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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 28, 2016

The Honorable Mike White
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: BILL RELATING TO DOG RESTRAINTS

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS FOR DOG RESTRAINTS, AND SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS", be placed on the next Council meeting agenda.

Sincerely

A handwritten signature in black ink, appearing to read "Don Couch", is written over the printed name.

DON COUCH
Councilmember, South Maui

CM:SM:dog_restraints_bill01_council:grs

Enclosure

cc:

RECEIVED
2016 AUG -1 AM 9:17
OFFICE OF THE
COUNTY CLERK

COUNTY COMMUNICATION NO. 16-185

ORDINANCE NO. _____

BILL NO. _____ (2016)

A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040,
MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS FOR DOG
RESTRAINTS, AND SECTION 6.04.090, MAUI COUNTY CODE,
RELATING TO ANIMAL CONTROL OFFICERS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 6.04.040, Maui County Code, is amended to read as follows:

“6.04.040 Animal regulations—general. A. An owner of a dog shall keep the dog under restraint, except for the following:

1. A dog being used by law enforcement agencies for law enforcement purposes[;].

2. A dog used during hunting, accompanied by its owner, and used with the consent of the owner of the real property upon which the hunting occurs[;].

3. A dog used during organized competitions, or during training for such competitions, accompanied by its owner, and used with the consent of the owner of the real property upon which the dog is used[; and].

4. A dog being monitored by its owner or handler within the confines of an authorized dog park.

5. Dog(s) utilized for farming, agriculture, guarding, herding or as a service dog within a minimum four foot high fenced property.

B. An owner of an animal shall treat the animal in a humane manner. Owners of pet animals shall be subject to the penalties as provided in section 711-1109(1)(b), Hawaii Revised Statutes, pertaining to cruelty to animals in the second degree. Owners of all other animals shall treat the animal in a humane manner and be subject to the penalties as provided in section 6.04.110.C.

C. An owner of a dog shall not allow the dog to cause a nuisance. The owner shall be held responsible for every behavior of such dog under the provisions of this chapter.

D. No person shall abandon an animal.

E. An owner of a dog shall not intentionally, knowingly, recklessly, or negligently permit the dog to:

1. While on or off the owner's property, attack a person, causing bodily injury to the person[; or].

2. While off the owner's property, attack a pet animal, equine animal, goat, sheep, other domesticated animal, or any animal that is listed as threatened or endangered by the United States Fish and Wildlife Service, causing serious bodily injury or death to the animal[; or].

3. While off the owner's property, behave in a manner that a reasonable person would believe poses an imminent threat of bodily injury to one or more persons[; or].

4. While off the owner's property, behave in a manner that a reasonable person would believe poses an imminent threat of serious bodily injury or death to a pet animal, equine animal, goat, sheep, other domesticated animal, or any animal that is listed as threatened or endangered by the United States Fish and Wildlife Service.

F. Any person who harvests aquatic life for sale for aquarium purposes shall:

1. Treat aquatic life in a humane manner. For the purposes of this section, inhumane treatment of aquatic life includes:

a. Intentionally or knowingly causing injury to aquatic life, including: piercing or deflating a fish's swim bladder; cutting or trimming the fin or spine of any fish; withholding food for more than twenty-four hours for transport purposes, including carrying or causing to be carried upon any vehicle or other conveyance.

b. Intentionally, knowingly, recklessly, or negligently carrying or causing to be carried in or upon any vehicle or other conveyance in a manner resulting in the injury or death to aquatic life.

2. For each species, document and biannually submit to animal control the mortality rates, including cause of death, if known, of all aquatic life collected for sale for aquarium purposes. The most recent biannual report required by this subsection must also be presented to an enforcement officer at any time upon request.

3. No provision of this chapter shall be construed to repeal or otherwise limit any provision of chapter 6.01 this title."

SECTION 2. Section 6.04.090, Maui County Code, is amended to read as follows:

"6.04.090 Animal control officers. Pursuant to section 143-7 of the Hawaii Revised Statutes, the council authorizes the mayor of the County or the mayor's authorized representative to establish, designate as volunteers, and hire animal control officers, subject to the limitations contained in the annual budget ordinance. All animal control officers shall have the powers of a sheriff or police officer to enforce this chapter, [and] chapter 6.08 and subsection 13.04A.070(D) of this code and chapter 143 of the Hawaii Revised Statutes."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

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

APPROVED AS TO FORM AND LEGALITY:


JERRIE L. SHEPPARD
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
2016-0921