

**"CHAPTER 143  
ANIMALS: LICENSES AND REGULATIONS**

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## Note

Chapter title amended by L 1988, c 270, §1.

" **§143-1 Definitions.** Whenever used in this chapter, unless the context otherwise requires:

"Officer" means any sheriff, deputy, any member of a police force in counties with a population of less than 100,000 and animal control officers of the several counties of the State.

"Owner" includes every person owning, harboring, or keeping a dog; provided that if the owner is a minor under the age of eighteen years, the parent, guardian, or other person having the care, custody, or control of the minor shall be irrebuttably presumed to be the owner.

"Unlicensed dog" means any dog for which the license for the current year has not been paid or to which the tag provided for in this chapter is not attached. [L 1941, c 268, §1; RL 1945, §7151; RL 1955, §156-1; am L 1963, c 85, §3; HRS §143-1; am L 1983, c 227, §2; am L 1989, c 211, §10; am L 1990, c 281, §11]

## Revision Note

Definitions rearranged.

" **§143-2 License required.** It shall be unlawful for any person to own or harbor a dog unless the dog is licensed as provided by this chapter, provided that the legislative bodies of the several counties may, by ordinance, dispense with or modify the licensing requirements of this chapter. This chapter shall not apply to dogs under the age of three months which do not run at large, dogs in quarantine and dogs brought into the State exclusively for the purpose of entering them in a dog show or dog exhibition and not allowed to run at large. [L 1941, c 268, §2; RL 1945, §7152; RL 1955, §156-2; HRS §143-2; am L 1973, c 146, §1]

" **[§143-2.5] Regulation of other animals.** Nothing in this chapter shall be construed as a limitation on the authority of the counties to regulate, including by licensure, animals other than dogs. [L 1988, c 270, §2]

" **[§143-2.6] Animal desertion.** It shall be unlawful for the owner of any animal or any person in possession of an animal that belongs to another person to leave the animal without the intention of returning to it.

Any person who violates this section shall be guilty of a petty misdemeanor. [L 1992, c 223, §1]

" **§143-3 License fee controlled by ordinance.** Except where licenses are dispensed with pursuant to section 143-2, each county council shall have the power to fix the license fee for dogs on a biennial basis. Until and unless otherwise provided by ordinance the biennial license fee for each dog shall be \$4. Any person owning or having the custody or control of any dog shall pay the license fee to the director of finance of the county in which the dog is owned, kept, or controlled. The license fee shall be due and payable on January 2 of every second year and shall be paid before March 11 of every second year, or within thirty days after the exemption ceases in the case of dogs becoming subject to this chapter.

The full amount of the fee shall be paid for any fraction of the license period for which a license is issued.

All moneys received by the director of finance under this chapter shall be paid into the general fund of such county. [L 1941, c 268, §3; RL 1945, §7153; RL 1955, §156-3; am L 1959, c 120, §1; HRS §143-3; am L 1973, c 146, §2; am L 1980, c 148, §1]

" **§143-4 Issuance of license and tags.** Upon the receipt of the license fee, the director of finance shall issue to the person paying the fee a license stating the following:

- (1) The name and address of the person to whom the license is issued;
- (2) The year for which the license is paid;
- (3) The date of payment;
- (4) A description of the dog for which the license is issued; and
- (5) 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 set by each county council; provided that, until and unless provided by ordinance, the fee shall be 10 cents. [L 1941, c 268, §4; RL 1945, §7154; RL 1955, §156-4; HRS §143-4; am L 1983, c 227, §3; gen ch 1985; am L 1991, c 178, §4; am L 2011, c 175, §4]

" **§143-5 Removal and imitation of dog tags.** It shall be unlawful for any person to remove any tag from any dog not owned by the person or under the person's control, or to place on any

dog any license tag not issued as herein provided, or to make or have in possession or to place on a dog any counterfeit or imitation of any license tag provided for in this chapter. [L 1941, c 268, §5; RL 1945, §7155; RL 1955, §156-5; HRS §143-5; gen ch 1985]

" **§143-6 Lost dog tags.** If any license tag is lost or stolen, the person to whom the tag was issued shall be entitled to receive a duplicate thereof by presenting to the director of finance who issued the license the original license and satisfactory proof that the tag was lost or stolen. [L 1941, c 268, §6; RL 1945, §7156; RL 1955, §156-6; HRS §143-6; am L 1987, c 201, §1]

" **§143-7 Pounds and animal control officers.** The council of each county may establish and maintain pounds for the impounding of dogs under this chapter, and may provide for the appointment and compensation of animal control officers who shall have all the powers of a sheriff or police officer in carrying out this chapter. [L 1941, c 268, §13; RL 1945, §7164; RL 1955, §156-7; am L 1963, c 85, §3; HRS §143-7; am L 1983, c 227, §4; am L 1989, c 211, §10; am L 1990, c 281, §11]

" **§143-8 Seizure and redemption of unlicensed dogs.** Except where licensing requirements are dispensed with, 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 confine it in a pound or any suitable enclosure for a period of forty-eight hours, during which time it shall be subject to redemption by its owner by payment of the license due, if any, and a penalty to be set by each county council; provided that until and unless provided by ordinance the penalty shall be \$2.50. 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 so sold it shall be humanely destroyed. The owner of any unlicensed dog impounded and not claimed within forty-eight 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 days the dog was impounded. Each county council shall have the power to fix the impoundment fee for dogs; provided that until and unless otherwise provided by ordinance the impoundment fee shall

be \$2.50 a day. Of the money so 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. [L 1941, c 268, §7; RL 1945, §7157; RL 1955, §156-8; HRS §143-8; am L 1973, c 146, §3; am L 1983, c 227, §5]

" **§143-9 Redemption of dog after sale.** The owner of any dog which has been seized and sold as provided in this chapter, at any time within thirty days after the sale, may redeem the dog from the purchaser by paying to the purchaser the amount of the purchase price paid by the purchaser and an impoundment fee per day as provided in section 143-8, for the number of days from the date of sale to and including the date of the redemption. If the dog has been neutered in the manner provided in section 143-8, the owner shall pay to the purchaser the amount of the neutering charge. [L 1941, c 268, §8; RL 1945, §7158; RL 1955, §156-9; HRS §143-9; am L 1983, c 227, §6; gen ch 1985]

" **§143-10 Stray dogs.** Every person who takes into the person's possession any stray dog shall immediately notify the animal control officer and release the dog to the animal control officer upon demand. If there is attached to the dog a license tag for the then current year, the animal control officer shall notify in writing the person to whom the license was issued, at the address given in the license certificate, and, upon demand made within twenty-four hours thereafter and without charge, shall release the dog to the person. If no person lawfully entitled to the dog, within nine days after the date of giving the notice, shall claim the dog, the dog may be sold or destroyed by the animal control officer in the manner provided in section 143-8 for unlicensed dogs. [L 1941, c 268, §9; RL 1945, §7159; RL 1955, §156-10; HRS §143-10; am L 1983, c 227, §7; gen ch 1985]

" **§143-11 Redemption of stray licensed dogs.** The owner of any licensed dog impounded and not claimed within twenty-four hours as provided in section 143-10, may redeem the dog at any time before the sale or destruction of the dog by paying to the animal control officer an impoundment fee per day as provided in section 143-8, for the number of days the dog was impounded. [L 1941, c 268, §10; RL 1945, §7160; RL 1955, §156-11; HRS §143-11; am L 1983, c 227, §8]

" **§143-12 Seizure and disposal of diseased dogs; penalty.** Any police officer or animal control officer may seize and, after notice to the owner if the owner can be found, may kill

any dog running at large which is so obviously diseased as to be a menace to the health of persons or animals.

Any owner of any dog so diseased, who recovers the dog from the police officer or animal control officer, after notice as aforesaid, and does not furnish forthwith suitable medical treatment and care for, or destroy, the diseased dog, shall be guilty of a misdemeanor. [L 1937, c 217, §§1, 2; RL 1945, §7161; RL 1955, §156-12; HRS §143-12; am L 1983, c 227, §9; gen ch 1985]

" **§143-13 Destruction of diseased or unfit dogs.** All dogs taken into the custody of the animal control officer which by reason of age, disease, or other causes, are unfit for further use or are dangerous to keep impounded, may be forthwith humanely destroyed by the animal control officer. [L 1941, c 268, §11; RL 1945, §7162; RL 1955, §156-13; HRS §143-13; am L 1983, c 227, §10]

" **§143-14 Female dogs.** It shall be unlawful for the owner of any female dog, licensed or unlicensed, to permit it to run at large while the dog is in the copulating season. [L 1941, c 268, §12; RL 1945, §7163; RL 1955, §156-14; HRS §143-14]

" **§143-15 Contracts for seizing and impounding dogs.** Any county may contract with any society or organization formed for the prevention of cruelty to animals, or similar dog protective organization, for the seizure and impounding of all unlicensed dogs, and for the maintenance of a shelter or pound for unlicensed dogs, and for lost, strayed, and homeless dogs, and for the destruction or other disposition of seized dogs not redeemed as provided in this chapter. The county may prescribe in the contract the manner in which the work is to be done by the society or organization and it may also direct the disposition to be made of all dogs seized pursuant to this chapter. [L 1941, c 268, §14; RL 1945, §7165; RL 1955, §156-15; HRS §143-15]

#### **Attorney General Opinions**

The plain language and legislative history of this section and §143-16 made very clear that legislature intended to authorize county reliance upon private humane societies to impound stray dogs within their borders; this can be accomplished only if §§76-16(17) and 76-77(10) are interpreted broadly. Att. Gen. Op. 97-6.

" **§143-16 Contract between county of Kauai and Kauai Humane Society.** Pursuant to the authorization provided in section 143-15 the county council of the county of Kauai shall contract with the Kauai Humane Society, an incorporated nonprofit association organized under the laws of the State for the prevention of cruelty to animals, upon the subject matters contained in section 143-15 and shall appropriate the moneys collected by the director of finance of the county of Kauai under section 143-3 for use by the Kauai Humane Society.

In addition to the matter contained in section 143-15 the Kauai Humane Society may expend funds turned over by the county to construct a dog pound on Kauai; provided that the county council shall first approve the plans for the construction and location of the dog pound. [L 1953, c 117, §1; am L 1955, c 8, §1; RL 1955, §156-16; HRS §143-16]

#### **Revision Note**

"County council" substituted for "board of supervisors", and "director of finance" substituted for "treasurer" to reflect present titles under county charter.

#### **Attorney General Opinions**

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" **§143-17 Wrongful interference with officers.** It shall be unlawful for any person to resist or obstruct any officer in the exercise of the officer's duties as provided in this chapter. [L 1941, c 268, §15; RL 1945, §7166; RL 1955, §156-17; HRS §143-17; gen ch 1985]

" **§143-18 Unlawful disposition of impounded dogs.** It shall be unlawful for any officer to knowingly sell or give any impounded dog to any person, firm, corporation, association, medical college, or university for the purpose of animal experimentation. [L 1941, c 268, §16; RL 1945, §7167; RL 1955, §156-18; HRS §143-18]

" **§143-19 Penalty.** Any person violating any of the provisions of this chapter for which no special penalty is

provided shall be fined not more than \$50. [L 1941, c 268, §18; RL 1945, §7168; RL 1955, §156-19; HRS §143-19]

" **[§143-20] Reporting of dog or cat captured or killed in snare or trap.** Any dog or cat captured or killed in any steel-jawed leg-hold trap, snare, conibear trap, or foot- or leg-hold trap, as those terms are defined in section 711-1109.37, in an area zoned as residential shall immediately be checked for identification and reported to a county animal control officer and, upon request, shall be turned over to the animal control officer. [L 2013, c 208, §2]