

DEPARTMENT OF PARKS AND RECREATION

Amendment and Compilation of Title 19, Chapter 5
City and County of Honolulu Administrative rules
Department of Parks and Recreation
Rules Governing Dogs In Public Parks

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

Amendments and Compilation of Title 19, Chapter 5
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SUMMARY

1. New Rule Analysis is added
2. New Historical note is added.
3. New §19-5-1, 19-5-2 are added.
4. Subparagraph 1.1 Definitions, is renumbered to §19-5-3 and amended.
6. Subparagraph 1.2 Prohibition of Dogs, is renumbered to §19-5-4 and amended.
7. New §19-5-5 is added.
8. Paragraph 3. Areas for Dogs, is renumbered to §19-5-6 and amended.
9. New §19-5-7 is added.
10. Paragraph 2. Exceptions, is repealed.
11. Subparagraph 3.3 is renumbered to §19-5-8 and amended.
12. Paragraph 4 is renumbered to §19-5-9 and amended.
13. New §19-5-10 is added.

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 5

RULES GOVERNING DOGS IN PUBLIC PARKS

Subchapter 1 GENERAL PROVISIONS

- §19-5-1 Purpose
- §19-5-2 Application
- §19-5-3 Definitions

Subchapter 2 SPECIFIC PROVISIONS

- §19-5-4 Prohibition of Dogs
- §19-5-5 Leash Parks
- §19-5-6 Leash Park Permits
- §19-5-7 Off-Leash Parks
- §19-5-8 Stray Dogs On Public Parks
- §19-5-9 Penalties
- §19-5-10 Severability

Historical note: This chapter is based substantially upon the Amended Rules and Regulations Relating to Dogs in City Park Properties, which has been amended and conformed to the Hawaii administrative rules format. [Eff 6/4/73; am 12/20/91; am and compiled **DEC 03 2009**]

SUBCHAPTER 1

GENERAL PROVISIONS

§19-5-1 Purpose. The purposes of this chapter are to make public parks readily accessible to the

public; to ensure maximum permissible use of park areas and facilities by appropriate distribution of users; to ensure proper, orderly and equitable use of park areas and facilities through user controls; to ensure protection and preservation of areas and facilities by not overtaxing facilities; and to promote the health, safety, and welfare of the users of park areas and facilities.

[Eff and comp **DEC 03 2009**] (Auth: RCH §4-105(4), ROH §10-1.3) (Imp: ROH §§ 10-1.2(a)(9), 10-1.7)

§19-5-2 Application. This chapter shall govern dogs in public parks under the jurisdiction, management, and operation of the department of parks and recreation. [Eff and comp **DEC 03 2009**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§ 10-1.2(a)(9), 10-1.7)

§19-5-3 Definitions. As used in this chapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"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.

"Canine organization" means a group of people united by an interest in dogs that are governed by by-laws.

"Department" means the department of parks and recreation, City and County of Honolulu.

"Director" means the director of the department of parks and recreation, City and County of Honolulu or a designee.

"Dog show" means an event sponsored by a canine organization where dogs are exhibited or compete.

"Dog trial" means an event sponsored by a canine organization where dogs compete to earn points toward awards.

"Dog obedience class" means an activity where dogs and their handlers are trained to obey rules of conduct.

"Handler" means any person having custody and control of a dog.

"Leashed dog" means any dog on a leash, cord, chain or other similar means of physical restraint of not more than eight feet in length and under the physical restrictive control of its handler at all times.

"Leash park" means any public park or area within a public park designated by the director where leashed dogs, and no other animal, shall be allowed.

"Off-leash park" means any public park designated by the director where dogs, and no other animal, shall be allowed to be off-leash.

"Person" means any individual, firm, association, agency, organization, partnership, estate, trust, corporation, company or governmental entity.

"Public park" means any recreation park, beach park, beach right-of-way, circle, field, botanical garden, lookout, parkway, promenade, square, triangle, zoo, flower garden, fountain and other recreation area or facility under the control, maintenance and management of the department of parks and recreation.

"Service animal" means any guide, signal or service dog, individually trained to provide assistance to an individual with a disability.

[Eff 6/4/73; am and comp **DEC 03 2009** | (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§ 10-1.2(a)(9), 10-1.7)

SUBCHAPTER 2

SPECIFIC PROVISIONS

§19-5-4 Prohibition of Dogs. Within the limits of any public park, it shall be unlawful for any person to permit any dog, to enter and remain within

the confines of any public park. This section shall not apply to the following:

(a) A dog show, dog obedience class, and dog trial shall be permitted only in a leash park by department permit;

(b) A service animal accompanied by its master; and

(c) A dog trained and used by the Honolulu Police Department in law enforcement work while such dog is training or engaged in the performance of such work. [Eff 6/4/73; am and comp **DEC 03 2009**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§ 10-1.2(a)(9), 10-1.7)

§19-5-5 Leash Parks. (a) The director may designate public parks or areas within public parks where leashed dogs are permitted. These areas shall be identified by appropriate signs at the parks or areas within parks wherein leashed dogs are permitted.

(b) Handlers shall have control and custody of their dog at all times, and all dogs must be leashed except when performing at a dog show and during training in a dog obedience class or at a dog trial.

(c) Handlers shall carry equipment for the removal and disposal of dog feces.

(d) Handlers are responsible for picking up and disposing of any and all dog feces left by their dog.

(e) All leashed dogs are required to wear a valid current dog license tag attached to the dog's collar.

(f) Handlers shall be eighteen years of age or older.

(g) Handlers shall comply with all departmental rules and regulations, city ordinances and signs posted in the public park.

[Eff and comp **DEC 03 2009**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§ 10-1.2(a)(9), 10-1.7)

§19-5-6 Leash Park Permits. (a) The following provisions shall apply to leash parks.

(b) All persons desiring to hold a dog show, dog obedience class or dog trial in a leash park shall obtain a permit authorizing the specific park area .

- (1) Applicants for permits shall provide their name and address .
- (2) Each permit will reserve the use of a desired area within a leash park for a specified date or dates .
- (3) Permit applications shall be submitted at least three months before the dog show, dog obedience class, or dog trial is to be held.
- (4) The maximum duration under each permit at any one leash park shall be two days.
- (5) Permit applications shall be submitted to the Parks Permit Section, located on the ground floor of the Mayor Frank F. Fasi Municipal Building, 650 South King Street, on weekdays from 7:45 a.m. to 4 p.m.

(c) Each permittee shall comply with the following permit conditions:

- (1) When using a public park, the permittee must have the permit in their possession at all times and shall exhibit it to any department personnel or police officer upon request.
- (2) The permittee shall be responsible for the restoration of the leash park to its original condition except for ordinary wear and tear .
- (3) The permittee shall be responsible for the proper control of all dogs in the leash park participating in the dog show, dog obedience class or dog trial.
- (4) The permittee is required to obtain insurance . The permittee shall present to the department a certificate for comprehensive general liability insurance including products liability, naming the City and County of Honolulu

as additional insured, with coverage of \$1,000,000 per occurrence. All policies and coverages required by this section are subject to the approval by the city risk manager as to content and form. If at any time in the judgment of the city risk manager said policies and/or coverages are not sufficient for any cause or reason, the city risk manager may require the permittee to replace said policies and/or coverages within five days with other policies and/or coverages acceptable in accordance with this section. If said permittee fails to replace said policies within said period, the permittee's permit shall be, by such failure, automatically suspended until such time said requirement is complied with, and the director or his designated representative is hereby authorized to halt the activities of the permittee and enforce such suspension after receiving written notice from the city risk manager that said policies and/or coverage have not been replaced with good and sufficient policies and/or coverage.

- (5) Prior to issuance of a permit, permittee shall submit to the department a signed agreement in a form approved by the director acknowledging that permittee assumes all risks of personal injury or wrongful death and of loss or damage to property by whomsoever owned, arising out of or in connection with permittee's use of the public facilities under such permit; and agrees to indemnify, hold harmless and defend the City and County of Honolulu against any claim, cause of action, liability, loss, damage, cost

or expense for bodily injury, wrongful death, or property damage, arising or resulting from permittee, its agents, employees, contractors or invitees use of the public facilities under such permit, as well as any breach of regulations or ordinances, except where such injury, death or property damage is caused by the willful act or gross negligence of the city.

- (6) A security deposit of \$100 shall be collected from the applicant prior to issuance of the permit. The deposit is required to assure proper cleanup and restoration and shall be refunded to the permittee, minus any amounts required to be used to clean and restore the area to the satisfaction of the director, by mail within two weeks after the event.

(d) The director or his authorized representative may revoke a permit in accordance with Section 10-1.3(c), Revised Ordinances of Honolulu 1990, as amended, for any violation of these rules or of any law applicalbe to dogs. [Eff 6/4/73;am and comp **DEC 03 2009**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§ 10-1.2 (a) (9), 10-1.7)

§19-5-7 Off-Leash Parks. (a) The director may designate public parks wherein unleashed dogs are permitted. The public parks shall be identified by appropriate signs.

(b) The following provisions shall apply to off-leash parks.

- (1) Off-leash parks are for dogs, their handlers and those accompanying them. No other use is allowed.
- (2) Dogs must be on leash when entering or existing the off-leash park.
- (3) No handler shall have more than two dogs under his/her control.

- (4) Handlers shall maintain voice control over their dog at all times.
- (5) Handlers must have control and must carry a leash while their dogs are in the off-leash park .
- (6) Dogs must be free of diseases and parasites such as fleas and ticks.
- (7) No dogs in estrus/heat are allowed in the off-leash park.
- (8) All dogs are required to wear a valid current dog license tag attached to the dog's collar.
- (9) All persons entering an off-leash park enter and remain in the off-leash park at his or her own risk. The City is not liable to any person or dog for any injury or harm incurred or caused by any other person or dog entering or remaining in the off-leash park .
- (10) Handlers shall carry equipment for the removal and disposal of dog feces.
- (11) Handlers shall pick up and dispose of any and all feces left by their dogs.
- (12) Handlers shall be eighteen years of age or older.
- (13) Minors below the age of eighteen shall not be allowed in the off-leash park unless under the control and supervision of an adult.
- (14)) Handlers shall immediately leash and remove their dog from the off-leash park if the dog exhibits aggressive behavior towards other park users or other dogs .
- (15) No food or animal snacks are permitted in the off-leash park.
- (16) All persons entering the off-lease park shall comply with all departmental rules and regulations, city ordinances and signs posted in the park.
- (17) Handlers must stop their dogs from digging and must fill all holes dug up

by the dog(s) under their control.
[Eff and comp **DEC 03 2009**] (Auth:
RCH §6-1403, ROH §1-9.1) (Imp: ROH §§
10-1.2(a) (9), 10-1.7)

§1 -5-8 Stray Dogs on Public Parks. Any dog running at large on City park property shall be seized and impounded by the animal control contractor, or by any officer authorized by law, and shall be disposed of in accordance with the provisions of Chapter 143, HRS, and the owner or person responsible for the dog shall be issued a summons in accordance with HRS Chapter 143 and Chapter 7 Revised Ordinances of Honolulu, 1990, as amended. [Eff 12/20/91; am and comp **DEC 03 2009**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§ 10-1.2 (a) (9), 10-1.7)

§19-5-9 Penalties. Any person violating the foregoing rules and posted signs shall be subject to the provisions of Section 10-1.6, Revised Ordinances of Honolulu, 1990, as amended, and shall be liable for restoration of or restitution for any damages to public or private property and injuries to public and private persons. [Eff and comp **DEC 03 2009**] (Auth: RCH §4-105(4), ROH §1-9.1)

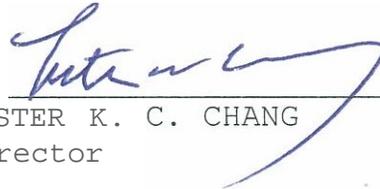
§19-5-10 Severability. If any chapter, section, subsection, sentence, clause, phrase, or portion of these rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. [Eff and comp **DEC 03 2009**] (Auth: RCH §4-105 (4), RCH §1-9.1)

DEPARTMENT OF PARKS AND RECREATION

Amendments to and compilation of title 19, chapter 5, City and County of Honolulu Administrative Rules, Department of Parks and Recreation, Rules Governing Dogs in Public Parks, which were adopted on November 20, 2009, following a public hearing held on December 11, 2003, after public notice was given on November 7, 2003, in the Honolulu Star Bulletin.

This chapter shall take effect ten (10) days after filing with the Office of the City Clerk.

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU



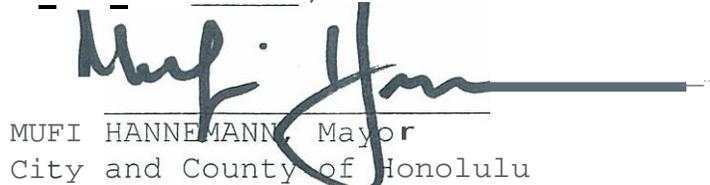
LESTER K. C. CHANG
Director

APPROVED AS TO FORM
AND LEGALITY:



Deputy Corporation Counsel

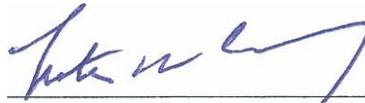
APPROVED this 20th day of
November, 2009.



MUFI HANNEMANN, Mayor
City and County of Honolulu

CERTIFICATION

I, LESTER K.C. CHANG, in my capacity as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Rules Relating to Dogs in Public Parks, as amended and compiled, which were adopted on **November** 20, 2009 following a Public Hearing held on December 11, 2003, after public notice was given on November 7, 2003, in the Honolulu Star Bulletin.



LESTER K. C. CHANG, Director
Department of Parks and
Recreation, City and County
of Honolulu

Received this 30th day of
November 2009.



BERNICE K. N. MAU
City Clerk

PARK AREAS WHERE DOGS ARE TO BE ALLOWED ON LEAS!!

District I

Ala Wai Parkway
Kamole Mini Park
Manoa District Park Perimeter Area
Manoa Triangle
Mau'umae Native Park
Medial Strip at Kapiolani Park
Moili'ili Triangle
Nehu Neighborhood Park
Pukele Avenue Mini Park
Puu O Kaimuki Mini Park
Sandy Beach Park
Waikiki Playground
Wailupe Valley Playground

Obedience Classes

Crane Community Park

District II

Aiea District Park
Alewa Neighborhood Park
Archie Baker Mini Park
Auwaiolimu Neighborhood Park
Hoa Aloha Neighborhood Park
Kamamalu Neighborhood Park
Kalihi Valley District Park
Kalihi Waena Neighborhood Park
Lo'i Kalo Mini Park
Makalapa Neighborhood Park
Moanalua Community Park
Mother Waldron Neighborhood Park
Na Pueo Mini Park
Thomas Square

Obedience Classes

Aiea District Park
Kalihi Valley District Park
Kamamalu Neighborhood Park
Thomas Square

District III

Ewa Beach Community Park
Honowai Neighborhood Park
Iliahi Neighborhood Park
Manana Neighborhood Park
Mililani Waena Neighborhood Park
Pacific Palisades Community Park
Neal S. Blaisdell Park
Newton Neighborhood Park

Obedience Classes

Mililani Waena Neighborhood Park
Neal S. Blaisdell Park
Newtown Neighborhood Park

District IV

Enchanted Lakes Community Park
He'eia Neighborhood Park
Ka'elepulu Mini Park
Kamananui Neighborhood Park
Kaneohe Civic Center Neighborhood Park
Kaneohe Community Park
Kawai Nui Neighborhood Park
Pohakupu Mini Park

Obedience Classes

Enchanted Lakes Community Park
He'eia Neighborhood Park
Ka'elepulu Mini Park
Kamananui Neighborhood Park
Kaneohe Civic Center Neighborhood Park
Kaneohe Community Park

OFF-LEASH DOG PARKS

District I

Hawaii Kai Park & Ride

District II

Moanalua Community Park

District III

Mililani Park & Ride