

even if the enclosures or animals involved in the offenses differed.

(Added by Ord. 90-55; Am. Ord. 00-73)

**Sec. 7-2.11 Annual report required.**

The animal control contractor shall render a full report of its activities and operations relating to the enforcement of this article to the mayor and the council within one month after the end of each fiscal year. (Added by Ord. 90-55; Am. Ord. 00-73)

**Sec. 7-2.12 Severability.**

If any provision of this article is held for any reason invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article. (Added by Ord. 90-55)

### Article 3. Dog License

**Sections:**

- 7-3.1 License fee.**
- 7-3.2 Disposition of fee.**
- 7-3.3 Impoundment of unlicensed dogs.**

**Sec. 7-3.1 License fee.**

- (a) The biennial license fee for dogs over four months through seven months of age and for neutered dogs eight months of age and over with veterinary certificate shall be \$9.50; \$28.00 for unneutered dogs eight months of age or over. Upon receipt of the license fee, the director of finance shall issue a metal tag of such form and design as the director may designate with a serial number and the year for which it is issued inscribed thereon, charging therefor the sum of 50 cents, which tag shall be attached to a collar of the dog for which the license has been issued.
  - (b) If the license fee is not paid when due, a penalty of 10 percent thereof shall be added to and become part of the fee.
  - (c) The full amount of the fee shall be paid for any fraction of any year for which a license is issued.
- (Sec. 13-33.1, R.O. 1978 (1983 Ed.); Am. Ord. 92-69, 95-33)

**Sec. 7-3.2 Disposition of fee.**

All moneys received by the director of finance under this article shall be paid into the general fund of the City and County of Honolulu. (Sec. 13-33.2, R.O. 1978 (1983 Ed.))

**Sec. 7-3.3 Impoundment of unlicensed dogs.**

Impoundment of unlicensed dogs shall be as provided in HRS Section 143-8. (Sec. 13-33.3, R.O. 1978 (1983 Ed.))

### Article 4. Regulation of Dogs

**Sections:**

- 7-4.1 Definitions.**
- 7-4.2 Strays prohibited.**
- 7-4.3 Impounding.**
- 7-4.4 Applicability.**
- 7-4.5 Enforcement.**
- 7-4.6 Summons.**
- 7-4.7 Failure to obey summons.**
- 7-4.8 Issuance of complaint.**
- 7-4.9 Violation--Penalty.**
- 7-4.10 Disposition of fines and forfeitures.**
- 7-4.11 Severability.**

**Sec. 7-4.1 Definitions.**

As used in this article, unless the context otherwise indicates:

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

“Handler” means any owner with a disability having custody of a service dog.

“Off-leash park” means a public park designated by the director of parks and recreation where dogs, and no other animal, shall be allowed to be off-leash.

“Owner” means and includes every person owning, harboring or keeping a dog or having custody thereof.

“Service dog” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service dog must be directly related to the handler’s disability.

“Stray” or “stray dog” means any dog: (1) on the premises of a person other than the owner of the dog, without the consent of an occupant of such premises; or (2) on a public street, on public or private school grounds, or in any other public place, except when under the control of the owner by leash, cord, chain or other similar means of physical restraint; provided, that such leash, cord, chain or other means is not more than eight feet in length; and provided further, that this provision shall not be construed to permit that which is prohibited by any other law.

(Sec. 13-23.1, R.O. 1978 (1983 Ed.); Am. Ord. 00-68, 01-43, 11-1)

#### **Sec. 7-4.2 Strays prohibited.**

It shall be unlawful for the owner of any dog, whether such dog is licensed or not, to permit such dog to become a stray. (Sec. 13-23.2, R.O. 1978 (1983 Ed.); Am. Ord. 00-68)

#### **Sec. 7-4.3 Impounding.**

- (a) Any dog, while being a stray, shall be seized and impounded by the animal control contractor or any other officer authorized by law and shall be disposed of in accordance with the provisions of HRS Chapter 143. A special officer of the animal control contractor shall be authorized to enforce this article if deputized by the chief of police to do so.
- (b) Any impounded dog shall be spayed or neutered by the animal control contractor prior to its adoption unless a veterinarian certifies that the dog is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the dog.

(Sec. 13-23.3, R.O. 1978 (1983 Ed.); Am. Ord. 00-68, 07-33)

#### **Sec. 7-4.4 Applicability.**

The provisions of this article shall not apply to:

- (a) Licensed dogs functioning as service dogs under control of their handlers. A service dog under control of its handler shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or use of a harness, leash, or other tether would interfere with the service dog’s safe, effective performance of work or tasks, in which case the service dog shall be otherwise under the handler’s control (e.g., voice control, signals, or other effective means); or
- (b) Licensed dogs trained and used by the police department of the City and County of Honolulu or other law enforcement agencies in law enforcement work while such dogs are engaged in the performance of such work; or
- (c) Licensed hunting dogs when accompanied by their owner on public or private hunting and/or shooting grounds; or
- (d) Licensed obedience trial, tracking and show dogs accompanied by their owner and being trained or in competition in public parks or school grounds, provided permission is first obtained from the proper park or school authorities for such use; or
- (e) Licensed dogs when accompanied by persons eighteen years of age or older having custody and control of the dogs and located in a public park or in an area in a public park designated by a sign that the public park or area has been designated by the director of parks and recreation for use by dogs and persons having custody and control of the dogs pursuant to the provisions of Section 10-1.7.

(Sec. 13-23.4, R.O. 1978 (1983 Ed.); Am. Ord. 01-43, 11-1)

#### **Sec. 7-4.5 Enforcement.**

For any violation of any of the provisions of this article or of the provisions of HRS Chapter 143, it shall be the duty of any police officer and any other officer authorized to seize and impound any dog running at large within the meaning of this article to issue a summons to the owner or other person charged with the responsibility of complying with the provisions of this article or with the provisions of HRS Chapter 143. Said summons shall instruct such owner or person to report at the violations bureau of the respective district courts of the City and County of Honolulu. Each such owner or 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 for such person to appear before the district court. Upon failure to appear upon such date said bail bond shall be deemed forfeited. (Sec. 13-23.5, R.O. 1978 (1983 Ed.))

#### **Sec. 7-4.6 Summons.**