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

Subchapter 1  General Provisions

| §10-105-1   | Title                        |
| §10-105-2   | Purpose                      |
| §10-105-3   | Construction                 |
| §10-105-4   | Definitions                  |
| §§10-105-5 to 10-105-9 (Reserved) |

Subchapter 2  General Regulations

| §10-105-10  | Dogs only                    |
| §10-105-11  | License required             |
| §10-105-12  | Business activity prohibited |
| §10-105-13  | Closure for public safety    |
| §10-105-14  | Closure for maintenance     |
| §10-105-15  | Compliance with laws        |
| §§10-105-16 to 10-105-19 (Reserved) |

Subchapter 3  Use of Dog Parks

| §10-105-20  | Posted signs                 |
| §10-105-21  | Enforcement officers         |
| §10-105-22  | Entering the dog park        |
| §10-105-23  | Exiting the dog park        |
| §10-105-24  | Size restrictions            |
| §10-105-25  | Collar or harness required   |
| §10-105-26  | Footwear required            |
| §10-105-27  | Two dog maximum              |
| §10-105-28  | Control over dog             |
§10-10S-29  Leashes
§10-10S-30  Dog behavior
§10-10S-31  Disposal of waste
§10-10S-32  Responsibility of owners and handlers
§§10-10S-33 to 10-10S-39 (Reserved)

Subchapter 4  Prohibitions

§10-10S-40  No dangerous dogs
§10-10S-41  No dogs under four months of age
§10-10S-42  No unattended dogs
§10-10S-43  No spectators within dog parks
§10-10S-44  No minors under the age of twelve
§10-10S-45  Prohibited items
§10-10S-46  No feeding
§10-10S-47  No eating
§10-10S-48  No female dogs in heat
§10-10S-49  No sick dogs
§10-10S-50  No dogs with parasites
§§10-10S-51 to 10-10S-59 (Reserved)

Subchapter 5  Enforcement

§10-10S-60  Removal from dog park
§10-10S-61  Violations
§10-10S-62  Citations
§10-10S-63  Penalties


§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.

SUBCHAPTER 2
GENERAL REGULATIONS


§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)


SUBCHAPTER 3
USE OF DOG PARKS


§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;

§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;


§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)


§10-105-28 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 105-8
§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.


§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) Children's 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;


§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)


§10-105-50 **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)
§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)


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 GEOKA
Deputy Corporation Counsel
County of Maui

Received this 3rd day of December, 2010.

JEFFREY KUWADA
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