

# GETTING A GRIP ON HAWAII'S LEASH LAW

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Hawaii Pet Magazine was contacted by a concerned reader about our last issue, which featured a dog and its owner in the ocean without a leash. Both our reader and their friends had been attacked by dogs not on a leash, and they were concerned that our message sent the wrong message about leash laws in Hawaii. We contacted Emily A. Gardner, Esq., who specializes in animal law, and asked her to tell us more about Hawaii's leash laws.

The law in Hawaii, like most places, requires that dogs when off the property of their owners be leashed, with a few notable exceptions. Leash laws are designed to protect people, other animals and property, as well as the dogs themselves. The laws are generally created and enforced at the county or municipal level. Failure to observe your county's leash law can result in serious penalties including the impoundment of your dog, fines, and even arrest and imprisonment.

The City and County of Honolulu makes it unlawful for the owner of any dog, whether such dog is licensed or not, to permit such dog to become a "stray." Revised Ordinances of Honolulu ("ROH") § 7-4.2. A "stray" is defined as any dog: (1) on the premises of a person other than the owner of the dog, without the consent of the occupant of such

premises; or (2) on a public street, on public school grounds, or in any other public place, except when under control of the owner by leash, cord, chain or other similar means of physical restraint, provided, that such leash, cord, chain or other means is not more than eight feet in length.... ROH § 7-4.1. An owner is defined under the ordinance as "every person owning, harboring or keeping a dog or having custody thereof." *Id.*

The Honolulu leash law does not apply to licensed guide, signal or service dogs, police dogs, licensed hunting dogs, licensed dogs in obedience trials, training or dog shows, or licensed dogs in public dog parks. ROH § 7-4.4.

Both the Honolulu Police Department and the Hawaiian Humane Society are tasked with enforcing the leash laws on the island of Oahu. Both entities have the authority to impound unleashed dogs and issue court summons to owners who vio-

late the law.

Violation of Honolulu's leash law requires a mandatory court appearance to answer to the charges and set the appropriate fine or penalty. First time violators get off fairly easy, and are assessed only a \$50 fine. The amount of the fine increases with successive violations and can reach a maximum of \$1,000, if the violations occur within less than two years. The amount of the fine is based on the conduct of the owner or handler—not the dog—and escalating fines will be assessed even if the dogs involved in the successive incidents are different. ROH §§ 7-4.5 – 7-4.9

In addition to avoiding court time, fines and the possible impoundment of your dog, compliance with leash laws also helps to protect both you and your dog from unnecessary injury or costs. After all, if your dog is leashed and under your control, it is much less likely that the dog will bite, chase, frighten or jump on another

person or animal and cause injury. Failure to adhere to the county leash laws can be used to establish fault or liability and is deemed evidence of negligence under Hawaii law. Following the leash laws therefore greatly reduces your chances of being sued.

I know people who claim to have very well trained dogs that sometimes pooh-pooh the leash laws, but I always tell these people to think of the leash laws for dogs as being comparable to seat-belt laws for people. It doesn't matter how good a driver you are if a less skilled driver runs into you. The same goes for dogs and leashes. If an in-



A stylish dog on leash at PetWalk 2008

cident with another dog or a person occurs, and you are violating the leash law, you are much more likely to be found negligent and at least partially at fault.

Given the high incidence of dog bites and animals attacks, these days many people with smaller or older or more timid dogs have taken to walking their dogs while carrying some sort of "weapon" to protect them and their dogs from unwelcome approaches by stray dogs. These weapons can range from baseball bats and crowbars to rocks, mace, and even varieties of guns. The last thing any responsible dog owner would want is for his or her dog to be hurt under the guise of self-defense by someone the dog had frightened. If you keep your dog on a leash at all times when off your property, this risk of harm to your dog is greatly reduced.

Lastly, as an island state, Hawaii is surrounded by beaches, which are a big draw to many dogs. Compliance with the leash laws can be challenging when Fido is charging for the surf. However, it's a good idea for all the reasons stated above to ad-

here to the leash laws while at the beach.

This is especially true when your dog is within the area of the beach above the wash of the waves, as this area is undoubtedly within the county's jurisdiction and subject to leash laws. While the law is somewhat murky when your dog is in the ocean (the ocean and the land beneath it are considered within the state's and not the county's jurisdiction), it's best to do your best to ensure your dog is under your control so that a good time and a safe time is had by all.

*This article outlines the leash laws of the*



Dogs of all sizes, on leash at PetWalk 2008

*City and County of Honolulu. Each of Hawaii's four counties has its own ordinances relating to leash laws and animal control. For information regarding the specific leash laws of Maui, Kauai or Hawaii county, consult the appropriate county code. For Maui county see §§ 6.04.040 and 6.08 of the Maui County Code. For Hawaii county see §§ 4-29- 4-30 of the Hawaii County Code.*

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