public hearing on the foregoing Rules, which notice included the substance of such Rules, was published in The Maui News on October 18, 2010.



TAMARA HORCAJO
Director
Department of Parks and Recreation