



Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, February 9, 2022, at 8:30 a.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2842

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION, AND CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE

This Bill proposes to reduce the hold time of a cat by an Animal Care Provider from nine (9) days to five (5) days, prohibit the feeding of cats on County property, and prohibit the abandonment of cats. A penalty section has also been added for enforcement purposes.

Bill No. 2843

A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SCHEDULE OF FEES AND DEPOSITS

This Bill supplements Ordinance No. 1087 which enabled the Department of Parks and Recreation to conduct a study documenting a traffic count, safety concerns, and traffic concerns with regard to the use of County parks. Paid parking fees will improve the management and maintenance of overcrowded County beach parks, which includes both operational and maintenance costs. This Bill proposes to implement managed parking fees for non-residents of ten dollars (\$10) per vehicle at various County parks. No fee is to be collected from Kaua'i residents.

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 these Bills are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend these Bills 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. 2842 and Bill No. 2843 were passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on January 12, 2022, by the following vote:

AYES:	Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL - 6,
NOES:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
January 12, 2022

/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 – January 21, 2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION, AND CHAPTER 22, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Findings and Purpose. The Council finds that feral cats threaten human health and wildlife. According to the Hawai'i Invasive Species Council, "feral cats are one of the most devastating predators of Hawai'i's unique wildlife. In addition to direct predation, feral cats also spread a potentially lethal parasite (*Toxoplasma gondii*) that contaminates terrestrial, freshwater, and marine environments and has been shown to negatively impact birds and mammals—including humans." The purpose of this Ordinance is to reduce the hold time of a cat by an Animal Care Provider from nine (9) days to five (5) days, prohibit the feeding of cats on County property, and prohibit the abandonment of cats. A penalty section has also been added for enforcement purposes. This is consistent with the Kaua'i Seabird Habitat Conservation Plan ("KSHCP") which requires the County "to reduce the potential for Covered Seabird predation" at County facilities through various mechanisms, including reducing the number of predators. Further, the KSHCP explicitly requires the County to prohibit the feeding of free-roaming cats on County property. The increase in the cat population has led to an over taxed Animal Care Provider that can no longer sustain a nine (9) day hold time for cats. A nine (9) day hold time reduces the amount of available space at the Kaua'i Humane Society, increases the cost of holding stray cats, and leads to a prolonged period of high-stress for the contained animal. This Ordinance would reduce the hold time from nine (9) to five (5) days, which is consistent with the national average hold time and would be less burdensome on the Animal Care Provider.

SECTION 2. Chapter 19, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

"Sec. 19-1.4 General Prohibitions Applicable to All Parks and Recreation Facilities.

(a) No person at a park or recreation facility shall:

(1) Abandon any vehicle or other personal property. For the purpose of this section, "abandon" shall mean:

(A) Leaving a vehicle or other personal property unattended for more than twenty-four (24) hours;

(B) When a notice of abandonment is posted on a vehicle, failure to remove the vehicle, within twenty-four (24) hours, from the location where the notice was posted and from all highways and parks located within a one (1) mile radius of said location shall be deemed to be a continuation of the original abandonment.

(2) Operate or use any audio devices including radios, television sets, musical instruments or noise-producing devices such as electric generators, or other equipment driven by motors or engines, in such a manner and at such times that produces unreasonable noise as defined in HRS Chapter 711-1101, unless authorized by the Director or his/her designated representative on a permit.

(3) Use utilities and appurtenances for non-recreational, commercial, or other activities, unless authorized by the Director or designated representative on a permit.

(4) Install aerial or other special radio, telephone, or television equipment, unless authorized by the County Engineer or designated representative on a permit.

(5) Operate or use public address systems, whether fixed, portable or mounted on a vehicle, unless authorized by the Director or designated representative on a permit.

(6) Disturb or interfere with any other person occupying an area, or participating in any authorized activity.

(7) Lead or let loose any dogs or other domestic animals, unless authorized by the Director or designated representative on a permit.

(8) Use, carry, or possess whips, firearms, and weapons of any description, except for bows and arrows for archery competitions and air rifles for air rifle competitions when authorized by the Director or designated representative on a permit.

(9) Drive or park motorized vehicles, including dune buggies, motorcycles, minicycles, and scooters, or ride horses, except on designated roads and parking areas, unless authorized by the County Engineer or designated representative by signage or on a permit.

(10) Mark, deface, or remove any natural feature or natural resources.

(11) Destroy, injure, deface or remove in any manner any public building, sign, equipment, monument, marker or other structure.

(12) Destroy, dig or remove tree, shrub or other plant, unless authorized by the County Engineer or his/her designated representative on a permit.

(13) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, unless authorized by the County Engineer or designated representative on a permit, except for a prefab and manufactured quick tent no larger than twenty (20) feet by twenty (20) feet for an event or gathering.

(14) Start a fire except within designated grills, portable grills, and fireplaces. No fire shall be left unattended and all fires shall be fully extinguished after use.

(15) Throw or drop a lighted cigarette, cigar, pipe heel, match or other burning material, except to start a fire within designated grills, portable grills, and fireplaces as allowed in Paragraph (14) of this Subsection.

(16) Use roller skates, roller blades, skateboards, or bicycles except in designated areas authorized by the County Engineer or designated representative through signage.

(17) Dance on any gymnasium floor while wearing shoes, provided, that dancing with shoes shall be permitted if a protective covering over the floor is used.

(18) Dispose litter in other than designated trash receptacles.

(19) Operate or use air-horns, unless authorized by the Director or designated representative on a permit, or to start or end events or races. As used herein, air-horn means a device intended to produce a sound signal by means of compressed air or gas or exhaust gas.

(20) Dogs shall be permitted on the shared use path system provided, however, that dogs or other domestic animals shall not be allowed on the path system beginning at the makai end of Nalu Road (entrance to Lydgate Beach Park) to the end of the path system fronting Hikinaakala Heiau (see Exhibit A). The County Engineer shall post signs to designate the appropriate area where dogs are not allowed on the shared use path system. Any dog handler with a dog utilizing the shared use path system shall comply with the following:

(A) Be in command and control of dog at all times.

(B) Have no more than two (2) dogs under his or her control.

(C) Immediately remove his or her dog if it exhibits aggressive behavior.

(D) Visibly carry the necessary instruments required for the removal and disposal of dog feces.

(E) Pick up and dispose of any and all feces left by the dog.

(F) Have the dog wear at all times a valid current dog license tag that is clearly and visibly attached to the dog's collar.

(G) Have the dog on a leash that is no more than six (6) feet in length at all times. Retractable leashes shall not be allowed.

(21) Possess or consume any intoxicating liquor between the hours of 11:00 p.m. and 6:00 a.m.

(22) It shall be unlawful to feed cats on County property.

(23) It shall be unlawful to abandon cats on County property.

(b) Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drugs, to a degree that may endanger oneself or other persons or property, or unreasonably annoy persons in the vicinity is prohibited.

(c) The Police Chief and the Director, and designees ("authorized officials"), shall have the authority to issue citations and charges for any violations of the provisions of this Section. The Police Chief and designees may remove or cause to be removed any abandoned vehicle from a park or recreation facility and dispose of it in accordance with Chapter 290, HRS. The registered owner of the vehicle shall be liable for all reasonable expenses incurred by the removal.

(d) It shall be unlawful not to comply with any provision of this Section. Any person violating any provision of this Section shall be punished by a fine of not less than one hundred dollars (\$100.00) for the first offense. For the second violation of like offense, the punishment shall be a fine of not less than two hundred dollars (\$200.00). For all violations in excess of two (2) of like offense, the punishment shall be a fine of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). In addition, the County shall have the right to avail itself of any civil remedy appropriate under the circumstances.

(e) As it is anticipated that Phase III A (Wailua to Papaloa, including Kawaihau Spur) will be completed by the Fall 2011, which will provide approximately one (1) additional mile of paved pathway, the Director of Parks and Recreation shall submit a report to the Council within eighteen (18) months of the approval of the ordinance codified in this Section, providing an evaluation of allowing dogs on the path. The report shall include, but not be limited to, any concerns, incidences of dog

bites, citations, etc. At such time, the Council shall reassess the effectiveness of this Section which allows dogs on the path.”

SECTION 3. Chapter 22, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 22-24.1 Definitions.

For the purposes of this Article:

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

“At large” means: (1) on the premises of a person other than an owner of the cat, 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.

“Impounded cat” means any cat released to or under the custody of or control of the Animal Control Provider.

“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.

“Owner” means any person owning, harboring, or keeping a cat; providing care or sustenance for a cat; or having custody of a cat[, whether temporarily or permanently]. "Owner" does not include the Animal Quarantine Branch or Plant Quarantine Branch of the Department of Agriculture.

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

SECTION 4. Chapter 22, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

“Sec. 22-24.4 Cats Released to the Animal Control Provider.

(a) Any person who takes into the person's possession any cat at large shall immediately notify the Animal Control Provider and shall release the cat to the Animal Control Provider upon request.

(b) In the case of any cat released to the Animal Control Provider that is microchipped, the Animal Control Provider shall make a reasonable attempt to notify the owner by telephone and shall send written notice to the owner.

The cat shall be held by the Animal Control Provider for not less than [nine (9)] five (5) days, after which time the Animal Control Provider may return the cat to the person who released the cat to the Animal Control Provider, offer the cat for adoption, or euthanize the cat, if not sooner recovered by the owner. An owner wishing to recover the cat shall pay a daily impoundment fee of twelve dollars (\$12.00) for each full day, or fraction thereof, that the cat is held by the Animal Control Provider.

(c) In the case of any cat released to the Animal Control Provider that is not microchipped, the Animal Control Provider shall hold the cat for not less than forty-eight (48) hours, after which time the Animal Control Provider may return the cat to the person who released the cat to the Animal Control Provider, offer the cat for adoption, or euthanize the cat, if not sooner recovered by a person claiming ownership. If a person claiming ownership seeks to recover the cat, the person shall pay a daily impoundment fee of twelve dollars (\$12.00) for each full day, or fraction thereof, that the cat is held at the Animal Control Provider.

(d) Any impounded cat shall be spayed or neutered by the Animal Control Provider prior to its adoption unless a veterinarian certifies that the cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the cat.”

SECTION 5. Chapter 22, Kaua‘i County Code 1987, as amended, is hereby amended by adding a new Article 24.9, to read as follows:

“Sec. 22-24.9 Feeding Cats on County Property.

It is unlawful to feed cats on any County property.”

SECTION 6. Chapter 22, Kaua‘i County Code 1987, as amended, is hereby amended to add a new Article 24.10, to read as follows:

“Sec. 22-24.10 Abandonment Prohibited.

It shall be unlawful for the owner of any cat, whether the cat is microchipped or not, to abandon the cat. For the purpose of this section, a cat shall be deemed abandoned if it is intentionally left on the property of someone other than the cat’s owner without first obtaining written or oral consent by the property owner to do so.”

SECTION 7. Chapter 22, Kaua‘i County Code 1987, as amended, is hereby amended to add a new Article 24.11, to read as follows:

“Sec. 22-24.11 Penalty.

Any person violating any section or provision of this Article shall be punished by a fine of not less than one hundred dollars (\$100.00) and not to exceed two hundred dollars (\$200.00) for the first offense. For the second violation, the punishment shall be by a fine of not less than two hundred dollars (\$200.00) and not to exceed three hundred dollars (\$300.00). For all violations in excess of two (2), the punishment shall be a fine of not less than three hundred dollars (\$300.00) and not to exceed five hundred dollars (\$500.00)."

SECTION 8. Severability, if any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect 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 9. 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 10. This Ordinance shall take effect _____.

Introduced by:



LUKE A. EVSLIN



MASON K. CHOCK

DATE OF INTRODUCTION:

January 12, 2022

Līhu'e, Kaua'i, Hawai'i

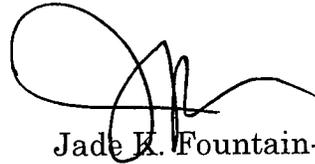
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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2842, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on January 12, 2022, by the following vote:

FOR PASSAGE:	Chock, Cowden, DeCosta, Evslin Kuali'i, Kaneshiro	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL - 1,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Līhu'e, Hawai'i
January 12, 2022



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

**A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.9,
KAUAI COUNTY CODE 1987, AS AMENDED,
RELATING TO SCHEDULE OF FEES AND DEPOSITS**

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

SECTION 1. Findings and Purpose. The Council finds that the Department of Parks and Recreation has conducted a study for the purpose of determining the need to implement controls on parking at certain County parks. The study includes, but is not limited to, a traffic count, and documentation of safety concerns and traffic concerns. The study further includes an assessment of the degree of harm resulting from overuse of the parks, as well as controls that may be necessary to address future harm, which include operation and maintenance costs. The study evidences a need for the Department of Parks and Recreation to collect paid parking fees at County parks to support managed parking, protect park resources, and perform maintenance and improvement at County parks and parking facilities. The purpose of this Ordinance is to authorize the managed parking fees, with related technical updates to the existing fee tables.

SECTION 2. Section 19-1.9, Kauai County Code 1987, as amended, is hereby amended as follows:

“Schedule of Fees

Type of Facility	Type I	Type II	Type III		Type IV		Type V		Type VI	
			Day	Night	Day	Night	Day	Night	Day	Night
Lihu'e Stadium	\$0	\$0	\$0	\$25.00	\$50.00	\$150.00	\$100.00	\$300.00	\$150.00	\$350.00
Hanapēpē Stadium	\$0	\$0	\$0	\$15.00	\$30.00	\$90.00	\$60.00	\$180.00	\$100.00	\$200.00
Ballfields and Playgrounds	\$0	\$0	\$0	\$0	\$0	\$0	\$25.00	\$50.00	\$100.00	\$200.00
Swimming Pools	\$0	\$0	\$0	\$0	\$0	\$0	\$25.00	\$50.00	\$100.00	\$200.00
Tennis and Basketball Courts	\$0	\$0	\$0	\$0	\$0	\$0	\$25.00	\$50.00	\$100.00	\$200.00
Community Centers and Gyms (0-200 people)	\$0	\$0	\$0	\$0**	\$25.00**	\$50.00**	\$25.00	\$50.00	\$100.00	\$125.00
Community Centers and Gyms (201-500 people)	\$0	\$0	\$0	\$0	\$25.00**	\$50.00**	\$35.00	\$75.00	\$150.00	\$200.00

Community Centers and Gyms, Swimming Pools, Ballfields, and Playgrounds (Classes taught by non-departmental personnel)	\$0	\$0	\$0	\$0	Not permitted	Not permitted	\$5.00/hr	\$10.00/hr	\$20.00/hr	\$30.00/hr	
Pavilions (15 people or less)	\$0	\$0	\$0	\$0	\$0	\$0	\$10.00	\$15.00	Not permitted	Not permitted	
Pavilions (16-100 people)	\$0	\$0	\$0	\$0	\$0	\$0	\$15.00	\$20.00	Not permitted	Not permitted	
Pavilions (101-500 people)	\$0	\$0	\$0	\$0	\$0	\$0	\$20.00	\$30.00	Not permitted	Not permitted	
Kitchen Facilities	\$0	\$0	\$0	\$0	\$5.00	\$5.00	\$10.00	\$10.00	\$25.00	\$25.00	
Lunch and Sundry Wagons	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$5.00/day; \$25.00/week; \$100.00/month	\$5.00/day; \$25.00/week; \$100.00/month	
Type of Facility	<u>Kau'i Resident</u>						<u>Non-Resident</u>				
<u>County parks with managed parking fees as designated by County Council resolution</u>	\$0						\$10.00 per vehicle				

- * Type V youth athletic events, except for interscholastic athletic competitions, shall be assessed one-half (½) the rate for Type V activities at the stadiums, ballfields and playgrounds, swimming pools and tennis courts.
- ** Use of community centers for overnight accommodations by non-profit youth organizations shall be permitted at no charge. Overnight accommodation use by other organizations, groups, or persons, except in the case of public emergency, is prohibited.
- *** Community Centers and gymnasiums used for any activity where meals are not consumed will be exempt from paying fees.

Custodial Deposit Fees

	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>	<u>Type V</u>	<u>Type VI</u>
Lihu'e Stadium	\$0	\$0	\$50.00	\$100.00	\$150.00	\$200.00
Hanapēpē Stadium	\$0	\$0	\$50.00	\$100.00	\$150.00	\$200.00
Ballfields and Playgrounds	\$0	\$0	\$10.00	\$20.00**	\$60.00	\$200.00
Swimming Pools	\$0	\$0	\$10.00	\$20.00**	\$60.00	\$200.00
Tennis and Basketball Courts	\$0	\$0	\$5.00	\$10.00*	\$30.00	\$200.00
Community Centers and Gyms (0-200 people)	\$0	\$0	\$10.00**	\$20.00**	\$60.00	\$150.00
Community Centers and Gyms (201-500 people)	\$0	\$0	\$15.00**	\$30.00**	\$90.00	\$200.00
Pavilions (15 people or less)	\$0	\$0	\$0	\$10.00	\$20.00	Not permitted

Pavilions (16-100 people)	\$0	\$0	\$5.00	\$10.00	\$30.00	Not permitted
Pavilions (101-500 people)	\$0	\$0	\$10.00	\$15.00	\$40.00	Not permitted
Lunch and Sundry Wagons	N/A	N/A	N/A	N/A	N/A	\$100.00
Kitchen Facilities (food booths included)	\$0	\$0	\$20.00	\$40.00	\$60.00	\$150.00
Community Centers and Gyms, Swimming Pools (Classes taught by non-departmental personnel)	\$0	\$0	\$0	Not permitted	\$100.00	\$150.00

* Individual or single-family day users of these facilities are exempt from this deposit schedule.

** Activities that do not include any meal consumption are exempt from this deposit schedule. Notwithstanding the aforementioned, use of community centers for overnight accommodations by non-profit youth organizations shall be subject to a \$50.00 custodial deposit.”

SECTION 3. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. 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 5. This Ordinance shall take effect upon approval.

Introduced by:



BERNARD P. CARVALHO, JR.
(By Request)

DATE OF INTRODUCTION:

January 12, 2022

Lihu'e, Kaua'i, Hawai'i

V:\BILLS\2020-2022 TERM\Bill Schedule of Fees and Deposits Managed Parking Zones BC_JA_CNT_jy.docx

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2843, which was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on January 12, 2022, by the following vote:

FOR PASSAGE:	Chock, Cowden, DeCosta, Evslin Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
January 12, 2022



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