



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 27(2022)

A BILL FOR AN ORDINANCE

RELATING TO PUBLIC PLACES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to authorize outdoor dining services on certain public places.

SECTION 2. Chapter 29, Article 20, Revised Ordinances of Honolulu 1990 ("Creating, Causing, or Maintaining Obstructions on Public Sidewalks Prohibited"), is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 29-20. Outdoor dining services.

- (a) A pilot program authorizing outdoor dining services may be established and implemented by the adoption of a city council resolution or by the mayor issuing an emergency order. The pilot program will allow restaurants to use certain city properties for dining and take-out operations. These city properties are limited to sidewalks, parklets, pedestrian malls, parks, and playgrounds. The expiration date of the pilot program will be in accordance with the adopted resolution or as per the mayoral emergency order, as applicable, provided that the pilot program may be extended beyond the expiration date by the adoption of a subsequent city council resolution or by a new mayoral emergency order.
- (b) The city council may make permanent the pilot program by the passage of an ordinance that incorporates the terms and conditions, as determined by the city council, of the pilot program.
- (c) A pilot program or permanent program must incorporate terms and conditions to ensure public health and safety, including but not limited to consideration of the following as applicable:
 - (1) The restaurant must be on the ground floor and abut paved city property.
 - (2) Upon 24-hour's notice, the restaurant must vacate city property for regular maintenance by the city, including, for example, steam cleaning.
 - (3) The restaurant is responsible for its own equipment, furniture, and supplies, which must be stored elsewhere during hours when the restaurant is closed.



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- (4) The utilized city property may only be used by the restaurant during its normal business hours, but shall not be used between the hours of 11:00 p.m. and 7:00 a.m.
- (5) The restaurant is responsible for compliance with any additional requirements relating to its Hawaii department of health food establishment permit.
- (6) Liquor sales, if any, on the utilized city property must be authorized under the restaurant's liquor license and applicable law.
- (7) No additional signage is permitted within the utilized city property.
- (8) Dining services must be consistent with the any emergency requirements, including, for example, social distancing requirements and the physical spacing of tables, seats, and customers.
- (9) Furniture must be located at least six feet from any vehicular ramp, driveway, or street intersection.
- (10) No live or amplified music is allowed on the utilized city property.
- (11) Furniture shall not be placed over planter strips and tree wells.
- (12) Furniture shall be outside an eight-foot radius around bus stops and a five-foot radius around fire hydrants.
- (13) All fire lanes shall be open and accessible at all times.
- (14) The restaurant is responsible for rubbish collection.
- (15) All restaurants must cease pilot program outdoor dining operations completely when, as applicable, the expiration date in the council resolution establishing the pilot program is reached or when the mayor's emergency proclamation establishing the pilot program is no longer in effect.
- (16) Violations of these requirements will result in forfeiture of this privilege.
- (17) Outdoor dining under this section may include parklets, subject to pedestrian clearance, traffic, and safety issues as determined by the city through the departments having authority over these issues.



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- (18) Where sidewalks are present on all or part of the utilized city property, the restaurant must ensure a clear right-of-way of at least 36 inches at all times.
- (19) For restaurants abutting pedestrian "malls," as more specifically defined in Section 29-1.1, the following additional requirements apply:
- (A) A clear 20-foot wide right-of-way to accommodate delivery and emergency vehicles must be maintained at all times;
 - (B) Business hours for outdoor dining operations cannot exceed mall hours;
 - (C) No liquor service is allowed;
 - (D) All rubbish must be removed nightly; and
 - (E) If the ground of the city property utilized consists of pavers, the restaurant must take actions to prevent and address food, liquid, and grease spills.
- (20) For restaurants abutting a city park or playground, use of the city property is limited to a minimum of seven (7) feet from the property line, and to no more than one row of tables.
- (21) Activities permitted under this section may begin upon acceptance by the city of a completed liability form and proof of insurance."

SECTION 3. Chapter 29, Article 20, Revised Ordinances of Honolulu 1990 ("Creating, Causing, or Maintaining Obstructions on Public Sidewalks Prohibited"), is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 29-20. Article additional to Article 18 with respect to use of sidewalk, and to Articles 6A, 8, and 10 with respect to use of mall.

The use of a sidewalk as authorized by this article is additional to the use of a sidewalk authorized under Article 18, the use of a mall or sidewalk as authorized by this article is additional to the use of a mall or sidewalk authorized under Articles 6A, 8, and 10, and the use of a park or playground as authorized by this article is additional to the use of a park or playground authorized under Chapter



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10, Article 1."

SECTION 4. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tammy Watanabe

DATE OF INTRODUCTION:

APR 14 2022

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu