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NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, April 21, 2021, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2821

A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATION (*Dog Microchipping and Regulations*)

This Bill proposes to amend Chapter 22, Article 10, Kaua'i County Code 1987, as amended, by requiring all dogs to be microchipped instead of having a dog license. This proposal replaces all metal dog tags with microchips which will increase pet owner compliance, reduce administrative costs, and increase reunification of the dog with its owner. This will also eliminate the need to renew dog licenses on a biennial basis and decreases the associated costs. This Bill is a joint effort of the Administration and the Kaua'i Humane Society.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2821 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on March 24, 2021, by the following vote:

AYES:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
March 24, 2021

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication – The Garden Island – April 2, 2021)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 10,
KAUAI COUNTY CODE 1987, AS AMENDED,
RELATING TO DOG LICENSES AND REGULATIONS**

(Dog Microchipping and Regulations)

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Chapter 22, Article 10, Kauai County Code 1987, as amended, is amended to read as follows:

“Article 10. Dog [Licenses] Microchipping and Regulations

Sec. 22-10.1 Purpose.

An Article establishing dog [license fees] microchipping and regulations.

[Sec. 22-10.2 License Fees; Applicability.

(a) Any person owning or having custody control of a dog over three (3) months of age within the County shall pay a biennial license fee. Except as provided in Subsection (b) of this Section, dog licenses shall be issued by the Director of Finance upon payment of the fee as prescribed in the following schedule:

For each unaltered dog	\$50.00
For each altered dog	\$15.00

The Director of Finance shall require that any person claiming that a dog is neutered or spayed provide proof thereof. Proof may consist of an affidavit signed by the duly licensed veterinarian or other evidence deemed satisfactory by the Director of Finance.

(b) Any person who has a current hunting license shall pay a biennial dog license fee of fifteen dollars (\$15.00) for the first hunting dog and seven dollars (\$7.00) for each additional dog. A hunting dog shall mean a breed of dog trained for the hunting of game for which the person paying the dog license fee has a current hunting license and is actively engaged in hunting such game during the period for which the dog license has been issued.]

[Sec. 22-10.3 Imposition of License Fee; Due Date.

The biennial license fee shall be due and payable on January 2nd of every odd-numbered year and it shall be paid before March 11th of every odd-numbered year, or within thirty (30) days after the exemption ceases in the case of dogs becoming subject to Chapter 143, H.R.S. For dogs becoming subject to licensing after December 31st of the first year, license fees will be charged only for the remaining year of the two (2) year licensing period. There will be no refunds for any unused portion of the license.]

Sec. 22-10.2 Definitions.

For the purposes of this Article:

“At large” means: (1) on the premises of a person other than an owner of the dog, without the consent of an occupant or owner of such premises; or (2) on a public street, on public or private school grounds, or in any other public place.

“Microchip” or “microchip identification” means a device that is implanted under the skin of an animal that contains contact information for the owner of that animal.

“Officer” means any sheriff, deputy, any member of the police force, and animal control officers.

“Owner” means any person owning, harboring, or keeping a dog; providing care or sustenance for a dog; or having custody of a dog, whether temporarily or permanently.

“Person” includes corporations, estates, associations, partnerships and trusts, and one (1) or more individual human beings.

Sec. 22-10.3 Microchip Identification.

(a) It is unlawful for any person to be an owner of a dog over three (3) months of age unless the dog is microchipped.

(b) An owner shall have a microchip implanted in the owner’s dog, and the owner shall register the microchip number and the owner’s contact information with a microchip registration company.

(c) When the contact information of the owner of a dog changes, the owner shall provide the new contact information to the applicable microchip registration company no later than thirty (30) days after the change in contact information occurs.

(d) When the owner of a dog changes:

1. The former owner shall inform the new owner with which microchip registration company the dog’s microchip is registered; and

2. The new owner shall provide the microchip registration company with the new owner’s contact information no later than thirty (30) days after the change of ownership occurs.

(e) Every animal control contractor or nonprofit animal rescue organization shall implant a microchip in all stray dogs in its custody that do not have a microchip.

(f) All animal control contractors or nonprofit animal rescue organizations shall activate the microchip registration company's found pet alerts to notify owners whose pets' microchips are registered with that company.

(g) Veterinary clinics, animal shelters, and other animal rescue organizations that scan found pets for microchips shall release only the chip identification number to the finder upon request.

Sec. 22-10.4 Kaua'i Humane Society; Issuance of [Licenses] Microchips; Fee.

The Director of Finance shall authorize personnel of the Kaua'i Humane Society to issue [licenses and collect license fees at its animal shelter and other areas as provided for in this Article.] microchips and collect contact information from microchips. Microchips shall be issued by the Kaua'i Humane Society upon payment of the twenty dollar (\$20.00) microchip fee. All fees collected by personnel of the Kaua'i Humane Society shall be deposited with the Director of Finance on a [weekly] quarterly basis. The Director of Finance shall regulate all activities involved in such collections.

[Sec. 22-10.5 Issuance of License and Tags.

Upon receipt of the license fee, the Director of Finance shall issue to the person paying the fee a license stating the following:

- (a) The name and address of the person to whom the license is issued;
- (b) The year for which the license is paid;
- (c) The date of payment;
- (d) A description of the dog for which the license is issued; and
- (e) The number of the metal tag issued for the dog.

The Director of Finance shall at the same time issue and deliver to the person a metal tag in the form and design as the Director of Finance may designate with a serial number and the year for which it is issued plainly inscribed thereon. The tag shall be attached to a collar around the neck of the dog for which the license has been issued. The fee for the tag shall be two dollars (\$2.00).]

[Sec. 22-10.6 Seizure and Redemption of [Unlicensed] Dogs.

Every officer shall seize any unlicensed dog found running at large, or found upon any public highway, street, alley, court, place, square, or grounds, or upon any unfenced lot, or not within a sufficient enclosure, whether in the immediate presence of the owner or otherwise, and shall confine it in a pound or any suitable enclosure for a period of forty-eight (48) hours, during which time it shall be subject to redemption by its owner by payment of the license due, if any, and a penalty as follows:

	No. of incidences occurring within 12 months of first incident			
	First	Second	Third	Fourth or more
Altered & licensed dog	\$20.00	\$25.00	\$30.00	\$35.00
Altered & unlicensed dog	\$30.00	\$35.00	\$40.00	\$45.00
Unaltered & licensed dog	\$40.00	\$45.00	\$50.00	\$55.00
Unaltered & unlicensed dog	\$50.00	\$55.00	\$60.00	\$65.00

If not so redeemed, the dog shall be sold by the officer for the amount of the license and penalty due, or as much more as can be obtained therefor provided that the officer may neuter or require the neutering of the dog prior to sale, and if not sold it shall be humanely destroyed. The owner of any unlicensed dog impounded and not claimed within forty-eight (48) hours as provided in this section, may redeem the dog at any time before sale or destruction of the dog by paying to the officer, in addition to the amount of the license and penalty, an impoundment fee per day for the number of days over two (2) days the dog was impounded. The impoundment fee may be twelve dollars (\$12.00) per day. Of the money received, the amount of the license fee shall be paid to the Director of Finance and the balance shall be retained by the officer to defray the expenses of collecting, keeping, and feeding the dog.

“Officer” as used herein means any sheriff, deputy, any member of the police force, and animal control officers.]

Sec. 22-10.5 Seizure and Redemption of Dogs.

Every officer shall seize any dog found running at large and shall confine it in a pound or any suitable enclosure for a period of forty-eight (48) hours, during which time it shall be subject to redemption by its owner. If not redeemed within the 48-hour hold period, the dog shall be sold by the officer or humanely destroyed.

To redeem a dog found at large without a microchip, the owner must pay to the officer for a microchip, an impoundment fee of twelve dollars (\$12.00) per day for the number of days over the two (2) days that the dog was impounded, and a penalty of thirty dollars (\$30.00) if the dog is altered or fifty dollars (\$50.00) if the dog is unaltered.

To redeem a dog that is found at large with a microchip, the owner must pay to the officer an impoundment fee of twelve dollars (\$12.00) per day for the number of days over the two (2) days that the dog was impounded and a penalty as follows:

	<u>No. of incidences occurring within 12 months of first incident</u>			
	<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth or more</u>
<u>Altered dog with a microchip</u>	<u>\$20.00</u>	<u>\$25.00</u>	<u>\$30.00</u>	<u>\$35.00</u>
<u>Unaltered dog with a microchip</u>	<u>\$40.00</u>	<u>\$45.00</u>	<u>\$50.00</u>	<u>\$55.00</u>

Of the money received, the amount of the microchip shall be paid to the Director of Finance and the balance shall be retained by the officer to defray the expenses of collecting, keeping, and feeding the dog.”

SECTION 2. Severability. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 3. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

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

Introduced by:


 LUKE A. EVSLIN
 (By Request)

DATE OF INTRODUCTION:

March 24, 2021

Līhu'e, Kaua'i, Hawai'i

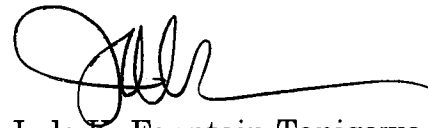
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2821, which on first reading was ordered to print by the Council of the County of Kaua'i at its meeting held on March 24, 2021, by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
March 24, 2021



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i